

International actors, democratization and the rule of law



Do external factors facilitate or hamper domestic democratic development? Do international actors influence the development of greater civil and political freedom, democratic accountability, equality, responsiveness and the rule of law in domestic systems? How should we conceptualize, identify and evaluate the extent and nature of international influence?

These are some of the complex questions that this volume approaches. Using new theoretical insights and empirical data, the contributors develop a model to analyze the transitional processes of Romania, Turkey, Serbia and Ukraine. In developing this argument, the book examines:

- the adoption, implementation and internalization of the rule of law
- the rule of law as a central dimension of liberal and substantive democracy
- the interaction between external and domestic structures and agents

Offering a different stance from most of the current literature on the subject, *International Actors, Democratization and the Rule of Law* makes an important contribution to our knowledge of the international dimensions of democratization. This book will be of importance to scholars, students and policy-makers with an interest in the rule of law, international relations theory and comparative politics.

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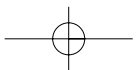
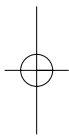
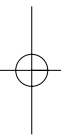
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Preface

Amichai Magen and Leonardo Morlino

The objective of spreading liberal democracy and the rule of law abroad has, particularly since the ~~attacks on 11 September 2002~~, entered the very heart of the foreign policy discourses of the leading western powers, most notably the ~~United States (US)~~ the European Union (EU). The National Security Strategy of the United States issued by the White House in March 2006 opens with the following words:

It is the policy of the United States to seek and support democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world. In the world today, the fundamental character of regimes matters as much as the distribution of power among them. The goal of our statecraft is to help create a world of democratic, well-governed states that can meet the needs of their citizens and conduct themselves responsibly in the international system.¹

Even more striking than this extraordinary statement about the presumed relationship between the institutions and norms of democracy, on the one hand, and a host of domestic and international goods – security, peace, economic development, and environmental protection – on the other hand, is the fact that fundamentally the same conception is shared by Europe. Indeed, more than two years prior to the US statement the first European Security Strategy, formulated by Javier Solana and unanimously endorsed by the European Council in Brussels, declared that:

The quality of international society depends on the quality of the governments that are its foundation. The best protection for our society is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order.²

In other words, despite squabbles over a host of international issues, the view that liberal democratic government is the sole legitimate form of socio-political organization and model to be promoted globally is shared, as perhaps

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never before, by both sides of the Atlantic – underlined by the erosion of state sovereignty and principles of non-intervention, as well as a growing appreciation of the links between substantive democracy and economic development, peace and security.

Nor is this all empty talk. World Bank (WB) figures indicate a tenfold increase in international support for promoting democracy, from 0.5 percent of Official Development Assistance (ODA) in 1991 to 5 percent in 2000 – an annual increase of approximately US\$3 billion.³ By 2006, institution building for democratic governance accounted for 40 to 45 percent of the United Nations Development Programme (UNDP) worldwide budget (Dervis 2006, 153). In the US, funds allocated specifically to the promotion of democracy and good governance rose from US\$128 million in the 1990s to US\$817 million in 2003, with spending on human rights, judicial development and anticorruption programs amounting to a full 47 percent of expenditure.⁴ A similar trend has emerged in Europe (Burnell 2006, 361). All in all, western democracies and the international organizations they lead now spend billions of taxpayers dollars and euros each year with the explicit aim of building the rule of law in underdeveloped and transitional countries. Many more are spent through the WB and other multilateral development institutions, whose ‘good governance’ agenda is fast expanding and converging with overt democracy promotion – integrated peacekeeping missions under the auspices of the United Nations (UN), as well as multiple efforts to establish minimal conditions of law and order in conflict zones from Afghanistan and Gaza to Iraq, from Haiti to Liberia.

What struck us most powerfully about this evolving reality, and what has been the original driving impetus that gave birth to this book, is the fact that despite growing western investment in promoting democratic development abroad – an investment increasingly paid in blood as well as treasure – the dynamics of international influence on democratic development remain poorly understood. In particular, our understanding of the causal impact of international instruments on domestic outcomes is still woefully under-theorized and under-researched. Do international factors, including the conscious efforts of western actors, play a significant role in encouraging or discouraging transition to and consolidation of liberal democracy? If so, when and how do external incentives, financial and technical aid, socialization techniques, diplomacy or demonstration effects influence domestic decision-makers to adopt, implement and internalize the values and practices of liberal democracy? What combination of domestic conditions and foreign interventions is most likely to lead to the successful growth of effective, accountable democratic government that respects the rights of citizens and is responsive to their needs? What are the pathways of external influence on domestic change and what does the nexus of interaction between external and domestic variables look like in reality?

