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**Normativity and its political boundaries:
how the European Union promotes
democracy.**

**The case of 2006 Palestinian
Parliamentary Election.**

Supervisor: **Elsbeth Guild**

Thesis presented by
Julio Francisco Villarreal Garcia
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Abstract

The present thesis intends to find out to what extent the European Union is truly committed to democracy promotion, and, particularly, to what extent such form of government is prioritized by the latter when other also relevant objectives seem to compete and eventually exclude any possibility to advocate for democracy overseas. In order to give the most coherent and comprehensive answer to such question, this thesis will evaluate the European Union notion of democracy in a disaggregate manner, by studying how democracy is conceived and defined by the latter most important bodies (the European Parliament, the European Commission and the Council of the European Union). Provided that the European Union has in several occasions expressed its commitment towards multilateralism, and besides that, given the fact that one of its bodies has expressed the necessity to embrace a United Nations' constructed characterization of democracy, the latter's one democracy concept will also be assessed, so as to find out to what extent the EU has conducted itself accordingly to the latter democracy (and also democracy promotion) criteria.

Due to the fact that the European Union has strongly advocated for democracy in Palestine, this thesis is constructed on the grounds of analysing the behaviour of the EU towards the 2006 Parliamentary Election results, since those results compelled the EU to make a quite difficult choice: an unconditional and unreserved respect and support for democracy would have implied backing Hamas, an extremist political organization which did not recognize the State of Israel, a traditional EU-allied in the region.

By confirming the hypothesis of the present thesis, according to which the European Union does not privilege democracy promotion in its foreign relations if other relevant objectives like security or stability compete or exclude democratic processes' outcomes (like, as stated, the popular support that Hamas received in a democratic election) it is concluded that the European Union is, first and foremost, devoted to construct a 'security community' international schema composed of regimes which respect, above democracy, standards which may contribute to create a more stable and predictable community of nations.

Finally, after confirming the hypothesis underlying the present thesis main question, secondary conclusions or implications are also drafted: as an implication of the imposition of the proper European Union security and stability unilaterally constructed concepts over the Palestinian population, the European Union not only

damages its status as a democracy-promotion international subject but, ultimately, makes more difficult for the proper Palestinians to consolidate democracy and peace in its country (by neglecting the results of a transparent and democratic election and by encouraging the political and military clashes between Hamas and Fatah)

Keywords

Democracy

Palestine

Hamas

2006 Parliamentary Elections

Fatah

Security

Security Regime

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List of Abbreviations

EU

OPPD

PNC

UN

European Union

Office of Promotion of Parliamentary Democracy

Palestinian National Authority

United Nations

1 Introduction: the European Union as an international democracy-promotion actor.

The European Union has been historically constructed on the grounds of a set of values which were always understood as desirable insofar as they were needed to construct such integration process in the most fair and just possible manner. The fact that the “European integration was conceived in the aftermath of the Second World War, to prevent such massive killing and destruction ever happening again”¹ explains, to a large extent, such ‘axiological’ commitment. Over the years, any potential military clash between in Europe vanished. Therefore, unrestricted by those perturbing potential occurrences, the European Communities and, after the Treaty of Lisbon, the European Union, committed itself to pursue other objectives, possibly not so much devoted to a reconciliation and appeasement rhetoric but, ultimately, also necessary to achieve the well-being of the European population (between others, but not exhaustively free trade, free movement of persons, capitals, etc.).

Nevertheless, the European Communities and the European Union never ignored such ‘axiological’ commitment: as the relevance of Europe as an international actor become more and more tangible, the promotion of institutions like democracy, human rights, etc. also became a centrepiece within the latter’s foreign policy. Indeed as the proper Commission stated, “the European Union has gradually come to define itself in terms of the promotion of [...] rights and democratic freedoms”². Such statement is in any sense only a rhetorical assumption: by an extended myriad of international agreements and treaties (between others, the Barcelona Process, the European Neighbourhood Partnership, etc.) the European Union has intended to promote those values, especially within its surrounding countries.

In this sense, such active promotion of democracy or human rights does not only obey to a moral desideratum but, ultimately, and as has been already stated, is a consequence of a long historical tradition that to ontologically constitute the European Union. Consequently, and due to the fact that

¹Commission of the European Communities, *Furthering Human Rights and Democracy across the Globe*, Brussels, Office for Official Publications of the European Communities, 2007, p. 5.

²Commission of the European Communities, “Communication from the Commission to the Council and the European Parliament: The European Union and the External Dimension of Human Rights Policy: from Rome to Maastricht and beyond” COM(95) 576final, Brussels, 22 November 1995, p.7.

Europe is the continent of human values, the Magna Carta, the Bill of Rights, the French Revolution and the fall of the Berlin Wall [and therefore] the continent of liberty, solidarity and above all diversity, meaning respect for others' languages, cultures and traditions³.

it can be assumed that values or institutions like democracy (and, within the inherent right of each population to self-determination⁴) would always be favoured by the European Union in managing its foreign relations. On this assumption the main question of the present thesis is constructed: To what extent the European Union actually privileges democracy in conducting its foreign relations (and, particularly, to what extent democracy is privileged by the European Union when such institution may be read as inconsistent or contradictory with other EU concerns like security or stability overseas)? Underlying such question lie the hypothesis that, notwithstanding its fiery rhetoric regarding the inherent value of democracy, the European Union may pay more attention to construct a 'security community' overseas than to really support such form of government.

By means of assessing the European Union reaction to the outcome of the Palestinian Parliamentary Election celebrated in 2006, this thesis will endeavour to answer the proposed question and assess the feasibility of the already depicted hypothesis. The selection of this case is grounded on the fact that notwithstanding the European Union consuetudinary expressed commitment towards democracy and the inherent right to self-determination of any given society, the political triumph of Hamas (an extremist political Palestine faction) bound the EU to make a choice between committing itself unconditionally to democracy or privileging security or stability concerns in Palestine and Middle-East (so as to protect and favour Israel, a traditional EU ally). Due to the fact that this composition is primarily directed to investigate the European Union posture regarding democracy promotion, little attention will be displayed towards Hamas mind-set regarding such form of government, so as to examine as much as possible which are the European Union (and its constituents bodies) principles and perspectives regarding such issue. With the purpose of achieving such

³European Union, "The Laeken Declaration on the Future of the European Union", Laeken, 15 December 2001, retrieved 7 April 2012, <http://european-convention.eu.int/pdf/1knen.pdf>.

⁴ It will be later demonstrated that the latter is an internationally recognized human right.

objective, this study will make use of scholar's and political judgements and impressions, European Union bodies' reports, resolutions and communications and media articles.

Going back to this thesis' main question, is important to stress that even though such question may be responded in a very straight and simple manner, the epistemological pre-conditions to render such an answer may not seem to be so simple. As the proper Commission already recognized, "The European Union is ultimately a union of values"⁵: therefore, studying the ideological or axiological foundations that may lie at the main European Union main institutions mind-set may not only be a necessary but also (so as to fulfil the epistemological pre-conditions to answer properly the posed question), an unavoidable requisite. As a straight consequence of that, studying how the definition of democracy is conceived is absolutely necessary.

Notwithstanding the fact that the European Union is composed of a considerable set of bodies, due to space constraints, only the Commission, Council and European Parliament notion of democracy (and its implications in conducting the European Union foreign policy) will be studied. Nevertheless, provided that the European Union embraces multilateralism, and therefore the proper United Nations' conceptualization of democracy⁶, an assessment of such organization characterization of democracy would also be performed.

⁵Commission of the European Communities, Report from the Commission: The Stabilisation and Association process for South East Europe. Second Annual Report, COM(2003) 139 final, Brussels, 26 March 2003, p. 3.

⁶The convenience of adopting a United Nations notion of democracy has been recognized by one of the European Parliament bodies.

2 The (rhetorical) relevance of democracy promotion within the European Union.

The fact that democracy “has underpinned the political, social, cultural and economic development of the European Union”⁷ may hold deep causal relations with the belief that the EU “is convinced that [...the democratic system] represents the best form of government”⁸. Nevertheless, the consideration or attention dedicated to democracy is, within the latter, relatively recent: neither the Treaty celebrated in Paris in 1951, by means of which the European Coal and Steel Community was created neither the Treaty of Rome, that in 1957 established the European Communities, mention such a political system, let alone intend to define it. Indeed, only thirty years later the European Community (by means of the European Single Act preamble) devoted itself to “work together to promote democracy on the basis of the fundamental rights”⁹. Such a declaration is particularly relevant, not only due to its rhetorical significance, but also because its spirit led to numerous changes within the European Communities¹⁰, changes which guided to “quicken and democratize the decision-making process of the Community”¹¹.

Paradoxically, and after thirty years of silence since its foundation, it can be claimed that the signature of the abovementioned treaty triggered, not only within, but also outside the European Community boundaries the promotion of such regime: the Copenhagen Criteria, the Stabilisation and Association process, the European Neighbourhood Policy, the Union for the Mediterranean (formerly known as the Barcelona Process), the Cotonou Agreement or the

⁷D. Toornstra & T. Huyghebaert, *Democracy Revisited. Which Notion of Democracy for the EU's External Relations?*, Brussels, Office for Promotion of Parliamentary Democracy, 2009, p. 5.

⁸*Ibid.*

⁹European Communities, “Single European Act”, *Official Journal of the European Communities*, L 169, 29 June 1987, Preamble.

¹⁰For instance, the European Single Act invested the Parliament as co-legislator, increasing the democratic legitimacy of the decisions adopted by means of such procedure.

Ibid., art. 6.6.

¹¹K. Good, "Institutional Reform Under The Single European Act.", *American University International Law Review*, vol.3, no. 1, 1998, p. 314.

European Consensus on Development, among others multilateral instruments, contributed to the emergence of such form of government promotion. Those agreements, between others relevant steps in the field, shaped, over time, an European Union in which

Developing long term relations with other countries in the world and promoting a set of important objectives and norms (such as democracy, human rights, rule of law, and good governance, free market economy) are at the heart of [...its] diplomacy¹²

Indeed, and after the European Single Act the subsequent European Treaties paid even more attention to the enforcement of democratic principles: for instance, the Maastricht Treaty stated that the

EU Community policy in [...the area of Development Co-operation] shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms¹³.

In this sense the modifications introduced by the Lisbon Treaty to the Treaty of the European Union are of particular relevance. Due to those amendments, the European Union, for the first time, embraced a commitment to ground on democracy promotion its foreign policy: indeed the amended Treaty of the European Union, in its Title V (where the European Union External Actions General Provisions are depicted) established, in its art. 21 that,

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human

12S. Keukeleire & A. Justaert, "EU Foreign Policy and the Challenges of Structural Diplomacy: Comprehensiveness, Coordination, Alignment and Learning", Brussels, Diplomatic System of the European Union (DSEU), February 2012, p.2, retrieved 8 April 2012, http://dseu.lboro.ac.uk/Documents/Policy_Papers/DSEU_Policy_Paper12.pdf.

13European Union, "Consolidated Version of the Treaty establishing the European Community", *Official Journal of the European Union*, C 321 E, 29 December 2006, art. 177 TEU [hereafter, "Maastricht"].

dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law¹⁴.

However, even before the Lisbon Treaty the European Union had promoted democracy overseas: since 1989, initially in the Lomé IV Convention¹⁵, the EU started to include a human rights clause (that specifies the importance of respecting human rights and democratic values) in a considerable amount of bilateral trade agreements and association and cooperation treaties with third countries and international organizations.

Nevertheless, and notwithstanding the Lomé's IV Convention¹⁶ rhetoric, it was not until 1992 that the respect for democracy and human rights obligations were included in international treaties between the European Union and its counterparts as an 'essential element', which violation may lead to a suspension or even termination (in its entirety or in part) of the whole treaty¹⁷: for instance the Agreement between the European Economic Community and the Republic of Albania, on trade, commercial and economic cooperation stated, in his art. 1 that the

¹⁴European Union, "Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union", *Publications Office of the European Union*, Luxembourg, 2010, Art 27 TEU [hereafter "Lisbon"].

¹⁵"The first reference [to democracy and human rights] in the body of a [EU] contractual document was in Art. 5 of the fourth Lomé Convention, concluded in December 1989"
Commission of the European Communities, *Communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third Countries*, COM(1995) 216 final, Brussels, 23 May 1995, p.7.

¹⁶"From Lomé I to IV", European Commission, retrieved 1 April 2012, http://ec.europa.eu/europeaid/where/acp/overview/lome-convention/lomeitoiv_en.htm#4.

