



EXPORTING DEMOCRACY

Strategies and Approaches of the United States and the
European Union in Transformation Countries

The Case of Ukraine



Author:
Anja Maren BRUNNER

Supervisor:
Prof. Matthias Wächter

To my father, who has always believed
That I was someone special
And who has always supported me
In everything I did.

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INTRODUCTION

At the dawn of the millennium, several important international transformations tilted the playing field in favour of a new world order. The end of the Cold War, the pull of globalization and the development of new technologies were breaking the logjam of old conflicts and were opening new doors to political and economic metamorphosis. Reflecting upon the most significant developments of the 20th century, Amartya Sen suggested that the most important was “the emergence of democracy as the pre-eminently acceptable form of governance” (Sen 1999). The collapse of the Iron Curtain and the end of the bipolar order gave rise to a widespread democratization movement that Huntington (Huntington 1991) described in terms of different waves: following Spain and Portugal, in scarcely a decade, Peru, Chile, Paraguay, Argentina and Brazil became democratic. A similar process can be observed in East European countries and several African nations.

Indeed, following the collapse of dictatorship in Portugal in 1974, the consolidation of democratic regimes has increased dramatically. In 1972, Freedom House classified 43 countries in the world as free (their equivalent of “full democracy”), 38 as partly free, and 69 as not free. Thirty years later, it classified more than twice as many—89—as free, 56 as partly free, and 47 as not free. (Karatnycky 2003) This led to Fukuyama’s famous suggestion that we had reached the “end of history” with “the universalisation of Western liberal democracy as the final form of human government” (Fukuyama 1992). The whole world, Larry Diamond notes in the same vein, has the potential to become democratic (Diamond 1999) and he confirms the near-universal appeal of democracy among people of every ethnic group, every religion and every region of the world. In fact, democracy as an international norm is stronger today than ever (McFaul 2004, 148), and democracy itself is widely regarded as an ideal system of government. Democracy is

thus steadily forcing its acceptance as an inescapable political framework of reference (Smouts 2001) and some even see an entitlement to democratic governance as an emergent principle of international law (Mirsky 1994, 7)

However, as Philippe Schmitter has pointed out, democracy is obviously a capacious concept that seems at times almost formless and certainly content-less. In the past, there has been an incredible proliferation of suspicious adjectives in front of it: guided democracy, tutelary democracy, popular democracy, people's democracy, unitary democracy, consensual democracy - "thinly-disguised attempts to justify something that was not at all or only remotely democratic." (Schmitter 1991, 20) There are indeed numerous definitions of democracy, starting with the one given by Karl Popper who stated that democracy is "a system that makes it possible to get rid of a government without spilling blood." (Dahrendorf 2003, 103) This simple and very restrictive definition has been reformulated by Fukuyama, who defined democracy as "the right of the citizens to vote and to participate in politics". (Fukuyama 1992, 43) Robert Dahl (Dahl 1971), for his part, defined democracy in terms of "Polyarchy", a civilian, constitutional system in which "most citizens can vote, the governments come to power in free and fair elections contested by two or more parties and the executive is either popularly elected (a presidential system) or is held responsible to an elected legislature (a parliamentary system)."

However, those minimalist conceptions are contested by several scholars and theorists for their failure to take into account the consolidation of façade democracies in many recent transitions from authoritarian rule. Guillermo O'Donnell, for example, argues that the definition of democracy in terms of polyarchy encourages the abuse of power and the emergence of what he calls "delegative democracy", a form of regime that rests on the premise that "whoever wins the election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office." (Oxhorn and Ducatzenzeiler 1998, 235) As for Larry Diamond (Diamond 1999, 1996), he advocates

liberal democracy, which he considers a second or higher threshold of democracy. According to him, liberal democracy possesses several characteristics that extend beyond the formal and intermediate conceptions presented in the earlier analysis. First, in order to be considered “democratic”, a country needs a democratic political system that enables citizens to choose their rulers in free and fair elections and to participate and express themselves in other political processes. Secondly, democracy requires the absence of reserved domains of power for the military or other actors not accountable to the electorate, directly or indirectly. In addition to the vertical accountability of rulers to the ruled (secured mainly through elections), it requires the horizontal accountability of officeholders to one another; this constrains executive power and so helps protect constitutionalism, legality and the deliberative process. Third, it encompasses extensive provisions for political and civic pluralism as well as for individual and group freedoms, so that contending interests and values may be expressed and compete through ongoing processes of articulation and representation, beyond periodic elections. Freedom and pluralism in turn, can only be secured through a “rule of law”, in which legal rules are applied fairly, consistently and predictably across equivalent cases, irrespective of the class, status or power of those subject to the rules. Under a true rule of law, all citizens have political and legal equality, and the state and its agents are themselves subject to the law. (Diamond 1999, 10 - 11)¹

We can summarize by stating that, although the definition of what constitutes a democratic regime is disputed, the universalism of democracy is widely uncontested. Robert Dahl argues that democracies not only help prevent rule by cruel and vicious autocrats, guarantees citizens a set of fundamental rights and ensure a broader range of personal freedoms, but also encourage human development, foster a relatively high degree of political equality, promote peace [...] and generate prosperity. (Dahl 1999) Finally Michael McFaul observes the following: After the

¹ For a more detailed analysis of the differences between electoral democracy and liberal democracy, see Diamond, Larry. 1999. *Developing Democracy: Toward Consolidation*. Baltimore: Johns Hopkins University Press.

USSR's dissolution, while autocrats remain in power in several communist states, those rulers no longer champion an alternative form of government to democracy. Rather, they claim that their regimes are already democratic even if they are not (Russia) or that their political leaders are moving their countries "step by step" toward democracy (China.) Democracy is thus for the vast majority of the world either the practice or the stated goal. (McFaul 2004, 149)

The logical follow-up of the universalisation of democracy is the increasing popularity of democratization and democracy promotion by the international community. Although it is a generally accepted truth that internal forces pushing for democratic change are always the essential driver of a society's readiness to embark on the rocky path of democracy, a growing number of theoretical studies insist on the critical role that the external environment can play in democratization processes. Indeed, with the end of the cold war and new security concerns arising, the legitimacy and practice of external actors promoting democratic change in third countries has steadily grown, and more and more states turn democracy promotion into one of their key foreign policy goals. (Franck, 1992; Halperin, 1993; Rich, 2001)

A veritable democracy promotion industry has come into being, where the market for monetary and other aid to democratization and the spread of the democratic idea is organised around a number of private hubs, on the national as well as the international level. The Warsaw Declaration, adopted in June 2000 by the Community of Democracies, a new global forum of more than 120 governments, provides an important starting point by committing participating governments to uphold a core series of democratic principles and "to work together to promote and strengthen democracy" (Final Warsaw Declaration 2000). Since then, the international debate over democracy promotion has intensified drastically and several international actors such as the United States, the European Union and a range of other international organizations have promulgated very different strategies to encourage democratic gains made in the last few decades.

In the United States, the creation of the National Endowment for Democracy (NED) in 1983 marked a new stage of providing direct, public support for human rights activists and democratic organizations abroad, while the European Union's TACIS and PHARE programs constituted important political and economical restructuring assistance for Eastern Europe. Philippe Schmitter (Schmitter in Whitehead (ed.) 1996) also emphasizes the importance of transnational networks such as America's Agency for International Development (AID) and the Swedish International Development Authority (SIDA) in democracy diffusion. USAID, for example, committed more than \$400 million to the support or the spread of democracy in 1994. Finally, democracy and good governance have also emerged as a new priority of aid organizations traditionally focused solely on economic development such as the World Bank and the UN Development Fund. (USAID 2002) Summarizing these findings, we state that the community of democratic states has accepted the legitimacy of democracy promotion and that the normative burden has shifted to those not interested in advocating democracy promotion. (McFaul 2004, 158)

CHAPTER I

METHODOLOGY

1.1. Justification of the research topic

As we have shown, democracy promotion and democratization has become increasingly popular during the last 50 years. If the democratization of the former Soviet states of Central and Eastern Europe have captivated the interest of numerous scholars, the terrorist attacks of 9/11 and the subsequent invasion of Iraq by the United States government have fuelled the academic as well as the public debate and democracy promotion has become a very up-to-date issue. As such, a closer analysis of the different aspects of democracy promotion is highly interesting and justified. But if it is nowadays widely accepted that democracy promotion is a desirable and legitimate practice of foreign policy, there is much less consensus on how this should be done. McFaul (McFaul 2004) names only a few of the questions to be addressed: Should external actors press first for elections or for the adoption of a constitution? What kind of state structure should they advocate? What is more desirable - proportional representation in parliament or majoritarian electoral systems? Should outsiders work with the state or society to press for change? As a starting point for our analysis, we thus have to affirm that there is no blueprint that is universally recognized as the most effective way to promote democracy. Bearing this in mind, it is still useful to conceptualize how international actors may shape processes of democratization. Generally we distinguish four broad categories of norm diffusion on the international level: control, contagion, convergence and consent.

1. Control

Paul Kubicek (Kubicek 2003, 4) defines control as the taking over of a state's political institutions and their moulding by outside actors into a "democratic" framework. Often, these initial years of transition are guaranteed by a foreign military

presence, such as the 2003 US intervention in Iraq. Control is obviously the most direct way to intervene in a foreign political system, and its outcomes are mixed at best.

2. *Contagion*

Contagion, sometimes called “diffusion”, designates the fact that events or systems in a country or a group of countries can spread across borders, in case they are seen to be attractive or achievable. (Kubicek 2003, 5) For instance, the “American way of life” has been exported to all over the world during the last two centuries, and the US has for a long time been standing for the democratic model *par excellence*. Good examples are also the former communist countries of Eastern Europe, to which the EU’s wealth, its security and stability looked particular attractive after the breakdown of the USSR.

3. *Convergence*

Closely related to the concept of contagion, convergence is defined by Whitehead as “enlargement of a pre-existing democratic community of sovereign states”. (Whitehead 1996, 266) Pridham, another expert of democratization, classifies it as “gradual movement in system conformity based upon established democracies with power to attract and assist regimes in transition” (Pridham 2000, 296) and suggests that the EU’s enlargement policy may be the most ambitious example of this type of norm diffusion.

4. *Consent*

Finally, to be viable, a genuine and well implanted democratic regime needs the positive and freely given support and involvement of a wide range of social and political groupings. In this regard, consent is closely linked to conditionality, the linking of perceived benefits to the fulfilment of a certain program – in the case of democratization to the advancement of democratic principles and institutions in a target state. (Whitehead 1996, 19) While the EU has developed strong conditionality

in its accession negotiations, on the American side there is also cases of relatively clear use of conditionality for norm diffusion, for example in the establishment of the American Free Trade Area.

There is a wide arsenal of techniques and methods employed within these channels of value dissemination, and Peter Schraeder (Schraeder, 2003) offers the reader a well structured overview in one of his publications. These techniques range from the pursuit of classic diplomacy (Beigbeder 1995) over the provision of foreign aid (Burnell 2000) and the attachment of political conditions to the foreign policy relationship (Crawford 1997) to the adoption of economic sanctions (Hendrickson 1994/95), the pursuit of covert and paramilitary intervention (Forsythe 1992; James and Mitchell 1995; Schraeder 1992) and direct military intervention. (Peceny 1999)

If we transpose this general framework on our research topic, we recognize that the European Union and the United States of America are both key players in international democracy promotion. While they both make the promotion of certain values a key element of their foreign policy, they both have also very different perceptions of international relations. In one of his analysis, Robert Kagan stresses that Europeans, focusing on “soft power” diplomacy, generally would like to structure the new world order around laws, rules and negotiations, while American policymakers define the new world in terms of anarchy that justifies the requirement for the use of pre-emptive force (Silander 2005, 29) Thus, according to their different perceptions and ideas, American and European methods and actions diverge and while they still situate themselves in the general framework of international norm diffusion outlined above, it is of high interest to scholars to examine the specificities and differences of their respective approaches.

1.2. Research question, thesis and structure

In the evaluation of American and European strategies of democracy promotion, we find that the international scholarly community has very different

perceptions of what the main characteristics of the respective actors' approaches are. While certain scholars claim that the European Union has developed a distinctive bottom-up strategy towards democracy promotion that stands in sharp contrast to the more politicized top-down version of its American counterpart, others assert that it is the European Union that reveals a strong top-down tendency and the United States follow a genuine bottom-up strategy. In this study, we hope to contribute to providing a more comprehensive assessment of this question by examining American and European democracy promotion policies on the concrete example of Ukraine.

We postulate that, while the United States act out of a genuine commitment to fostering civil society and democratic change “from below”, their efforts tend to be conceived as being more of a “top-down” nature due to several factors, notably their status as a superpower. On the other hand, European thinking on democracy promotion tends to approach the matter more in terms of “governance” and the state, and is therefore more top-down oriented. This ideology is reflected in European democracy promotion strategies, which favour the building up of state capacity, good governance and the strengthening of the rule of law. However, as a “civilian power”, the EU lacks effective leverage in relations with third countries that do not have a membership perspective, and is thus often resorting to more subtle methods of democracy promotion, notably through bottom-up empowerment of local forces.

We will demonstrate this thesis by focusing on three indicators: firstly, a general assessment of the tools the United States and the European Union has at its disposal for the promotion of democracy in its external relations; secondly, the mechanisms of EU and US democracy promotion that have been applied in the Ukrainian transformation process from its independence until 2006, and finally, the US and EU democracy promotion efforts during the 2004 Orange Revolution.

In order to treat our research problem, we plan on adopting a twofold-structural framework. In a first part, we shall outline the theoretically background

relevant to democratization, starting with a short overview of European and American motivations and approaches towards democracy promotion in general. Here we shall focus firstly on defining the kind of democracy the EU and the US aim to promote, by trying to point out some general similarities and differences in the approaches. Secondly we examine the reasons these international actors pursue democracy promotion in their foreign policy, and thirdly we provide a brief overview of the historical evolution and the context European and American democracy promotion policies are situated into.

In the second part of our research, an analysis of the specific application of EU and US democracy promotion strategies in the Ukrainian context, we will treat our research topic more in detail. First and foremost, we shall give the reader a comprehensible account of the general instruments the EU and, respectably, the US, has at its disposal for the promotion of democracy in its external relations, and we will try to point out some first generalisations related to our research question. Secondly, after providing a short background overview of recent political events in Ukraine and after pointing out the Western interests at stake in this young country, we shall try to prove our thesis by pointing out the specific mechanisms of EU and US democracy promotion in the Ukrainian transformation process, and in the 2004 “Orange Revolution”. However, we will do so without trying to give any mechanistic evaluation of these instruments or their consequences. We choose this approach in order to avoid any wrongly presumed cause-effect relationship between external democracy promotion policies and successful or failed transition, acknowledging that such cause and effect relationships can not be measured scientifically when complex national historical processes are at work. We rather hope to give a detailed factual account of the goals, the strategies and the underlying principles that have been applied by both actors to address the specific country background. Finally, we aim to compare these strategies and mechanisms in order to demonstrate our thesis.

CHAPTER II

THEORETICAL BACKGROUND

2.1. Different concepts require different approaches

Before starting to examine what exactly American and, respectively, European policymakers have in mind when talking about democracy, it is necessary to make three general statements. Firstly, by adopting the constructivist approach of Laurence Whitehead, we assume that the richness of democracy and, by consequent, democracy promotion, depends on its contextual elaborations; that means the historical, cultural and social setting where those conceptions are being employed and which is fundamentally variable. (Whitehead 2002, 20) Secondly, since democracy is both a descriptive label and a desirable value, and since the boundaries of the concept are inherently debatable, it is only logical that disagreements over the proper use of the model exist, and, as a consequence, that it will be interpreted and applied differently depending on which actors are involved. This leads us finally to the reasonable assumption that, in general, just as U.S. programs for democracy promotion tend to embody U.S. assumptions about how particular sectors or institutions should be structured, European programs reflect European assumptions about these same sectors and institutions. (Carothers 1996, 120)

2.2. Democracy promotion and the United States

Why do the United States promote democracy?

Although democracy promotion has been widely accepted as forming part of the general American foreign policy in the 20th century, the export of domestic institutions and practices to other countries as being a proper concern of foreign policy has given rise to an important ideological dispute between American Realists and Liberals. As for the Realists, they argue that an effective foreign policy has to serve the national interests by taking into account the balance between risks and

rewards on the one hand, and relevant resources on the other. Democracy promotion, as being interference in state sovereignty, is not a feasible goal *per se*, as political institutions must originate in indigenous cultural values and practices. (Cox, Ikenberry and Inoguchi 2000, 155; Almond and Verba 1963) As Henry Kissinger has put it, “there is no surer way to turn millions of America's admirers into America's opponents than to force an unfamiliar social system on them”. (Kissinger, 1995)

Liberal thinking has a series of arguments to nullify the realist case. Bill Clinton in his 1992 address to the Institute of World Affairs, for example, summarized the main ideas that Liberals used to justify democracy promotion in American foreign policy: “A pro-democracy foreign policy is neither liberal nor conservative, neither Democrat nor Republican. It is a deep American tradition. (...) We do not stand behind the cause of democracy simply because of the goodness of our hearts. The fact is that democracy abroad also protects our own concrete economic and security interests (...) at home. The democratic countries do not go to war with one another; they don't sponsor terrorism or threaten each other with weapons of mass destruction. Precisely because they are more likely to respect civil liberties, property rights and the rule of law within their own borders, democracies provide the best foundation on which to build international order. Democracies make more reliable partners in diplomacy and trade, in protecting the global environment.” (Clinton 1992)

Indeed, the dominant question American policymakers posed concerning democracy promotion is mainly related to the finality: “What in democracy brings about the ends that Americans want? (Mirsky 1994, 13) John Ikenberry (Cox, Ikenberry and Inoguchi 2000, 103) brings up the idea of an “American liberal grand strategy” that considers the democratic character of the domestic regimes of third countries as being extremely important for the attainment of American security and material interests. The Carnegie Commission thus identified several elements (Carnegie Endowment National Commission 1992, 80) that American liberal

governments have continuously referred to when evoking the needs of an active democracy promotion policy. At the core are national security considerations and the idea of the “Democratic peace” theory. Democratic peace, traced to Kant and developed recently by analysts such as Bruce Russett and John Oneal, hold that liberal constitutional democracies - or what Kant called “republics” - tend to have peaceful relations with one another, because of both their internal structures and shared norms. (Smouts, Marie-Claude, Dario Battistella and Pascal Vennesson 2003, 384) Democracies are thus safer partners, less prone to war and by the spill-over or imitation effect will expand the community of peaceful democratic nations (Carothers 1996, 26). American officials at various junctures have acted on this basic liberal view. Wilson, for instance, claimed that “a steadfast concert of peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants.” (Wilson in Link, 1983)

