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# **“The External Identity of the EU as a ‘Democracy Promoter’: Myth or Reality?”<sup>1</sup>**

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## **Abstract**

Like all political actors, the European Union (EU) presents its identity to the outside world in as positive a light as possible: a successful example of peaceful, democratic integration and cooperation between nation states. References to its birth from the destruction of the European continent and its role in ensuring peace and stability between Member States are commonly expressed features of the EU’s external identity. At the heart of this external identity lies the belief that the EU embodies democratic principles which are reflective of its internal structure and development. The EU’s own treaty arrangements state that EU action on the international scene shall be guided by a set of principles which are central to its own existence – and the first of these is ‘democracy’. This chapter will consider, first, the complex nature of how the promotion of democracy is carried out in the EU’s relations with the world beyond its borders. The chapter adopts a wide conception of democracy promotion, which can be expressly or impliedly perceived. By casting a wide net, the extent of democracy promotion can be seen to be wider than previously thought which helps to broaden the debate about how the EU puts in place its Treaty obligations to promote democracy. The chapter will finally consider the extent to which the emphasis on democracy promotion within the EU’s

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external activities can justify characterising the EU's identity as one of a 'democracy promoter' or whether its actions do not fully match up to its words.

**Key words:** European Union, democracy promotion, external identity

## **Introduction**

Like all political actors, the European Union (EU) presents itself to the outside world in a positive light as possible. In a wide variety of context where the EU acts beyond its borders, it presents itself as a successful example of peaceful, democratic integration which has benefitted its Member States. References to its birth from the destruction of the European continent and the role of EU integration in ensuring peace and stability are commonly expressed features of the EU's external identity.

EU enlargement has long-since been characterised as a process of welcoming states which have made the transition to democracy. The almost immediate expressions of desire to join the EU by countries of Central and Eastern Europe post-1989 underlines the 'pull' factor of the EU and a certain idea of democratic 'European-ness'. Hence, the enlargement process has provided the impetus to the EU's belief that its model of liberal democracy fosters peace through both economic and political development. The EU's confidence in presenting its external identity as a peaceful entity concerned with using its power and influence for the benefit of humankind, whether expressed through humanitarian and development aid, environmental protection or otherwise is grounded in its Treaty provisions which expressly call for the EU to share its values in the wider world. Two recent developments – the entry into force of the Treaty of Lisbon in 2009 and the adoption of an EU Agenda for Action on Democracy Support in EU External Relations (Council, 2009a) - purport to assert the central place of democracy promotion in the EU's external relations. In the words of the Commission, the EU 'is well placed to promote democracy and human rights' since it is 'continually seeking to improve its own democratic governance' (Commission, 2001). Its commitment was made even more express at Lisbon via the new Article 21 TEU: 'The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement'. It almost appears that the mission to establish and ensure democracy in the world is the *raison d'être* of the EU's external

policies, and by association, its identity. Nevertheless, there is little evidence of a clear or working definition of how ‘democracy’ applies to different areas of the world.

### **Identifying the ‘Democracy’ in EU Democracy Promotion**

The Union is ‘founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights’ (Article 2 TEU). This translates to a commitment to ‘uphold and promote its values’ in relations with the wider world (Article 3 (5) TEU) and, within the section on the Union’s external action: ‘The Union’s action on the international scene shall be guided by 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, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law’ (Article 21 (1) TEU).

The same Treaty article also requires the EU to ‘safeguard its values’, to ‘consolidate and support democracy, the rule of law, human rights and the principles of international law’ (with no distinction as to whether this applies in or outside the EU) and to ‘promote an international system based on stronger multilateral cooperation and good global governance’. A link is made between the particular relationship with neighbouring countries and the EU’s values since the Treaty aims to establish ‘an area of prosperity and good neighbourliness, founded on the values of the Union’ (Article 8 (1) TEU).