¹⁷According to the art. 60 of the Vienna Convention on the Law of the Treaties, a Treaty may be suspended or even terminated if one of the signing parts incurs in "the violation of a provision essential to the accomplishment of the object or purpose of the treaty".

"Vienna Convention on the Law of Treaties", retrieved 17 March 2012, http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf.

Respect for the democratic principles and human rights established by the Helsinki Final Act and the Charter of Paris for a new Europe inspires the domestic and external policies of the Community and Albania and constitutes an essential element of the present agreement¹⁸.

Given the fact that the European Union practices such a widely extended democracy promotion, in this point an epistemological clarification is deemed necessary. As it will be shown, the European Union recognizes the fact that not all the international subjects share a unique or monolithically constructed notion of democracy and that, quite contrary, such a concept depends on cultural, historical and also political considerations. In this sense, given such plurality or variety of possible definitions and the fact that the European Union is represented by a given set of institutions, an attempt to define how this concept is constructed and understood by the most relevant European Union bodies and, most importantly, how is it promoted overseas, should be made.

In order to outline more properly the field of study of the present thesis (as it will be described extensively in the forthcoming paragraphs) it should be taken into account that a relevant feature of the EU democracy and human rights promotion policy implies that, eventually, even though campaigning for those values may be conceived as relevant and desirable purpose, such purpose should not be regarded exclusively as an autonomous or independent objective. For instance, and as the European Consensus on Development stressed some years ago, the preservation and promotion of democracy and human rights constitute a necessary mechanism so as to achieve the development of any country: “progress in the protection of human rights, good governance and democratisation is fundamental for poverty reduction and sustainable development”¹⁹.

18 European Communities, “Agreement between the European Economic Community and the Republic of Albania, on trade and commercial and economic cooperation”, *Official Journal of the European Communities*, L343, 25 November 1992, art. 1.

19 European Union, “Joint Statement by the Council and the representatives of the governments of the Member States. Meeting within the Council, the European Parliament and the Commission: ‘The European Consensus on Development’”, *Official Journal of the European Union*, C46, 24 February 2006, art. 86.

The latter is not a purely rhetorical assumption: the belief in such causal relation between democracy and development was materialized on several documents regarding EU policy on governance and development²⁰ (between others, but not exhaustingly those referring to the Caribbean²¹, or the Asia regions²²). With regards to the Mediterranean Region, which naturally includes the Palestinian Territories, the same relation between democracy and development can be identified in the European Commission named “A Partnership For Democracy And Shared Prosperity With The Southern Mediterranean”, since such document

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In its Communication on Wider Europe-New Neighborhood Initiative, the Commission put forward an ambitious vision: the creation of an enlarged area of peace, stability and prosperity encompassing the neighbors to the East and to the South (Mediterranean countries) based on common values and deep integration [...] This objective is going to be implemented by means of Action Plans which will cover, inter alia, reform towards strengthening democracy and respect for human rights, good governance and the rule of law.

Commission of the European Union, *Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee: Governance and Development*, COM(2003) 615 final, Brussels, 20 October 2003, p. 28.

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The objective is a strong mutually beneficial partnership on the international scene within which the two sides will work together towards the shared ideals of democracy [...] in the fight against poverty and global threats to peace, security and stability.

Commission of the European Communities, *Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee: An EU-Caribbean Partnership for Growth, Stability and Development*, COM(2006) 86 final, 2 March 2006, p.2.

22 “The EU has a strong interest in a peaceful, democratic and economically prosperous Central Asia. These aims are interrelated”.

General Secretariat of the Council of the European Union, “The European Union and Central Asia: the new partnership in action”, Council of the European Union, 2009, p. 12, retrieved 16 April 2012, http://eeas.europa.eu/central_asia/docs/2010_strategy_eu_centralasia_en.pdf.

refers the need to support “transition towards open and democratic market economies”²³ by means of one of its instruments, the European Bank for Reconstruction and Development.

In this point, and so as to introduce this thesis hypothesis, any reader can ask itself whether or not the European Union actually established any hierarchy between democracy or human rights and the aims which may be achieved by means of the latter ones. In this sense, it can be argued that, notwithstanding the fact that in the conduct of their foreign relations the EU may appeal to the promotion of democracy or human rights so as to consolidate or foster other objectives, such approach does not imply, per se, that neither democracy nor human rights may be conceived as secondary or subsidiary institutions or values for the European Union. Quite contrary, it can be argued that the first ones still will be paramount for the EU since, as the Charter of Fundamental Rights of the European Union proclaimed, “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”²⁴.

Nevertheless, a counter-argument may suggest that the fact that concepts or institutions like democracy, human rights, freedom, etc. may represent primordial values for such integration process does not imply, in itself, a comprehensive semantic agreement regarding the sense or importance of the latter when compared to other values which may also be relevant for the EU (and which could be included within a comprehensive definition of democracy²⁵). One of the most probable causes regarding the lack of such comprehensive semantic agreement may obey to the fact that the European Union has not been able, so far, to provide a conclusively exhaustive definition of democracy²⁶. If there is a causal relationship

²³Commission of the European Union, *Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: a Partnership for Democracy and Shared Prosperity within the Southern Mediterranean*, COM(2011) 200final, Brussels, 8 March 2011, p.15.

²⁴ European Communities, “Charter of Fundamental Rights of the European Union”, *Official Journal of the European Communities*, C 364, 18 December 2000, Preamble.

²⁵ For instance security, since is difficult to think in a non-coerced democratic election within an unsecure political environment.

²⁶ As it will be seen, the EU, through the Office for Promotion of Parliamentary Democracy recognizes the impossibility to draw such comprehensive definition.

between the lack of possibilities to stipulate a hierarchy amid several values (democracy and security, for instance) and the comprehensiveness of the definition of democracy, thus examining to what extent “democracy” is defined by the EU is necessary. Such assessment should be useful not only to stipulate how ample or comprehensive any EU’s notion of democracy may be, but, ultimately how normatively restricted the EU may be when it comes to favour other different objectives than democracy promotion by means of advocating for the latter.

2.1 European Union democracy definition and democracy- promotion policy overseas.

Without doubt, one of the most relevant attempts to define comprehensively the meaning of democracy has been made in the 1990’s Charter of Paris for a New Europe (signed by the majority of the current European Union Member States), which depicted in a relative clear and concise manner how democracy was conceived within the States that subscribed such Convention:

Democratic government is based on the will of the people, expressed regularly through free and fair elections. [...] Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law²⁷

Not only the Charter of Paris for a New Europe is relevant since it positivized an European consent against totalitarian regimes on the grounds of the respect of democratic principles, but, additionally, due to the fact that such consent was fully incorporated to the European Union Common Foreign and Security Policy framework, since the latter shall be directed to preserve, according to the art. 11.1 of the Maastricht Treaty, “peace and

²⁷ Organization for Security and Co-operation in Europe, “Charter of Paris for a New Europe”, 21 November 1990, p.3, retrieved 1 April 2012, <http://www.osce.org/mc/39516>.

international security in accordance with the principles [...] and the objectives of the Paris Charter”²⁸.

Due to the fact that the European Union Common Foreign and Security Policy should be tailored to the principles of the Paris Charter and provided that such Charter confers to the democratic system an inherent worth²⁹, something that implies, therefore, that in conducting its CFSP the European Union shall necessarily promote democracy, the fact that the Treaty of the European Union reenvoies to the Charter of Paris so as to delimitate the features and thus implications of the EU CFSP may entail an inconvenient to such democracy promotion. This problem is grounded on the fact that the democracy which may be promoted by the European Union is not a general or abstract concept, but, as it can be perceived, a concept which represents the convictions, dogmas or presumptions of a given set of countries within a given a very specific historical moment³⁰.

In this sense is relevant to point out than a conventional EU democracy or human rights policy promotion should be also structured on reaching a common understanding with such policy recipients regarding how those values should be understood or conceived; otherwise such program may lead to a complete failure. Such a finding was, actually, a characteristic feature of the Barcelona Process, where, quite contrary as what happened with the European Neighbourhood Partnership (which policy framework was “predicated on the assumption of “shared values” on both banks of the Mediterranean Sea, in particular democracy and respect for human rights”³¹) “the existence of [a] common ground was not an

28 European Union, “Maastricht”, op. cit., Art. 11.1 TEU.

29 Since the signing countries committed themselves to “consolidate and strengthen democracy as the only system of government of nations”, Organization for Security and Co-operation in Europe, op. cit., p.3, , retrieved 1 April 2012, <http://www.osce.org/mc/39516>.

30The inherent particularity of the Charter of Paris’s democracy definition may be witnessed, for instance, in the paramount relevance bestowed to regular elections within such Charter. Such particular concept of democracy may be a consequence of the fact that, as Wouters, De Meester and Ryngaert suggested “*In the first years after the Cold War* [when the Charter of Paris was signed], *the attention of the international community was only to the electoral side of democracy*”.

J. Wouters, B. De Meester & C. Ryngaert, “Democracy and International Law”, Leuven Interdisciplinary Research Group on International Agreements and Development, June 2004, n. 22, p. 8., retrieved 12 April 2012, http://ghum.kuleuven.be/ggs/publications/working_papers/archive/wp05.pdf.

31 R. Aliboni, “The ENP in the Mediterranean: Evaluating the Political and Strategic Dimensions”, in M. Comelli, A. Eralp & Ç. Üstün (eds.), *The European Neighbourhood Policy and the Southern Mediterranean*:

assumption at all; it was a Partners' political commitment, whose implementation had to be negotiated"³².

Given therefore the relation between the eventual success of the EU democracy promotion and how much such a promotion may be constructed on the recipients own idiosyncrasy, cultural beliefs or definitions of democracy, Keukeleire's counsel, regarding the need to start

thinking less about the 'EU' and European rules of the game, and more about the 'foreign' [...ones, so as to] boost a sense of ownership [of the EU policies by local populations], diminish[...ing] seeing the EU as neocolonial power and rais[...ing] the legitimacy of EU foreign policy³³

should be seriously considered.

Indeed, this is the methodology advised by the Office for Promotion of Parliamentary Democracy of the European Parliament: given the large amount of available democracy definitions stemming from different institutions around the world,

It may therefore be advisable for the EU to rely on an existing, comprehensive definition of democracy adopted by the largest possible group of countries, notably the UN General Assembly, rather than adopting its own version. This definition would not only have the greatest possible authority, but would also reflect the EU's own views³⁴

Besides that, the OPPD stress three further reasons supporting such suggestion: first a democracy definition conceived within the UN may make

Drawing from the Lessons of Enlargement, Ankara, Middle East Technical University Press, 2009, p. 19.

32 *Ibid.*

33 S. Keukeleire, et al, "Key Challenges for European Foreign Policy: Debate and Book Launch", Paper presented at the Leuven Centre for Global Governance Studies and the Institute for International and European Policy in occasion of presenting the book entitled "The Foreign Policy of the European Union", Leuven, July 2008, p. 4.

34 D. Toornstra & T. Huyghebaert, op. cit., p.7.

more sense diplomatically [since] There is no compelling reason for EU partner countries to accept a specific EU definition; indeed they may reject it as a unilateral imposition. In contrast, they cannot easily object to a definition originating in the UN³⁵.

The second reason, much more relevant, is grounded on the fact that the European Union has embraced multilateralism³⁶, and therefore, supporting a rule based on global order will be much more consistent with promoting democracy. But, undoubtedly, the last motivation underlying the abovementioned proposal is the determinant one: given the fact that “there is no authoritative definition of democracy that claims to include all possible components of democracy”³⁷ and provided that the United Nations conception of democracy may reflect in the most faithful manner the international consensus regarding such concept, it would be convenient for the EU, so as to legitimize its democracy promotion foreign policy to rely on an UN-based democracy definition. If those reasons are not conceived as mistaken or flawed, an assessment of the United Nation democracy definition is, thus, necessary.

2.1.1 The semantics of multilateralism: the United Nations’ democracy definition.

The draw of a multilateral and widely consented definition of democracy within the United Nation framework may not only be a consequence of the fact that the “United Nations is well placed to facilitate coordination among international actors engaged in institution-building for democratization”³⁸ but ultimately, it may obey to the circumstance that, in the recent years, the international community may have turned to be much more assertive towards such coordination between different national actors since “the new world environment has

35 Ibid.

36 The European Union “shall promote multilateral solutions to common problems, in particular in the framework of the United Nations”

European Union, “Lisbon”, op. cit., art. 21.1 TEU.

37 D. Toornstra & T. Huyghebaert, op. cit., p.7.

38 B. Boutros-Ghali, *An Agenda for Democratization*, New York, United Nations Department of Public Information, 1996, p. 21.

strengthened the fundamental link between democratization nationally and internationally”³⁹. Within such international political environment, the United Nations passed some resolutions describing how democracy should be understood.