As for the neoconservative camp, Joshua Muravchik affirms that promoting democracy would create a “Pax Americana unlike any previous peace, one of harmony, not of conquest.” (Muravchik 1991, 227) Ikenberry continues this idea by arguing that democracies are able to develop relations based on the rule of law, to cooperate in alliance organizations and to establish binding institutional relations (Cox, Ikenberry and Inoguchi 2000, 112), which in turn facilitates stable and mutually beneficial dealings. Finally, the common identity of democratic states favours the establishment of a peaceful and durable order based on values instead of power and interests. This thesis was put forward by former National Security Council Director Anthony Lake in 1995 in explaining American foreign policy after World War II: “We led the struggle for democracy because the larger the pool of democracies, the greater our own security and prosperity. Democracies, we know, are less likely to make war on us or on other nations. They tend not to abuse the rights of their people. They make for more reliable trading partners. And each new democracy is a potential ally in the struggle against the challenges of our time containing ethnic

and religious conflict; reducing the nuclear threat; combating terrorism and organized crime [as well as] overcoming environmental degradation.” (Lake 1995)

The second element Liberals invoke when speaking about democracy promotion is economic necessity. This is based on the assumption that free trade and open markets strengthen society and create zones of autonomy that limit the reach of the state and empower individuals. This view lies at the core of American foreign policy efforts at “engagement”, and the Clinton administration referred often to the need of enlarging the number of “market democracies” in order to get more stable trading partners (Cox, Ikenberry and Inoguchi 2000, 70 – 74). This strategy has been subject to harsh criticism notably by Gills and Rocamora as well as Noam Chomsky who argue that US democracy promotion was aimed not so much at expanding deep conceptions of democracy but instead at putting in place a form of democracy that suited US economic interests and the development of a neoliberal international economic order. (Gills and Rocamora 1993, Chomsky 1992) William Robinson continues the same idea when he denounces US democracy promotion as the rearrangement of political systems in the peripheral and semi-peripheral zones of the world system so as to preserve the social order and international relations of asymmetry. (Robinson 1996)

Liberals, however, assert that US democracy promotion, stimulated by the rise of nationalism and a “crisis of modernity”, corresponds to an international need in certain social milieus for blueprints for the reform of state-society relations. (Smith 1994) Krauthammer, although realist, has perhaps been the most forceful proponent, arguing that US foreign policy in an unipolar age should “support democracy everywhere, but (...) will commit blood and treasure only in places where there is a strategic necessity”. (Krauthammer 2004) Finally, Liberals advance the theory that spreading democracy is not only “the right thing to do”, but deeply constitutive of the national character and consistent with the most basic American values, including those articulated in the Declaration of Independence and the Bill of Rights. (National

Security Strategy 2002) Promoting “the international community of democratic nations becomes thus a question of “principle” (Carothers 1996, 122), as expressed by Senator Joseph Biden, who stated that “it falls to this generation of Americans to complete the task that Woodrow Wilson began [of] bringing the world’s major nations into a concert of cooperating democracies.” (Biden 1992) Indeed, American self-consciousness about the wielding of power distinguishes the United States from most other great nations in the 20th century (Gaddis, 1992) and its superpower status allows it to adopt a more nationalistic stance in foreign policy ideology.² As Joseph Nye has states, “democracy is a great source of soft power strength. The ethnic openness of the American culture and the political appeal of the American values of democracy and human rights are a source of international influence that European nations have to a lesser degree” (Nye 1990)

“Civic Democracy” or “Low Intensity Democracy”?

As we have already seen, there are many ideological differences on what democracy means in general, and the United States are not the exception of the rule. Indeed, the conception of what exactly the U.S. administration is actually promoting has been subject to a heated debate.

Thomas Carothers and Tony Smith, for instance, claim that there is a very clearly defined conception of which kind of democracy underlies most democracy promotion efforts, and he summarizes its elements as being the following: “regular, free, and fair elections; a constitution that enshrines democracy and a full set of civil and political rights; a governmental system based on the separation of powers and consisting of an accountable, lawful executive branch, a representative legislature, and an independent judiciary; viable local government structures; national political parties that aggregate and articulate citizens' interests; and some independent trade unions, independent media, and independent advocacy NGOs.” (Carothers T. in Cox,

² For more detailed information on how the self-image of any nation affects its foreign policy and democracy promotion, see Cox, Ikenberry and Inoguchi 2000, 136

Ikenberry and Inoguchi 2000, 191; Smith 1994, 13) In short, it is a liberal democratic model defined in institutional terms.

However, Shattuck and Atwood argue that U.S. policy also seeks to promote elements of a liberal civil society alongside the mere elements of electoral democracy. (Ralph J. in Cox, Ikenberry and Inoguchi 2000, 200 - 218) Yehudah Mirsky argues that the American understanding of democracy is “civil democracy”, a concept that incorporates the political and sociocultural dimensions of the democratic experience and that combines the *sine qua non* procedures of democratic governance with the fostering of the social realities and civil liberties that make the “consent of the governed” a reality. (Mirsky 1994, 8) As former congressman Stephen Solarz has said: “What we are seeking to promote is a system and not a particular leader or party, [that means] the building of democratic institutions and the cultivation of pluralist political culture.” (Solarz 1989, 14) “A democratic process not underpinned by democratic values,” columnist Jim Hoagland continues in the same vein, “will soon be discarded or degraded beyond recognition.” (Hoagland 1992)

Gills, Rocamora and Wilson see this in a much more critical perspective. They describe the type of democracy that is promoted by the U.S. as “low intensity democracy” that works in favour of the neoliberal international economic environment. (Gills, Rocamora and Wilson 1993) In their point of view, in this kind of democracy limited forms of political participation exist through periodic elections between elites, but underlying structures of socioeconomic inequality and power differentials remain unchallenged and the neoliberal reforms that often accompany the democratic “package” actually serve to increase this imbalance (Gills, Rocamora and Wilson 1993). Fareed Zakaria goes even so far as to suggest that the U.S. policy in fact encourages majority rule, but that this often means sanctioning illiberal regimes. (Zakaria 1998) Thus, it is claimed that a hollow form of democracy emerges, devoid of its emancipatory and transformational potential. (Hobson 2005) Steve Smith explains this by pointing out “the low turnout at elections (...), the low

level of participation in political activity by much of the population (...), the very limited choices available to citizens within the elite-pluralist system of the US [promoted model] and the associated socio-economic inequalities, crime levels and societal divisions.” (Smith S. in Cox, Ikkenberry and Inoguchi 2000, 69)

As for the reasons why the U.S. chooses to promote such a limited model of democracy, William Robinson, Noam Chomsky and Jason Ralph argue that it is the desire to maintain the economic *status quo* based on national and transnational elite interests; to ensure consensual domination of the economic elite and the other classes; and to pre-empt more radical political reforms that could undermine the above mentioned considerations. (Chomsky 1992; Jason Ralph in Cox, Ikenberry and Inoguchi 2000, 200 – 212; Robinson 1996) The second big limitation critics bring up against the U.S. model of democracy promotion is its presupposed universal applicability and its resemblance to the U.S. political system – hence the comments about countries not being ready for democracy quite yet. Kissinger (Kissinger 1995, 18) poses the problem clearly and starkly when he points out that “America is always exporting or projecting a story about itself, even when it is not consciously trying to do so.” Michael Cox attributes this behaviour to the U.S. administration’s idealistic interpretation of the American experience and, in a rather ironic tone, suggests that in the American political system, democracy and market economics have traditionally been intertwined and that “there was no reason to believe they would not [be] elsewhere, especially if the United States itself intervened to support and sustain nascent market democracies in other countries.” (Michael Cox in Cox, Ikkenberry and Inoguchi 2000, 241) Crucially, the main error of the U.S. administration resides, according to Steve Smith, in its failure to recognize that promoting US-style democracy, which is in fact a culturally and historically specific version, is a political choice (Steve Smith in Cox, Ikkenberry and Inoguchi 2000, 68 - 72) that can not be presented as the only - or worse - morally superior model, applicable across cultures and societies.

The evolution of American democracy promotion – Overview

Let us finally have a short look at the evolution of American democracy promotion efforts. The U.S. pursuit of its “democratist crusade” (Hendrickson, 1994 – 1995) goes back a long time in history and has served an ambiguous combination of altruistic aspirations and concrete national self-interests. (Steven Hook in Schraeder 2000, 109) As Hook and Spanier describe it, the equation of U.S. moral principles with universal ideals, the goal of transforming diverse political systems into replications of the U.S. model, and the linkage of U.S. material support to appropriate behaviour by real or potential beneficiaries are all distinctive and deeply entrenched features of the U.S. foreign policy. (Hook and Spanier, 2000) Even strong defenders of *Realpolitik* as George Kennan and Henry Kissinger who, in the past, called for a foreign policy based exclusively on national interest considerations, accept now the imperative of a democracy/human rights component in the foreign policy agenda. (Wiarda 1997, 4)

Democracy promotion as such is often said to have begun with liberal internationalism. This tradition dates back to Woodrow Wilson and, according to scholars such as Tony Smith, “has been the most important and distinctive contribution of the United States” to contemporary international relations. (Smith 1994, 12) In his “14 points”, Wilson recognized the centrality of democracy to the emerging international order, and he laid the foundations for a foreign policy less defined in terms of material interest and more concerned about human rights (Wilson in Link 1983). Even more, he epitomized the characteristic strain of U.S. moralism in presenting the United States’ role in World War I as a mission “for democracy, for the right of those who submit to authority to have a voice in their own government, for the rights and liberties of small nations (...) and to make the world itself free.” (Schraeder 2002) According to Wilson, constitutional government and the rule of law are principles of universal applicability both to domestic regimes and to the international system as such (Brown 1997, 24); by spreading liberal-democratic constitutional systems in the American fashion of representative democracy and by

affirming the principle of national self-determination, wars and conflicts could be banned forever. For his belief in the inherent goodness of man, in progress as the law of organic life (...) and in democracy as the highest form of government” (Cox, Ikkenberry and Inoguchi 2000, 105) he has often been depicted as highly idealistic and eventually his opponents have blamed him for the failure of the post-World War I international settlement and the inability of liberal internationalism to prevent the horrors of World War II. Indeed, the disillusion of the American policymakers with the liberal internationalist ideology and its moralist approach to democracy was high, and this disenchantment gave way for the realist approach of *realpolitik* to become the dominant paradigm in American foreign policy in the Cold War years. Prominent realists such as Hans Morgenthau and Walter Lippmann discouraged the assertion of global democratization as a key mission of U. S. foreign policy and argued that international stability rather than the democratic conduct of foreign nations was best able to serve a narrowly construed national interest. In this regard, the “containment order” outlined by George Kennan and subsequently adopted by several American governments, reflected a settlement based on the balance of power, nuclear deterrence, and political and ideological competition (Cox, Ikkenberry and Inoguchi 2000, 107) and was soon expanded into an ideological campaign with an open-ended global mandate (Shafer, 1988). Consequently, the Nixon-Kissinger policy of superpower détente adopted a highly consequentialist ethic that regarded even support for undemocratic regimes as acceptable as long as the moral end of deterring communist expansion was achieved. (Niebuhr 1968, 217) In this regard, Vietnam represented “the bankruptcy of U.S. democratization policy both on the basis of absolute principles and on consequentialist grounds”. (Steven Hook in Schraeder 2002, 117) In the 1970s, Jimmy Carter, affirming his “absolute” commitment to human rights (Tamar 1986), re-centered the focus of American foreign policy back on democracy and human rights, defining the moral and humanitarian goals (Arms control, nuclear non-proliferation, open diplomacy, reconciliation with past adversaries, avoiding the use of force and moving beyond the Cold War ideological battle) as “antidote” to the Nixon administration’s pursuit of power politics.

(Muravchik 1986) Arguing that the US image abroad had been tarnished by the effects of *realpolitik*, Vietnam having been “the best example of its intellectual and moral poverty” (Carter 1977, 954), Carter sought to enhance the visibility of intangible power resources such as morality, ideology and national unity by introducing a strong human rights component in American international affairs. (Stoyanov 2005) However, poor execution – Carter’s approach to human rights in third countries was highly selective (Carothers 1996) - and an unrealistically ambitious agenda have earned him the reputation of having undermined American interest in the world (Muravchik 1986), by pursuing “American messianism” (Smith 1986) instead of addressing the communist threat. However, when during the 1980s and early 1990s the Soviet power began to retreat, promoting democracy seemed to become geopolitically more risk-free. In contrast to Jimmy Carter’s romantic and idealistic approach to Human Rights policy, the Reagan Administration sought to use the promotion of democracy as a strategic weapon to additionally weaken, delegitimize and undermine the communist order. (Wiarda 1997, 7) As former Secretary of State James Baker puts it, the idea was to “replace the dangerous period of the Cold War with a democratic peace – a peace built on the twin pillars of political and economic freedom. (...) Shared democratic values can ensure an enduring and stable peace in a way the balance of terror never could (...) we plan to build a democratic peace by pursuing a straightforward policy of American leadership called “collective engagement.” (Baker 1992, 321 – 322) Reagan’s proposal for a “Campaign for democracy”, for instance, led to the creation, in 1983, of the National Endowment for Democracy (NED), financed by the U.S. government to subsidize democratic reforms overseas. However and in spite of all human rights concerns, he continued supporting autocratic regimes whenever and wherever it seemed strategically necessary; a realist approach that the first Bush administration (1989 – 1993) largely followed. (Steven Hook in Schraeder 2002) Its rise to power occurred at an enormous turning point in history when, less than a year after George H.W. Bush took office, the fall of the Berlin wall announced not only the end of the Cold War, but also a period of monumental democratic change in the former Soviet

satellite states. The “new world order”, as the Bush administration put it, would be marked by global democratization and as such, American foreign policy had to respond to those new needs by making democracy promotion a central foreign policy goal. (Steven Hook in Schraeder 2002) However, democracy promotion efforts of the Bush administration were largely centered on the former Soviet countries’ transformation and as such, highly geographically selective. Bill Clinton vowed to reverse that course and, motivated considerably by the desire to do “good”, was often criticized as following a “Mother Teresa foreign policy”. (Wiarda 1997, 12) Indeed, one of the central organizing principles of the Clinton foreign policy was democracy promotion, along with the modernization of the military and the opening of new markets for American exports. (Mirsky 1994, 6) One of the key terms by which the Clinton administration sought to distance itself from the old containment order was “democratic enlargement”, a concept that was outlined in a March 1994 USAID report entitled *Strategies for Sustainable Development*. As Anthony Lake, father of the democratic enlargement theory explained, the successor to containment "must be a strategy of enlargement, of the world's free community of market democracies." (Lake 1993, 658–664) Brinkley identifies four central points the strategy focuses on: 1) the need to "strengthen the community of market democracies"; 2) to "foster and consolidate new democracies and market economies where possible"; 3) to "counter the aggression and support the liberalization of states hostile to democracy"; and 4) to "help democracy and market economies take root in regions of greatest humanitarian concern." (Brinkley 1997) The concept of “market democracies” is extremely important in this context, as it shows the aspects of democracy the Clinton administration sought to promote. Indeed, one needs to remember that the concept of enlargement was rooted in political economy theory about the relationship between democracy on the one hand, and the market and global capitalism on the other, “the market [providing] the only suitable material foundation for democracy and democracy [in turn] being the most obvious superstructural accompaniment to the market”. (Michael Cox in Cox, Ikenberry and Inoguchi 2000, 221) Michael Cox even goes so far as to argue that one of the main features of the Clinton administration was

the interrelation of U.S. domestic and foreign policies; in his point of view, the U.S. domestic economy required certain international structures and thus geoeconomics dominated geopolitics. (Cox, Ikkenberry and Inoguchi 2000, 221 - 240) When George W. Bush succeeded Clinton in January 2001, a major shift in the administration's foreign policy agenda was widely expected, for Bush himself had declared that he had no intention of continuing the "international social work" Clinton had pursued. (Hobson 2005) However, after the terrorist attacks of 11 September, "spreading democracy" as "a forward strategy of freedom" that even permits a strategy of "pre-emptive wars" (Weiss, Crahan and Goering 2004) has become a major component of the Bush administration's war on terror. (Windsor 2003) The reason for this shift in foreign policy thinking is the belief that democracy promotion is now a strategic necessity to address the terrorist threat and that "there is not a single, remotely plausible, alternative strategy for attacking the monster behind 9/11" (Krauthammer 2004). While key American officials state their determination "to extend the benefits of freedom across the globe" and to work actively "to bring the hope of democracy, development, free markets, and free trade to every corner of the world" (National Security Strategy 2002) notably through the Millennium Challenge Account (MCA), the counterterrorism effort led the Bush administration to a certain hypocrisy by compromising its stance towards friendly but authoritarian regimes on the one hand, and jeopardizing domestic civil liberties in the name of security on the other.

2.3. Democracy promotion and the European Union

Why does the European Union promote democracy?

It is undoubtedly the case that, since the 1991 Development Council resolution first committed the EU to placing the promotion of democracy and human rights more systematically at the heart of its foreign policy, the EU has moved in significant ways to equip itself for implementing this declared objective. Notwithstanding these developments, the first and foremost problem we need to deal with when speaking about European Union democracy promotion is the EU's limited

capacities as an international actor. Given the EU's *sui generis* nature, coordinated relationships between national policies and common EU actions are complex and still today, the EU lacks competence over a number of democracy relevant policy instruments such as debt relief, investment promotion, export credit controls and most forms of sanctions. As Gillespie and Youngs point out, due to the absence of a common stance in foreign policy issues and the unanimity requirement for diplomatic coordination, EU action is more often than not reduced to the "lowest common denominator" position (Gillespie and Youngs 2002, 6). Thus, the EU's general diplomatic weight has for a long time been considered as being inferior to its transatlantic counterpart, given the fact that, *in extremis*, the US has been able to back up its aims with the necessary military means. (Petersen and Sjursen 1998; Eliassen 1998)

However, despite not possessing the same degree of material force as a unitary nation-state, the EU has managed to overcome these limitations through its international presence and its extensive network of socioeconomic links with partner countries. Many analysts even go as far as to suggest that this is what makes the Union so influential in promoting norms and disseminating political values on an international level. (Zielonka 1998; Regelsberger, de Schoutheete and Wessels 1997)

Why has the EU become increasingly active in an area that had been Washington's almost exclusive territory for a long time? One of the key goals of the Union has been to extend European influence beyond its borders, and to establish a more global presence, including in relation to democracy and human rights. (Gillespie and Youngs 2002, 5) The Commission itself highlights in this sense the importance democracy has held and still holds within the organization, by underlining the Union's constant efforts to improve its own democratic governance, and its substantial spending for democracy assistance projects. These elements, and the fact that all of the Union's member states espouse common democratic principles in their internal as well as their external relations, contribute to the influence and leverage of

the Union, and make it a privileged actor in the field of democratisation and human rights. (European Commission 2001, COM 252)

A second motivation evoked by the EU to justify its democracy promotion efforts is tainted with security concerns. According to the Commission, “democratic, pluralist governments which respect the rights of minorities are less likely to resort to nationalism, violence or aggression”. (European Commission 2001, COM 252, 4) As conflict and instability is naturally costly in human and material terms, and as such problems would risk bearing heavily upon the EU, being a large aid donor and a favoured immigration destination, democracy promotion is for the EU an important foreign policy instrument to assure peace and stability. Finally, stable and free societies are also the best investment and trading partners, thus securing business and investment opportunities for European firms.