‘Democracy’ itself is given no further definition in the Treaties. The EU Agenda for Action on Democracy Support in EU External Relations notes that democratic systems ‘may vary in forms and shape’ but that ‘democracy has evolved into a universal value’ (Council, 2009a, 3). The term ‘democracy support’ is preferred to ‘promotion’ which gives less of an impression of a one-size-fits-all or country-specific approach, taking into account the differing levels of democratic development in third states. The European Instrument for Democracy and Human Rights (EIDHR) was established on a legal basis for development cooperation – the aims of which included ‘the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms’ (Articles 177(2) EC and 179(1) EC). These aims have now been amended by the Treaty of Lisbon, which prioritises the reduction and eradication of poverty in developing countries (Article 208(1) TFEU), but which also refers to the general principles and objectives of the EU’s external action (Article 21(1) TEU). Democracy promotion is, as far as the Treaty is concerned, not solely envisaged for developing countries only.

Frequent references are made in external relations documentation to emphasising ‘common’ and ‘shared’ values between the EU and third states. This vagueness represents recognition of a differentiation of values which may be helpful in avoiding strict parameters in the process of dialogue as to what is required from the EU before cooperation with a third state can be enhanced. ‘Shared’ values can be varied according to the EU’s own interests but the risk associated with a differentiated approach is that the EU’s reiteration of its strong commitment to promoting democracy across the globe includes an in-built downgrading of the importance of democracy when other interests are at stake. ‘Common’ or ‘shared’ values are stressed if the aim is to demonstrate that cooperation, rather than criticism, is sought with a particular third state.

The Council’s eight thematic guidelines on Human Rights and International Humanitarian Law (Council, 2009b) do not concern democracy *per se*, though the importance of democracy/democratisation is stressed. For the Commission, its most recent paper on ‘Furthering Human Rights and Democracy Across the Globe’ (Commission, 2007) places democracy promotion as almost interchangeable with human rights. Neither the Commission nor the Council therefore assert what kind of democratic model the EU is, or should be, seeking to promote. Rather, the emphasis is often placed on fundamental human rights as a pre-cursor to democratisation – and frequent references are made standards defined in international law, through human rights treaties and instruments to which most third states are parties. The EU’s comprehension of democracy is thus capable of having a multi-layered and malleable quality which makes mapping the instances of express and implied democracy promotion a challenging, but illuminating task.

It is logical to focus attention on actions taken with the express purpose of influencing the democratisation/democratic development of a third state/group of states. This can be undertaken in either a positive or a negative way and can be part of a democracy promotion *strategy* on the part of the EU (Youngs, 2001). A positive way implies that the dominant logic relates to an inducement to improve some aspect of the third state’s level of democracy or improvement in some aspect of human rights (often termed ‘conditionality’). Negative express democracy promotion appears to be a contradiction in terms but it operates within the same logic: unless the third state improves or rectifies a situation, then a benefit or advantage will be taken away, or the EU will seek to impose other measures (e.g. sanctions). The wider conceptualisation of democracy promotion covered in this chapter also includes *implied* means in both the positive and negative aspects.

There are, however, three notes of caution. Even the most obvious examples of

democracy promotion are unlikely to exist in isolation and are often balanced with security and economic issues. Further, measuring the effects of any of these initiatives (particularly those which are implied) is difficult to trace – especially when democracy promotion measures are part of a wider set of measures. For this reason, the classification into ‘positive’ and ‘negative’ does not suggest which might be the most effective within the EU’s external relations toolkit, or even if they have any effect at all. Finally, discussion of the ‘EU’ is taken to mean a general combination of actors involved in institutional outputs, except where specific institutions (principally the Commission and Council) are identified.

### **‘Positive’ EU Democracy Promotion**

These measures may be embedded within a wider framework of relations with a third state(s). A legal basis relating to the promotion of democracy is found in Regulation 1889/2006 which established the financing instrument used for democracy promotion (EIDHR). It points to other aspects encompassing a wider understanding of democracy and the promotion of human rights issues ‘of particular importance to the EU’, such as the death penalty, prevention of torture and rehabilitation of torture victims, and work towards ‘an effective system of global justice for human rights violators’ (Commission, 2007, 19).