The most relevant of those resolutions was, undoubtedly, the number 59/201, which (complying with the United Nations Millennium Declaration, which declared that such international institution will spare “no effort to promote democracy and strengthen the rule of law”⁴⁰) depicted such form of government as grounded on the

respect for human rights and fundamental freedoms, inter alia, freedom of association and peaceful assembly and of expression and opinion, and the right to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic free elections by universal and equal suffrage and by secret ballot guaranteeing the free expression of the will of the people, as well as a pluralistic system of political parties and organisations, respect for the rule of law, the separation of powers, the independence of the judiciary, transparency and accountability in public administration, and free, independent and pluralistic media⁴¹.

Even though the latter seems to be a quite comprehensive definition of democracy, covering, as it can be seen, an extensive degree of areas, still, it can be argued that

it is not for the United Nations to offer a model of democratization or democracy or to promote democracy in a specific case [...since] to do so could be counter-productive to the process of democratization which, in order to take root and to flourish, must derive from the society itself⁴²

³⁹ *Ibid.*, p. 27.

⁴⁰ UN General Assembly, “United Nations Millennium Declaration”, 8 September 2000, art. 24, retrieved 21 April 2012, <http://www.un.org/millennium/declaration/ares552e.htm>.

⁴¹ UN General Assembly, “Enhancing the role of regional, sub-regional and other organisations and arrangements in promoting and consolidating democracy”, 23 March 2005, art. 1, retrieved 12 April 2012, <http://www.undemocracy.com/A-RES-59-201.pdf>.

⁴² B. Boutros-Ghali, *op. cit.*, p. 4.

Underlying such assumption lie the idea that each nation shall develop its own democratization progressive schema:

Imposition of foreign models not only contravenes the [United Nations] Charter principle of non-intervention in internal affairs, it may also generate resentment among both the Government and the public, which may in turn feed internal forces inimical to democratization and to the idea of democracy⁴³,

It should be recalled that the consequences of endorsing an alien perceived democracy-promotion policy towards a given society may not only foster cultural or axiological misunderstandings, but, ultimately, may develop severe political consequences. In this sense, and given the fact that by means of a democratization process, the “power within the society [recipient of such a democracy promotion policy] is redistributed and new structures and institutions are created in order to organize this very power”⁴⁴, a democracy promotion policy may, if it is not well-conducted, lead to counter-intuitive or inverse (to the initially foreseen) effects, like for instance, the destabilization of a given country. This assumption is grounded on the fact that not always new structures or institutions may foster security or stability in a region: take, for instance, the appointment of a new administration, an event which could lead to several political struggles due to the fact that ““traditional” power holders or privileged groups [...may not be] willing to pass on power and consequently [may] oppose democratization”⁴⁵. In conclusion, the recipient democracy promotion policy society may turn into a less cohesive, more fragmented and unpredictable one due to the erroneous implementation of such policy.

The need to ground the endorsement or support for a given democracy promotion policy within the proper recipient community values had been already perceived by the United Nations Development Program (UNDP), which

43 *Ibid.*

44 J. Leininger, “Democracy and UN-Peace-Keeping: Conflict Resolution Through State-building and Democracy Promotion in Haiti”, *Max Planck Yearbook of United Nations Law*, vol. 10, p. 473.

45 *Ibid.*

has gradually moved its programming towards the promotion of democratic governance [...] and genuine popular participation in political decision making, whatever form such participation might take. Democratic governance is also underpinned by a vital consensus on its parameters among all key sectors within a society⁴⁶

On the normative ground, the fact that the UN General Assembly Resolution No. 56/151, which recognizes “The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development”⁴⁷ conveys the fact that the proper United Nations acknowledges the plurality of forms and patterns that may be embraced or practiced by a given community in organizing itself politically. Nevertheless, such recognition should not lead to the misguided assumption that, by doing so, the United Nations relinquishes to consider democracy as the most desirable form of political organization within a given society (something which legitimates, in turn, to encourage its spread). Quite contrary, the UN Resolution 50/133 supports the hypothesis that there may not be inconsistency at all between the promotion of democracy and the right of each community to self-determination since, ultimately,

democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and on their full participation in all aspects of their lives”⁴⁸.

As it can be seen therefore, insofar as the European Union promotes democracy by respecting the proper recipients beliefs and political choices it will fulfil the United Nations mandate. Unfortunately, that has not been the case, as it will be explain below.

46 M. M. Brown, “Democratic Governance: Toward a Framework for Sustainable Peace”, *Global Governance*, Vol. 9, No. 2, 2003, p. 142

47 UN General Assembly, “Promotion of a democratic and equitable international order”, 8 February 2002, art. 3.a., retrieved 14 April 2012, [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/A.RES.56.151.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/A.RES.56.151.En?Opendocument).

48 UN General Assembly, “Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies”, 16 February 1996, Preamble, retrieved 12 April 2012, [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/A.RES.55.43.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/A.RES.55.43.En?Opendocument)

Regarding the UN definition of democracy, it can be said that, in conclusion, considerations like the abovementioned stated shaped, not only on ethical, but also on pragmatic grounds, the approach that such organization embraced when promoting democracy in heterogeneous cultural environments. The potential apprehensions or the moral concerns that the promotion of a narrowly-defined kind of “democracy” may rise within heterogeneous political and cultural environments and, additionally, the political instability than the promotion of such model of democracy can create within them, led the United Nations to adopt a relatively ample definition of democracy. This definition of democracy, based, in turn, on the fact “that each State itself [should] decide the form, pace and character of its democratization process”⁴⁹ should also pay tribute first and foremost, to

the development and maintenance of the institutions necessary for the ongoing practice of democratic politics [creating] a culture of democracy [which should be grounded on the assumption that] the will of the people is the basis of governmental authority; that all individuals have a right to take part in government; that there shall be periodic and genuine elections; that power changes hands through popular suffrage rather than intimidation or force; that political opponents and minorities have a right to express their views; and that there can be loyal and legal opposition to the Government in power⁵⁰.

As a last remark, and as it has been stated before, it should be recalled the United Nation embraces a relatively indeterminate or non-exhaustive definition of democracy in order to adapt such concept to the plurality of cultural or historical idiosyncrasies that each Nation may have. Nevertheless, such ambiguous or ample model should not be read as an absolutely indeterminate concept: quite contrary, there are some features (like the depicted immediately before) which the United Nation considers of mandatory observance and which breach or non-compliance prevents any regime of being branded as a democratic one. As it will be explained below, the respect of to a large number of those conditions were completely omitted and even infringed by the European Union when the 2006 Palestinian Parliamentary election was celebrated.

49 B. Boutros-Ghali, *op. cit.*, p. 8.

50 *Ibid.*

Such contingency constitutes one of the most relevant reasons so as to study the proper EU institutions definition of democracy: even though (and as it has been indicated) the European Union relied in the United Nations democracy definition, a better understanding of the EU behavior towards the 2006 Palestinian elections may be better achieved by studying how such governmental form is conceived within the latter. In this sense, it may be argued that, ultimately, the apparent disregard or omission of the European Union displayed towards the United Nations notion of democracy may be not such a thing when compared to the proper EU definition of this concept (notwithstanding the fact that, again, the EU expressed, by means of the OPPD, the convenience of relying on the United Nations democracy definition). Those considerations should lead the reader to the next paragraph.

2.1.2 The notion of democracy within the European Union institutions.

The method to construct in a very ample or conceptual indeterminate manner the ultimate core meaning of democracy has not been uniquely utilized by the United Nations so as to predicate or achieve the establishment of such political system within all possible recipient societies. A similar “conceptual” concession has been granted by the already quoted Office of Promotion of Parliamentary Democracy when recognizing that, even within the UE members, such a political system could be practiced by a plurality of regimes, including, among others, “constitutional monarchies, republics, executive and non-executive heads of state, unicameral and bicameral parliaments, centralised and decentralised government, federal and non-federal states [...with] written and unwritten constitutions”⁵¹. The problem, nevertheless, does not stem as a consequence of incurring, per se, in a casuist definition on how “democracy” should be practiced or exerted: each and every concept is, to some extent, indeterminate, and each and every Nation in which democracy is practiced has some particularities. Consequently, to some extent casuist-grounded definitions should be accepted. The inconvenient may reside in the extent to which such casuistry is applied as a valid epistemological method or recourse: if, as the Office of Promotion of Parliamentary Democracy suggested, due to the extended multiplicity of forms that European democracy may embrace it may not be “the formal nature of the democracy but its practice that determines its characteristics”⁵² one can assert that, ultimately, the nature of a given definition

51 D. Toornstra & T. Huyghebaert, op. cit., p. 7

52 *Ibid.*

of democracy will always be superfluous or conceptually redundant since its ultimate meaning will depend on the operationalization, rehearsal or practice of such a concept.

Concerning such issue, a clarification is deemed necessary. Provided that, as already referred, the European Union (or, at least, its Office for Promotion of Parliamentary Democracy) embraced the idea that democracy may be better described by means of appealing to a casuistic method, the question regarding which may be the sense of embarking ourselves into a terminological discussion about the ultimate sense of democracy for the EU may, not mistakenly, arise. This question may be rooted on the belief that, above and beyond any definition, verdict or doctrinarian monolithically constructed assumption, the strict categorization and, furthermore, necessary delimitation of the core sense of “democracy” may never pertain to the universe of semantics, due to the fact that it would be the proper implementation or exercise of such a form of government, and not an ontology of its “being” (inherent to a metaphysically or excessively abstract essentialist conceptualization) the methodological resource which would ultimately stipulate the boundaries and implications of such term.

Nevertheless, against this argument it can be contended that there may be no inconsistency between enquiring which is the inherent ontology or ultimate definition of “democracy” according to the European institutions practice and the fact that those institutions may define such concept by interpreting its own practice⁵³. Having said so, and so as to further find out how consistent or inconsistent with its conception of democracy has been the European Union regarding its conduct towards the 2006 Palestinian Parliamentary Elections, a description regarding how their institutions conceive democracy is deemed necessary.

2.1.2.1 The European Parliament definition of democracy.

As Bradley refers by stating that

⁵³ It shall be assumed that the most relevant EU institutions (Commission, Council and Parliament) are, to some extent, democratic (and that they exert a democratic practice while dealing with their day-to-day activities) since, even in the case of the Commission, its members are chosen by democratically elected governments and are accountable for their decisions.

the fact that the Parliament's powers in relation to the Union's external relations, particularly under the common foreign and security policy, are rather limited does not prevent its taking a very active interest in alleged human rights violations in third countries, as if seeking to compensate through the quantity and scope of its activity for its lack of formal clout⁵⁴,

the European Parliament has been very active in embracing or protecting the values that such body considered as dominant. Of course, and as Bradley already detailed, the impact of the European Parliament decisions have to be measured within the European Union institutional architecture, its inherent distribution of competences, and to what extent the latter can actually influence the international scenario, conditions which, consequently, characterize the universe of possibilities of the EP within the EU.

In this sense, the practical approach taken by the European Parliament is much more directed to the achievement of the European Union intents to promote democracy within a given region or country instead of defining such concept exhaustively. As it has been already referred, the European Parliament, throughout its Office for Promotion of Parliamentary Democracy, supported the idea that the EU should, in the management of its foreign relations, rely on a United Nations-based conception of democracy, given the greater legitimacy, and therefore acceptance, that such a notion may obtain when compared to an EU grounded one.

Consequently, the European Parliament is more devoted to implementation and operationalization tasks than to normative or semantic issues. In this sense, and without hesitation, one of the most perturbing issues for such a body is the possibility of non-compliance with the democratic and human rights clauses of the international agreements signed by the European Union and its counterparts.

Nevertheless, the European Parliament is well aware that the European Union, in its interior front, is also responsible, to some extent, of the democracy promotion flaws. As Bretheron and Vogler suggested, "In relation to development policy and foreign policy [...] lack of consistency impinges negatively upon EU presence"⁵⁵.

Such lack of consistency within the EU foreign policy has been intended to be surpassed by several manners by the European Parliament. One of the most paradigmatic

54 K. Bradley, "Reflections on the Human Rights Role of the European Parliament", in P. Alston (ed.), *The EU and Human Rights*, Oxford, Oxford University Press, 1999, p. 840.