Additionally to the reasons evoked by the Union itself, L. Morlino identifies a catalogue of ten internal and external factors that have prompted the EU to develop strategies for promoting democratic values and norms in the world. When identifying the internal factors, he firstly states that the EU, from as early as 1957 on, was meant as an exercise in peace building through integration. In later years, the emphasis started to shift away from purely economic cooperation to a “Community of Values” and subsequently evolved into a civilian superpower that tries to promote stability in neighbouring countries and regions through economic and trade development, democracy, good governance and the rule of law. He then explains that the promise of membership provides the EU with an important leverage tool that other democracy promoters cannot offer, and finally he emphasises the organizational capacity, the substantial material resources and the distinctive confidence about the future role of the EU on the global stage that places the EU in a distinguished position for promoting Western-style democracy. According to Morlino, the EU’s very own *raison d’être* became the most important compass in this task. (Morlino 2003)

As for the external experiences that have pushed the EU to develop its democracy promotion strategies and instruments, Morlino asserts that the colonial history of several key EU member states, such as France, Portugal and the UK, has pushed the Community to engage since the 1960s in traditional forms of democracy promotion through its aid and development policies particularly towards the African, Caribbean and Pacific Countries. He also recognizes the importance of the geo-strategic location of the EU in the development of its democracy promotion strategies, the Union bordering countries that pose potential security threats such as the Middle East, WNIS, NIS, Russia and the Gulf states. Most importantly, he identifies the third wave of democratization in the middle 1970s and 1980s, and subsequently, the breakdown of the Soviet bloc, that confronted the Union with the danger of instability, hyper-nationalism and humanitarian crisis in its immediate neighbourhood. While answering the challenge of democratic consolidation in formerly authoritarian Soviet states and when preparing the EU accession process of these countries, the Union has developed the core of its democratization policies.

A “Europeanized” model of democracy?

Similar to its American counterpart, the European Union has adopted a liberal view on democracy. However, there are clear differences in the approach. Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, has identified three key principles of the EU’s approach towards democracy and democracy promotion that stand in sharp contrast to the model promoted by the US government. First of all, she states that there is no such thing as a “one-size-fits-all”- solution to democracy promotion. According to her, the EU recognizes “that the practice of democracy can look very different from one country to the next, and [that] political institutions must match local conditions.” (Ferrero-Waldner 2006) Secondly, she insists on the factor time being taken into consideration when exporting democratic norms and values, and argues that a long term commitment and patience are necessary for the building up of trust and effective institutions. Third, and most importantly, she points out that, for the EU, democracy

as a model can never be imposed from outside: in contrary to its American counterparts, the EU believes that genuine democratic transition must always come from the inside, and as such, can be accompanied by temporary setbacks.

Subsequently, the EU has developed a new holistic reasoning, linking together economic reform, social change, strategic diplomacy and democratization – elements that have been conceived as mutually enhancing. Gillespie and Youngs even go so far as to claim that, while since the end of the 1990s debates over a more balanced mix of bottom-up and top-down democratization work have been circulating within the Union, during most of the 1990s practical policy of the EU has been characterized by a “blurred” conceptualization of the relationship between civil and political society, human rights and democracy work. (Gillespie and Youngs 2002) This has led critics to complain about an insufficient “mainstreaming” on EU democracy promotion policies, which tends to address democracy as a product of economic change, regulatory reform, conflict resolution, social development at the local level and norms-based dialogue rather than drive it in a primary, causal fashion. (Youngs 2001)

In fact, as stated in article 6 of the TEU and article 13 of the *European Consensus*, “the Union is founded on the principle of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law” (Article 6(1), Treaty on the European Union) and promotes common values of “respect for human rights, fundamental freedoms, peace, democracy, good governance, gender equality, the rule of law, solidarity and justice.” (Article 13, European Consensus) Moreover, in its declaration on human rights, the June 1991 Luxembourg European Council declared, that “democracy, pluralism, respect for human rights, institutions working within a constitutional framework, and responsible governments appointed following periodic, fair elections, as well as the recognition of the legitimate importance of the individual in a society, are essential prerequisites of sustained social and economic development”. (Warkotsch 2006, 512)

The basis for EU action on democracy promotion is thus clearly linked to its human rights policy. According to a statement of the Commission, the European Union seeks “to uphold the universality and indivisibility of human rights - civil, political, economic, social and cultural - as [it has been] reaffirmed by the 1993 World Conference on Human Rights in Vienna, (...) [and] the 1995 Beijing Declaration and Platform for Action. The protection of such rights, together with the promotion of pluralistic democracy and effective guarantees for the rule of law and the fight against poverty (...) can include questions of democratic participation³, human rights⁴, and the rule of law⁵.” (European Commission 2001, COM 252, 10)

We can thus confirm that the EU has developed a distinctive approach to assisting democratic change in third countries and that the Union’s definition of democratization, although somewhat similar, differs in certain important points to its American counterpart. “*Europeanization*”, a term that has been marked repeatedly by scholars and practitioners in the context of EU foreign action, is “the emergence of new rules, norms, practices and structures of meaning (...) neighbour states are exposed [to] and which they have to incorporate into their domestic practices and structures” (Börzel and Risse 2003, 66).

According to Olson, Europeanization rests upon five complementary pillars. Firstly, it favours changes in external boundaries, especially with regard to EU enlargement. Secondly, it presumes the development of institutions at the European level, and the central penetration of national and sub-national systems of governance, and subsequently, the export of forms of distinctively European political organization and governance beyond the Union’s territory. Finally, Europeanization is defined as a

³ It is hereby referred to principles such as universal suffrage, free elections, multiparty structure, equality of access to political activity and participatory decision making

⁴ For instance, we need to mention adherence to, and implementation of, commitments under international human rights treaties and conventions, protection of civil liberties including freedom of speech and of assembly and effective operation of human rights monitoring

⁵ This includes provisions relating to an independent and effective judiciary, a transparent legal framework, equality of all citizens before the law, police and public administration that are subject to the law, and the enforcement of contractual obligations.

political unification project (Olson 2002) aimed at encouraging “a socialization of identities around a positive adherence to democratic norms” (Youngs 2001, 357) that enhance the impact of the EU’s *soft power*. This strategy, in line with constructivist reasoning, “reveals a strong inclination towards seeking influence over democratic trends through patterns of “deep” institutionalized cooperation, [and] locking third country political elites into relationships strong enough to impact positively on cognitive attitudes towards democratic norms.” (op. cit.) Many analysts have also underlined the fact that the Europeanization is “non prescriptive” in terms of institutional end goals; a fact that allows it to focus more on constructing a political will for democratic policy making than on replicating a given institutional pattern.

The existing literature on Europeanization has so far almost exclusively focused on the “inward process” of adapting national institutions of EU member states to the new challenges coming from the supranational level. (Grabbe 2001; Goetz 2001; Featherstone and Radaelli 2003) As far as the “export level” is concerned, scholars have tended to stress Europeanization in relation to the EU accession process. Heather Grabbe (Grabbe 2001b, 1014) for example identifies Europeanization as “the impact of the EU accession process on national patterns of governance”, whilst Goetz (Goetz 2001) links the term with the anticipatory and anticipated effects of accession on the national administrations. Lippert, Umbach and Wessels as for their part, argue that Europeanization is about “the resources in time, personnel and money directed by current and future member states towards the EU level.” (Lippert, Umbach and Wessels 2001, 980)

However, we suggest that Europeanization as a concept can also be used to describe the effects – although to a lesser degree - of the EU’s democracy promotion policies in relation to third countries that have no perspective of membership.

The evolution of European democracy promotion – Overview

We shall terminate the first part of our research thesis by having a closer look at the evolution of European democracy promotion efforts, which are closely linked to the European integration process and to the rapidly changing world order after the breakdown of the Soviet-bloc. As we will discuss the EU “toolbox” for democracy promotion in a later chapter, we shall provide here only a brief overview of the time frame of the basic developments of EU democracy engagement as it is laid down in the Treaties.

Since the Treaty of Rome establishing the European Communities in 1957, the European integration has been founded upon and defined by universal principles of liberty and democracy, respect for the rule of law, human rights and fundamental freedoms. The community engagement towards human rights has been elaborated for the first time in 1989 through Article 5 of the 4th Lomé Convention that advocates a stronger commitment of the EU towards human rights promotion in relation with third countries (European Commission 1996), and from 1995 onwards, it has subsequently been inserted in all EU cooperation agreements⁶. (European Commission 1995, 2)

Secondly, in November 1991, the Development Council in its resolution on “Human Rights, Democracy and Development” explicitly linked democracy, human rights and development and made the promotion of these principles both an objective and a condition of development assistance. (Warkotsch 2006, 512) The Treaty on European Union, also known as “Maastricht treaty”⁷, widened this approach by codifying development cooperation as an autonomous policy field with specific objectives⁸ (Title XVIII, art. 130 u – y, Treaty of Maastricht) and by declaring the

⁶ In May 1995, the Commission adopted a communication "on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries."

⁷ The Maastricht Treaty was signed on February 7, 1992, and came into force in November 1993.

⁸ According to Article 177 (2) of the TEC, Community policy in the sphere of development cooperation should contribute to the general objective of developing and consolidating democracy.

development and the consolidation of democracy an important element of the EU's Common Foreign and Security Policy in general.⁹ Article 6 of the TEU is the key provision as far as fundamental rights are concerned. It states that:

1. The Union is founded on the principle of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.
2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.
3. The Union shall respect the national identities of its Member States.
4. The Union shall provide itself the means necessary to attain its objectives and carry through its policies.

The Treaty of Amsterdam¹⁰ clarifies and reiterates this article by emphasizing in Article 49 that the respect for these common principles is also required by countries that apply for EU membership. Accession to and continued membership in the EU became thus explicitly conditional upon the endorsement of and adherence to a democratic system of government, thereby institutionalising the 1993 Copenhagen criteria. (Santiso 2003) The treaty also introduced, for the first time, a mechanism to sanction serious and persistent breaches of human rights by the EU member states; a mechanism that was further reinforced by the Treaty of Nice¹¹. It notably extended the objective of promoting the respect of human rights and fundamental freedoms from development cooperation to all forms of cooperation with third countries¹², (Art.

⁹ According to Article 11(1), in fact, the development and consolidation of democracy is among the objectives of the Union's Common Foreign and Security Policy.

¹⁰ The Treaty of Amsterdam, as signed on October 2, 1999 entered into force on May 1st, 1999.

¹¹ The Treaty of Nice entered into force on 1 February 2003.

¹² This includes, among others, economic, financial and technical cooperation as stipulated in Article 181a(1) TEC: "...Community policy in this area [economic, financial and technical cooperation with third countries] shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to the objective of respecting human rights and fundamental freedoms"

181bis TEC) hence elevating the pursuit of human rights and democracy to a transversal objective of all of the EU's external activities. (McFaul 2004, 157)

One of the milestones in this regard is the Charter of Fundamental Rights of the European Union¹³ that enshrined, for the first time in the European Union's history, in a single text the whole range of civil, political, economic and social rights of European citizens and all persons residing in the EU. It reiterates that the Union is based, among others, on the principle of democracy¹⁴ and compliance with its principles is required for the Commission's actions in the field of external relations and for the Member states when implementing EU law. (Charter of Fundamental Rights of the European Union)

As for more recent developments, especially as far as the failed Draft Treaty Establishing a Constitution for Europe¹⁵ is concerned, they also include many important references to democracy. For instance, Article 2 and of the Draft Treaty indicated democracy among the Union's values¹⁶ and Article 193, which dealt with the Union's external action, stated that the principle of democracy should inspire the Union's action on the international scene and should be advanced in the wider world, through common policies and actions in order to consolidate and support democracy¹⁷. After the failed adoption of the Draft Treaty, these references have been

¹³ Proclaimed in Nice in December 2000.

¹⁴ "Conscious of its spiritual and moral heritage the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law"

¹⁵ Adopted by consensus by the European Convention on 13 June and 10 July 2003, but subsequently failed to enter into force due to the No-Vote at the referenda in France and the Netherlands.

¹⁶ "The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination". Draft Treaty Establishing a Constitution for Europe, Part I, Title I: Definition and objectives of the Union, Article 2: The Union's values.

¹⁷ "1. The Union's action on the international scene shall be guided by, and designed to advance in the wider world, the principles which have inspired its own creation, development and enlargement: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and for international law in accordance with the principles of the United Nations Charter. The Union shall seek to develop relations and build

retaken and incorporated in the Lisbon Treaty. Thus, taking into account the recent developments with regards to the treaties of Amsterdam and Nice, the EU Charter of Fundamental Rights and the Lisbon Treaty, and other initiatives such as the European Initiative for Development and Human Rights in 1999 and the European Neighbourhood Policy in 2003, we can affirm that the EU sought to provide a number of guiding principles for the development of coherent strategies relevant to the external support of human rights and democratization. (Haddadi 2002)

partnerships with third countries, and international, regional or global organisations, which share these values (...)

2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to: (a) safeguard the common values, fundamental interests, security, independence and integrity of the Union; (b) consolidate and support democracy, the rule of law, human rights and international law (...)". Draft Treaty Establishing a Constitution for Europe, Part III: The Policies and Functioning of the Union, Title V: The Union's External Action, Chapter I: Provisions having general application, Article III-193.

CHAPTER III

ANALYSIS AND CASE STUDY: DEMOCRACY PROMOTION IN UKRAINE

3.1. Assessing the Toolbox: What Instruments for Democracy

Promotion?

In this study, we hope to contribute to providing a more comprehensive assessment of what exactly are the most distinguishing features of American and European democracy promotion policies. We claim that the main difference between American and European democracy promotion strategies can be found in the way both actors conceive and implement their policies, and our thesis is two-fold: While the motivations behind the United States' effort to promote democracy in third countries have always exhibited a genuine commitment to civil society, their actions tend to embody the image of a heavily top-down oriented player due to a variety of factors related to their status as superpower. On the other hand, European thinking on democracy promotion tends to approach the matter more in terms of "governance" and the state, and is therefore more top-down oriented. This ideology is reflected in European democracy promotion strategies, which favour the building up of state capacity, good governance and the strengthening of the rule of law. However, as a "civilian power", the EU lacks effective leverage in relations with third countries that do not have a membership perspective, and is thus often resorting to more subtle methods of democracy promotion, notably through bottom-up empowerment of local forces.

As we have outlined earlier, this second part of our research shall be dedicated to explaining our thesis by focusing firstly on a general assessment of the tools the United States and the European Union has at its disposal for the promotion of democracy in its external relations. In a second time, we will shift our attention to the analysis of the specific application of EU and US democracy promotion strategies in

the Ukrainian context. After a short background overview of recent political events in Ukraine, we will be investigating the strategic interests and the historic involvement of both actors- the United States and the European Union – in the former Soviet country. We will then be focusing on the mechanisms of EU and US democracy promotion that have been applied in the Ukrainian transformation process from its independence until 2006, and finally, we will examine the US and EU democracy promotion efforts during the 2004 Orange Revolution.

3.1.1 The United States

As scholar Robert J. Art summarizes, “the reasons to support democracy abroad are simple and powerful: democracy is the best form of governance; it is the best guarantee for the protection of human rights and for the prevention of mass murder and genocide; it facilitates economic growth; and it aids the cause of peace”. (Art 2003, 69) Consistent with these conclusions, the United States expanded its efforts in a number of areas that produced in practice a range of activities: bilateral and multilateral efforts, political, economic and military elements, and public, quasi-public and private approaches. (Travis, R. in Scott 1998; Bunce and Wolchik 2005) In our analysis, we focus on three strategies for democracy promotion: foreign aid and democracy assistance; conditionality and pressure; and military intervention, and we will try to link them to the main points of our thesis.

Government-funded Donor Organizations

Democracy assistance, defined narrowly as encompassing “aid specifically designed to foster opening in a non-democratic country or to further a democratic transition in a country that has experienced a democratic opening” (Carothers 1999, 6) is an element of the foreign assistance programs of most major donors¹⁸. It reflects “both the expansion of democracy in the world and the growing view that development ultimately depends as much on certain forms of political organization and behaviour as on economic pre-conditions and policies.” As Larry Diamond (Diamond 1992)

¹⁸ It does not therefore include economic and social aid programs.

confirms, “promoting democracy (...) means offering moral, political, diplomatic and financial support to individuals and organizations that are struggling to open up authoritarian regimes”. Overall, US funding on democracy increased from around \$800 million at the beginning of the 19th century to \$1,4 billion in 2005, corresponding to what Secretary of State Condoleezza Rice calls a new “transformational diplomacy” guiding US foreign policy. (Mathieson and Youngs 2006)

Three Categories of Democracy Aid¹⁹

<p>Political Process</p>	<p><u>Includes aid to promote free and fair elections, notably:</u></p> <ul style="list-style-type: none"> - technical aid to election commissions for better administration of elections - support for international and domestic election observation - aid to promote voter registration and voter education - aid to strengthen political parties, their institutional base and their election-related capabilities
<p>Governing Institutions</p>	<p><u>Includes forms of aid such as:</u></p> <ul style="list-style-type: none"> - programs to strengthen national legislatures, judicial reform efforts, police training and restructuring, and local governments - efforts to help in the reformulation of a constitution - programs to develop pro-democratic attitudes within the military - programs to increase civilian control over the military, and to increase civil-military relations
<p>Civil Society</p>	<p><u>Includes four main forms of aid:</u></p> <ul style="list-style-type: none"> - support for NGOs engaged in public interest-oriented advocacy work - assistance to build independent media - support for independent labour unions - civic education projects, conferences and seminars on democracy, and educational exchange programs

¹⁹ Content : Carothers, T. in Cox, Ikenberry and Inoguchi 2000, p. 188

Many different agencies and organizations have a role in US democracy assistance, and due to time constraints, our analysis will focus only on the two largest US government funded donor organizations, USAID and NED, without however neglecting the importance of intermediary organizations such as IRI, NDI and FTUI, or organizations involved in the Millennium Challenge Account.

