

PIECING A

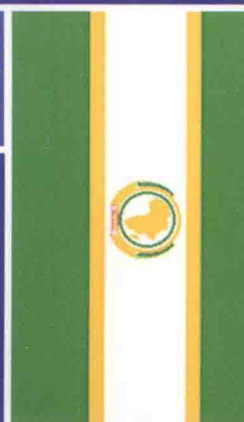
D

emocratic



Quilt?

EDWARD R. MCMAHON AND SCOTT H. BAKER



REGIONAL ORGANIZATIONS
and UNIVERSAL NORMS



Kumarian
Press, Inc.

Piecing a Democratic Quilt?

**Regional Organizations
and Universal Norms**

EDWARD R. McMAHON AND SCOTT H. BAKER



Piecing a Democratic Quilt?: Regional Organizations and Universal Norms

Published in 2006 in the United States of America by Kumarian Press, Inc., 1294 Blue Hills Avenue, Bloomfield, CT 06002 USA

Copyright ©2006 Kumarian Press, Inc.

All rights reserved. No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or information storage and retrieval systems, without prior permission of the publisher.

The text of this book is set in Sabon 10/12

Copy editing, production, and design by Joan Weber Laflamme, jml ediset

Proofread by Beth Richards

Index by Bob Land

Printed in USA by Batson Printing. Text printed with vegetable oil-based ink.

⊗ The paper used in this publication meets the minimum requirements of the American National Standard for Information Sciences—Permanence of Paper for printed Library Materials, ANSI Z39.48–1984

Library of Congress Cataloging-in-Publication Data

McMahon, Edward R., 1956–

Piecing a democratic quilt : regional organizations and universal norms /

Edward McMahon and Scott Baker.

p. cm.

Includes bibliographical references and index.

ISBN-13: 978-1-56549-223-3 (pbk. : alk. paper)

ISBN-10: 1-56549-223-4 (pbk. : alk. paper)

1. International agencies. 2. International relations. 3. Democracy. I. Baker, Scott, 1972– II. Title.

JZ1318.M39 2006

341.24—dc22

2006006720

15 14 13 12 11 10 09 08 07 06 10 9 8 7 6 5 4 3 2 1 First Printing 2006

To my mother, Audrey, and my wife, Fran, who have always walked with upright hearts and who believe in me.

—EDWARD R. MCMAHON

To my parents, Buzz and Terry, who encouraged me to be an active participant in the world, and to Rebecca, whose unwavering love and support are wellsprings of my life.

—SCOTT H. BAKER

FOREWORD

Democratic development is about the social values of citizens, the strength of national institutions, and the viability and saliency of regional and international norms. Much attention has been devoted to the former two. Now this volume persuasively and powerfully analyzes the strengths and weaknesses of the intergovernmental context.

The complexity of the authors' task is captured by their underlying observation that in the construction of democratic standards there are thousands of quilters using hundreds of different pieces following dozens of different patterns. Yet, by focusing on the efforts of regional organizations to promote democratic standards, and the effectiveness of same, this book breaks through the less significant detail and illuminates the progress made and the distance yet to travel in creating meaningful standards.

As this book makes clear, the challenge in codifying international or regional standards is the facility with which clever leaders or dense bureaucracies can rationalize even the clearest edicts. In addition, respect for sovereignty continues to inhibit regional and international organizations in bringing the full weight of influence to bear on outlying nations. Bureaucratic institutions such as the European Commission, when they obscure the real meaning of regional tomes such as the Maastricht Treaty with stultifying verbiage, deny citizens the opportunity to participate fully in the democratic process. The authors take pains to point out the problems even while clearly pointing the way toward an improvement of norms, enforcement mechanisms, and political responsiveness.

In my experience with democratization efforts at the National Democratic Institute for International Affairs and the United States Agency for International Development, the role of international organizations has been evolving, becoming more telling with each passing year. This book captures well the growing influence of these organizations and recommends a course of future action. In doing so, the authors have made a major contribution to the literature while offering a persuasive blueprint for strengthening the international system.

At a time when universal norms and regional alliances are coming under increasing pressure from non-state actors and rogue governments, this examination of democratic legal principles and practice is as salient as it will

ever be. Much is at stake as religious extremists and ideologues attack what had been believed to be “settled law” in this area. The authors allow us to judge whether and to what extent these matters are indeed settled. Democracy and those who want to live in freedom will be the beneficiaries.