55 C. Bretheron & J. Vogler, *The European Union as a Global Actor*, Routledge, Abingdon, 2006, p.31.

appeals of the abovementioned body so as to turn the EU international agreements into a more persuasive or effective democracy promotion mechanisms was grounded on the latter efforts to communize the EU Common Foreign and Security Policy⁵⁶, so as to improve the impact of the policies delivered by the EU in promoting democracy by the integration or eventual fusion of those policies.

The need to build a more consistent European Union foreign policy so as to promote democratization does not represent, for such body, uniquely a rhetorical posture: the standardization of the democratic clauses contained in the EU international agreements and the suspension mechanism designed to prevent an unpunished breach of those obligations are of special concern for the EP. Indeed the EP 2001 resolution entitled “Resolution on human rights in the world in 2000 and the European Union Human Rights Policy” should be read in this sense, since it reiterates the European Parliament “concern about the fact that many international agreements by which the EU is bound and which include human rights clauses do not include implementing rules governing the suspension mechanism”⁵⁷.

⁵⁶ The European Parliament “considers it vital to communitise the CFSP as soon as possible, as the only way of ensuring true consistency in the Union's actions in this field”

European Parliament, “Resolution on the Communication from the Commission to the Council and the European Parliament on the European Union’s role in promoting human rights and democratisation in third countries”, *Official Journal of the European Union*, C131 E, 5 June 2003, p. 152.

It should be said that, after the Lisbon Treaty, the Common Foreign and Security Policy has become much more consistent by means of the creation of the High Representative, something that was recognized by the European Parliament [*]. However, the abovementioned resolution was quoted so as to illustrate, by means of a particular case, the EP historical position regarding the need to enforce, as much as possible, the European Union democracy and human rights promotion policies.

[*] “the implementation of the Lisbon Treaty [...] will be instrumental in enhancing the coherence, consistency and effectiveness of EU foreign policy”

European Parliament, Committee on Foreign Affairs, Gabriele Albertini (rapporteur), *Report on the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2009*, 2010/2124(INI), Brussels, 19 April 2011.

⁵⁷ European Parliament, Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, Matti Wuori (rapporteur) *Resolution on human rights in the world in 2000 and the European Union Human Rights Policy*, 2000/2105(INI), Brussels, 30 May 2001.

As an inference of the above-stated considerations, it would not be faithful to depict the European Parliament approach towards democracy promotion as a mere expression of desires. Indeed, one of the most relevant consistency goals achieved by such body was the creation of a budget line “specifically devoted to the promotion of human rights and democracy, [named] the European Initiative for Democracy and Human Rights (EIDHR)”⁵⁸. The very fact that “The EP may define certain policy priorities at the time of adopting or periodically renewing budgetary instruments”⁵⁹ echoes the principle that, ultimately, consistency is of major importance for the European Parliament, since the allocation of those resources are grounded on “budget remarks stipulating certain conditions for the utilization of the budget [...which should be] respected by the EC in their implementation of project”⁶⁰, conditions subjected to the compliance of a given set of priorities regarding the respect for democracy and human rights of the aid recipients.

Nevertheless, a clarification is deemed relevant at the current stage: even though the European Parliament, even more “than any other EU institution, seems to have been the driving force behind putting democracy-related issues high on the agenda”⁶¹, such institution still acknowledges the impossibility to rely on very ambitious or either unrealistic schemas when promoting democracy. Between other reasons, the lack of legally binding effects of relevant EU cooperation schemas (take, for instance, the European Neighborhood Action Plans) and the dependence on the recipients countries so as to determine the final conditions by means of which those agreements are going to be enforced lie beneath such implicit recognition. The same condition can be witnessed regarding the Mediterranean region. As Stavridis refers

58 “Beyond Activism. The impact of the resolutions and other activities of the European Parliament in the field of human rights outside the European Union”, *European Inter-University Centre for Human Rights and Democratisation (EIUC)*, October 2006, p.144, retrieved 27 March 2012, http://www.humanrightsimpact.org/fileadmin/hria_resources/BEYONDACTIVISM_final.pdf.

59 *Ibid.*, p. 263.

60 *Ibid.*

61 I. Solonenko & B. Jarabik, “Ukraine”, in R. Youngs (ed.), *Is the European Union Supporting Democracy in its Neighbourhood?*, Madrid, FRIDE, 2008, p. 87 .

there is ample evidence of EU interest in attempting to produce a coherent and consistent policy that promotes human rights and other democratic principles in the region [...]. However, there is also ample evidence that there is still a long way to go before we can see true evidence of the existence of an effective democratic external EU policy. That is to say, there is still a gap to bridge between the rhetoric and the reality of EU Mediterranean policy⁶².

In conclusion, it would not adjust to reality to stress that the European Parliament embraces a monolithically constructed notion or definition of democracy. Nevertheless, and as has been extensively explained in this paragraph, the EP believes not only in the need to institutionalize such form of government in many countries as possible, but also in the feasibility of doing so by means of a plurality of mechanisms like conditionality, drafting clauses regarding the implementation of the suspension of a cooperation agreement when democracy or human rights clauses are breached by the recipient country, and an extended plurality of budget mechanisms so as to enforce particular projects related to democracy. As recalled, the reject express by the OPPD towards the adoption of any particular definition of democracy may explain the propensity of the EP towards a sort of pragmatic approach when it comes to define and promote democracy. It seems to be evident that the European Parliament prefers to spread general values or conceptions of democracy which are contained in the abovementioned United Nations 2005 General Assembly Resolution instead of advocating for its proper and unilateral definition.

2.1.2.2 The Commission and the Council definition of democracy.

As Ferrero-Waldner, the last European Commissioner for External Relations and European Neighbourhood Policy stressed, the Commission believes in “promoting democracy, good governance and human rights around the world. For their own sake, but also because they are the cornerstones of peace and human development”⁶³. Similarly as the European Parliament approach, the Commission pursued by means of different instruments

⁶² S. Stavridis, “Democratic Conditionality Clause, Use of Sanctions and the Role of the European Parliament in the Euro-Mediterranean Partnership: A Preliminary Assessment”, *Agora Without Frontiers*, vol. 9, no.4, 2004, p. 295.

⁶³B. Ferrero-Waldner, European Commissioner for External Relations and European Neighborhood Policy, “Remarks on democracy promotion”, Speech at the Democracy Promotion Conference “The European Way”, Brussels, European Parliament's Alliance of Liberals and Democrats for Europe, 7 December 2006 .

the enforcement of those values overseas. Between those instruments, of particular relevance for the Commission is not only the inclusion of the already mentioned democratic clauses but, more importantly, those clauses enforcement and full operationalization: “The EU should ensure that the issues of human rights and democracy are systematically included in all institutionalised bilateral dialogues with Mediterranean partners”⁶⁴.

A similar mindset to the European Parliament’s one is adopted by the Commission when it assesses how democracy should be conceived, and, therefore, developed outside the European Union:

the practice of democracy can look very different from one country to the next, and political institutions must match local conditions [...since] there is no one-size-fits-all solution to democracy promotion [...something that means that the European Union] need long term commitment and patience⁶⁵

As a consequence of the assumption that democracy respond to a series of cultural and historical conditions, thus being its nature and manifestation almost an inference of each society’s own idiosyncrasy, Ferrero-Waldner also emphasized the idea that such regime should be a product of endogenous instead of exogenous pressures: “we understand that democracy can never be imposed from outside: genuine democratic transition must always come from within.”⁶⁶.

The Council stance regarding democracy and its promotion does not vary substantially in all the above-described subjects: in its conclusions on Democracy Support in the EU’s External Relations, the Council stated that it “recognises that democracy cannot be imposed from the outside. The EU remains committed to the principles of ownership of development strategies and programmes by partner countries”⁶⁷.

64 Commission of the European Communities, “Communication from the Commission to the Council and the European Parliament: Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners. Strategic guidelines” COM(2003) 294 final, Brussels, 21 May 2003 (not published in the Official Journal).

65 B. Ferrero-Waldner, European Commissioner for External Relations and European Neighborhood Policy, “The European approach to democracy promotion in post-communist countries”, International Conference, Vienna, Institute for Human Sciences, 19 January 2006.

66 *Ibid.*

67 Council of the European Union, “Council conclusions on Democracy Support in the EU’s External Relations”, 2974th External Relations Council meeting, Brussels, 17 November 2009, retrieved 15 April 2012, [Press Release] http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/gena/111250.pdf.

The recognition of the multiplicity of democracy schemes and the consequent approval to the existence of a self-directed democracy process does not implies, nevertheless (and within the same trend as expressed by the Commission) that the Council may also renounce to embrace an incipient democracy definition, whose relative broad extension may permit (in a similar way as the Commission⁶⁸ and the UN⁶⁹ did) its eventual transposition to a third country. As the Council referred,

While there is no single model of democracy, democracies share certain common features. These include respect for human rights and fundamental freedoms, including the principle of non-discrimination, which provides that everyone is entitled to enjoyment of all human rights without discrimination as to race, sex, language, religion, political or other opinion, national or social origin, birth or other status. Democracy should ensure the rights of all, including the rights of persons belonging to minorities, of indigenous peoples and other vulnerable groups⁷⁰.

2.1.2.3 Comparison between the Council, Commission and European Parliament democracy definition.

All the above-mentioned conditions may lead to the erroneous assumption that the approach stemming from the Commission and the Council, when compared to the European Parliament one, may be considerably similar regarding how the proper concept of democracy should be conceived or understood and, consequently, how such government form promotion should be exercised. To some extent, such supposition may not be completely mistaken. Probably, nevertheless, it may be incomplete: as stated in its European Neighborhood 2004 Strategy Paper, the Commission implied that not only “the rule of law, good governance, the respect for human rights, the promotion of good neighborhood relations”⁷¹ should constitute

68 Commission of the European Communities, “European Neighbourhood Policy Country Report: Morocco”, op. cit., pp.5-10.

69 B. Boutros-Ghali, op. cit., p. 8.

70 Council of the European Union, “Council conclusions on Democracy Support in the EU’s External Relations”, op. cit., p.3 .

71 Commission of the European Communities, “Communication from the Commission: European Neighbourhood Policy: Strategy Paper”, COM(2004) 373 final, Brussels, 12 May 2004, p. 3.

the base of such cooperation schema, but ultimately, that the latter will be also constructed on the grounds of “the principles of market economy and sustainable development”⁷².

Indeed, the interest displayed by the Commission and the Council towards the financial and economic side of the cooperation and association agreements could be interpreted as being even greater, potentially, than the democracy promotion related one. No forced or speculative reading should be performed so as to confirm such hypothesis: the involuntary consent given by the European Parliament to the EU-Turkey custom agreement entered into force in 1995 may illustrate such difference of criteria. As Ugur postulates, in considering the eventual approval of such an agreement arguments in favor and in con were considered, being the first ones based on the economic convenience for the EU to celebrate such custom area with Turkey and the latter ones grounded on the latter lack of commitment with democracy.

Notwithstanding the Commission and Council professed commitment towards democracy, in the present case

The EP gave its assent to the customs union agreement in December 1995 under intense pressure from the Commission and the Member States. [...] the Council and the Member States blurred the transparency/visibility of the human rights issues by linking them with a “European interest” that the EP was expected to defend⁷³.

A similar approach was taken by the Commission concerning the allocation of funds towards one of the most authoritarian regimes from the EU periphery: Morocco⁷⁴. As Youngs refers by pointing out that

the leverage the EU has due to the close EU–Moroccan relations [...] has so far not led the EU explicitly to express the remaining political challenges [particularly regarding

72 Ibid.

73 M. Ugur, *The European Union and Turkey: An Anchor/Credibility Dilemma*, Aldershot, Ashgate, 1999, p. 234, 235.

74 M. Farag, “Morocco: A dictatorship in disguise”, *The Stanford Daily*, 14 October 2011, retrieved 13 April 2012, <http://cddrl.stanford.edu/news/3151>.

democracy] in a systematic manner. By contrast, in relation to economic reforms, the Commission has not hesitated to do just that⁷⁵

it becomes evident that the Commission devotes particular and preeminent relevance to the economic links instead of the democracy enforcement provisions, a finding confirmed by the fact, at least for Africa “the most potent criterion in deciding aid allocations [...] is governments’ respective macro-economic policy commitments”⁷⁶.

The Council of the European Union also subordinated democracy to other considerations. A paradigmatic example of such stance was reflected in the fact that, two months after the Development’s Ministers Council of the European Union agreed on considering democracy as a precondition for granting aid towards third countries⁷⁷, the Council decided (in coordination with the remnant EC bodies) on continuing its assistance towards a newly constituted de facto Algerian government which replaced, by means of a military coup d’état, a democratically elected regime. Security and stability considerations were particularly pertinent in this case to grant support to the military junta, since the topple government was mainly composed by members of the Islamic Salvation Front, a political party which was not particularly delighted to the European Communities⁷⁸.