Although the United States Information Agency (USIA), now reincorporated into the State Department, the State Department itself, the Department of Defence and the Department of Justice are also involved in democracy promotion efforts, USAID, the main foreign aid agency of the government, is by far the largest actor in American democracy promotion efforts. During the 1990s, USAID devoted approximately \$400 million a year to democracy programs, and by the mid-1990s, democracy work was a part of the portfolios of most USAID missions around the world. (Carothers, T. in Cox, Ikkenberry and Inoguchi 2000, 188) The agency focuses its efforts to promote democracy and good governance on four main interrelated goals: the strengthening the rule of law and the respect for human rights; the promotion of more genuine and competitive elections and political processes; the increased development of a politically active civil society; and the establishment of a more transparent and accountable governance. According to USAID, progress in all four areas is necessary to achieve sustainable democracy. (USAID Website)

Alongside the US government agency USAID, several organizations primarily funded by the US government but operating as private, non-profit organizations are strongly involved in democracy assistance. The NED, established in 1983 and funded throughout the 1990s with around \$30 - \$35 million per year by the US Congress, is the most visible of these actors. (Carothers 1994) The essential idea of the creation of such an institution was that democracy promotion internationally cannot be accomplished through sole government action, but has to be complemented by the efforts of the US private sector, which is “a more effective vehicle (...) for developing relationships of partnership and cooperation with foreign organizations”

and which, through its non-governmental character, allows a more flexible approach to democracy promotion abroad. (NED Website, Statement of Principles and Objectives) NED particularly reflects the United States' thorough conviction of the importance of civil society organizations for a healthy, legitimate democracy. Around 60% of NED funds are channelled through four core institutes whose assistance programs range from election and political party assistance over labour unions and support for a free business community to civic education and legislative reform. These core institutions are the International Republican Institute (IRI); the National Democratic Institute for International Affairs (NDI); the American Center for International Labor Solidarity (ACILS); and the Center for International Private Enterprise (CIPE). (Scott and Steele 2005) The other 40%, known as NED's "discretionary funds", are allocated to organizations in the United States and abroad that are working to promote civic education, democratic awareness, independent media, human rights and other similar goals²⁰. The Endowment funds programs in five substantive areas, namely pluralism; democratic governance and political processes; education, culture and communications; research; and international cooperation. Additionally, the NED houses the International Forum for Democratic Studies which publishes the quarterly Journal of Democracy.

In the following section, we aim on examining some of the strategies pursued by USAID and NED in allocating aid to target countries. While the term "aid" naturally conjures up the idea of money flowing from a donor to a recipient, we show that most US democracy aid, although sometimes entailing direct grants or other transfers to organizations in recipient countries, does not consist of such transfers; and that there is a number of strategies and approaches USAID and NED uses to actively promote democracy abroad.

²⁰ For basic information on the NED, see its annual reports. See also: Carothers 1994, *The NED at Ten*.

The Check-List Approach

As Thomas Carothers has noted in one of his studies of American democracy promotion efforts, “supporting democracy (...) often resembles the application of a preprinted checklist in which the institutional forms of U.S.-style democracy are financed and praised while the more complex and more important realities of political life are ignored”. (Carothers 1995, 23) Although we refrain from adopting a similarly negative stance in our analysis, we do agree with Carothers’ basic idea that USAID and NED programs are conceived in a way as to assess transitional countries in terms of institutional end-points that take on key –characteristics of Western democratic systems. Following the idea of “institutional modeling”, each area of democracy assistance is thus designed to help reshape a particular institution, according to certain pre-conceived “check-points”, assuming that, “if each major socio-political institution in a transitional country can manage to attain the basic features of such institutions in democratic societies, the political system as a whole will become democratic.” (Carothers in Cox, Ikenberry and Inoguchi 2000, 192; see Carothers 1997 for a fuller account of Institution Modeling.)

According to this approach, democracy assistance, mostly in form of technical assistance, training, logistical assistance, strategic advice, visiting experts, information material and equipments, and technological and human capital aid, is concentrated on five major focus points that USAID as well as NED define in their programs: Democratic governance, including political parties and elections; the rule of law; education and culture; civil society, private business and trade unions; and the media. The programs designed for strengthening those five pillars vary according to the problems they are supposed to resolve. We do however find it important to underline at this point the distinctive bottom-up approach of the US donors which focus aid on civil society organizations, such as parties, local NGOs or constitution drafters.

Democratic governance

Stable democracy requires not only the development of a strong, broadly-based and well-organized political party system, but also free and fair elections, and a democratic, civilian control of the armed forces in a country. NED aid, mostly administered through NDI and IRI, provides infrastructure support and training in areas such as party organization, grassroots membership recruitment and message development. Election assistance, an area USAID focuses on since the mid-1980s, consists mostly of technical assistance in the design and administration of election systems; of programs that stimulate voter participation and enhance the legitimacy of the electoral process; and of international election observer missions that serve to promote greater understanding for international standards of free and fair elections.

As for the democratic control on the military, NED is sponsoring programs aimed at creating a dialogue between civilian and military leaders and an abiding commitment of the military to a democratic system.

Rule of Law

A fair and equitable Rule of Law is one of the foundation pillars of a democratic system. Through programs such as parliamentary training with a focus on the comparison of the US and the Westminster models of legislative organization and functioning, NED and USAID, on the one hand, support efforts to improve the quality of representative institutions such as national legislatures and municipal councils. On the other hand, their programs are devoted to legal and judicial education and training, the modernization and increased independence of court systems, the codification of laws, the writing or reform of constitutions to encourage democratic governance and the rule of law, and other activities which support these objectives.

Education and culture

For democracy promotion to be effective, the development of a democratic culture, habits and principles in a country has to be fostered. Efforts to promote the democratic ideas thus consist in financial aid to civil society, civic education activities, and notably assistance to NGO development. The NED, for example, also considers the dissemination of books, films or television programs illuminating or advocating democracy as an activity deserving consideration for support.

Civil society, business and trade unions

Competition among a multiplicity of interests is often seen as being essential for developing a democratic culture in a country, and for effectively protecting the rights of individuals and minorities. USAID and NED programs in this area are, on one hand, designed to foster free and independent trade unions to ensure democratic representation of the working class; and on the other hand, to promote the development of the open market private enterprise system and to stimulate the growth of independent business institutions for creating sustainable economic growth and democratic pluralism. A third important point US aid providers emphasize is providing training and civic education to create a flourishing civil society adherent to democratic values. Methods to achieve this goal range from offering information events in schools and universities on democracy and its values and producing and disseminating written materials, to organizing public demonstrations and rallies. Educational programs may also be designed to train union leaders and members in parliamentary procedures and internal democracy, as well as in the philosophy of free trade unions.

Media

An essential condition for democratic pluralism is the existence of free and independent media, and the free and equitable access to information. USAID and NED activities in this area are usually related to supporting independent newspapers, journals and other communications media by providing training and formation for

journalists or reporters, advice on the functioning of media operation and businesses, and efforts to establish better legal protection for independent media. (Carothers, T. in Cox, Ikenberry and Inoguchi 2000, 191) In countries where freedom of expression is still strongly limited, USAID and NED efforts might also focus on opening up these societies, for example by making available outside sources of information, or by helping disseminate independent scholarly or artistic works produced within the country.²¹

The Partisan-Approach

Another method employed by US aid providers to foster democratization in a non-democratic political environment is the partisan-approach, which has its roots in an anti-communist perspective. As Thomas Carothers explains, this approach is used “to strengthen one side of the political spectrum relative to the other, [by, for example, sponsoring] opposition movements.” (Carothers 1996), and it is a good example to show that the economic superpower of the United States may sometimes be used in a more interventionist, top-down manner. Democracy assistance may thus take a pro-opposition and anti-government character, or, to the contrary, may put the US in the position of the helpful partner for the government in place, if support for the latter is seen as essential for the democratic future of the country. Although this method has proven helpful in the opening up of certain regimes, the downsides of this approach are twofold: On the one hand, by more or less actively “taking sides”, the US aid providers are interfering in the domestic affairs of states. On the other hand, this interference does not necessarily always serve democratic goals, as Henry Kissinger in June 1970 has clearly stated. Commenting on the election of Allende in Chile, he confirmed that the US has sometimes played a decisive role in undermining uncomfortable regimes even though they had been democratically elected, because the US didn’t see why they should “stand by and watch a country go communist because of the irresponsibility of its own people”. (Robinson 1996, 146)

²¹ All this information can be found on the NED Website under <http://www.ned.org/about/principlesObjectives.html> and on the USAID Website under http://www.usaid.gov/our_work/democracy_and_governance/ (both accessed between March and May 2008)

The “Decentralization of Power” – Approach

Finally, another method for US funded donor organizations to promote democracy in third countries is what Carothers calls the “decentralization of power”-approach, (Carothers 1996) which is notably applied by USAID through its Civic Voice Program, its Democracy Network Program, and its Local Government Program. The Civic Voice, or “Citizens Participation Program”, as it took place for example in Romania between 1992 and 1996, or in the Republic of Armenia, is a civic education program aiming at increasing the public participation in decision-making, developing the non-profit sector, facilitating citizen access to public information, and potentially recruiting future leaders. (Coxson 2003) The Local Government Program, on the other hand, is designed for strengthening and supporting the development of local government and focuses notably on four main areas: assistance to local governments and building institutional capacity; municipal debt market development, and supporting financial and administrative decentralization; support for non-government organizations and public participation in local government; and assistance to the housing sector²².

Conditionality and Pressure

When promoting democracy abroad, US democracy assistance is only one of a number of tools the US government has at its disposal for the task. Generally speaking, most policy measures aimed at promoting democratization in third countries fall into the categories of either “carrot” or “stick”. We find it important to note here that, while the European Union clearly underlines its positive approach to democracy building, and as such, does not employ negative conditionality, this is not the case for the United States, where the use of negative conditionality and sanctions is part of the standard *repertoire* of democracy promotion tools.

²² More information can be found on the USAID Website under <http://www.usaid.gov/pl/local1.htm> (accessed May 11, 2008)

The “carrots” employed by the US to promote democracy are twofold: On the one hand, diplomatic incentives, as employed in bilateral talks and multilateral fora such as the OAS, the G8, the ASEAN or the International Center for Democratic Transition (Dobrianksi 2005), may consist in official praise, state visits for newly elected leaders, a regular stream of higher-level official contacts and other similar encouragements. (Carothers, T. in Cox, Ikenberry and Inoguchi 2000) Economic incentives, on the other hand, such as trade and commercial benefits, are sometimes closely related to the opening up of the target countries’ national economy to the international market; a condition which the White House’s national strategy documents of 1996, 1997 and 2002 consider as being an essential democracy promotion strategy by giving “democratic nations the fullest benefits of the integration into foreign markets.” (Steinmetz 1994, 195 - 96) As a result, there also has been an increase in diplomatic incentives and pressure by the US to speed up liberalisation. By “challenging the enemies of reform, confronting the allies of terror and expecting a higher standard from our friends”, (Bush 2004) US President Bush made it clear that countries that take steps towards what the US considers democratic progress are praised, while pressure is increased on those that are slow in liberalising.

This leads directly to the “sticks” employed by the United States in their efforts to promote democracy abroad. The types of sticks are several: Either the US can exert diplomatic pressure, such as official “shaming and blaming”, or maintaining generally cool diplomatic relations, or the US can tighten their grip by introducing for example economic sanctions, visa bans for officials or, generally speaking, withholding or reducing benefits of any kind to those countries perceived as stagnating or backsliding in their democratic efforts. (Gills B. in Cox, Ikenberry and Inoguchi 2000, 329)

Military Intervention

The ultimate stick to promote democracy in a third country is military intervention; a strong top-down strategy which is closely coupled with the new

security concerns after the terrorist attacks on the Twin Towers in 2001. US military action, aimed at imposing democracy in a totalitarian country, or restoring democracy in a country that has experienced a type of democratic reversal, has been relatively frequent during the Cold War, and has been largely concentrated on Latin America²³. However pro-democratic such interventions may be labelled, we believe that military intervention tends to be rooted in other motives, mostly related to security concerns or domestic political pressure. The overthrow of Saddam Hussein in 2003 has been one of the boldest examples where “spreading freedom” has been associated with “spreading democracy”. Hobson (Hobson 2005) and Carothers (Carothers 2003a) explain that one of the major justifications of the war has been the hope that replacing – by force - a dictatorship with a democracy could act as a catalyst in starting a new wave of democratisation in the region; Iraq acting as an example of a functioning Arab democracy on the one hand, and serving as “dramatic and inspiring example of freedom for other nations in the region” on the other. (Bush 2004) However, as reality has shown, the actual outcomes of military intervention to democratize a country are much more complex and success is often doubtful.

3.1.2 The European Union

When assessing the instruments the European Union has at its disposal for promoting democracy and human rights in third countries, we find that they can basically be divided into four broad categories: the Enlargement Policy, the European Neighbourhood Policy, the Common Foreign and Security Policy, and the EU Development Cooperation Policy. In the next section we shall provide a brief overview of each one of them, always keeping in mind that, according to the policy area in question, the top-down or the bottom-up aspect may be more visible, depending on the kind of leverage the EU has at its disposal.

²³ Examples of US military intervention that have pro-democratic goals: Haiti in 1994, Panama in 1990

Enlargement

Democracy promotion through the EU's enlargement policy was aimed first and foremost on preparing the former communist countries of Central and Eastern Europe in their democratic consolidation phase to become members of the Union, and it has been the most important and successful EU strategy of democratization during the last decade. As numerous researches on the international dimension of consolidation promotion have demonstrated, there is in fact a positive relation between a planned membership in international western-democracy dominated institutions and democratic consolidation in the projected accession states (Schimmelfenning, Engert and Knobel 2006). Hence, compared to other organizations like the IMF, or state actors like the United States, the EU stands out as the actor in the international sphere that is able to offer most in exchange for compliance with democratic norms, and has thus significant "leverage capacities" in relation with potential new member states.²⁴

Indeed, the use of conditionality has been the key element in the EU's strategy to structure relations with candidate countries within the accession process in Eastern Europe, where Opinions, Accession Partnerships, National Programmes for the Adoption of the *Acquis*, and Regular Reports were entirely structured around the progressive meeting of the Copenhagen criteria²⁵. (Morlino 2003) These criteria stipulate that new EU members, by the time they join, must first have achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Furthermore, they must prove the existence of a functioning market economy as well as their capacity to cope with competitive pressures and market forces within the Union; and finally, they must be able to take

²⁴ Instruments of leverage refer to incentives and threats – a carrot-and-stick-strategy – to adapt domestic political (and economic) practices in exchange for, for example, opening the four freedoms of the Treaty of the European Community (TEC). As Levitsky and Way (Levitsky/Way 2005) underline, leverage should not be reduced to conditionality alone, but always refers to a combination of incentives and demands.

²⁵ Formulated on the Summit of Copenhagen in 1993.

on the obligations of membership, including support for the aims of political, economic and monetary union²⁶.

Today, democracy promotion through enlargement of the Union continues to be pursued with Croatia and Turkey and even potential candidate countries – notably in the Western Balkans (Albania, Bosnia-Herzegovina, Fyrom, Serbia and Montenegro) in the framework of the stabilization and association policy. It is important to note that the European Union’s enlargement policy differs fundamentally from what Bill Clinton designated as “democratic enlargement” in his foreign policy. While Clinton’s focus was primarily centered on extending the American economic model and on globalizing the values of the American society, the Union’s enlargement policy aims at re-structuring the accession countries’ political, economic and social model in order to incorporate them into a real existing community of states.

In this sense, the Union’s rhetoric is a much more tangible one. However, while the Clinton model basically could reach out to any country over the globe, the European enlargement policy has clear limits defined not only in geographical terms, but also in terms of institutions and identity. While it seemed that after the 2004 accession of 10 new member states the Union’s borders had already been considerably stretched, the 2007 accessions of Romania and Bulgaria have clearly left a certain “enlargement fatigue” not only in the eyes of the European people, but also in the minds of the Union’s decision makers. Especially when confronted with potential candidate countries such as Turkey, ideas like a “European cultural identity”, “the absorption capacity of the Union” and debates about a fundamental institutional reform of the Union itself before any possible new enlargement show that, while enlargement has been a highly successful strategy for promoting democratic consolidation in the past, it cannot continue indefinitely.

²⁶ Information can be found on the EU Enlargement Website under http://ec.europa.eu/enlargement/enlargement_process/accession_process/criteria/index_en.htm (accessed on May 28, 2008)

The ENP

As pointed out above, enlargement – although being a highly successful strategy – had clearly reached its limits after the accession, in 2007, of Bulgaria and Romania to the Union. Chris Patten, the former external relations commissioner, made this brutally clear when he stated that “Over the past decade, the Union's most successful foreign policy instrument has undeniably been the promise of EU membership. This is not sustainable. For the coming decade, we need to find new ways to export the stability, security and prosperity we have created within the enlarged Union”. (Dannreuther 2006, 187)

The European Neighbourhood Policy (ENP) might be the alternative the EU has found to resolve this problem. Created to build up “a ring of friends” around the Union (European Commission 2003), the ENP is a heavily security-oriented policy aiming at promoting prosperity, democracy and security in the European Union’s immediate neighbourhood. Formally targeted regions are Eastern Europe (Belarus, Ukraine and Moldova), the Southern Caucasus (Armenia, Azerbaijan and Georgia), and the Southern Mediterranean (Morocco, Algeria, Tunisia, Libya, Egypt, Israel, Jordan, Palestinian Authority, Lebanon and Syria), where relations with certain countries already had been regulated by the Euro-Mediterranean Partnership (EMP). According to Benito Ferrero-Waldner, the ENP was set up “to encourage the countries [in these regions] to undertake far-reaching reform by offering them the incentive of a closer relationship with the EU. This could mean integration into the EU’s single market, and greater financial benefits.” (Ferrero-Waldner 2006)

In difference to enlargement policy, however, in the ENP, the particular aim of democracy promotion does not outrank other political policy goals. (Democracy and human rights in the Barcelona process) This becomes clear when looking at the ENP’s founding documents in which the Commission included not only aims such as political stability, economic development and the reduction of poverty and social divisions, but also political dialogue, trade measures and cooperation in the area of

Justice and Home Affairs. (European Commission 2003; European Commission 2004a; European Commission 2004b; European Commission 2004c; European Commission 2005) In fact, more than to democracy, the approach of the ENP is linked to the EU as a normative and civilian power “with a foreign policy oriented at multilateralism and cooperation not only with regard to international organization but also concerning its external policy” (Smith 2004)

Very similar to the enlargement process, ENP operates through Action Plans, tailor-made and agreed on for each country, which detail the incentives on offer from the EU and the policy areas the partner countries are supposed to make progress. Several scholars have pointed out that this strategy is actually a mixture of traditional conditionality used in the enlargement process and socialization, conditionality alone not being adequate for a region which by definition will be excluded from EU accession. (Koopmann 2006; Magen 2006) Thus, this implies that the EU makes assistance, ranging from economic and political to limited institutional incentives, but that it pursues at the same time a positive policy of engagement in which it offers not only personal and institutional contacts and joint activities to neighbour countries, but also a model for successful transformation. (Mungiu-Pippidi 2005, 16) It is thus a still heavily top-down- oriented strategy, but it also incorporates certain bottom-up elements related to transforming socio-cultural values and convictions.