—J. BRIAN ATWOOD

PREFACE

In December 2004 a political earthquake shook the Ukraine. An illiberal successor regime to that of the Soviet Union, which had ruled by ignoring, manipulating, or intimidating a considerable swath of public opinion, gave way to a bright orange people's revolution. Forefront in the desires of millions of Ukrainians was to become a "normal" democratic nation, anchored in the European Union. They knew that a core element of the European identity was being a democracy, in which universal rights of freedom of expression, freedom of association, and the right to choose one's government are enshrined.

Regionally based intergovernmental organizations such as the European Union and the Organization for Security and Co-operation in Europe figured prominently in the Ukrainian revolution. They did not campaign for Victor Yushenko, although the former ruling oligarchy accused them of that. Instead, they represented democracy and freedom, goals to which a large majority of the Ukrainian majority aspired.

The Ukrainian case is just one example of popularly based movements for democracy that, at least in part, have drawn inspiration and at least moral support from the existence of regional organizations. In recent years military coups and other undemocratic seizures of power have been thwarted in Latin America due to the Organization of American States' firm stance against such actions. The Commonwealth has developed a tiered review mechanism and has enacted various measures concerning nondemocratic behavior among its members. No doubt the Burmese opposition drew succor from the failure of the ruling military junta to ascend, as scheduled, to the presidency of the Association of Southeast Asian Nations in 2005, due to its authoritarian character. It is possible to cite a growing number of other examples.

This book is about these, and other, regional organizations and the role that an increasing number of them have played in promoting, and protecting, democracy in member states. These developments have at times been largely ad hoc, with each organization feeling its way through different regional contexts and circumstances with varying levels of success. In some regions of the world the process has barely begun. It seems, therefore, very appropriate to use the analogy of the piecing of a quilt to capture the uneven, fit-and-start process that, overall, has nonetheless begun to take shape.

In fact, the (attempted) piecing of democratic quilts is happening simultaneously on two levels; the level of each region and its current and prospective member states, and the global, cumulative sum of these regional efforts.

Although some are certainly more complete than others, these quilts are not yet finished, and their production is likely to have many more complications (and perhaps even some unraveling). And yet, as so often is true regarding democracy, the important part is the process itself, rather than the chimera of a final, finished product. It is the compelling story of this process, and the regional organizations and states involved in it, that is the subject of this book.

ACKNOWLEDGMENTS

Anyone who has written a book knows what a monumental and all-consuming task it becomes. This book has occupied much our lives for the past several years, and we owe massive debts of gratitude to our families and the many individuals who provided support, advice, and encouragement during this adventure.

We were fortunate to have been able to rely upon the assistance of many bright and knowledgeable individuals who have reviewed chapter drafts and/or who have provided useful comments and insight as this project has unfolded. They include J. Brian Atwood; Eric Bjornlund (ASEAN/Arab League); Gerald Mitchell and Steven Wagenseil (OSCE); Steven Griner, Santiago Canton, and Michael Beaulieu (OAS); Khabele Matlosa, Aileen Marshall, and Christopher Fomunyoh (AU/APRM); Katja Weber (EU); Adam Stulberg (NATO); Christopher Childs (Commonwealth); and Patrick Naagbanton, Zabbey Nenibarini, and Stevyn Obodoekwe of the Centre for Environment, Human Rights and Development (Nigeria). Robert Lagamma, Ted Piccone, Matteo Mecacci, and Nicole Bibbins-Sedaca also provided important perspectives, especially regarding the Community of Democracies and the overall democratization initiatives examined in this book.

Our sincere appreciation goes to our editor and the staff at Kumarian Press, especially Jim Lance, Jacqueline Bush, and Erica Flock, who provided continual support and advice throughout the life of this project.

Most important, this project would not have been possible without Amy Dillon, who engaged in the manifold tasks involved in the editing and preparation of the manuscript. Thus, our extra special thanks and appreciation go to her.

Any mistakes or errors in this book are, of course, solely our own.