In conclusion, democracy can be represented, within the Commission and the Council of the European Union perspective, as a relevant but not determinant factor when planning and instrumenting the EU foreign policy. As it will be depicted in the next paragraph, not very unlikely it may be asserted than quite usually within the EU cooperation schemas, democracy promotion is superseded by other considerations regarding, not exhaustively, security, stability and predictability within a given region or country.

75K. Kausch, “Morocco”, in R. Youngs (ed.), *Is the European Union Supporting Democracy in its Neighbourhood ?*, p. 20.

76 R. Youngs, *Is European Democracy promotion on the wane?*, Brussels, Centre for European Policy Studies, 2008, p. 4.

77 G. R. Olsen, “Promotion of democracy as a foreign policy instrument of ‘Europe’: Limits to international idealism”, *Democratization*, vol. 7, no. 2, 2000, pp. 155-156.

78 *Ibid.*

3.1 *Objectives of the European Union democracy promotion.*

Even though, and as it has been proven, the European Union may strongly rely on its rhetoric stance towards democracy or, more extensively, human rights, the hypothesis of this thesis argues that, for the latter, neither the prevalence of democratic governance within a region nor the respect of human rights should be conceived as completely autonomous or independent objectives in themselves. Quite contrary, it can be asserted that the pursue of those principles or values should be seen as a means to achieve more desired EU necessities-oriented objectives, between others, the attainment of a security and stability framework for the EU neighbouring countries. For instance, the Common Strategy on the Mediterranean Region, adopted by the European Council in 2000, which “builds on the Euro-Mediterranean Partnership established by the Barcelona Declaration and its subsequent acquis”⁷⁹ is directed, as the proper document literally claims, to the pursue of a more “stable and secure region, with an open perspective towards Europe, [something that, congruently] is in the best interest of the EU”⁸⁰

Particularly relevant for the European Union is the security and stability not only within its proper boundaries, but also overseas. The linkage between promoting democracy in a given region (or country) and contributing to its securitization may be more evident or direct than how normally such causal relation is believed or assumed. The European Union mind-set regarding the relation between both concepts can be easily explained by means of Jervis concept of ‘security regimes’, a concept which is used to describe the regimes that have a professed inclination to solve their disputes and controversies by means of peaceful resolution procedures, relying on the rule of law and international settlement dispute mechanisms. As Jervis claims, those ‘security regimes’ can be characterized as grounded on a set of “principles, rules, and norms that permit nations to be restrained in their behaviour in the belief that others will

⁷⁹ Council of the European Union, “Common Strategy of the European Council of 19 June 2000 on the Mediterranean region”, Official Journal of the European Communities, Brussels, L183, 22 August 2000, p.5.

⁸⁰ *Ibid.*

reciprocate”⁸¹. Therefore, the fact that, ultimately, democratic regimes, as opposed to authoritarians or totalitarians ones, strongly rely on the rule of law and usually steady procedures and principles to resolve their internal but also external conflicts⁸², may explain why those democratic governments are, for the European Union, more likely to contribute to a secure international environment than autocratic or dictatorial ones.

In this sense the Barcelona Process may contribute to confirm such assumption. As Alvaro de Vasconcelos suggested⁸³, such process is built so as to consolidate a North-South integration project aimed to ensure security through inclusion: democracy and inclusiveness seem to be particularly useful so as to expand the projected EU area of peace and stability, an overriding objective within the EU foreign policy, particularly in the Mediterranean region. Therefore, even though democracy promotion may imply for the EU foreign policy a very relevant objective, in the end, such per se value is also conceived to embrace or attain further EU foreign policy purposes (within others, but not exhaustively security, stability and political predictability).

This presumption, according to which democracy may help to achieve the abovementioned securitization objectives, has been clearly emphasized by the New European Security Strategy, which embraced the overall idea that “the best protection of our security is a world of well-governed democratic states”⁸⁴. The sum or aggregation of those well-governed States shall, in the fullness of time, give rise to a secure or stable community, since, as such document states, “The quality of international society depends on the quality of the governments that are its foundation”⁸⁵.

81 R. Jervis, “Security Regimes”, *International Organization*, vol. 36, no 2, 1982, p. 357.

82 R. Rigobon, D. Rodrik, “Rule of Law, Democracy, Openness and Income: estimating the interrelationships”, Working Paper 10750, *National Bureau of Economic Research*, September 2004, retrieved 14 march 2012, <http://www.nber.org/papers/w10750.pdf>.

83 A. de Vasconcelos, “Security as a component of Comprehensive Policy”, p.2 retrieved 14 April 2012, <http://sam.gov.tr/wp-content/uploads/2012/01/Alvaro-De-Vasconcelos.pdf>.

84 “A Secure Europe in a better World: European Security Strategy”, Brussels, 12 December 2003, p.10, retrieved 8 April, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

85 *Ibid.*

The fact that the construction of those 'security regimes' (according to Jerkins' definition) should, as the New European Security Strategy recognizes⁸⁶, promoted and extended as much as possible, implies the need to regionalize or eventually globalize such a securitization process. In this point it may be illustrative to introduce another analytical concept, which, actually, reflects the dynamics of such a process: Deutsch's 'security community' model. This model suggests that an international stable, cooperative and secure community could only be erected by means of the existence, within a given group of states, of a sense of value-based sense of belonging, values which can be identified with those tending to ensure mutual interdependence, resort to non-violent conflict resolution processes, and institutionalized adhesiveness to the procedures which may ensure the rehearsal and materialization of those objectives.

The European Union attempts to construct such 'security community' can be witnessed, for instance, in the European Neighbourhood Partnership, an international cooperation agreement signed by the latter and several surrounding countries directed to avoid "the emergence of new dividing lines between the enlarged EU and [its] neighbours and instead strengthening the prosperity, stability and security of all"⁸⁷ by means of building on a given set of values and principles which are conceived as intrinsically favourable to foster or nurture the security of the region. As the European Neighbourhood Policy Strategy Papers conveys, those principles are, between others, the

mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, including minority rights, the promotion of good neighbourly relations, and the principles of market economy and sustainable development⁸⁸.

86 "Spreading good governance, supporting social and political reform[...]establishing the rule of law and protecting human rights are the best means of strengthening the international order"

Ibid.

87 Commission of the European Union, "The Policy: What is the European Neighbourhood Policy?", retrieved 1 April 2012, http://ec.europa.eu/world/enp/policy_en.htm.

88 Commission of the European Communities, "European Neighbourhood Policy: Strategy Paper", op. cit., p.3.

Embracing the principles of democracy and human rights promotion within the structures and policies of the European Union foreign relations both rhetorically and practically should not be understood, as referred in the aforementioned paragraphs, as a per se objective for the latter. Quite contrary, as the most relevant and extended international cooperation processes of the EU attested, objectives like the stabilization and securitization of a given region or country (so as to create a community of securitized nations) may lie beneath those initiatives. In this sense, the assumption that the EU foreign policy is directed to construct a 'security community' (Deutsch) or a collective of 'security regime[s]' (Jenkins) may clearly illustrate the fact that understanding the EU democracy promotion as a solely axiological or moral commitment may be a necessary but not sufficient condition so as to apprehend an unbiased and comprehensive approach towards the real objectives underlying the rhetoric, but most importantly, the practical dynamics of the European Union foreign policy.

Even though the promotion of a democratic political system by the European Union may be seen as quite consistent regarding the procedure or manner by means of which such promotion is practiced (given that the latter is not only grounded on a given rhetoric –i.e. the democratic ethos or values explaining such discourse- but also on the principles or institutions underpinning such rhetoric –i.e. democratic bodies, rule of law, etc.-), the attainment of a given 'security community' requires not only that the institutions or set of values designed to fruition such strategy may be enforced but, ultimately, that those institutions and inherent values may be respected by the targeted country and, ultimately, population.

In this sense, it should be said that, over the long term, policies like the present one may imply or require not only the direct or close intervention of the EU regarding the values or institutions promoted, but, quite paradoxically, it can be asserted that the effective success of such a policy implementation may depend, first and foremost, on the recipients inherent attitude towards it. In this sense, the eventual European Union abstention in implementing such policy over the long term should be read as a positive or necessary condition instead of as a proof of resign for its own responsibility regarding the oversight or conduction over the entire process, since, as Keukeleire explained,

sustainable and viable structural reforms will require that the EU leaves behind what is often perceived as its paternalistic or neo-colonial attitude, which has seen the EU repeatedly impose its own agenda and solutions⁸⁹.

Consequently, any foreign policy based, ultimately, on the promotion of some political values should take deeply into consideration the social or cultural ethos conformed by such policy recipients: acting differently would lead to assess the recipient society differently as such a society may eventually understand itself, thus jeopardizing the very sustainability and stability of such a policy over the long term, since, as Rivera Lopez refers, a political message perceived as distinct or unfamiliar to a given community's own values would be understood as absolutely illegitimate by such community, given the fact that it would not be read as comprised within the addressee's historic, narrative or cultural framework, which represents, ultimately, the most relevant source of legitimation of any policy⁹⁰.

As it will be described extensively in the forthcoming passages, one of the most evident and serious mistakes made by the European Union in promoting democracy and its own notion of security and stability in Palestine was ostensibly disregarding the proper Palestinian's social and political idiosyncrasy, by means of ignoring and afterwards boycotting the result of one of the few means that such society counted by that time (and even today) to express itself: democratic elections. It will also be explained that, ultimately, such EU behavior not only has not at all respected the popular willingness and political rights of the Palestinians but, quite counter-intuitively as the proper EU reading of its own actions may imply, it has augmented instability and political imbalances in the region.

89S. Keukeleire & J. Mac Naughtan, *The Foreign Policy of the European Union*, Basingstoke, Palgrave, 2008, p. 292.

90 E. Rivera López, "Las **paradojas del comunitarismo**" [The **paradoxes of communitarism**"], *Doxa*, n. 17-18, 1995, p. 99.

4 Study case: 2006 Parliamentary Elections in Palestine.

4.1 *The Palestinian most relevant political actors.*

The Palestinian National Authority (PNA), the Palestinian administration created to govern the Gaza Strip and the West Bank territories came to birth as a consequence of the Oslo Peace Agreements which were concluded in 1993. The PNA was originally conceived as a provisional administration, necessary to exert an effective control over the abovementioned territories as mandated by the Oslo Agreements. The creation of such administration was also directed to generate a sense of ownership within the Palestinian society by allowing such community to exert a physical control over their own territories, something that, in turn, would permit the withdrawal of the Israel Defence Forces from the Gaza Strip and the West Bank. Notwithstanding the abovementioned temporal character of the PNA, since its creation such entity has not received any definitive legal status. As a consequence, no Palestinian State has been created so far. Regarding its institutional framework (at least theoretically), the PNA does not vary very much from any contemporary Western Nation: it is composed of a presidentialist executive, a legislative and judicial branch. Nevertheless, the depicted picture may resemble more an ideal than a real one: not only is contested than the PNA can exert a physical control over its territory⁹¹ but, most importantly, it is amply debated if the proper PNA institutional structure may be paralleled to a well-functioning one, due to its deep inherent flaws, particularly regarding the independence of its judicial branch⁹². Those drawbacks form part of an extended net of institutional and implementation shortcomings that have characterized the PNA from its very beginning.

91 “the PA lacks effective control over Palestine’s territory and its borders, and its decisionmaking power are all but reduced to self-administration”

M. Asseburg & J. Busse, [“What Europe must do to ensure a two-state deal”](#), *Europe’s World*, No. 16, 2010, p. 131.

92 “There is a definite need for an honest, neutral and independent judicial authority that is able to impose respect for the law and its implementation. One can observe that the Palestinian judiciary, for a number of reasons, lacks the independent status from which it is supposed to benefit”.

[N. Rayyes](#), “The Rule of Law and Human Rights within Palestinian National Authority Territories”, *Palestine-Israel Journal*, vol. 10, no. 3, 2003, retrieved 12 March 2012, <http://www.pij.org/details.php?id=27>.

Before advancing on Hamas, it is necessary to mention some facts about the Muslim Brotherhood and the Palestinian Liberation Organization, structures of power which may help to better understand Hamas. Regarding the Muslim Brotherhood, it should be said that Hamas was founded as a ramification of the latter in 1987. The Muslim Brotherhood is a political, religious and social organization created in 1928 in Egypt which currently constitutes one of the most relevant political actors in the whole Arab World and which has, since then, performed a large amount of social activities so as to spread its political and religious message. In Palestine and particularly in Gaza they are remarkably active and count on a large amount of resources (due to the regional support⁹³), which are channelled through different social projects to improve the educational and health needs of the local population. To some extent, the electoral success of Hamas of 2006 (which will be expounded shortly) was grounded on those assistance projects⁹⁴.