In order to accomplish this aim, the ENP draws on a wide range of tools that have been named the “European Neighbourhood and Partnership Instrument” (ENPI) and that comprise financial as well as non-financial instruments. (Commission 2006)

Tools of external democratization at disposition in ENP²⁷

<i>Domain, or partial regime, of democracy</i>		<i>Linkage (networking, exchange, interaction)</i>	<i>Leverage (incentives and threats)</i>
Vertical control dimension	(a) Electoral Regime	Transfer of electoral organization expertise	Pressure on target state government through election observation Campaign support for single political forces
	(b) Public Space	Persuasion of target state government to support media autonomy Offering international public spaces	Linking media autonomy to further steps of integration Strengthening independent media economically
Horizontal control dimension	(c) Political Rights	Persuasion of target state government to grant political rights	Pressure on target state government in concert with other international organizations (e.g. threatening with suspension from Council of Europe) Linking realization of political rights to further steps of integration
	(d) Horizontal checks and balances	Persuasion of target state government to enact administrative and/or judicial reform	Linking administrative and/or judicial reform to further steps of integration
Agenda control	(e) Effective electoral power	Persuasion of target state government to weaken non-elected power centres	Linking democratically legitimated checks and balances to further steps of integration

Some examples of these tools include ENPI national allocation frames in which priorities of the policy objectives are defined; ENPI regional programs with

²⁷ Source: Beichelt 2007, op. cit.

clear reference to a specific sector of cooperation; ENPI-wide programs such as TEMPUS and former AENEAS; ENPI cross-border cooperation; a stability instrument providing for quick and effective responses to emerging crises or continued political instability; and EIDHR, an instrument for the promotion of democracy and human rights²⁸.

Moreover, in December 2006 the Commission launched the “enhanced ENP” with a new financial instrument that allocated an overall budget of Euro 12 billion to target countries for the period between 2007 and 2013 in order to help supporting infrastructure operations, administrative and governance reforms and the fight against corruption. (Ferrero-Waldner 2006) With exception of EIDHR, those tools concentrate strongly on top-down activities related to reforming state structures and governance issues. However, since the single main incentive, EU accession, is excluded, the mechanism of “shaming and praising”, as well as the bottom-up support of civil society forces, remain the main leavers the Union has for making ENP target states comply with its demands. (Kelley 2006)

The CFSP

Since Enlargement policy and the ENP cannot be applied universally, the EU has developed a range of tools in its Common Foreign and Security Policy that are used to promote democratization and human rights in third countries. Based on an analysis of the political and security situation outlined in Country Strategy Papers, the Union focuses on the enforcement of economic and social, as well as civil and political rights, and on strengthening the human rights regime, while taking into account the cultural and social factors that have a direct impact on the political process and on the potential for conflicts and instability. According to the Commission, these can include questions of democratic participation (including universal suffrage, free elections, multiparty structure, equality of access to political activity, participatory decision making); human rights (including adherence to, and

²⁸ A more detailed explanation of EIDHR will be given in a later chapter of this thesis.

implementation of, commitments under international human rights Treaties and Conventions, protection of civil liberties including freedom of speech and of assembly, effective operation of human rights monitoring); and the rule of law (including an independent and effective judiciary, transparent legal framework, equality of all citizens before the law, police and public administration subject to the law, enforcement of contractual obligations)²⁹. The CFSP shows clearly the strengths and weaknesses of the EU as civilian power, and the limitations of its leverage possibilities in case of non-compliance with the Union's norms and contractual obligations. We also wish to underline the top-down nature of most of the activities summarized under the CFSP, which- the Election Observation Missions excepted – are centered almost exclusively around intergovernmental relations.

Traditional diplomacy

Among the tools used to exert influence in these domains, we first identify those belonging to what we call “traditional diplomacy”, and which comprise notably the formulation of common strategies, common positions and joint actions in order to address specific situations of a geographic or thematic nature in which action by the Union in a coherent and uniform way is required.³⁰ In addition, demarches and declarations carried out either in a confidential matter (by the Troika, or the Presidency of the EU) or publicly, in order to, for example, denounce human rights violations in third countries, are an essential part of this “traditional diplomacy approach”³¹.

²⁹ More information can be found on the European Commission's Website under http://ec.europa.eu/external_relations/human_rights/doc/ghd12_01.htm

³⁰ On 13 May 2004, for example, the EU adopted a Joint Action providing EU support to the establishment of an Integrated Police Unit (IPU) in the Democratic Republic of Congo (DRC).

³¹ In February and in June 2005 for example, an EU demarche against the death penalty was carried out in Barbados and in Trinidad and Tobago when it seemed that executions were imminent. Between July 1, 2004, and June 30, 2005, the EU made human-rights related demarches and declarations to more than 60 countries. (Online reference: http://ec.europa.eu/external_relations/human_rights/doc/ghd12_01.htm; Accessed on April 24, 2008)

Dialogue and consultation

Another strategy frequently employed by the Union in its democracy promotion agenda is the formulation of dialogues and consultations with third countries, and the elaboration of official guidelines on EU policy towards third countries on specific human rights themes.³² Actions are centered, on the one hand, on participation at international and regional human rights fora, such as the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe, and on the other hand on the establishment of a political dialogue the European Union conducts with third countries or regional groups regarding the political and human rights situation in these countries³³. In general, these dialogues aim at seeking information and at expressing EU concerns, and at identifying practical steps to improve shortcomings. In an effort to mainstream its external policies, the Union has furthermore adopted a resolution ensuring that the issue of human rights, democracy and the rule of law would be included in all future meetings and discussions at all levels with third countries, whether these are ministerial talks, joint committee meetings or formal dialogues. In addition, since 1995, all association agreements as well as partnership and cooperation agreements with third countries contain a clause stipulating that human rights are an essential element in the relation between the contracting parties³⁴.

The Human Rights Clause

According to Richard Youngs (Youngs 2001, 359), the standardization of the democracy promotion goal through a universally applicable clause in institutionalized relationships has “unleashed a dynamic of socialisation around democratic norms”

³² For instance, there are official guidelines regarding the death penalty (1998), torture and other cruel, inhuman or degrading treatment or punishment (2001), human rights dialogues (2001), children in armed conflict (2003), human rights defenders (2004) and the rights of the child (2007). (European Commission 2004d)

³³ For instance, detailed consultations take place with ACP states in the context of the Cotonou Agreement.

³⁴ All this information can be found on the European Commission’s website under http://ec.europa.eu/external_relations/human_rights/doc/ghd12_01.htm

and has placed the Union's approach in a position between unconditional positive engagement and the use of concrete measures of punitive conditionality. In the event that the principles of the clause are breached, the Union disposes of many different measures to react to those violations, ranging from a simple modification of the content of the agreement to the complete suspension of cooperation. (European Commission 1996, 17) However, contrary to the United States' approach of negative conditionality, the EU continues to reiterate that the clause was to form a positive basis for advancing human rights and democratization in target countries, and as such, is not supposed to serve as a coercive instrument to implement punitive measures in case of non-compliance with democratic norms³⁵.

Conflict prevention and crisis management

Another facet of the EU's efforts to promote democracy within the CFSP framework is its approach to conflict prevention and crisis management, made explicit in the Commission's Communication on Conflict Prevention of April 2001 (European Commission 2001b; Hill 2001) and restating the DAC Guidelines on Conflict, Peace and Development Cooperation (OECD DAC 1997). In this communication, the Commission emphasizes the importance of enhancing structural stability capable of mitigating governance crises, and insists on the necessity of promoting institutionalized mechanism for conflict resolution in order for democracy promotion to be effective. In particular, it recognizes that preventing the occurrence of conflict in "dysfunctional states" entails rebuilding "failed" state structures, strengthening democratic institutions and improving governance systems³⁶. Thus, a link is forged between conflict prevention, democratic governance and state building.

³⁵ In line with this positive approach, the EU has implemented punitive measures extremely rarely, and only in response to either perceived security threats or particularly atrocious human rights abuses in "rogue" regimes such as Libya, Iraq, Sudan, Yugoslavia and Afghanistan. Being a non-democratic state as such does thus not automatically imply sanctions. (Youngs 2001, 356)

³⁶ The EU Rule of Law Mission in Georgia (terminated on 15 July 2005), for example, was deployed to assist the Georgian government in the developing of a strategy to guide the criminal justice reform process.

According to Carlos Santiso, these directions “constitute a significant shift in policy with respect to the traditional (...) focus on civil society”. (Santiso 2003, 15)

Election observation missions

As elections are crucial for the democratic functioning of a country, the deployment of independent election observation missions in transition and post-conflict countries constitutes a main pillar of the European Union’s democracy promotion strategies within the CFSP. (European Commission 2000a) However, as new challenges in the electoral field arise, the types of assistance and intervention are progressively being expanded to include not only traditional international observation, but also “support provided to the domestic monitoring of elections, as well as assistance to the design of new electoral systems, constitutional engineering, institutional reform and assistance to the administration of elections by independent electoral commissions.” (Santiso 2003,14) In order to provide an overall strategic framework for the EC’s initiatives in these fields, the EC’s Communication on Electoral Assistance and Observation was adopted in April 2000, and a permanent EU Electoral Unit has since been established within the Commission.

EU Development Cooperation

In the course of the 1990s, promoting democracy, strengthening of good governance and enhancing of the rule of law in developing countries have progressively become both objectives and conditions for the EC development assistance (Burnell 2000; Diamond 1995; Carothers 1999; Schraeder 2002). Accounting for 55% of the global development assistance, the European Union is the biggest donor in the world³⁷. Through its development assistance, it aims at reducing poverty in line with the Millenium Development Goals and article 13 of the European Consensus, promoting a partnership and dialogue based on the common values of respect for human rights, fundamental freedoms, peace, democracy, good governance, and gender equality, the rule of law, solidarity and justice.

³⁷ **Online reference:** <http://development.donoratlas.eu/> (accessed on March 13, 2008)

Without insisting on the economic and social aspects of EU development assistance, and while concentrating on the sole aspect of democracy related aid work as defined earlier in the thesis, we note that there has been a significant increase in the EU spending during the 1990s, and has even gone as high as to reach EUR 800 a year by the end of 1999. (Carothers 1999) Between 1988 and 1998, EC democracy and governance assistance totalled almost EUR 2,4 billion (Cox and Chapman 1999), which compared favourably with American democracy-related aid of USD 700 million per year in 1998. The two main sources of financing for democracy assistance are Chapter B-70 of the EC budget, and the European Development Fund (EDF) for ACP countries.

The EU strategies for democracy promotion within the framework of development cooperation take on several forms of action, notably aid in terms of technical assistance, the establishment of a dialogue with the civil society in target countries, and financial support provided in form of project funding. Since the prospect of membership is excluded for most of the target countries and the EU has thus lost a significant part of its leverage capabilities, the Union has adopted a more subtle approach to democracy promotion, aiming at fostering change “from below” by focusing on civil society and grass-root movements.

Material and technical support and assistance

In order to tip the institutional balance in target countries in favour of democrats, the European Union and its member states provide direct material support and technical assistance to electoral commissions, parliaments, courts, human rights monitors, political parties, trade unions, and business associations. Very similar to the United States’ partisan approach, the European Union hopes that by helping NGOs and grass-root movements committed to democratic norms, the awareness and the acceptance of democratic practices will eventually spread throughout the institutional framework, leaving behind nothing but an autocratic shell that will eventually be

replaced by a democracy. The EU's TACIS (Technical Assistance to the CIS States) and PHARE (Poland and Hungary Action for Restructuring of the Economy) programs provide examples of such technical and material support, as are the party institutes in Germany, the Westminster Foundation in the United Kingdom and the Institute for Democracy in Eastern Europe.

Dialogue with Civil Society

Throughout the years, the importance of civil society and NGOs has been more and more acknowledged, and the Cotonou Agreement formally grants these actors an enhanced role in the democratization efforts. The dialogues institutionalized between the EC and the civil society in target countries can take the shape of roundtables or expert sessions at the local level, in which the Commission will use its coordination role to provide useful information for both sides and provide better transparency concerning Commission policy-making. Following a 1998 Council recommendation, the EU also institutionalized several forums on specific human rights issues.

Project funding and EIDHR

Project funding is the area where EU democracy assistance is potentially the most crucial, since it allows the Union to work more flexibly with specifically targeted grass-root groups and to eventually circumvent unwilling government institutions. (Ferrero-Waldner 2006) Although there are a number of projects supported, notably in the framework of inter-parliamentary delegations and the TACIS, EDF, ALA, MEDA, and PHARE programs, we will concentrate in this section on the recently launched European Initiative for Democratisation and Human Rights (EIDHR). Created in 1994 and extended in 2000, EIDHR is designed to promote human rights and democratic governance in a wide array of projects, which are classified in four broad categories: democratisation and the rule of law; pluralist civil society; confidence-building to restore peace; and initiatives for target groups. (European Commission 2000b; European Commission 2001a) We agree with Richard

Youngs who stated that this sectorial distribution of EC aid reveals the Union's strong preference for supporting civil society and a "bottom-up" – approach in the area of development assistance. (Youngs 2001b) The legal basis for the EIDHR initiative is outlined in Chapter B7-70 of the European budget, and in resolution 975/99 and 976/99, which allocates around EUR 100 million to EIDHR funded activities each year.

These activities are determined by three elements: Firstly, funding is attributed to "a limited number of thematic priority issues, selected on the basis of the EIDHR's added value and which are potentially to be addressed in all countries outside the EU. [Secondly, EIDHR aid is allocated to] certain focus countries, chosen in line with the EU's political and development priorities (...), [and thirdly, to countries where the EU sees the necessity] to respond to urgent and unforeseen needs [such as to a country experiencing a strong system crisis]." (European Commission 2001a, 13–15) Instruments used to implement the EIDHR are *calls for proposals*, locally funded *micro-projects* (< EUR 50.000 over a 12 month period) and more specifically *targeted projects* that cannot be covered under the first two categories.

In 2002, in order to better target its projects, the Commission has proposed four broad thematic priorities for the EIDHR programme: Firstly, EIDHR funding is destined to supporting and strengthening democratization, good governance and the rule of law through education, training and awareness raising within the civil society, and through locally managed micro-projects. Secondly, EIDHR focuses on activities in support of the abolition of the death penalty in accordance with Article 2 of the EU charter. Thirdly, it supports the fight against torture and impunity and aims at strengthening international tribunals and criminal courts, as reaffirmed in Article 4 of the EU Charter. Finally, EIDHR commits itself to combating racism and xenophobia and discrimination against minorities and indigenous peoples, in conformity with

Article 20, 21 and 22 of the EU Charter³⁸. In addition to these four thematic priorities, EIDHR becomes active in a limited number of countries through specifically targeted projects, including, for example, trade measures and the social incentive clause in the Generalised System of Preferences (GSP)³⁹.

3.2. Democracy Promotion in Ukraine: Western Efforts and Interests at Stake

Before going into a detailed analysis of Western democracy promotion instruments in Ukraine, we find it interesting to note that, originally, Ukraine's desire of sovereignty had been considered as potentially destabilizing for European security by both American and European actors, and had thus been observed with a high degree of suspicion. (Duncan in Smith 1996) President Bush, for example, had warned the Ukrainians of "suicidal nationalism" only a few days before Ukraine became independent, and then-British Prime Minister Thatcher had officially declared to not opening an embassy in Ukraine, since such an act would be comparable to opening an embassy in Texas (Ehrhart in Bock and Schünemann 1997, 44).

However, when post-independence Ukraine clearly demonstrated its desire to adopt a pro-Western political and economic orientation and when it joined the Non-Proliferation Treaty and the NATO PfP Initiative, Western concerns about the young country that had suddenly become the third biggest nuclear power on earth faded and transformation assistance started to flow. (Kubicek 2003b) However, there were some apparent differences in EU and US strategies, and it is for this reason that we think Ukraine is a good example to highlight key elements of our thesis: While the US emphasized civil society, local government and, especially in 2004, election-specific

³⁸ Article 20 lays down the equality before law of all people, prohibits discrimination on any ground (Art. 21) and requests the Union to protect cultural, religious and linguistic diversity (Art. 22).

³⁹ The social incentive clause provides for additional preferences to be extended to countries honouring certain International Labour Organisation standards; this principle has been laid down for example in the Cotonou agreement, which encourages cooperation in the areas of trade and core labour standards.

funding, EU primacy lay in the structuring of a general debate over, and espousal of democratic norms on state level.

Notwithstanding these differences, we can confirm that, due to its geo-political and economic key position between democratic Europe and post-soviet Eurasia, the West has demonstrated a real interest in Ukraine from the moment the young country came into being. Supporting Ukraine is, however, far from being a self-sufficient goal. For both Western players, the European Union as well as the United States, the core idea was to export the idea of “Be like Us”. As argued in a report from the Razumkov Center, “the EU, USA, OSCE, NATO and other Western states and international organizations [were] interested in Ukraine being a stable, predictable country with legitimate authorities [where] true western interests (...) were to be embedded (...) as an object of Western influence.” (Razumkov Center 2004, 21)

The United States, for example, claim that the “strategic cooperation” between Washington and Kyiv is an essential element of the U.S. national interests. Ukraine’s independence, sovereignty and territorial integrity, as well as stability and prosperity is considered vital in preventing Russia from transforming into a new Eurasian regional hegemonic power, and in strengthening the strategic potential of the United States on regional and global levels. (Goncharenko, O. in Jackson, Kokoshinsky and Wittschorek 2000, 105) This role of Ukraine in the Euro-Atlantic security system was duly reflected in the new Strategic Concept and the final Washington Declaration, as well as in the 1995 Report “National Interests of the United States of America” and the 1997 National Security Strategy. In those documents, Ukraine is described as an important and valuable partner in promoting stability and common democratic values. (Bersheda, Y. in Jackson, Kokoshinsky and Wittschorek 2000, 92) However, aid is conditional to the willingness of the Ukrainian government to implement reforms, and on its cooperation on security-related issues,

such as the reduction of Ukraine's nuclear potential, or the participation, of the country, in the NATO Partnership for Peace initiative.

The European Union, for its part, describe Ukraine as “keystone in the arch of European security”. (Garnett 1997) Ukraine's independence, its territorial integrity and political and economic stability are of vital importance to the European Union, which, after the last enlargement, shares now a common border with the former Soviet country. Just as a flourishing Ukrainian economy means a large potential market for European trade and investment, instability, or economic difficulties in Ukraine would be a threat to the EU. However, just like the United States, the Union's relations with Ukraine are not solely centered around democracy promotion *per se*, but serve as means for pursuing other goals, such as nuclear disarmament, NATO enlargement, and the closure of Chernobyl.

3.2.1 The Recent Ukrainian Transformation Process

Before starting a detailed analysis of American and European implications in Ukraine's democratic transition, we would like to give the reader a brief overview of the most recent political transformations in the former Soviet country. Ukraine is, after the Russian Federation, the transformation country with the biggest surface and population in Eastern Europe. Some scholars describe its democratization process as “slow transformation”⁴⁰, or even go as far as to call Ukraine a “reluctant democratizer” (Kubicek 2003b).