The development competences were used for the EIDHR but a link through its financing is made with the EU’s Common Foreign and Security Policy (CFSP). The preamble to the Regulation also notes that this measure is designed to help achieve the objectives of the CFSP allowing us to see the link between the EU’s internal and external objectives in democracy promotion. The aims are wide: consolidating democracy and democratic reform in third countries, supporting civil society organisations and on the international and regional levels (Articles 2a and 2b). The annual of budget of 140 million euros is, according to the EIDHR Strategy 2007-2010 divided both geographically and thematically (Commission, 2006). The largest proportion is destined to strengthening the role of civil society in promoting human rights and democratic reform (208.4 million euros, 2007-2010), followed by EU Election Observation Missions, with 56 million euros devoted to enhancing respect for human rights in countries/regions most at risk.<sup>2</sup>

Within this category, one should also include the enlargement and neighbourhood policies. The Copenhagen Criteria (1993) formed the template for the reforms needed to be

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<sup>2</sup> Most recently, in Nicaragua: Commission (2011b).

undertaken by prospective Member States. The first point of the criteria requires ‘stability of institutions guaranteeing democracy’ and cooperation agreements concluded with accession states were notable in that the democratic credentials required of each were more extensive than had been in the past.<sup>3</sup> Full membership has occurred even when there have remained questions on the institutional stability of certain candidate states.<sup>4</sup> Although understood as a positive and express democracy promotion exercise, the main goal of the EU has been the ‘fostering of economic and political regimes committed to the adoption of a liberal-democratic, free market system’ (Williams, 2004, 61). This strong use of conditionality is measurable in terms of the list of criteria to be satisfied with the end goal of final acceptance in the Union as the ‘benchmark’ of reaching the expected democratic standards (Ethier, 2003).

The ‘Wider Europe’ initiative, which eventually became the European Neighbourhood Policy (ENP) in 2004, drew on the enlargement experience. The ENP is designed to spread prosperity and democracy with the EU’s new neighbours by using similar modes of political conditionality (Schimmelfennig and Scholtz, 2008). EU accession is not promised, but the EU was prepared to offer advantages (e.g. visa facilitation) in return for progress made according to a mutually-agreed Action Plan. Action Plans (which can be characterised as examples of ‘soft law’ (Van Vooren, 2009)) covered some democratic improvements, undertaken on the basis of the stated ‘shared values such as liberty, democracy, respect for human rights and fundamental freedoms’ (Commission, 2007, 13).

In terms of democracy promotion, enlargement and ENP can be seen as belonging to the same category since they employ similar methodology, though the latter is supposed to be the product of joint ownership between the EU and the partner state (Cremona and Hillion, 2006). The strong use of conditionality in both does not prevent variable standards being applied – particularly in the latter.

There are also instances of positive, but implied, instances of democracy promotion by the EU. The first are human rights dialogues. These exist either as part of bilateral trade, cooperation or partnership agreements with third states, or where there was no human rights

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<sup>3</sup> For example, political conditions relating to the Russian minorities in the Baltic states, the Roma in other countries in Central and Eastern Europe or, looking to a future enlargement, Kurdish minority rights in Turkey (Rose, 2008, 256).

<sup>4</sup> This has become known as ‘post-accession conditionality’ and was applied in particular to Romania and Bulgaria upon their accession in 2007 (Pridham 2008).

clauses in the framework agreement providing the basis of relations. The Human Rights Dialogue with China is the one example of the latter.