Concerning the Palestinian Liberation Organization, such political group was established in 1964 not in Palestine, but in Jordan, with the explicit mission of recovering, for the Palestinian people, the lands distributed by the United Nations to the newly formed State of Israel. Initially the PLO was composed of an extended number of Arab political associations, organized in a very horizontal manner, but soon after Fatah occupied a dominant place within PLO, thus displacing or subjecting to its authority the remnants factions⁹⁵.

Since then, and with the sole exception of the 2006 Hamas legislative triumph, Fatah occupied a leading position within Palestinian politics. Even though Fatah, originally was intended to fight for the withdrawal of Israel over Palestinian's purported appropriated territories (Fatah original Covenant claimed for the disappearance of Israel) by means of

93 "Compared to other groups, the Muslim Brotherhood had more financial resources. Because of the poor economic conditions of the Gaza Strip, the Muslim Brothers received support from the mother organization in Egypt. Support also come from certain Brotherhood members and sympathizers working in Saudi Arabia and the Gulf region"

Z. Abu-Amr, *Islamic Fundamentalism in the West Bank and Gaza: Muslim Brotherhood and Islamic Jihad*, Bloomington, Indiana University Press, 1994, p. 8.

94 "The Muslim Brotherhood in the Arab World and Islamic Communities in Western Europe", *The Meir Amit Intelligence and Terrorism Information Centre*, retrieved 12 April 2012, http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/html/ipc_252.htm.

95 The now deceased renowned Arafat, the Al Fatah leader, was one of the centrepieces for Al Fatah rise within PLO, a political party founded by him in 1959.

terrorist means, gradually such organization decreased its radical rhetoric. Without doubt, one of the most paradigmatic steps in such direction was its complete and permanent abandonment of any form of terrorism in 1988, on behalf of the Palestinian Liberation Organization⁹⁶. Since then Fatah negotiated several agreements by means of which it relinquished completely, between other conditions, to incur in any violent conduct⁹⁷. Those are the most prominent organizations which currently occupy a position within the Palestine's political scenario and which activities conditions and influences, in different degrees, Hamas's behaviour.

4.2 *History and perceptions around Hamas*

Regarding Hamas, it was originally created as an extension or ramification of the Muslim Brotherhood, intending to be a more militant and religious organization than the latter one, and his passionate and intense religious discourse traditionally contrasted with the Muslim Brotherhood's one, gaining the attention and adherence of many religious activists. Such discourse (and naturally, the activities that reflected its inherent rhetoric, including several terrorist attacks⁹⁸) explain the fact that, nowadays, Hamas is widely consider as a terrorist organization, a classification which, in some cases, gave place to some voices to claim for the complete dismantlement or destruction of Hamas as a political and religious organization. Current Israeli Prime Minister, Benjamin Netanyahu, a strong Hamas objector, made public his opinion expressing that the so-called "Islamist groups", and in particular

96 D. Seddon, *A Political and Economic Dictionary of the Middle East*, London, Europa Publications, 2004, p. 529.

97 K. Katzman, "The PLO and Its Factions", *Congressional Research Service*, 10 June 2002, p.2, retrieved 28 March 2012, <http://www.iwar.org.uk/news-archive/crs/11562.pdf>, p.2.

98 "Hamas terrorist attacks", Israel Ministry of Foreign Affairs, 22 March 2004, retrieved 15 March 2012,

<http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terror+Groups/Hamas+terror+attacks+22-Mar-2004.htm>.

Hamas prey an “insane Islamist terrorism [...because of] the insanity of radical Islam”⁹⁹ an “insane” terrorism which could be rooted in “their crazy terror”¹⁰⁰ towards the West, due to the Hamas rejection of the latter “free and democratic”¹⁰¹ values.

Even though it seems to exist a wide agreement regarding the terrorist character of Hamas¹⁰², which, between others comprehend the European Union¹⁰³, not all voices adhere to the same opinion. In this sense, current Turkish Prime Minister Erdogan stated that

Hamas are resistance fighters who are struggling to defend their land. They have won an election [...] I have told this to U.S. officials...I do not consider Hamas as a terrorist organization¹⁰⁴.

An interesting in-between position is held by a Palestinian researcher named Shikaki, who refers that

There is a confused notion in Europe, the USA and Israel that Hamas is essentially anti-peace, anti-democratic and that it is impossible to make peace with a Hamas administration. I think is false. There are many divisions within Hamas¹⁰⁵.

99 Cited in “Netanyahu rejects link between Mideast conflict, London blasts”, *BBC*, 11 July 2005, cited in C. Brown, “The New Terrorism Debate”, *Alternatives: Turkish Journal of International Relations*, vol. 6, no.3 &4, 2007, p. 33.

100 *Ibid.*

101 *Ibid.*

102 Australia, Canada, Japan, the United Kingdom and the United States, between others branded Hamas as a terrorist organization.

“Israel At 'War to the Bitter End,' Strikes Key Hamas Sites”, *Fox News*, 29 December 2008, retrieved 16 March 2012, <http://www.foxnews.com/story/0,2933,473448,00.html#ixzz1t4cO5Y3A>.

103 Council of the European Union, “Common Position 2006/380/CFSP of 29 May 2006 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2006/231/CFSP”, *Official Journal of the European Union*, L 144, 31 May 2006, p. 28.

104 Cited in “Hamas is not terrorist group: Turkey's Erdogan”, *Al Arabiya News*, 4 June 2010, retrieved 15 March 2012, <http://www.alarabiya.net/articles/2010/06/04/110434.html>.

105 Cited in M. Pace, “Perceptions from Egypt and Palestine on the EU's Role and Impact on Democracy Building in the Middle East”, International Institute for Democracy and Electoral Assistance (IDEA),

Is true that Hamas, as explained, performs terrorists attacks, and, in this sense, the belief that Hamas is ontologically committed to those activities is understandable: from its very beginning, through its Covenant such organization committed itself to the jihad or holy war¹⁰⁶. Nevertheless is also true that, as explained, Hamas is not a monolithic movement¹⁰⁷ nor is perceived as such by the Palestinian local constituents. Indeed, even though Hamas may be considered by strangers as a terrorist organization, such perspective may not be shared by the local population, due to the fact

Social work is carried out in support of this aim, and it is considered to be part of the Hamas movement's strategy [...] This is one of the fundamental truths of Islamic work¹⁰⁸.

In this sense, it can be perfectly described that there is no inconsistency at all between Hamas social involvement and its militant policy towards Israel. Indeed, so as to gain public support, the first sort of activities may not only be convenient but, ultimately essential: an ideological but also material strongly confrontationist strategy directed against the State of Israel may require such popular backing.

Nevertheless, this strong causal link between a political militant activity and its correlative social assistance may not appear like that to the Palestinian population. Not only due the fact that they may not consider conditioned or subjected their support to Hamas to the assistance received by the latter but, ultimately, because they may not conceive the

Stockholm, 2010, p. 10, retrieved 19 March 2012, http://www.idea.int/resources/analysis/upload/Pace_low_2.pdf.

106 "The Covenant of Hamas-main Points", *Information Division of the Israeli Foreign Ministry*, retrieved 14 March 2012, <http://www.fas.org/irp/world/para/docs/880818a.htm>.

107 Hamas "consist of groups organized in loosely interconnected semi-independent cells that have no single commanding hierarchy"

M. Zanini, "Middle Eastern Terrorism and Netwar", *Studies in Conflict & Terrorism*, vol. 22, 1999, p. 247.

108 D. L. Watson, *Holy Land Foundation for Relief and Development, International Emergency Economic Powers Act, Action Memorandum*, memorandum to R. Newcomb, Director of the Office of Foreign Assets Control, U.S. Department of the Treasury, 5 November 2001, cited in M. Levitt., *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*, New Haven, *Yale University Press*, 2006, p. 121.

confrontation against the State of Israel as an exclusively Hamas's political party objective (and thus, as a strategy which may be depend of political conditions like such wide popular support towards Hamas) but, quite contrary, as a natural or religious mandate to be fulfilled (something that, again, may entail, in the perspective of the Palestinian population, their support to Hamas notwithstanding any assistance granted by Hamas to such population). Those considerations should not only be read as examples of the plurality of interpretations that any social event may necessarily imply, but, ultimately, as the epistemological mistakenly approach of conceiving those events (and their social relations underling them) under solid, monolithic or immovable categorizations. In this sense, Hamas may not only be described as a non-democratic, authoritarian or extremist organization but, quite contrary, as a political and religious organization devoted, first and foremost, to the well-being of the Palestinian People.

Indeed Palestinian population have been widely assisted by Hamas' institutions in fields in which the Palestinian National Authority was unable or unwilling to exert its presence¹⁰⁹. Such social commitment, added to the transparent reputation achieved by those institutions¹¹⁰ undoubtedly have generated a wide support for the first one, something that, ultimately, may indicate the misconception of assuming that Hamas is perceived, within Palestine, in the same manner as it is seen in the West. As it will be described in the next sections, adopting such monolithic and restrictive mind-set and therefore omitting considering which perception Hamas really hold between Palestinians has been, undoubtedly, one of the major mistakes incurred by the European Union regarding the 2006 Parliamentary Elections, an error which political and social implications will also be described below.

4.3 Hamas electoral triumph.

The 2006 Parliamentary elections in Palestine were the first ones of its kind since 1996 (in 2005 presidential and municipal elections were held), due to the fact that, after the latter, all successive parliamentary elections were deferred due to the political and, in some cases, armed conflict between Palestine and Israel. Since some years prior to 2006, Hamas was systematically increasing its political presence in Palestine: in the municipal elections

¹⁰⁹ "Hamas had developed a network that surpassed that of the other factions in both size and efficiency"

J. Gunning, *Hamas in Politics: Democracy, Religion, Violence*, New York, Columbia University Press, 2009, p. 51.

¹¹⁰ "In a field were corruption was rife, Hamas' charities had established a reputation of accountability and transparency, ensuring enduring grassroots support and donations"

Ibid.

celebrated in 2005, Hamas was able to gain 65% and 35% of the seats of the Gaza Strip and the West Bank, respectively. The restlessness of the international community towards Palestine was not only triggered due to such circumstance, but it was also provoked by the fragility and overall extended violence and armed confrontations that the proper Palestinians were suffering by such time: by that time, the recent death of Yasser Arafat, which charismatic figured unified in a cohesive manner all the potentially adversary political organizations of the Palestinian Territories was, without doubt, one of the most relevant causes of chaotic such scenario.

Within such state of affairs, the Parliamentary Elections were celebrated the 25 of January of 2006, with the concurrence of many political factions. The most relevant were Fatah (which by the time had suffered a profound division between the traditional oligarchy of the party and a young emerging faction, a division which was disentangled at the very last moment, allowing Fatah to present its political proposal under a single list of candidates), Hamas (which presented itself under the 'List of Change and Reform', modifying its traditional rejection to participate in any election held within the Palestinian National Authority¹¹¹), the 'Independent Palestine' (a faction which wanted to distinguish itself from the perceived overall Fatah corruption and nepotism and from Hamas extremism, advocating for a true democratic and transparent regime), the 'Abu Ali Mustafa' List (a Marxist political organization created in the sixties) and the so-named 'Third Way' List (which program was constructed on the need to strengthen democracy and security in Palestine).

Even though it was expected that Hamas would gain considerable public support, Hamas's performance in such election was completely surprising for vast majority of observers: 74 out of the 132 seats of the Palestinian Parliament, the Palestinian Legislative Council were obtained by the latter. Fatah, the customary most relevant Palestinian political force, only attained 45 of the Palestinian Legislative Council seats. The 'Abu Ali Mustafa' List obtained three seats, the 'Third Way' two, the 'Independent Palestine' other two and the remaining political forces six other seats.

Notwithstanding the fact that Fatah (through its president Abbas) retained the right to present legislative projects to the Parliament, to eventually veto the latter legislation, to appoint and expel the Prime Minister, and to pass decrees with the same normative hierarchy as any regular law issued by the Palestinian Parliament if the latter was not celebrating regular

¹¹¹ Hamas considered to a large extent illegitimate the Palestinian National Authority due to the latter decision to enter into political negotiations with Israel.

sessions, several international relevant players ignored the results of such election and boycotted the still weak Palestinian democratic process.