ACRONYMS

ACHPR	African Charter on Human and People's Rights
AFTA	ASEAN Free Trade Area
APEC	Asia Pacific Economic Cooperation
APRM	African Peer Review Mechanism
ASEAN	Association of Southeast Asian Nations
ATA	Atlantic Treaty Association
AU	African Union
CD	Democratic Coordinating Committee
CHOGM	Commonwealth Heads of Government Meeting
CHRI	Commonwealth Human Rights Initiative
CIS	Commonwealth of Independent States
CFSP	Common Foreign Security Policy
CMAG	Commonwealth Ministerial Action Group
COD	Community of Democracies
COE	Council of Europe
CONECCS	Consultation, the European Commission, and Civil Society
CSCE	Conference on Security and Co-operation in Europe
CSO	Civil Society Organizations
EAPC	Euro-Atlantic Partnership Council
EC	European Community
ECOSOCC	Economic, Social, and Cultural Council
ECOWAS	Economic Community of West African States
ECSC	European Coal and Steel Community
EIDHR	European Initiative for Democracy and Human Rights

EU	European Union
IACHR	Inter-American Commission on Human Rights
IADC	Inter-American Democratic Charter
ICCPR	International Covenant on Civil and Political Rights
ISAF	International Security Assistance Force
MAP	Membership Action Plans
NATO	North Atlantic Treaty Organization
NEPAD	New Partnership for African Development
NGO	Nongovernmental Organization
OAS	Organization of American States
OAU	Organization of African Unity
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization of Economic Cooperation and Development
OIC	Organization of Islamic Conference
OPEC	Organization of Petroleum Exporting Countries
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliament Assembly of the Council of Europe
PfP	Partnership for Peace
PMF	Political-Military Framework
SAARC	South Asian Association for Regional Cooperation
TAC	Treaty of Amity and Cooperation in Southeast Asia
UN	United Nations
UNDP	United Nations Development Programme
UDHR	Universal Declaration of Human Rights
UNA-USA	United Nations Association of the United States of America
WACSOFF	West African Civil Society Observer
WEU	Western European Union
WTO	World Trade Organization

CONTENTS

Tables	ix
Foreword by J. Brian Atwood	xi
Preface	xiii
Acknowledgments	xv
Acronyms	xvii
1 Introduction	1
2 Setting the Scene	17
3 European Union	35
4 Organization for Security and Co-operation in Europe	53
5 The North Atlantic Treaty Organization	73
6 Organization of American States	91
7 The Commonwealth of Nations	105
8 Organization of African Unity/African Union	127
9 The Association of Southeast Asian Nations and the Arab League	145
10 Comparative Analysis	163
11 Toward a Finished Quilt—Future Perspectives and Recommendations	189
Notes	199
Bibliography	217
About the Authors	233
Index	235

TABLES

Table 3–1.	European Union: Freedom House Rankings	51
Table 4–1.	OSCE: Freedom House Rankings	71
Table 5–1.	NATO: Freedom House Rankings	90
Table 6–1.	OAS: Freedom House Rankings	104
Table 7–1.	Commonwealth Responses to Actions of the Governments of Member States	113
Table 7–2.	Commonwealth Reactions to Recent Severe Events	116
Table 7–3.	Commonwealth: Freedom House Rankings	126
Table 8–1.	African Union: Freedom House Rankings	143
Table 9–1.	ASEAN: Freedom House Rankings	155
Table 9–2.	Arab League: Freedom House Rankings	161
Table 10–1.	Comparison of Regional Organizations on Adoption of Democratic Standards	169
Table 10–2.	Comparison of Regional Organizations and National Sovereignty	171
Table 10–3.	Comparison of Regional Organizations and Pre-Accession Democratic Criteria	173
Table 10–4.	Comparison of Regional Organizations and Pre-Accession Democratic Adherence	175
Table 10–5.	Comparison of Regional Organizations and Post-Accession Democratic Adherence	178
Table 10–6.	Comparison of Regional Organizations and Adherence to Democratic Criteria	180

Table 10–7. Comparison of Regional Organizations and Receptivity to Ancillary Actor Influence	183
Table 10–8. Comparison of Regional Organizations and Proximity to “Tipping Point”	185
Table 10–9. Pre-Accession Comparison Summary	186
Table 10–10. Post-Accession Comparison Summary	187
Table 10–11. Overall Comparison Summary	188

Chapter 1

INTRODUCTION

A central feature of contemporary international affairs has been the move toward democracy and greater political liberties around the world. Democratic principles have never been more widely encouraged, and practiced, than in the present time. With the decrease of overtly authoritarian states in the post–Cold War world, the concept of democracy has become a worldwide governance ideal. This is most clearly identified in Huntington’s “Third Wave” concept, which notes the dramatic expansion of democratic freedoms over the past thirty years, following more gradual periods of expanded political freedoms in the nineteenth and mid-twentieth centuries.¹ Freedom House’s *Annual Survey of Political Rights and Civil Liberties 2005* notes that the number of states considered fully democratic increased significantly between 1950 and 2000. In 1974, while forty-one democratic states accounted for 27 percent of the world’s population, by 2005 the figure had risen to eighty-nine countries with 44 percent of the population.²