Beyond the bilateral dialogues, this type of democracy promotion is implied in multilateral frames too. The first is cooperation with regionally-based groups of states, and the second is the promotion of (economic) regional integration beyond the EU (Article 21(1) and 2(h) TEU). Both can be positive, implied instances of democracy promotion. Their common point is the attempt by the EU to replicate elements of its system of governance, which is strongly linked to both its economic and political dimensions – the latter of which implies the EU's emphasis on democratic governance. The EU's desire to replicate its mode of governance is well-documented and it is at the institutional level that the implied nature of democracy promotion here can be seen since this sits most closely to the core notion of 'representative' democracy identified as key to the EU's vision of democracy as identified earlier in this article.

The best examples are relations with African, Caribbean and Pacific (ACP) states under the Lomé and Cotonou agreements and, more recently the Barcelona Process (1995) which created a partnership between the EU and partner states around the Mediterranean – now the Union for the Mediterranean (2008). What makes these frameworks come within the ambit of positive, implied instances of democracy promotion is that these frameworks are not merely at the governmental level. Rather, they include fora for Parliamentary dialogue and civil society groups. Nevertheless, one can critically assess the attempts to foster regional integration not as a mean to promote democracy as a goal in itself but rather to pave the way for the economic side to liberalism, which would be of substantial benefit to the EU (Farrell, 2005, 278).

### **'Negative' EU Democracy Promotion**

A promotion measure which is negatively expressed may appear as a contradiction. However, the EU may withdraw a benefit offered to a third state, in order to prompt a rectification of a human rights/democracy situation. If the positive measures outlined in the previous section form the 'carrot', then the express negative measures detailed here are the 'stick'.

The most common means by which this type of democracy promotion can be seen is related to the EU's ability to conclude international agreements. As a powerful economic actor, with a substantial budget for overseas development aid, the EU is in a strong position to insist on the inclusion of certain clauses within its trade and cooperation agreements. Since

the 1990s, the EU has insisted on incorporating human rights clauses as essential elements in its agreements with third states.<sup>5</sup> The inclusion of human rights/democracy clauses provides a link with the democracy assistance provisions (such as those covered by the EIDHR) which effectively allows the EU to engage in positive, express democracy promotion in a third state without the permission of the host government (Youngs, 2001, 31). The clauses are typically worded to cover ‘substantial violations’ for which procedures of ‘special urgency’ may be engaged. These clauses foresee the suspension of the agreement. In reality, this is rare and even the Commission admits that ‘the principal rationale for the clause is to form a positive basis for advancing human rights in third countries through dialogue and persuasion. In other words, the preference is to use positive action rather than penalties’ (Commission, 2007, 14).

Their inclusion in this category is because of what *potentially* may be done.

Agreements have been suspended on occasion. Restrictive measures were taken against countries which included the suspension of bilateral meetings (Uzbekistan in 2005) and limitations on assets, sale of goods and visa rights on members of the government (Zimbabwe in 2002). Restrictive measures put in place at the EU level can, of course, be imposed unilaterally, such as in the case of Burma/Myanmar in 2006. These measures are in themselves further examples of negative, express democracy promotion since they follow the same logic and operate independently of an existing bilateral or multilateral agreement between the third state and the EU. However, since agreements exist between the EU and almost all states around the world, these two measures are likely to go hand-in-hand.

Beyond the actual or potential use of negative means, there are instances where the negative dimension to democracy promotion is indirectly used. This includes where the EU has attempted to export its model of democracy or values, but in a way which is both masked by other aims and which purports to take away some perceived benefit to the third state in question. It could be said that the existence of the human rights suspension clauses could fit within this category, since they generally rely on the perception of a threat, rather than actual suspension, which is rare.