In the case of the European Union, all available means to press politically Hamas so as to force the latter to relinquish to its newly acquired quota of power (and the political plan of action that may be pursued by means of the latter, particularly appealing to violence towards the non-recognized State of Israel) were exerted: not only the European Union interrupted immediately all its economic support to the Palestinian National Authority¹¹² but it also supported the very controversial decision of President Abbas to expel Hamas from the PNA. Such political verdict, which allow the PNA to re-establish its foreign and economic relations with the European Union and other relevant international players led to civil, political and even armed¹¹³ clashes between Hamas and Al-Fatah, a conflict which was materialized in the political division of the Palestinian Territories into two administrations: Fatah started to govern the West Bank and Hamas the Gaza Strip. As it will be described below, such boycott of the European Union towards Hamas has proven significantly harmful not only to the Palestinian population but, ultimately, for the proper European Union

4.4 The European Union reaction towards Hamas electoral triumph. Trading democracy for security.

Counter-intuitively to what may be believed regarding the relation of Hamas with democracy, some characteristics that are inherent to a democratic government are better represented by Hamas than by Al Fatah, which, by the time the 2006 Parliamentary Elections were held, was in charge of the Palestinian Authority as a consequence of the Oslo agreements.

112 “The Palestinian Authority [...] depends on financial support from the United States, the European Union and Arab states to pay the salaries of public workers, including teachers and security personnel”

A. Sawafta, “Palestinian Authority, battling debt crisis, raises taxes”, *Al Arabiya News*, 14 February 2012, retrieved 18 March 2012, <http://english.alarabiya.net/articles/2012/02/14/194672.html>.

113 R. Shaked, “Religious war in Gaza. Gaza clashes are over values, way of life and future Palestinian identity”, *Israel Opinion*, 2 April 2007, retrieved 18 March 2012, <http://www.ynetnews.com/articles/0,7340,L-3360655,00.html>.

The corruption¹¹⁴ subject may be a clear example of that. As Linden refers, Fatah

leaders have oftentimes been accused of siphoning funds from ministry budgets, passing out patronage jobs, accepting favours and gifts from suppliers and contractors, and soliciting bribes [...] In contrast, Hamas is seen as largely untouched by corruption and exploited this image during the [electoral] campaigns¹¹⁵.

Such statement does not entail that Hamas is a democratic party or that, empowered, it may conduct a democratic regime. The latter quotation should be read in the sense that Hamas, an alleged terrorist organization, may be conceived as fulfilling a¹¹⁶ feature than is usually attributed to democratic governments or associations, a finding that should, at least tentatively, suggest that social or political events or processes may be conceived differently when also a different perspective as the proper one is adopted.

The same sort of analysis should be displayed towards the assessment of the EU reaction regarding the 2006 Parliamentary Elections in which Hamas obtained the majority of votes by almost a 45%. As it has been referred, after such election the European Union neglected completely any recognition to the Hamas officials and government, due to the fact that the latter did not accepted the EU conditions, mainly the recognition to Israel as a State

114 “The worldwide evidence reveals that there is an inverse relationship between democracy and corruption”

S. Saha, “Democracy and Corruption: An Empirical Analysis in a Cross-Country Framework”, Paper presented at the *New Zealand Association of Economists Annual Conference*, Wellington, 9-11 July 2008, p. 2.

115 A. Pina, “Palestinian Elections”, *Congressional Research Service*, 9 February 2006, p.3, retrieved 16 April 2012, <http://www.fas.org/sgp/crs/mideast/RL33269.pdf>.

116 I am not incurring in a fallacy of affirming the consequent by stating that there is an inverse relationship between how democratic an organization or a government may be and how much such organization or government may repudiate or avoid corruption practices since I have not stated that Hamas is a democratic organization. Evidently, the lack of corruption may be one characteristic (amongst many others) of a democratic entity, but such is not an epistemologically sufficient pre-condition so as to brand as democratic a given government or organization. Again, the existence, in a given case, of such inverse relation does not imply, *per se*, that the lack of corruption may not be accompanied by other conditions, so as to constitute a democratic body, conditions that Hamas may not fulfill.

and the renounce to violent means¹¹⁷. Even though is true that Hamas has since not modify one of its most confrontational and controversial ideological flags (the need to eliminate the State of Israel¹¹⁸) neither the methods by means of which such an aim should be achieved (violence and armed confrontation¹¹⁹) it is also true that the European Union has completely denied any possibility to, at least tentatively, engage in a constructive dialogue with Hamas by removing it from its terrorist list: as Naim (Minister of Youth, Sport and Health of the Palestinian National Authority) stated, “the Europeans, the international community has to give us a chance to develop our own experience and to be in discussion with us along the way”¹²⁰. In this sense, it should be considered that several Hamas representatives have intended, in the past, to build a fruitful negotiation with the European Union¹²¹ but, still, the latter obstinate position rejecting any recognition nor conducive dialogue towards the Palestinian organization insofar as the latter does not relinquishes his historical claims has not been abandoned.

Such political decision is not only a non-felicitous relevant one due to the fact that, ultimately, it may hamper or completely prevent any fruitful debate with Hamas over the (at least) short term, but, ultimately, because it completely undermines the blatantly professed EU concept of democracy. Recalling the already quoted positions of the Council, the Commission and the European Parliament, respectively, if it is accepted that “the practice of democracy can look very different from one country to the next, and political institutions must match

117 “EU: Hamas must renounce violence, recognise Israel”, *EurActiv*, 27 January 2006, retrieved 18 April 2012, <http://www.euractiv.com/security/eu-hamas-renounce-violence-recognise-israel/article-151982>.

118 “Hamas: 'Resistance' against Israel is only option left for Palestinians”, *Haaretz*, 1 October 2011, retrieved 19 April 2012, <http://www.haaretz.com/news/diplomacy-defense/hamas-resistance-against-israel-is-only-option-left-for-palestinians-1.387504>.

119 *Ibid.*

120 Cited in M. Pace, “Liminality in EU-Hamas Relations”, Paper presented at the British International Studies Association 2009 Annual Conference, Leicester, 14-16 December 2009, p.9.

121 Particularly relevant was an historical and non-very well documented visit paid by Hamas parliamentarians to the Inter-Parliamentary Union (an international organization devoted to promote parliamentary democracy), in which the necessity to build such a dialogue was strongly stressed by such delegation.

A. Niewhof, ““Talk to us,” says Hamas in rare visit to Europe”, *The Electronic Intifada*, 20 January 2012, <http://electronicintifada.net/content/talk-us-says-hamas-rare-visit-europe/10842>.

local conditions [since] there is no one-size-fits-all solution to democracy promotion”¹²², an assumption that implies, in turn, the EU recognition “that democracy cannot be imposed from the outside”¹²³, notwithstanding the EU’s

aim of not settling for the status quo but of committing the European Union to support the aspirations of the peoples of neighbouring countries to full political freedom, with democracy and justice, and economic and social development¹²⁴

the European Union should refrain itself of continuing ignoring or boycotting the results of the Parliamentary election held in Palestine in 2006 on the grounds that it disliked its outcome. In this sense, objecting the results of an electoral process which, according to the proper European Parliament monitoring leader, McMillan-Scott, were “extremely professional, in line with international standards, free, transparent and without violence”¹²⁵ does not only contravenes the democratic and moral mandate of accepting that in Palestine “genuine elections require that both main parties, Hamas and Fatah, participate in such elections on an equal footing”¹²⁶ (since, otherwise, it would make “little sense for [...the European Union] to promote an electoral process [...in which] an unacceptable political player [participated]”¹²⁷) but, ultimately, the respect towards each individual political right.

122 B. Ferrero-Waldner, European Commissioner for External Relations and European Neighborhood Policy, “The European approach to democracy promotion in post-communist countries”, op. cit.

123 Council of the European Union, “Council conclusions on Democracy Support in the EU’s External Relations”, op. cit.

124 European Parliament, Committee on Foreign Affairs, Charles Tannock (rapporteur), *Motion for a European Parliament Resolution on the European Neighbourhood Policy (ENP)*, 2004/2166(INI), Brussels, 7 December 2005.

125 C. Proctor, “For fairness’ sake, let’s bomb Syria”, *Tribune Magazine*, 24 of June of 2011, retrieved 21 April 2012, <http://www.tribunemagazine.co.uk/2011/06/for-fairness%E2%80%99-sake-let%E2%80%99s-bomb-syria/>.

126 M. Meyer-Resende & M. Zweiri, “The Frameworks for Elections in Egypt, Jordan, Lebanon, the Palestinian Authority and Syria”, *EuroMesco*, no. 83, 2009, p. 7, retrieved 15 March 2012, <http://www.euromesco.net/images/paper83eng.pdf>.

127 *Ibid.*

If the European Union truly considers that the diffusion of democracy not only implies a gradually and long process, but, most importantly, that democracy ontologically requires respecting the vote of each individual and, extensively, of the whole political community of any given country, denying the right to materialize in a given administration or government the political elected choice of any community should not be allowed neither to the European Union nor to any other international actor. In the second case is not the EU law, but the proper United Nations Resolutions (which also applied to the European Union) those who mandate to respect each community political decision. No regular and consistent reading of the UN General Assembly Resolution number 56/151 (“The right of all peoples to self-determination, by virtue of which they can freely determine their political status”¹²⁸) nor number 50/133 (“democracy is based on the freely expressed will of the people to determine their own political[...]systems”¹²⁹) authorizes to infer a different conclusion: if there is a commitment towards democracy by the European Union and the United Nations (which, again, comprehends the latter) and if democracy requires (between other conditions) electing the proper representative on the basis of the sovereign political judgement of any population, the European Union should not evaluate nor deny (and, in any case boycott) the political merits or virtues of the decision of the Palestinian population.

At this point, is necessary to briefly analyse those resolutions since them, besides condemning the European Union behaviour towards Hamas imply further consequences. As it may be seen, the UN General Assembly Resolution No. 56/151, conveys the fact that the proper United Nations acknowledges the plurality of forms and patterns that may be embraced or practiced by a given community in organizing itself politically. Nevertheless, such recognition should not lead to the misguided assumption that, by doing so, the United Nations relinquishes to consider democracy as the most desirable form of political organization within a given society (something which legitimates, in turn, to encourage its spread). Quite contrary, the resolution 50/133 supports the hypothesis that there may not be inconsistency at all between the promotion of democracy and the right of each community to self-determination since, ultimately,

128 UN General Assembly, “Promotion of a democratic and equitable international order”, op. cit.

129 UN General Assembly, “Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies”, op. cit.

democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and on their full participation in all aspects of their lives¹³⁰.

Ultimately, the European Union is authorized by the United Nations resolutions to promote democracy, insofar as (by promoting democracy) the right to self-determination of a given society is respected (something that implies that not only the European Union should refrain itself of encouraging democracy if a given community does not seem to embrace such political system but, much more importantly that, if democracy is accepted and practiced by a given community, the European Union should respect the result of such democratic process). In the current case, it becomes evident that the EU has not conducted itself according to such mandate.

Regarding the result of the exercise of such right to self-determination (by means of freely electing each individual own representative¹³¹), the fact that Hamas, an Islamist political party, has been massively voted should not draw anyone's attention. Being the Muslim religion the most extended one between Palestinians¹³², the electoral triumph of Hamas should not be conceived as an irrational or groundless contingency, but, quite contrary, as a very likely one. As the PNA Minister of Youth, Sport and Health indicated "we are Muslims with an Islamic background, and therefore we consider this as part of our form of government"¹³³.

Accordingly, the emergence of Hamas as a relevant political player within Palestine cannot only be explained on the grounds of the widespread corruption perception regarding Fatah's behavior. Further deep sociological and political causes may lie underneath such contingency: the Palestinian society cannot be paralleled or conceived as civil societies are archetypally understood within the West. Not only, as explained, is hard or idealistic to

130 *Ibid.*

131 This right is granted in the Art. 21 of the Universal Declaration of Rights and, within the European Union, in the art. 3 of the European Convention of Human Rights.

132 T. Kjeilen, "Religions", <http://looklex.com/e.o/palestine.religions.htm>.

133 Cited in M. Pace, "Liminality in EU-Hamas Relations", op. cit., p. 9.

comprehend the Palestinian social ethos as being driven by secular political values, but, ultimately, it seems quite implausible to imagine that those values may be materialized in a democratic election nor in an ulterior government conformation. As a consequence of that, it is likely than a Palestinian administration elected under those circumstances would not at all predicate laic values. Therefore, if the European Union is consistently committed to respect the right to self-determination of the Palestinian population, it should, unavoidably, respect the political conformation of a religious government.