In deciding to confront these complex issues, we were all too conscious that we could not provide definitive answers to all of them, yet we both sensed

that the experience of EU engagement with its neighbors over the last decade and a half – first in the context of eastern enlargement, and later in the Stabilization and Association Process (SAP) in the Balkans and in the European Neighbourhood Policy (ENP) more broadly – held the key to at least some of the most meaningful insights into the puzzle. To be sure, a relationship between Europeanization and democratization has long been assumed, but it is only with the proliferation of enlargement and nonenlargement engagement strategies over the last decade that a varied empirical canvas has emerged which can now be systematically explored – with important lessons not only for Europeanists, but for scholars and practitioners in the area of international security, development and democratization theory. By defining the democratic outcome we were most interested in – the rule of law – proposing an integrated conceptual framework for thinking about external influence on domestic change, and testing our concepts using both enlargement and non-enlargement cases of EU engagement, we hoped to gain a better understanding of external influence on domestic democratic development dynamics, and to provide a better guide to future academics and policymakers interested in promoting democracy abroad.

At the more prosaic level, this book is the result of the animated corridor debates between us (how else for an Israeli and an Italian) on the nature of democratization, its international dimensions, and the limits of western influence on its development in autocratic or transitional countries. The opportunities for our initial discussions arose, courtesy of our sharing adjacent office space in the Center on Democracy, Development and Rule of Law (CDDRL) at the Freeman Spogli Institute for International Studies (FSI), Stanford University. However, the ideas that eventually grew into this book would have likely remained only ideas, had it not been for the initial warm support of Coit Blacker, Director of the FSI, and the continued encouragement of CDDRL directors Stephen Krasner and Michael McFaul, as well as Stanford University President (Emeritus) Gerhard Casper, and Director of CDDRL and Stanford Law School's Rule of Law Program, Thomas Heller. To these colleagues we owe our deepest gratitude. Our warm thanks go to Robert Fishman for his interest and a number of very useful comments on a few chapters of the book. We are also grateful for the generosity shown to us in the form of financial support which came initially from CDDRL, and then from the Italian Ministry for University and Research, the Jean Monnet Action and International Social Science Council (ISSC). We are also deeply indebted to our Routledge/UACES Contemporary European Studies Series Editor, Tanja Börzel, whose expert advice and meticulous editorial work helped us make the final steps towards completion of this manuscript.

Conducting comparative research in Romania, Serbia, Turkey, and Ukraine has had its own special rewards, allowing us to obtain first hand at least a glimmer of the daily struggle for freedom, decent government and opportunity being fought by extraordinary men and women in emerging democracies in Europe and beyond. Some of the colleagues we met in the process of designing

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the research which would eventually turn into this book, became the natural choices for authors of our case study chapters. Among the others who contributed generously of their time and knowledge to the project, we would like to thank Srđan Darmanovic, Boris Begovic, Dragor Hiber, Jovan Jovanovic and Stanislav Shevchuk. We enjoyed exploring an uncharted path – a journey that is surely the highest reward for a scholar. More than informing, perhaps, we hope this book will stimulate and provoke both theoretical and empirical inquiry into one of the central questions of our time: how to encourage not only more democracies, but better, higher quality ones.

Notes

- 1 See The White House, The National Security Strategy of the United States (available at: <http://www.whitehouse.gov/nsc/nss/2006/>), p. 1.
- 2 A Secure Europe in a Better World: European Security Strategy, European Council in Brussels, December 12, 2003 (available: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>), p. 10.
- 3 World Bank, *World Bank Development Report* (2004) cited in Burnell (2005, 361).
- 4 These figures do not take into account the enormous costs of post-conflict reconstruction and attempts to build state institutions in Afghanistan and Iraq. See Steven Finkel, Anibal Perez-Liñan and Mitchell Seligson, *The Effects of U.S. Foreign Assistance on Democracy Building, 1990–2003* (draft article manuscript, on file with author).