Since the signature of the Non-Proliferation-Treaty and the beginning of economic reforms in 1994, Ukraine has become one of the biggest recipient countries of Western transformation aid, and players like the EU and the United States have recognized Ukraine's strategic importance as “key link in the European security system” (Javier Solana), “a bridge between the East and the West” (Leonid Kuchma)

⁴⁰ Andreas Wittowsky, for example, claims that in a slow transformation country, basic democratic institutions are generally accepted, but the rules and functional indicators of a democratic regime are not yet fully respected. (Wittowsky 1998)

and as “a cross-road with two-way traffic” (Volodymyr Horbulin). (Goncharenko, O. in Jackson, Kokoshinsky and Wittschorek 2000, 113) Notwithstanding, Ukraine, similar to many former Soviet countries, has developed a dysfunctional political system where democratic norms formally coexist with super-presidential and autocratic practices (Umland 2004, 40-41; Hayoz and Lushnycky 2005, 19), and where electoral democracy, duplicity and legal nihilism have become the norm. (Kubicek 2001, 152)

According to Guillermo O’Donnell (Hayoz and Lushnycky 2005, 42), Ukraine is an archetypal delegative democracy where citizens remain passive between elections because clientelist practices “tend to block the organized integration of civil society into electoral politics by intervening at the grassroots to co-opt voters and limit their access to structures which would allow them to articulate and aggravate their interests”. (Birch 1997, 57). Indeed, civil society in today’s Ukraine remains marginalized, since power is a matter of networks, friends, informal relations and electoral patronage in an essentially personalized society and paternalistic state structures. (Birch 2000, 20 – 21)

Oleksandr Pavliuk, as for him, complains that Ukraine’s political process is not transparent: politics are defined not by the competition between ideologies and party programmes, but by behind-the-scenes squabbling of powerful financial and political groups or clans. He further asserts that Ukraine has yet to establish the vibrant rule of law, and that major democratic components- political parties, NGOs, independent media, etc. – remain weak, have little influence on the domestic political process, and are often controlled and dominated by oligarchs. (Pavliuk 2001, 74)

Oddly enough, after the break-down of the Soviet Union, Ukraine has been one of the few NUS-countries where political change occurred through a peaceful dialogue between the executive and the legislative, and where democratic aspirations had been formed by a variety of civil society groups fighting for perestroika. The

declaration, by the *Rada*, of sovereignty and independence of Ukraine on August 24, 1991, had even been decided 1 ½ years before the actual end of the Cold War. (Skevas 2006, 71) However, Ukrainian society remained deeply split between its soviet past and a new, western-oriented political and economical future; its cultural ties to the East and its aspirations to the West. The lack of a single national identity has endangered Ukrainian stateness ever since, and has been a decisive factor in the difficult consolidation process. (Kim 2006. 47-48)

The first years of the Ukrainian transformation under President Leonid Kravchuk (1991 – 1994) have been particularly marked by these difficulties. The political system was paralyzed by a permanent struggle for power between the executive and the legislative branch, and actual political decisions were mostly taken by oligarchs (Wittowsky 1998, 13). Although Kravchuk signalled his commitment to reforms, there has not been any significant democratic progress neither on the economic nor on the political level; to the contrary, Kravchuk made strong efforts to concentrate executive power in the presidential hands and justify these moves as acts of state building. As Kubicek notes, parties and NGOs that might have transmitted citizens' demands and forced political accountability remained weak, shut out by state corporatist structures that favoured the former communist political and economic elite. (Kubicek 2000) In fact, even the leader of the national democratic Rukh party acknowledged that the country was run by leaders who were indifferent or hostile to democratic ideals (Chornovil 1992). As a consequence, hyperinflation and low living standards (with a revenue as low as a monthly average of US\$19 in April 1994) led to high unemployment and an inner-political crisis. (Wittowsky 1998, 14)

After the change in leadership in 1994, President Kuchma (1994 – 2004) announced radical political and economic reforms; a move through which he secured significant Western aid and assistance for Ukraine. However, after the election, many foreign observers came to doubt about his democratic commitment, and ended up

qualifying Ukraine as slowly backsliding into competitive authoritarianism. The new political system under Kuchma was built on two main pillars: “an extensive set of largely informal authoritarian institutions and processes that served to harass oppositions and to falsify election results; second, a coalition of oligarchic forces in parliament and administration that organized support for Kuchma, competing for his patronage.” (Kim 2006, 49) Indeed, the Constitution of 1996 confirmed the strongly presidential side of the system, which was officially a symbiosis between presidentialism and parliamentarism.

The 1999 presidential elections and the subsequent Kuchmagate scandal of November 2000 threw the young country in another political crisis. The elections, which were considered rigged by a variety of international observers, were shadowed with fraud and irregularities; the Council of Europe even went so far as to classify the election campaign “a disgrace” (CSCE 1999). Notwithstanding those harsh critics, an April 2000 referendum designed to increase presidential powers vis-à-vis the Parliament passed, albeit amid widespread allegations of fraud from international and Ukrainian observers. The Kuchmagate scandal, which was made public in November 2000, however, dealt a heavy blow to the Ukrainian government. When a tape had been found that recorded Kuchma admitting his implication in money laundering, a grenade attack on an opponent in the 1999 campaign, and ultimately, in the murder of opposition journalist Georgii Gongadze, massive protests erupted that led Kuchma to shutting down parliamentary investigations and blaming the incident on foreign and domestic forces hostile to Ukraine’s sovereignty. (Kuchma 2001) While the opposition failed to remove Kuchma from power after the scandal, the protests did produce a certain degree of political awakening among many Ukrainians. Overall, Kuchma’s ten-year tenure in office witnessed no meaningful democratic reform, but in some aspects a narrowing of political freedoms, notably the media.

The 2004 presidential elections and the subsequent protests surnamed “Orange Revolution”, however, should change the political apathy of Ukraine. The

elections, which, once again, a constitutional crisis in 2003 had preceded, featured two main candidates. On the one hand, sitting Prime Minister Viktor Yanukovych, the candidate supported by outgoing President Kuchma, faced former Prime Minister Viktor Yushchenko who had launched the pro-reform “Our Ukraine” bloc in 2002, and whose candidacy was strongly supported by many foreign actors. (Kubicek 2003b, 154) The election was held in a highly charged atmosphere, with the Yanukovych team and the outgoing president's administration using their control of the government and state apparatus for intimidation of Yushchenko and his supporters. The first round vote on October 31, and even worse, the second round vote on November 21 both failed to meet a considerable number of ESCE commitments, as well as Council of Europe and other international standards of democratic elections, (Kim 2006, 54) and when the Central Election Commission (CEC) proclaimed Prime Minister Yanukovych the final winner, despite exit-poll reports of a clear lead for the opposition candidate Yushchenko, massive demonstrations started to spread in many cities across Ukraine: the largest, in Kyiv’s *Maidan Nezalezhnosti* (Independence Square) attracted an estimated 500,000 participants who demonstrated peacefully in front of the Verkhovna Rada, many wearing orange or carrying orange flags, the color of Yushchenko’s campaign coalition. In reaction to the accusations of fraud and the events after November 21, and backed by foreign mediators that were sent to help resolve the crisis peacefully, the Supreme Court on December 3 called for a repeat of the second round, which was to be held on December 26. In this round, Yushchenko was clearly confirmed as the winner with 52% of the votes, and he was inaugurated as president on January 23, 2005.

After the 2004 elections, reform and democratic consolidation was slowing, experts arguing that the lack of a post-election strategy of the Orange leaders, the paucity of judicial reforms and the continuing influence of the oligarchs was militating against the deepening of democracy. (Piccone and Youngs 2006) The eventual March 2006 parliamentary elections were considered free and fair, and

democratic procedure had been upheld, but strong dissatisfaction had been expressed with the government, deep divisions persisted within Ukraine's population over the country's rightful international orientation, and difficult negotiations were awaited over the formation of a government coalition. As Richard Youngs explains, (Piccone and Youngs 2006, 101) by the spring of 2006, Ukraine's democratic course appeared set, but "the euphoria of the Orange Revolution had given way to more sobering difficulties in achieving democratic reform and consolidation."

3.2.2 The United States and Ukraine: 1991 – 2003

The consolidation of democracy in Ukraine, its independence, sovereignty and territorial integrity, as well as what US Ambassador Daniel Fried calls the "success of common values" (Fried 2005. Accessed on May 11, 2008) is a vital part of the American national interest. The strategic importance of Ukraine for the US is reflected in the budget: with \$ 225 million in 1997, Ukraine has become the third biggest recipient of US aid worldwide. (Wittowsky 1998, 34) It is, however, important to note that there is a clear asymmetry in the strategic partnership between Ukraine and the US, and while Ukraine views the United States as its principal partner in its attempts at integration into European political, economic and security structures, the US has often resorted to using Ukraine as a chip in the game with Russia. (Goncharenko, O. in Jackson, Kokoshinsky and Wittschorek 2000)

Since 1991, successive US administrations have pursued strategic objectives in relations with Ukraine; after a careful start under the administration Bush Sr. who emphasized mostly Ukraine's nuclear disarmament, the administration Clinton changed the course and gradually established a strategic partnership with Ukraine to develop "as a secure, independent, democratic, prosperous country with an economy based on free-market principles, one that respects and promotes human rights and abides by the rule of law, and draws closer to European and Euro-Atlantic institutions." (Fried 2005. Accessed on May 11, 2008) Although diplomatic contacts cooled down to a minimum during the latter half of the 1990s due to the scandals

associated with the Kuchma regime, aid programs increased in number and range as the 1990s progressed, and in 1999, the US even named Ukraine one of four priority states for democracy promotion efforts. (Piccone and Youngs 2006) After 2000, these programs included a rule of law program; a Civic Oversight of Elections in Ukraine program; a program designed to enhance transparency and media independence; support for the Ukraine Citizen Action Network program; support for local NGOs through the Eurasia Foundation; a program designed for strengthening political parties and poll monitoring; and a Community Partnerships for Local Government Training and Education Project⁴¹.

Furthermore, on the geo-strategic level the US was a strong partner for pushing Ukraine's NATO bid forward. As we will see in a later chapter, the US was most active during the 2004 Presidential Election Campaign, and the subsequent regime change put the frozen Ukraine-US relations back on a new track. Vowing to assist and support the Ukrainian citizens, who were, according to Washington, the true heroes of the Orange Revolution, the US government generously increased funding in 2005 and formulated a "New Century Agenda for the American-Ukrainian Strategic Partnership".

The New Century Agenda provided for around \$ 174 million in funding for 2005, of which a large bulk was allocated for democracy related programs⁴².

⁴¹ See USAID Programs in Ukraine: http://www.usaid.kiev.ua/ukraine_democracy.shtml.

⁴² This amount compares favourably to the \$143 million spent in 2004, of which \$34 million went to democracy support. (International Centre for Policy Studies 2005, 10)

U.S. Assistance to Ukraine in \$ million: Fiscal Year 2005⁴³

Democracy Programs	\$ 46.54
Economic and Social Reform	\$ 53.3
Security and Law Enforcement	\$ 64.55
Humanitarian Assistance	\$ 1.87
Cross-sectorial Initiatives	\$ 7.96

According to Washington, US assistance under the program would particularly focus on solidifying democratic advances through anti-corruption and rule of law programs, media and NGO development, non-partisan party and election monitor training and other steps to improve electoral institutions and practices. (Bush 2005) Moreover, it would help Ukraine achieve accession to NATO and the WTO, reform its energy sector and promote nuclear safety, deepen cooperation in the areas of non-proliferation, border security and law enforcement, as well as cooperation on social and humanitarian issues, including halting the spread of HIV/AIDS and fighting organized crime and human trafficking. Assistance will also become available through the Millennium Challenge Account, which will focus particularly on Anti-corruption measures.

American democracy promotion activities in Ukraine are primarily focused on capacity building. Since Ukraine's independence, US technical assistance has totalled more than \$ 3.3 billion. (European Commission 2006) Main aid providers are USAID and NED, but the US government is also sponsoring a number of specific programs related to independent media and NGO development.

⁴³ Source: U.S. Government Web Site, Fact Sheet, Bureau of European and Eurasian Affairs, Washington D.C., July 25, 2005. Available at: http://kiev.usembassy.gov/assistance_democracygrants_eng.html. Figures include a supplemental \$60 million FREEDOM Support Act appropriation to support the new reform-oriented government of Ukraine after the Orange Revolution.

Democracy Assistance and Capacity Building: USAID and NED

USAID, a department of the US government, is active in Ukraine since 1992, when it signed a bilateral agreement on humanitarian, economic and technical cooperation with the former Soviet country. USAID is not only acting as donor, but it is also sponsoring a number of sub-organizations supporting specific democracy-related goals, for example the Eurasia Foundation. Democracy assistance provided by USAID until 2003 has been centered on three strategic objectives: to create a broad-based market economy; to build a participatory democratic political system; and to reform the social sector to ease the difficulties of transition, particularly for the most vulnerable members of society⁴⁴.

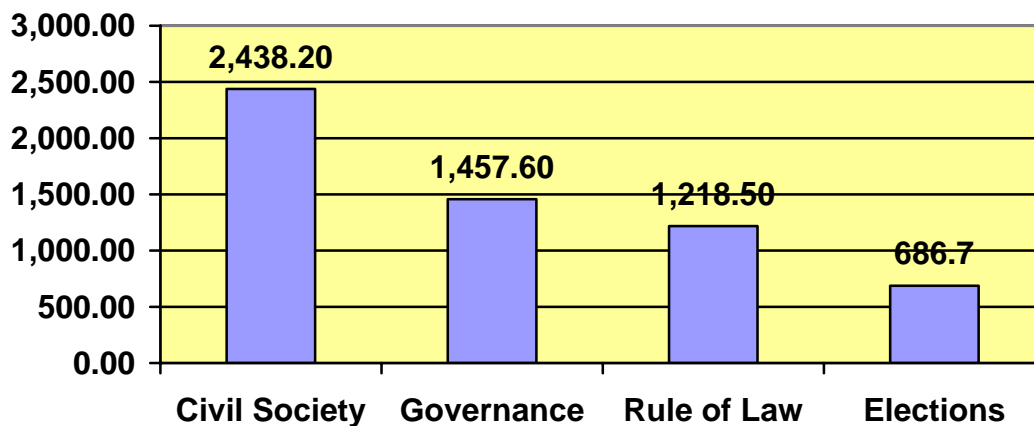
Between 1994 and 2003, the US government has provided around \$1,6 milliard to accomplish these aims. Activities were organized around strengthening the investment climate, as well as small and medium enterprises; agriculture; civil rights and democracy; transparency of administration; as well as social and health system reform. A special focus has been put on regional development; for instance, a 2003 implemented program aims at supporting 50 Ukrainian cities in establishing strategy plans, identifying potential financing sources and offering better services to their citizen. (Ijusina and Krauli 2003, 13) Another special program of USAID is PAUCI, the Poland-America-Ukraine Cooperation Initiative, which aims on fostering cooperation between Polish and Ukrainian NGOs, ministries, administrations and think tanks in order to using Poland's experience in transformation and preparation for EU membership for Ukraine's benefits. (USAID 2002b, 11)

When concentrating only on democracy related assistance, we find that support for civil society constitutes the bulk of USAID's assistance efforts, with around double as much funding as for governance-related topics, the rule of Law or

⁴⁴ For more information on USAID, see <http://ukraine.usaid.gov/lib/newsletter/catalog.pdf> (accessed on May 20, 2008)

elections⁴⁵. This does reflect the United States' profound belief that Ukraine's most important resource in the transformation process is the Ukrainian people.

Total USAID Democracy Assistance by Sub-Sector, 1990 - 2003, in million dollars



The Civil Society aspect of USAID's programs consists mostly of support to NGOs in Ukraine through the Citizen Action Network program. The program is designed to help Ukrainian citizens to advocate effectively their interests and to defend their rights; to build an enhanced legal and regulatory framework to protect and encourage civic activism; to help local NGOs identify new funding opportunities; and to increase professionalism and greater adherence to ethic standards among Ukrainian NGOs. (Zitat wo) Similar to the European Union, an important part of aid is given in form of technical assistance, council and Know-How transfer.

Governance-related assistance of USAID turns around three major axes: Support to political parties; a Parliamentary Development Program (PDP) and the strengthening of local governments and community partnerships. Firstly, in order to develop a viable and democratic party system, assistance in form of training seminars, party development advice and consultations for party leaders is provided to political parties and civic advocacy groups to enhance their organizational capacity. Secondly, the PDP is conceived as to making the National Parliament, the *Verkhovna*

⁴⁵ Source: Finkel, Perez-Linan, Seligson and Azpuru 2006, op. cit.

Rada, a more effective counterweight to executive power. Actions are centered on helping the Parliament restructure its internal management in a more democratic way; facilitating access and participation of the citizens to the legislative process; and establishing a parliamentary internship program. (USAID 2006) Finally, the Community Partnerships for Local Government Training and Education Project (CPP) provides support and training to local and regional governments in order to develop “a critical mass” of citizens able to work for democratic change in Ukraine.

The third pillar of USAID’s work, its rule of law program, has worked on a variety of projects since its implementation in 1992. Activities include, but are not limited to, the creation of legal advocacy centers specializing in human rights, environmental law, and election law; the training of lawyers and judges in democratic standards and international conventions; the development of student legal clinics and clinical legal education in the Ukrainian law curriculum; as well as the implementation of a number of public legal literacy initiatives.

Finally, USAID has developed a number of activities related to the strengthening of electoral administration in Ukraine. Through activities such as trainings, conferences, and workshops, USAID aims at increasing the professionalism, competence and independence of legislators, elected officials, NGOs, political parties, legal personnel and the media, and at helping Ukraine organize free, competitive and fair elections through adherence to international standards. Election assistance is also designed “to make parties more responsive and accountable to citizens (...) as well as to increase the participation of Ukrainians [in the election process].”⁴⁶

A fifth element closely related to election assistance is support for independent media. USAID themselves identify three major objectives of that

⁴⁶ All this information can be found in USAID 2006, op.cit., or on the USAID/Ukraine Website under <http://ukraine.usaid.gov>

program: First, they emphasize reform of the legal environment in order to protect free speech, increase transparency and encourage fair practices for media; secondly, they aim at strengthening the financial viability of free and independent media at the regional level; and thirdly, they wish to promote a greater access to and participation of the Ukrainian public in issues of local importance, especially democratic reform. (USAID 2006) Funds provided for these goals are significant: between 1993 and 2003, USAID has spent more than \$20 million in consultation, training and technical equipment for independent print and electronic media, and in 2003, another five-year project of \$10 million has been agreed upon. (Umland 2004, 29; Piccone and Youngs 2006)

As we have tried to show, USAID and its programs are almost exclusively focused on working with civil society actors and on promoting change “from below”. Compared to the European Union, where technical assistance and democracy aid is still closely tied to government organizations, this civil society approach is a distinctive feature of American democracy promotion policies. The second big donor organization, NED, works with a similar pattern.

Together with the American Center for International Labor Solidarity (ACILS), the Center for International Private Enterprise (CIPE), the International Republican Institute (IRI) and the National Democratic Institute (NDI) (NED 2007), NED’s work rests upon four important premises that reflect in part what we try to show in our thesis: Firstly, NED acknowledges the fact that the process of self-liberation and democratic empowerment of any given society is to be initiated and led from below: by the population. Thus, democracy assistance cannot be “an exercise in top-down social engineering” (NED Website, Principles and Objectives). It should rather be conceived as a means to helping civil society take over and build up viable democratic state structures by themselves. In this undertaking, local grass-root NGOs are best placed to receive funding and democracy assistance, because they do not have the same diplomatic, economic or strategic interests as government actors have.