Many CFSP declarations could fit within this category, since they are worded in a way which does not expressly discuss a sanction or negative measure, but implies as much by underlining what the EU considers to be essential in terms of democracy or the protection of

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<sup>5</sup> ‘Respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights, as well as for the principle of the rule of law, underpins the internal and international policies of the Parties and constitutes an essential element of this Agreement’

fundamental human rights. To take one example, the Declaration in April 2010 by the High Representative for the CFSP on the decision by the Pre-Trial Chamber of the International Criminal Court to investigate the 2007-2008 post-election violence in Kenya (Council, 2010) does not threaten any particular measure but underlines commitments made by the Kenyan government in respect to cooperation with the ICC and that ‘the EU is a staunch supporter of the ICC’. The Declaration also points to the EU’s desire to see ‘locally-based judicial mechanisms to complement the ICC investigation’ and a ‘national witness protection programme’. This can be understood as an example of implied democracy promotion, since there is a suggestion to live up to democracy-related commitments with no suggestion of a positive measure to be gained from doing so on the part of the EU. Rather, when coupled with the country-specific approach towards each third state as well as the underlining of the importance of the Article 96 of the Cotonou Agreement (the suspension clause) in the EU’s democracy promotion strategy (Commission, 2006, 20) it appears that the nature of the Declaration suggests that the EU is capable of using negative measures against the state in case of non-compliance – but without this being expressly stated as such.

The other way in which this type of democracy promotion operates does so largely in conjunction with other measures. In essence, the EU uses influence to suggest that unless a country improves its democratic credentials, then it is missing out on access to what the EU has to offer. However, in order to it to be implied, rather than express, the EU does so in relation to (typically) the third country’s neighbouring states. This will often involve the EU’s external frameworks, including the ACP framework, Union for the Mediterranean or ENP. Hence, the reason why this is negative democracy promotion is that the EU’s discourse suggests that a state will lose a potential benefit on offer. This is certainly the case of Ukraine, which was the subject of a CFSP statement on 11 October 2011 following the trial of former Prime Minister Yulia Tymoshenko (Council, 2011). In the High Representative’s statement, it is noted that ‘justice is being applied selectively in politically motivated prosecutions of the leaders of the opposition and members of the former government’ and that as a consequence, the veiled threat that ‘[T]he EU will reflect on its policies towards Ukraine’.

## **Conclusion**

The 2009 Agenda for Action on Democracy Support in EU External Relations suggests that (at least at the rhetorical level) democracy promotion continues to sit at the heart of the EU’s

drive to forge an international role for itself. Even so, EU external relations have been criticised for adopting, at best, an ‘ambiguous approach to democracy promotion because of familiar rival concerns such as security, economic interests, and strategic diplomacy’ (Pridham, 2007, 465). This would appear to undermine the ‘reality’ of EU democracy promotion and push it more towards the realm of ‘myth’. The recent moves in the Treaty of Lisbon and Stockholm Programme place increasing emphasis on the EU’s role in ‘securing’ Europe for its citizens, which incorporates an ever strong external role for the EU in terms of security – an approach often seen as the antithesis to the image it has tried to project as a benevolent force for democratisation and the associated benefits it is supposed to bring.

This chapter has attempted to move the scope of analysis much wider than the express forms of democracy promotion the EU has been engaged in since the beginning of the 1990s. Taken on their own, the positive measures for democracy promotion are insufficient in themselves to understand what the EU does and how. Casting the net wider can capture what the EU is doing in many different aspects and dimensions to its external relations and foreign policy. On the one hand, this does support a view that the ‘reality’ of EU democracy promotion is wider than even the EU institutions would suggest. However, it is important not to be too optimistic about the EU only being about democracy promotion. The way in which country specific approaches work means that other EU interests (e.g. economic, security-focussed) are likely also to be involved and the lack of democracy in a particular country may not be a complete barrier to cooperation in fields such as trade, migration or security. By identifying instances where the EU has attempted to exert some influence on the democratisation of third states, even in an implied manner, it can be seen that the EU’s commitment to spreading its values across the globe are translated across a variety of policy instruments. Thus, a deeper and more complete evaluation of democracy promotion by the EU can take place which helps us better reflect on the ‘reality’ of the EU’s external identity as a ‘democracy promoter’.

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