At the same time, however, experience demonstrates the very challenging and delicate nature of global democratization processes. Violence often surrounds moves toward greater political freedoms. Debates rage over whether preconditions of economic and social development are necessary before democracy can take root, or whether certain cultures and religions are relatively more hospitable toward democracy. Clearly the democratization trend is more accentuated in some regions of the world than in others. In addition, Fareed Zakaria and others have tracked the rise of what can be called “illiberal democracies,” which bear the trappings of democracy but do not reflect the spirit of democratic culture or permit a realistic possibility of alternance in power.³ Despite these challenges, however, both experiential and empirical evidence is growing that democracy will continue to be a salient governance ideal.⁴

The international community’s increasing support for democratic forms of governance has taken the shape of an emerging set of norms and standards that is increasingly seen as a prerequisite for membership in the global community of democracies. In recent years the concept of a “democratic

entitlement,” in which citizens have a universal right to be governed according to democratic standards, has begun to take form in international law.⁵ This emerging doctrine posits that the concept of sovereignty includes the ability of people to exercise fundamental and universal rights as expressed in such internationally recognized instruments as the 1948 United Nations Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Civil and Political Rights (ICCPR), and the 1993 UN Vienna Declaration and Program of Action.⁶

The UDHR called for the “right to freedom of thought, conscience and religion . . . the right to freedom of opinion and expression . . . the right to freedom of peaceful assembly and association” (arts. 18–20). Furthermore, it states:

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. . . . The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. (Art. 21)

Over time this general concept became more explicitly defined. By 1993, the Vienna Declaration used the term “democracy,” stating:

Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. . . . The promotion and protection of human rights and freedoms at the national and international level should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development, and respect for human rights and fundamental freedoms in the entire world.

The process of promoting this “democratic entitlement” concept has not been simple, quick, or unambiguous. Instead, it has been uneven and evolving, as a growing number of governments and other actors struggle to identify and define operational standards. While the extent of progress has been significant, developing a global consensus has been, and continues to be, a daunting task. At times other geopolitical, historical, or cultural considerations may minimize or even trump individual country democracy-promotion policies.

A central challenge is how to operationalize and promote adherence to the principles outlined above. The international community’s growing support for global democratic development has taken the form of promoting a set of norms and standards that is increasingly seen as a prerequisite for membership in the global community of democracies. Governments and other

actors have, over time, sought to articulate and define these operational standards. For decades the international community has wrestled with how to encourage authoritarian states to adopt democratic norms and standards. Nations seeking to promote democracy have often identified bilateral avenues of pursuing this goal and used tools such as public suasion and statements, quiet diplomacy, sanctions, and occasionally force. Increasingly, however, the international community has seen utility in collective action. In some ways it is remarkable how much progress has been made, although much remains to be accomplished.

An ongoing debate in academic and policy circles explores the extent to which democracy flows from internal versus external causes and motivations. This argument presents a false dichotomy inasmuch as both elements are invariably present in democratizing contexts. One promotes and feeds off the other. Rarely will the international community adopt an aggressive prodemocratic stance vis-à-vis countries in which none of the prerequisites for democratic development is present. Conversely, international efforts to promote democracy are most effective when significant will and building blocks for democratic development are present, or at least possible, in the target country. Every case possesses its own complexities, and it is in these contexts that international support seeks to empower and encourage the development of prodemocratic initiatives. Yet despite such international effort, many initiatives prove to be feeble and ineffective.

How democracy and the means toward it are to be nurtured and supported are thus perhaps the most pressing questions of our age. Democratization appears to have the best chances of success when it results from both positive domestic and international environments. The media, bilateral relations between established and potential democracies, and multilateral efforts of international organizations all contribute to the international factor. While domestic factors—including the growth of civil society and the functioning of the state government—will always play a significant role in the level of democratization within a state, increasingly important components of this international factor are regional organizations. Their role is at times compelling and important, but as yet it is a highly uneven and incomplete story. Their efforts to promote and protect democracy through pre- and post-accession criteria and mechanisms are the subject of this book.

In recent years regionally based intergovernmental organizations have increased in size, number, and influence. This is partly in response to the effect of globalization, in which countries are recognizing that to be actors on the world stage it is often in their best interests to work together, especially in a regional or continental context. The reverse also occurs, in that regional organizations provide the basis for the translation of universal norms and standards into reality on the national level of their member states. The European Union (EU) is perhaps best known for its emphasis on