Finally, NED claims that, through their work, they do not only advance the American national interest, but they also embody “America’s highest ideals”- the power by the people.

In Ukraine, NED activities are various: On the one hand, an important part of NED’s work consists in providing assistance to NGOs, political parties and independent trade unions in their efforts to obtain better representation of civil society on the political scene. On the other hand, NED supports coalition-building of pro-democratic civil society organizations and opposition parties to form an effective counterweight to the government in place and to be able to more actively fight for their interests. NED also provides support for independent media, and assists efforts to improve the integrity of elections, including support for citizen’s monitoring groups, exit polls and complaint procedures in response to violations. Finally, NED encourages regional administrations and provides significant funding for cross-border cooperation between regions.⁴⁷

Below, we have established a list of NED grantees in 2006 in order to show the clear orientation of NED aid towards civil society bodies.

NED Grantees in 2006 in Ukraine⁴⁸

<i>Name</i>	<i>Field of Action</i>	<i>Target group</i>	<i>Aid in \$</i>
American Center for International Labor Solidarity	E.R. ⁴⁹	<ul style="list-style-type: none"> - CFTUU⁵⁰ - CFTUU - Women’s Committee 	396.000

⁴⁷ More detailed information is available on the NED Website under <http://www.ned.org/about/principlesObjectives.html>

⁴⁸ Source: NED Website. NED Grantees in 2006. **Online reference:** <http://www.ned.org/grants/06programs/grants-eurasia06.html#ukraine> (accessed April 13, 2008)

⁴⁹ Economic Reform

⁵⁰ Confederation of Free Trade Unions of Ukraine

Center for International Private Enterprise	E.R.	- Think Tanks - Political Parties	279.439
Center for Research on Social Perspectives in the Donbas	Independent Media/ Monitoring	- Local Journalists - Political Analysts	30.000
Center of Information and Documentation for Crimean Tatars	Independent Media/ Monitoring	- Ukrainian NGOs - Ukrainian Government	37.000
Association Spilniy Prostir (SP)	Independent Media	- Journalists - Ukrainian Public - Ukrainian Press	150.000
Chernihiv Regional Youth NGO "Armada"	Independent Media	- Ukrainian Public	20.000
Civil Society Organization "Initiative"	Civil Society/ Capacity Building	- Youth from Belarus, Russia and Ukraine	20.816
Democratic Initiatives Foundation (DIF)	Public Opinion/ Monitoring	- Journalists - Politicians - NGOs - Scholars - Think Tanks	50.000
Donetsk Branch of the Committee of Voters of Ukraine (DCVU)	Civil Society/ Capacity Building	- NGOs	38.000
Europe XXI Foundation	Voter Education/ Youth	- Ukrainian Public - Youth	104.000
European Choice Business Club	Public Education/ EU, WTO and NATO accession	- Students - Journalists - Political leaders from Luhansk oblast	20.000
Freedom House Ukraine	Human Rights	- NGO leaders	50.000
Institute for Euro-Atlantic Cooperation	Public Education/ EU and NATO accession	- Diplomats/ - Experts - Regional NGOs - General Public	66.978

Institute of Mass Information (IMI)	Independent Media/ Monitoring	- General Public	36.000
International Republican Institute	Election Observation		210.000
Kharkiv Center for Women's Studies (KCWS)	Women's Rights	- NGOs - Ukrainian Women	50.000
Kharkiv Human Rights Protection Group (KHPG)	Human Rights	- Activists - Lawyers	42.000
Legal Council "LEGITEAM"	Rule of Law/ Human Rights	- Judges/ - Lawyers - Activists	75.000
Luhansk Regional Organization Public Education and Legal Assistance (PELA)	Public Education/ Capacity Building	- NGO leaders	39.000
Luhansk Regional Women's Legal Defense Public Organization "Chaika"	Women's Rights/ Monitoring	- General Public	30.000
Public Organization "Telekritika"	Independent Media	- General Public	50.000
Pylyp Orlyk Institute	Regions/ Capacity Building	- Academics - Verkhovna Rada - Community Leaders	49.732
Regional Informational Center for Women	Voter Education/ Democracy	- Local NGOs	25.000
Smoloskyp, Inc.	Public Education/ Democracy	- General Public	62.000
Sumy Regional Committee of Youth Organizations	Civil Society/ Capacity Building/ Youth	- NGO leaders	24.000
Total Action	Civil Society/ Monitoring	- Civic groups - Regional NGOs	27.000
Ukrainian Catholic University	Civil Society/ Religion	- General Public	25.000

Ukrainian Center for Economic and Political Research	Public Information/ Civic Education	- General Public	50.000
Ukrainian Center for Independent Political Research (UCIPR)	Citizen's Participation	- Democracy Advocacy Groups	50.000
Ukrainian Congress Committee of America (UCCA)	Voter Information/ Independent Media	- General Public	50.000
Ukrainian Youth Association of Ukraine	Youth/ Capacity Building	- NGO leaders - Activists - Youth	40.000
Young Rukh	Voter Education/ Youth	- Students	50.000
Youth Alternative	Youth/ Civil Society	- Students - Interns	94.000
Youth of Cherkassy Coalition	Youth/ Capacity Building	- Activists - NGO leaders - Journalists	30.000
TOTAL			2,370.965

In addition to democracy assistance, the US government is also providing direct funding under the Supplemental FREEDOM Support Act Funding, in order to assist the Ukrainian Government's reform program. These funds are to be used for the development of a democratic legal system and in the fight against corruption, as well as to assist Ukraine in its economic reform process with regard to WTO accession.

3.2.3 The European Union and Ukraine: 1991 – 2003

Largest donor to Ukraine⁵¹, the EU has confirmed that it considers the independence of Ukraine, its territorial integrity and sovereignty as key elements for European security. (Kim 2006) In November 1994, the Council pointed out the following priorities for the bilateral relations between the Union and the newly independent Ukrainian state: The EU was to develop intensive political relations with Ukraine, and support for Ukraine's democratic development, economic stabilization and reform, as well as nuclear disarmament was to be implemented in close collaboration with Kyiv. (Kubicek 2003b, 57)

However, relations between Ukraine and the EU have often been characterized by misunderstandings and wrong expectations, and many Ukrainian officials have complained about the lack of clear political engagement of the Union towards Ukraine⁵². Indeed, even the foundation for Kyiv's current relationship with the Union, the Partnership and Cooperation Agreement (PCA) of 1994, shows that discrepancy of expectations: Entering into force in 1998, the PCA establishes an institutional framework for relations that go beyond trade to include provisions for cooperation in areas such as industry, investments, science or technology, energy, nuclear issues, crime and education. (Kim 2006, 19) The PCA was designed to develop a network with the EU and to provide for a regular political dialogue at various levels, including an annual Ukraine-EU Summit, ministerial level meetings and exchanges between the Verkhovna Rada and the European Parliament. In line with these provisions, a Cooperation Council (Art. 85 of the PCA), a Cooperation Committee (Art. 87) and a Parliamentary Cooperation Committee (Art. 90) were created. But notwithstanding its political dimension, the main priority of the PCA was to be "an economic roadmap" (Kubicek 2003b, 156) to assist the economic reform

⁵¹ EU-support from Brussels plus the programs of the EU member states make the EU the largest donor to Ukraine before the United States.

⁵² Finalité is the main problem of the relationship between Ukraine and the European Union: While Ukraine has demonstrated a very goal-oriented approach towards membership in the Union, the EU is process-and governance-oriented. It has the vision of a gradual rapprochement of Ukraine to European governance and values, but it does not advocate Ukrainian membership. Subsequently, the relationship between Ukraine and the Union can be described as "limited partnership". (Gallina, N. in Hayoz and Lushnycky 2005, 195)

process and to establish a free-trade area between the EU and Ukraine, and contrary to the agreements concluded with many Central European states, the PCA did not contain a membership perspective.

The 1996 adopted Action Plan for Ukraine confirmed the EU's vision on a "strategic and unique partnership" with Ukraine (NAUDEI 1998) and, rather than offering an accession prospect, the purpose of the Action Plan was to underline the political support of the EU for the Ukrainian authorities in their reform efforts, and to improve the Union's mechanisms for financial and technical assistance. The main priorities set out by the EU were the reform of the democratic process (separation of powers, pluralism, and elections; we find it crucial to note here that the Action Plan did not contain any mention of civil society development!), macro-economic stabilization, reform of the energy sector, and the inclusion, of Ukraine, in the European security architecture. (Skevas 2006)

On the Ukrainian side, the European Choice became a cornerstone of policy in 1996⁵³, and the government's desire to join the Union gave birth to a series of unilateral actions to underline Ukraine's aspirations to become a fully fledged EU member.⁵⁴ (Solchanyk 2001, 93) Although public opinion seemed highly split between a pro-Western and a pro-Russian orientation, by-then head of the presidential administration, Volodymyr Lytvyn, confirmed that there was "a clear consensus in Ukraine today that our development must be linked to European structures" (Lytvyn 2001), and by-then Foreign Minister Botys Tarasiuk even went as

⁵³ The motives for Ukraine's European choice are threefold: First of all, the EU is a guarantor of political stability and economic prosperity, and a very important source of aid. Secondly, membership in the exclusive club of consolidated democracies would greatly boost Ukraine's image in the world as a successful post-soviet transition country; and thirdly, membership in the EU would avoid a new Euro-curtain being drawn along the Polish-Ukrainian frontier and would mean at the same time effective security against Russian hegemonic aspirations. (p. 157 Kubicek)

⁵⁴ In 1998, the "Strategy of Ukraine's Integration in the European Union" was issued by presidential decree, and in 2000, another presidential decree created a National Council on the Issues of Adapting Ukraine's Legislation to the Legislation of the European Union. Additionally, a European and Transatlantic Integration Department in the Ministry of Foreign Affairs was established, and the National Agency of Ukraine for Reconstruction and Development was renamed into "National Agency for Development and European Integration".

far as claiming that “the European Idea [had] become Ukraine’s national idea and a consolidating factor for its society”. (Solchanyk 2001, 94; Kubicek 2003b, 157)

The European response to Ukraine’s European choice was the 1999 Common Strategy on Ukraine, a document that acknowledges Ukraine’s “European aspirations” but which again fell short of any concrete membership offer. (Pavliuk, O. in Kempe 2001, 69) The Common Strategy, which had been decided at the Helsinki Council, pays homage to shared values and common interests of the EU and Ukraine and specifically underlines EU support for the consolidation of democracy and good governance in Ukraine. However, it also points out significant shortcomings in Ukraine’s democratic reform process (Gallina, N. in Hayoz and Lushnycky 2005, 202) and although it does list some specific European democratization efforts, including supporting Ukraine’s efforts to sign and observe international human rights obligations, encouraging an ombudsman institution in Ukraine, and contributing to the development of free media in the country (Kubicek 2003b), it clearly shows a certain frustration and fatigue with the stalling reforms in Ukraine. As enlargement commissioner Chris Patten has stated, the Union simply couldn’t “supply the clear, unambiguous political will that is needed” [to push forward reform in Ukraine]. (Kubicek 2003b, 164)

Notwithstanding these developments, the Wider Europe Initiative of May 1st 2004 offered a new privileged partnership to Ukraine within the framework of the ENP. Conceived as third way between partnership and membership, the ENP offers, among other things, prospects of a stake in the EU’s internal market; participation in the European crisis management; cultural and human rights cooperation; and integration in the European transport, energy and telecommunication networks. However, privileges were conditional to concrete progress “demonstrating shared values and effective implementation of political, economic and institutional reforms” (Gallina, N. in Hayoz and Luchnycky 2005). Ukraine, however, has reiterated its desire to join the Union and as such, the ENP fell short of a real incentive for reform.

Nevertheless, we find that even if the EU has never gone as far as to offering Ukraine a membership perspective, it has committed significant resources to supporting democratic transition in Ukraine. From 1994 to 2004, the Union, as organization, has injected almost EUR 2,4 billion in the Ukrainian reform process, with the EU member states additionally distributing about EUR 157 million between 1996 and 1999. This includes assistance under the TACIS programme (including its national, regional, cross-border and nuclear safety components) plus macro-financial assistance, support under thematic budget lines such as the European Initiative for Democracy and Human Rights (EIDHR) and humanitarian assistance provided by ECHO. (European Commission 2006) Below is shown the distribution of EU support in sectors.

EU Financial Support for Ukraine through Ukraine-specific programs/cross border cooperation programs for 2002⁵⁵

Name of the program	Goal	EUR million
TACIS National Action Programme (NAP)	- Administrative reform - Legislative reform - Economic reform - Social programmes	47
TACIS Regional Action Programme (RAP) & Cross Border Cooperation (CBC)	- Environmental protection - Legislative reform - Networking - Economic restructuring	15
Nuclear Security Programme		24
Energy Security Programme	- Shutdown of Chernobyl	20
Contribution to the Chernobyl-Mantel-Fund		20
Macro-financial Support	- loan	110
Total financial support		236

For the period 2004 – 2006, the National Indicative Programme has planned spending EUR 212 million on transformation support, including EUR 117 million for

⁵⁵ Source : Schubert 2004, Delegation of the European Commission in Ukraine, op.cit.

nuclear security. Another EUR 20 million will be distributed within the framework of the TACIS Cross-Border Indicative Programme. (Delegation of the European Commission to Ukraine 2003) After 2006, transformation assistance will be managed through the European Neighbourhood Policy.

The EU strategy for promoting democracy in Ukraine is built around political, economic, financial and technical cooperation elements. Its main instruments are political conditionality and coordinated macro-financial support within the framework of the PAC and, subsequently, the EU-Ukraine Action Plan of 2005; political dialogue and multilateral coordination; and capacity building under TACIS and EIDHR.

Political Conditionality: The PCA and the EU-Ukraine Action Plan

Although a new EU-Ukraine Action Plan has been concluded in 2005, the PCA which Ukraine and the Union signed in 1994 continues to form the basis for contemporary EU-Ukraine relations. Political conditionality as instrument for EU democracy promotion policies is anchored in Title I, Art. 2, which describes the “respect for the democratic principles and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe, as well as the principles of market economy, including those enunciated in the documents of the CSCE Bonn Conference (...) [as] essential element[s] of partnership”. Article 4, in a similar way, makes the establishment of the core element of the Agreement, the free-trade area between the EU and Ukraine, conditional upon fulfilment of further economic reform. Macro-financial assistance has, too, been subject to improvements in economic and political reform; however, when the latter was stalling, the EU did not, as opposed to the IMF, withhold credits from Ukraine. With the third macro-financial loan of up to EUR 150 million approved in October 1998, total EU exceptional macro-financial assistance to Ukraine reached EUR 435 million since 1994. (European Commission 2001c) Both political conditionality and macro-

financial assistance are essentially top-down measures destined at improving the state structures “from above”.

Political Dialogue and Multilateral Coordination

Political dialogue and coordination within the framework of bilateral and multilateral fora constitutes another key element in the European strategy towards Ukraine and underlines the European primacy for the structuring of a general debate over and espousal of democratic norms at the intergovernmental level. Title II, Art. 5-8 of the PCA confirms the establishment of such a dialogue, which is meant to strengthen the political and economic reform process in Ukraine on the one hand, and to create new forms of cooperation in areas such as security, stability, human rights and democracy between the Union and Ukraine. According to the provisions in the PCA, consultations between the EU and Ukraine are to be held “at the highest political level”; at ministerial level, the dialogue should take place within the Cooperation Council, and with the Union Troika. Other procedures include regular meetings at the level of the senior officials between representatives of Ukraine and representatives of the Community; exchanging regular information on matters of mutual interest concerning political cooperation in Europe; political dialogue within the framework of the Parliamentary Cooperation Committee; as well as other diplomatic contacts in the bilateral as well as the multilateral field, such as UN and CSCE meetings. (Zitat PCA Art 5 – 8)

Capacity Building: TACIS, EIDHR and Others

Financial aid and technical assistance to Ukraine has been dispersed primarily through the TACIS program⁵⁶. According to the Commission, TACIS aims at promoting harmonious and prosperous economic and political relations between the NIS-States and the EU, and at facilitating the transformation of planned economies into market economies as well as at strengthening the democratic structures in

⁵⁶ For general information, see the European Commission Website « The EU and Ukraine » at http://europa.eu.int/comm./external_relations/Ukraine/intro/index.htm (accessed on May 2, 2008)

society. (European Commission 1996b) These goals should essentially be reached by providing Know-How through consultation. TACIS instruments concentrate first on foremost on financing studies, short- and long term consultants, seminars and exchange programs in certain focus areas, but a small part of the TACIS funds is also used to provide technical equipment for pilot projects and NGOs. It is important to note that TACIS does not operate with fixed mandates, or under conditions of conditionality for the Ukrainian state. It does not contain a suspension clause either, which leads certain scholars to question the effectiveness of aid in such an ambiguous environment. (Kim 2006, 19 - 20)

TACIS had been present in Ukraine already in 1994, and it originally was conceived as program which provided assistance according to the needs formulated by the central counterpart, the Ukrainian Coordination Office. However, after a few negative experiences, the program had been reformulated to concentrate more on the common definition of goals within the framework of a political dialogue in which decisive impulses could also be given by the TACIS administration. We find it important to note here that a Delegation of the European Commission in Ukraine was to act as coordinator between the Ukrainian government and administration and TACIS; it shows once again the different priorities of the EU and the US, which mainly concentrates on cooperation with NGOs.

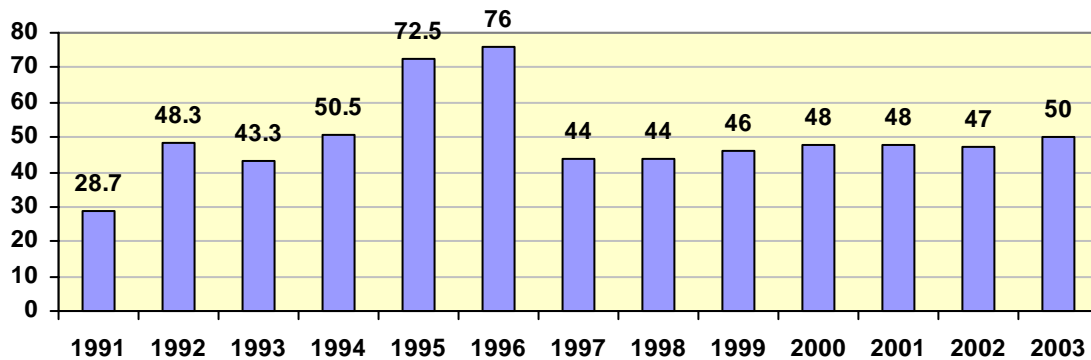
TACIS in Ukraine manages around 60 programs in three main transformation fields: the economic sphere (transformation from a planned economy into a market economy founded on the principle of private property); the political sphere (creation of a new constitutional and legal order); and society (successful nation-building). (Wittowsky 1998) The first TACIS National Indicative Program for Ukraine for the time frame of 1993 – 1995 was primarily centered on economic reform, with priority given to the restructuring of national enterprises and the development of the private sector; the food industry; infrastructure development (energy, transport and telecommunication) and nuclear security and the closure of Chernobyl. (European

Commission 1996b) Under the 1996 - 1999 Indicative Programme for Ukraine, priority was shifted to institutional reform and social development, economic reform and private sector development, and energy and the environment. Refocusing of the program culminated in 2000, with the adoption of a new Regulation and of the Indicative Programme 2000-2003, which identified three priority areas of a cross-cutting nature: support for institutional, legal and administrative reform; support to the private sector and assistance for economic development; support in addressing the social consequences of transition. “Within this framework, the 2000 and 2001 programmes focus on the reform of arbitration courts and legal training in EU law; on adaptation of the legal environment to the requirements of PCA implementation and WTO accession (...); on improvement of state budget management; on improving border management; on development of higher education institutions (...) and NGOs; on restructuring larger enterprises and on training Ukrainian managers; on improving the SME environment and access to micro credit; on the promotion of International Accounting Standards; on the reform of the gas and electricity market; and on funding a fuel supply programme; on preventive and primary healthcare; on tuberculosis prevention and control; on health management in selected regions; [and] on the reform of social and health financing and insurance schemes.” (European Commission 2001c, 11)

From 1991 to 1997, EUR 378,18 million had been injected into Ukraine through TACIS, and another EUR 838 million had been provided for the period 1998 – 2004. For 2005 – 2006, EUR 188 million had been decided. However, distribution of these funds differed greatly from year to year: from 1991 to 1992, they doubled from EUR 28,7 million to EUR 48,28 million; when reforms stalled, they regressed to EUR 43,25 million in 1993. When Kuchma promised new reform commitment, funding reached a record high of EUR 76 million in 1996, to diminish again in the following years⁵⁷.

⁵⁷ Source of the table : European Commission 1996b; European Commission 2001c

Tacis Financial Allocation to Ukraine 1991 - 2003 in EUR million



While much of the money is dispersed to the government, there are some programs in the TACIS democratization program that seek to foster NGOs and civil society. For instance, from 1996 to 1999, a micro-program for the support of the Ukrainian 3rd sector has sponsored about 15 to 18 projects with annually EUR 10.000, to the benefits of organizations like the TV-Studio for Ukrainian Women, the Committee for Child Protection, and the Center for Socio-Economical and Political Prognoses. (Umland 2004) Another project sponsored with EUR 209.000, the “Democratizing Society by Improving the Professionalism of Journalists and Media – Project” aims to improve the free flow of information and the freedom of expression, and to establish an independent media center to track censorship and violence against journalists. (Kubicek 2003b) The European Academy in Berlin has also organized special journalist training within the framework of the TACIS democracy program. We thus conclude that, although the majority of programs funded by TACIS are top-down oriented actions directed at improving democratic governance, there are also certain efforts to complement these actions with a bottom-up approach.

The second big instrument the EU has at its disposal for capacity building measures in Ukraine is EIDHR, a programme that operates primarily through partnerships with NGOs and the Council of Europe. EIDHR is complementary to TACIS, in that it can be implemented with partners other than national governments

and without their consent, and in that it focuses more on the democracy, human rights and civil society aspects of transformation. Since 1994, EIDHR has provided funding for projects that promote representative structures in both governments and working place; access to reliable information; ethical practices in government and public service agencies; principles of equal opportunity and non-discrimination against minorities; respect for human rights; an independent and responsible media and free press; the rule of law, the independence of the judiciary and a humane prison system; administrative accountability and the combating of corruption. (European Commission 2001a)

Between 2002 and 2004, Ukraine was one of the biggest recipients of EIDHR funds. The country was allocated EUR 5,3 million for democracy related projects, mainly in the field of human rights and judiciary; the 2004 – 2006 National Indicative Program for Ukraine allocated another EUR 10 million for “civil society and democracy” and “administrative and legal reform”. Funding priorities were “small grassroots NGOs” that would “indirectly...enhance the functioning of democracy” and support trade unions to gain strength and independence. (Piccone and Youngs 2006) However, such democracy assistance was dwarfed by the amounts spent on nuclear security, administrative restructuring and economic reform.

3.2.4 A Community of States: Member States’ Action Towards Ukraine

Since the European Union is not only an organization, but also a community of states, we find it important to highlight some of the particular approaches of the Member states towards Ukraine. Interestingly enough, we observe that certain member states, like Germany, focus very much on “governance”-oriented assistance, while newer member states like the Slovak Republic, or the Nordic States, like Denmark, adopt a more civil-society oriented approach. In total, approximately EUR 2,5 billion has been distributed by the Member States to Ukraine between 1991 and 2004 (Kubicek 2003b) in areas such as public administration reform, rule of law, health reform, SME support, industrial restructuring, food and agriculture. From the

EU-27, Sweden, the United Kingdom, Denmark, Germany, the Netherlands, the Slovak Republic and Poland provide the most assistance to Ukraine.

Germany has the highest share in democracy assistance to Ukraine. Since the beginning of the 1990s, it has developed intensive bilateral cooperation with Ukraine to push forward the transformation process, and from 1993 to 2006, support totalled approximately EUR 163 million. Aid is dispersed through the TRANSFORM program, which, much like TACIS, provides assistance mostly in form of Know-How transfer. (Wittowsky 1998) As outlined in a Commission communication, priority fields are energy, the development of small and medium businesses, administrative reform and the prevention of HIV/AIDS.

The **United Kingdom** has adopted a more balanced approach to funding, and officially includes development of grass-root movements in its priorities. On both local and national level, the UK provides around £6.5 million annually for improvement in social protection, economic development and regeneration, community and civil society engagement, HIV/AIDS and public administration reform.

Sweden has funded Ukraine with around EUR 9 million per annum during the last decade, and since 2005 assistance has almost doubled to EUR 13 – 17 million a year. The mostly bilateral assistance focuses on issues such as strengthening democracy, economic and social reform and the environment.

Poland provides assistance to Ukraine of approximately € 3-4 million per annum, in particular in the areas of public administration reform, support for local government and economic reforms. Poland has always had particular strong ties to Ukraine, and it is a fervent defender of Ukrainian EU and NATO membership on the European table. Support is also given through PAUCI, the Poland – US – Ukraine Initiative.

The Netherlands, which have committed more than EUR 16 million since 1994 to Ukraine, coordinate their assistance through MATRA, a program designed to promote social transformation in Central and Eastern Europe. MATRA is focusing on healthcare, the environment, human rights and minorities, as well as free and independent media development, and its priority for issues related to civil society development underlines a more bottom-up approach to democracy promotion.

Denmark is, along with the Slovak Republic, the country which emphasizes most the importance of civil society. Assistance to Ukraine has been provided through targeted programmes covering the sectors of free and independent media, combating human trafficking and strengthening civil society, with cooperation with NGOs being a vital part of this strategy.

Assistance of the **Slovak Republic** to Ukraine is relatively recent, and is based mostly on the priorities set out in the EU-Ukraine Action Plan of 2005. Since 2004, the Slovak government has provided support in form of micro-grants totalling SKK 1 million for building up the capacities of civil society and think tanks in Ukraine, as well as for promoting independent media, the transformation of structures of local self-governance and for election monitoring⁵⁸.

3.3. The United States, the European Union and the Orange Revolution

The 2004 presidential elections and the Orange Revolution designed a turning point in the authoritarian backlash of young Ukraine, and analysts cannot neglect the importance of Western involvement in the course of those events. In fact, many of the pro-Kuchma forces in the country officially complained about Western impact focusing on foreign interference in the internal affairs of Ukraine; in an July 2005 interview, Yanukovych's former campaign director had argued that "the United

⁵⁸ All these informations can be found in European Commission 2006, op.cit.

States had been trying to bring Yushchenko into power since the early 1990s” and in May 2004, a government report was published in which Ukrainian NGOs and foreign donors were accused of lobbying for Western interests in Ukraine. (Aslund and McFaul 2006, 125 - 126)

The accusations were, however, partly true: if the West did not officially support either candidate⁵⁹, and showed itself first and foremost concerned with democratic standards in the election campaign and beyond, there was indeed an unofficial consensus that Yushchenko was the preferred winner. An example of this preference would be an official visit to Kyiv on November 12 of Poland's foreign minister, who called for a free and fair vote, but who met only with the speaker of parliament, the head of the Ukrainian Central Election Commission and opposition presidential candidate Yushchenko. (Aslund and McFaul 2006)

Western involvement in the Ukrainian Presidential elections took different forms, and it ranged from political declarations and financing civil society movements and NGOs to international observation missions and mediation during the Ukrainian crisis moment.

Based on earlier violations of democratic standards in elections, and on the background of the 2000 Kuchmagate scandal, the West was first and foremost concerned with the internal situation in Ukraine in the wake of the 2004 presidential campaign, the vote, and the counting of the vote. Concerns were justified: in an informal mission to Kyiv in March 2004, the Council of Europe denounced restrictions on democracy, lack of judicial independence, widespread corruption and violations of media freedom in the campaign (Council of Europe 2004).

⁵⁹ On October 7, 2004, US ambassador to Ukraine, John E. Herbst, claimed that the US government would be ready to cooperate with the future president, no matter who it was, as long as the election process was honest and transparent. (Aslund and McFaul 2006, 133)

In response to these very preoccupying developments, the United States - and to a lesser degree, the EU - put a strong emphasis on support for Ukrainian NGOs and civil society development. In the 2004 presidential election campaign, all major electoral organizations in the country were trained and sponsored at least partly by Western sources, and western democracy assistance played an essential role in providing the technical assistance and financial support necessary to run effective electoral monitoring in Ukraine. USAID, for example, initiated a program called “Monitoring of Elections in Ukraine” intended to help the public ensure more transparent, competitive and fair elections. Furthermore, monthly roundtables on election problems were put in place to engage public figures and government officials in a dialogue, and training was provided for election commission members as well as observers to help familiarize them with democratic election procedures. (Aslund and McFaul 2006, 135) Special election-oriented donor programs were offered also by the International Renaissance Foundation (Soros Foundation in Ukraine) as well as the National Endowment for Democracy.

In total, the USA provided \$1,475 million in support for election-related activities and NGOs; these funds were to be used notably for “supporting independent public opinion polls, carrying out independent exit polls, producing television spots, encouraging people to vote, publishing and distributing literature explaining people’s rights, and supporting human rights organizations in monitoring [and prosecuting] violations.” (Sushko, O. and Prystayko, O. in Aslund and McFaul 2006, 136) On the European side, funds were more limited and democracy promotion projects focused more on political dialogue and crisis mediation in the aftermath of the tarnished second round of elections. Still, the EC National Indicative Program for 2004 – 2006 provided around EUR 10 million for civil society, media and democracy related projects and another EUR 1 million in support for the Central Election Committee of Ukraine. (op. cit.)

Both the US and the EU also sponsored key independent media outlets, such as *Ukrainska Pravda* and *maidan.org*, (Aslund and McFaul 2006, 185) and when protests finally broke out after the rigged vote in November, student organizations such as *Pora* and *Otpor* that were the main organizers of the manifestations, received grants from various American and European governments and foundations.

The second the major instruments the EU as well as the US used to influence Ukraine at the crossroads was Election Observation Assistance (EOA). As we have mentioned in an earlier chapter, EOA is a very effective means of promoting human rights and democracy, in that it can detect and report electoral fraud, confirm opposition victory and persuade incumbent governments to accept defeat. (Kim 2006, 28) The international observation missions in Ukraine in 2004 were the largest ever seen in election monitoring history. The US government participated in the OSCE mission by specifically funding American election observers, and NDI and Freedom House cooperated in establishing ENEMO in Ukraine, an election monitoring project comprising 17 electoral monitoring organizations from former Soviet countries. As for the EU, it has sent its own election observation mission for the repeated second round of election in December, in which 587 short term election observers from EU member states participated. It also provided funding to the OSCE to cover the participation of up to 150 short term observers from non-EU OSCE member states and to finance the “Rapid Reaction Mechanism” designed to provide support for the electoral process in Ukraine and to finance voter education activities. (Kim 2006, 57)

Finally, the EU and the US both put great emphasis on bilateral diplomacy to help democratize the election process in Ukraine. However, the difference in the approaches underlines clearly what I have tried to prove in my thesis so far: On the one hand, the European Union as a soft power, and with little leverage on the Ukrainian government, preferred to use carrots rather than sticks in its strategy by stating that future EU policy toward the state depended on Ukraine’s adherence to democratic principles during the election campaign. Poland, for example, expressed

support for Ukraine's future in the EU and NATO instead of adopting a critical approach towards the democratic shortcomings, arguing that the EU needed to provide incentives for the government to change its position and to provide for more democratic elections. Slovakia, as another country, tried to pressure the government to liberalize the elections. (Sushko, O. and Prystayko, O. in Aslund and McFaul 2006)

On the other hand, the United States did not hesitate to throwing its weight as superpower in the game, and adopted a stick approach: Non-adherence to democratic principles would lead to negative political and economic consequences for the Ukrainian state. In the Congress bill "Ukraine Democracy and the Election Act of 2004" issued on September 15, 2004, the US overtly threatened with sanctions such as barring top officials of the Ukrainian government from entering US territory, confiscating their property in the US, freezing their bank accounts and banning loans to them, should Ukraine not "stop overt, flagrant and inadmissible violations of Ukraine's human rights commitments to the OSCE, and guarantee respect for fundamental democratic liberties". (Mirror Weekly 2004) Additionally, in a letter to Kuchma, Bush noted that "a tarnished election [would] lead [the United States] to review (...) relations with Ukraine" (Global Security 2004)

However, during and after the electoral campaign, numerous violations of democratic standards had been reported. Most importantly, the independent observer organizations noted a lack of separation between state resources and the resources owned by the political candidates; bias by the state media in favour of Yanukovych; interference by the state administration in the election; media censure and defamation of the opposition candidate Yushchenko; and a large number of errors in the voter lists. When the CEC finally proclaimed Yanukovych the winner of the 21 November election round, protests in the street went hand in hand with harsh criticism of the West. Immediately after, on November 22, Special Envoy Senator Richard Lugar, who was participating in the election observation efforts and who was representing

President Bush personally, issued the first strong Western message to Ukraine. He declared that “Kuchma held personal responsibility for the peaceful and lawful settlement of the political crisis after the second round of voting” (Aslund and McFaul 2006). Following his negative evaluation of the elections, at that time Secretary of State, Colin Powell, declared the election results as illegitimate and stated that if there were no investigation, there could be implications for US relations with Ukraine.

On the European side, reactions were equally strong. After the falsified vote, Eurocommission President José Manuel Barroso called for thorough investigation of the November 21 run-off’s preliminary returns, warning that, should Ukraine fail to do so, this would have “very serious consequences for relations between the EU and Ukraine, in particular, in implementing the ENP.” (Shkurko 2004) In an official session of the European Parliament, EU Commissioner for External Relations, Benita Ferrero-Waldner, expressed the Commission’s serious concerns about the breaches of fundamental democratic principles in the 2004 presidential elections, which would in no way “reflect the will of the Ukrainian voters. The EU [could therefore not] accept the election results [as legitimate].” (Ferrero-Waldner 2004)

In response to the crisis, the EU initiated international mediation in form of a roundtable between Kuchma, Yanukovych and Yushchenko. Although the mission did not yield a final political decision, it provided the basis for a compromise between the parties, and especially the new Member states of the EU were active in the mediation process. It is significant that, while the EU emphasized bilateral and multilateral diplomacy in Ukraine’s crisis moment, the United States did not participate in the roundtable, but continued to focus on civil society funding to help resolve the crisis.

In summum, we find that the United States had demonstrated their commitment to civil society in the 2004 election campaign; they had provided at least

three times as much funding for technical and financial assistance than the European Union. However, they have also once again exhibited their readiness to apply a top-down approach in democracy promotion if the situation calls for it: their willingness to implement radical measures if democracy had failed. The European Union has focused more on political dialogue over democracy and good governance. However, facing a government which was unwilling to respect democratic principles, and towards which leverage possibilities were limited due to the absence of effective incentives, they have also spent certain efforts on bottom-up actions in the election campaign.

CHAPTER IV

CONCLUSION

After having examined not only American and European democracy promotion strategies in general, but also on a concrete case-study, Ukraine, we have found the following:

With the American Revolution as historical and political “Leitbild”, the American thinking on democracy promotion has traditionally focused on building democracy through civil society. The script, for example, from which the U.S. was working in Iraq during the spring of 2003, reflected this ideology: By “toppl[ing] the leader, pull[ing] down his statue and let[ting] civil society take over”, (Kopstein 2006, 2) the US, based on its readings of the events of 1989 and its own history, tried to build a viable democracy through the power of the people. However, its emergence as the sole superpower after the breakdown of the Soviet Union, and its economic and military weight in the world has strongly influenced the attitude and the actions of the United States in its democratist crusade. “Destined to lead”, as Clinton-Advisor Anthony Lake has put it once, the U.S., although committed to fostering grass-root democracy, have not hesitated in the past to offensively use their economic and military leverage to achieve democracy-related goals.⁶⁰ The determination to effectively make use of their position has earned them, next to many critics, the perception of being a strongly top-down oriented player. When looking at the majority of the US-sponsored democracy assistance programs, however, we find that they clearly reflect a genuine commitment to civil society and to bottom-up democracy promotion, and as such, prove the first part of our thesis.

⁶⁰ Among the most prominent methods of negative conditionality we find notably economic sanctions and, ultimately, military intervention.

The EU, on the other hand, has always been an elite-driven project and the existence of the heavily criticized democratic deficit within the Union cannot be denied. Although high on grass-root rhetoric, the European preference for order over freedom has been strongly embedded throughout its history, and also in the entire process of EU accession after the revolutions of 1989. Rather than simply supporting civic organizations, parties and constitution drafters throughout the post-communist region, the European strategy was to concentrate on the post-communist state and on institutional capacity-building to ensure that the *acquis communautaire* could be implemented. (Beichelt 2007) Notwithstanding, a clear difference persists when it comes to countries that have no perspective of membership. While the EU in the ENP still relies heavily on the top-down strategy of harmonizing legislature with EU norms and reforming state structures, democracy promotion within the development aid sector focuses strongly on building up civil society and on fostering change “from below” by strengthening and empowering local and regional administrations. Situating ourselves in a realist perspective, we claim that this stems not so much from a genuine belief in the power of civil society. We rather believe it is a consequence of the fact that the EU, being a civil power herself, has less effective leverage in relations with the ruling elites in those countries than for example the economic and military superpower US. Adopting a low-profile, positive approach to democracy promotion, the EU appears as “bottom-up”-player, although a vast majority of its democracy promotion efforts are clearly centered on top-down state reform. Those findings, in turn, confirm the second part of our thesis.

Finally we find it important to note that, as we have outlined in an earlier chapter, both actors are – more or less actively and consciously - exporting models similar to their own history and constitution and the idea of “Being like Us” is the quintessence of most western democracy promotion efforts.

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