Nevertheless, the fact that a party may embrace religious values should not lead to the wrong belief that those values may imply only one given reading or course of action: many Islamist parties or movements conceived as “moderated” do not appeal to Hamas’s methods so as to attain their political goals. As Grzywna refers, those parties “do not resort to violence and participate in electoral processes. This type of moderate Islamist movements includes various sections of Muslim Brotherhood, which operate in almost all Arab states”¹³⁴. However, it seems evident that the Palestinians have not embraced, in the 2006 parliamentary elections, a moderate-Islamist choice (like Fatah) and, therefore, such contingency should be acknowledged by the European Union.

In this sense, it should be accepted that Hamas’ electoral victory may not draw an ideal or idyllic framework so as to conduct any peace process with Israel (a traditional ally of the EU), and, therefore, in this point the European Union faced the disjunctive or dilemma regarding which values or mind-set should be adopted in conducting its international relations. It is certainly true that Hamas nature does not seem to be compatible enough with the abovementioned Deutsch’s ‘security community’ idea (a concept which, as explained, requires an ideological shared mindset based on a mutual understanding and recognition, an institutionalized non-violent resolution settlement procedure and a consistent behavior with those aims between different nations) but, if the EU was willing to pursue the construction of such community, the only available choice seemed to ignore the outcome of a transparent and democratic process. In this sense, it should be recalled that such democratic process was promoted by the European Union itself, and, from the very beginning, the proper Hamas participation was consented by the latter.

Notwithstanding the fact the EU rejection of such election results may seem to be counter-intuitive to the prior EU support for such poll exercise (and, extensively, to the set of

134 I. Grzywna, *Islamism as a challenge for European Union foreign policy: The case of Lebanon and the Palestinian Authority*, Master’s thesis, Bruges, College of Europe, 2008, p. 20.

values implied in such process, for instance the right to self-determination), in the current case, other reasons appear to have been guided the European Union posture. In this sense, the EU boycott towards Hamas is a clear example of the fact that, ultimately, democracy is not as worth as stability when, at least apparently, both principles seem to be inconsistent with each other. Given Hamas rhetoric and actions, is not very difficult to understand why a government lead by the former may believe to considerably increase instability within Palestine and the region.

At this point it may noteworthy to recall the fact, as stated in the introduction of the present thesis (and elaborated before), the European Union institutions do not embrace an equivalent or identical mind-set concerning the worth of democracy and other competing values. Even though some preponderant European Union voices may be considered as more interested in promoting economic growth¹³⁵ or regional security¹³⁶ instead of democracy when those values seem to mutually exclude themselves, still those voices do not represent the entire multiplicity of opinions regarding the ultimate perceived value of democracy within the EU. As referred, the European Parliament has consistently insisted on the need to reverse the Council and Commission set of priorities. Not very long ago, indeed, the European Parliament produced a press release where it was stated that, so as

To make EU foreign policy backing for would-be democracies credible and consistent, a real paradigm shift is needed, away from security and stability [...] towards putting human rights and consolidating democracy first¹³⁷

In the particular Palestinian case, the appeal to rationality by the European Parliament concerning the abandonment of stability or security as the principal foreign policy drivers was not observed. Firstly, because the ability of the EU to truly promote democracy overseas may be hampered if the European Union continues to subject such democracy promotion to other considerations since, ultimately, the international community can easily find out that

135 EU-Turkey Custom Union Agreement already described case.

136 EU support to the Algerian military junta already described case.

137 European Parliament, "Need for a "paradigm shift" in EU policy to back progress towards democracy", Directorate for the Media, Brussels, 7 June 2011, retrieved 15 April 2012, http://www.europarl.europa.eu/pdfs/news/expert/infopress/20110606IPR20765/20110606IPR20765_en.pdf.

the real EU interest is not, first and foremost, really directed to the spread of such form of government. As a consequence of that the international community may become more skeptical towards the EU if the latter attempts to promote democracy¹³⁸. As Behr suggests

The EU will also have to stop trying to pick winners in its neighbourhood. Nothing has been more damaging to the EU's reputation than sidelining Hamas after the 2006 Palestinian elections [...] any repeat would spell a swift end to its budding "partnership for democracy"¹³⁹.

Secondly, and most importantly, because the assumption by means of which such stability may be constructed on the grounds of Hamas repudiation may also be erroneous and counterproductive: not only because the European Union would not be able to construct any political dialogue with a major player in Palestine (something that is undeniable after the 2006 elections results) but, ultimately, because the EU standing towards Hamas may also affect the proper Palestinians by increasing endogenous tensions and frictions between their two main political forces. In the words of Al-Fattal, the EU boycott towards Hamas

proved detrimental as it worsened the humanitarian situation in the PT [Palestinian Territories] and widened the rift between Hamas and Fatah to the point of no reconciliation. Since Hamas has taken over, the EU has backed the Fatah-led Palestinian Authority – leading by a presidential decree but lacking in legitimacy, while previously achieved economic, democratic and human rights reforms have been reversed¹⁴⁰.

138 The effect of such international skepticism towards the European Union may be considerably harmful for the latter, due to the fact that such international reaction may be added to previous EU limitations concerning democracy promotion, like, for instance, the lack of binding effects of many of the international instruments for such democracy promotion of the EU, as already explained.

139 T. Behr, "The EU and Arab democracy: Trading freedom for stability", in T. Behr (ed.), *Hard Choices: The EU's Options in a Changing Middle East*, Helsinki, The Finnish Institute of International Affairs, 2011, p. 86

140 R.Al-Fattal, "The Foreign Policy of the EU in the Palestinian Territory", Working Document No. 328, *Centre for European Policy Studies*, May 2010, p. i, retrieved 29 March 2012,

Those considerations should lead to reconsider how democracy and security must be conceived by the European Union in running its foreign policy. The fact that, ultimately, democracy may be regarded as a means to construct a 'security regime' or a 'security community', since, as stated, democracy is understood within the EU foreign policy as a "key instrument in order to maintain stability and security for the international environment [...due to the fact that] The EU tries to export stability to avoid the import of instability"¹⁴¹ should, suggest that, in conducting its foreign relations, democracy seems not to be the main objective or purpose chased by the EU. The already quoted words of former [European Commissioner for Trade and European Neighbourhood Policy](#) Ferrero-Waldner, according to whom the European Union is devoted to "promoting democracy, good governance and human rights around the world. For their own sake, but also because they are the cornerstones of peace"¹⁴² should not only be used to comprehend the ostensibly instrumentalist condition that the EU assigns to democracy in conducting its foreign relations, but, ultimately, so as to understand the subjection of democracy promotion (and thus, the proper institution of democracy itself) to a complete set of different considerations, like stability and security overseas. In short, it should be said that, in some cases, the European Union not only do not privileges democracy in conducting its international relations but, ultimately, that the objectives that displaced the latter are conceived and defined unilaterally by the EU. In the present case, the EU understood stability by means of boycotting Hamas participation within the PNA, a boycott which may have implied hampering, instead of strengthening, the proper Palestinian's security perception. In this case, Rivero Lopez already quoted suggestion should be recalled, not only due to the fact that the proper European Union perspective of democracy should be read by Palestinians as completely illegitimate (since such perspective do not stem from the proper Palestinians cultural or historical framework –quite unlikely a religious Palestinian would understood 'security' as the denial of Hamas since the latter represents his political and religious choice-
http://aei.pitt.edu/14582/1/WD328_Al-Fattal_on_EU_FP_in_Palestine.pdf.

141M. Knodt & A. Jünemann, "EU External Democracy Promotion: Approaching Governments and Civil Societies" in B. Kohler-Koch, D. De Bièvre & W. Maloney (eds.), "Opening EU Governance to Civil Society – Gains and Challenges", *CONNEX Report Series*, vol. 5, pp. 269-270.

142B. Ferrero-Waldner, European Commissioner for External Relations and European Neighborhood Policy, "Remarks on democracy promotion", op. cit.

) but, ultimately, due to the fact that such choice, as a consequence of its perceived inherent illegitimacy, may have strengthened distrust towards the EU in Palestine and in the region.

Consequently, assessing critically the stipulated hierarchy between those values might lead to find out that, at the end of the day, the European Union is diametrically opposing the notion or dimension of “ownership” already described, by means of which, so as to be consolidated over time, any relevant political process should be principally driven by the local constituents (something that implies that the EU should have never boycotted the result of the 2006 Palestinian elections, a boycott which, as it has been described, augmented instead or reduced instability in such territory). As a consequence of that, the European Union has not conducted itself accordingly to the United Nations’ (and neither accordingly to its proper one) dictate instructing the respect to each society right to self-determination. In this sense, supporting an ample definition of democracy (as the EU did regarding the UN one, by means of the quoted OPPD report) so as to convey a multiculturalist and tolerant stance towards such form of government is absolutely inconsistent with neglecting any democratically elected government before allowing it to display to the international community to what extent such government is willing or able to even comply with such democracy definition.

Those considerations confirm the finding that the European Union foreign paradigm should be replaced. As an inference of the intrinsic virtues of a representative and egalitarian form of government it will always remain true that, as Jan Eliasson (President of the United Nations 60th General Assembly) once stated “Acting for democracy [...will imply] acting for peace and security”¹⁴³. Nevertheless, neither a security concept nor, much more importantly, the very sense or institutionalization of a democratic government should be built unilaterally. In this regard, even though is true the fact that the democracy definition embraced by the European Union (a purposely ample, semantically ambiguous and universal one, since, as described, it is constructed on the United Nations given one) may not be fulfilled by Hamas, it is also true that, by refusing to accept the outcome of Hamas 2006 Parliamentary election the European Union is categorically an overtly denying and repudiating its own conception of democracy as a political system “based on the freely expressed will of the people to determine

143 International Institute for Democracy and Electoral Assistance, *Democracy, Conflict and Human Security. Policy Summary: Key Findings and Recommendations*, Stockholm, Publications Office of the International Institute for Democracy and Electoral Assistance, 2006, p.3.

their own political, economic, social and cultural systems and on their full participation in all aspects of their lives”¹⁴⁴.

In conclusion, a foreign policy truly teleologically directed towards democracy development should start to drive the European Union approach concerning Palestine, a policy which, wisely conducted, may lead, over the middle and long term to a comprehensively representative (and only once such condition has been fulfilled) and peaceful Palestinian society, since, ultimately

A people is not really a people and certainly does not live in freedom unless the [...] social groups which compose it accept each other, and unless the State recognizes their differences and ensures that their interest are represented. There can be no justice unless the rights of individuals [...] are protected and encouraged¹⁴⁵.

144 United Nations General Assembly, “Vienna Declaration and Programme of Action”, 12 July 1993, retrieved 18 April 2012, <http://www.unhcr.org/refworld/docid/3ae6b39ec.html>.

145 E. Borne, “Cet inconnu”, p. 35 cited in R.E.M Irving, *Christian Democracy in France*, London, Routledge Revivals, 2010, p. 34.

5 Conclusion

The general assumption regarding the fact that “democratic governance is vital not just for ensuring sustainable development, but also for sustaining peace within societies”¹⁴⁶ is, without doubt, widely extended within the West. In this thesis an attempt has been made to prove that, despite the fact that the European Union systematically maintains a strong proactive position regarding the defense and promotion of human rights and democracy worldwide, its commitment towards the latter is not only relative but, counter-intuitively to what a regular reading would suggest, strongly conditioned and even subjected to factors linked with security and stability concerns. The intense and almost passionately professed devotion of the European Union to democracy, expressed not only by means of its proper international instruments but, also, by means of its adherence to the United Nations resolutions and its underlying ideological stance has not prevented the first to privilege security or stability concerns instead of democracy-related ones when conducting its Common Foreign and Security Policy.

In this sense, is true that the different perspectives or perceptions regarding the relevance of democracy within the European Union foreign policy are not identical. As it has been described, the European Parliament committed itself much more to truly promoting such form of government than the European Commission or the Council of the European Union, but, at the end of the day, the latter ones standpoint towards the issue prevailed. The fact that the European Union embraced an ample or to some extent semantically undetermined democracy definition, as a strategy to allow each society to construct such concept within its own historical and cultural framework has not prevented neglecting and even boycotting the result of a transparent election by the EU when such election results were not the expected ones.

Nevertheless it should be said that the EU strategy towards democracy promotion is not in itself completely reprehensible. The fact that the European Union appeals to such form of government to promote security or stability within a given country or region is not, per se, a demerit: indeed such tactic has not been practiced by the European Union exclusively towards Palestine nor even uniquely in the abovementioned field. Quite contrary, the policy

¹⁴⁶ M. M. Brown, *op. cit.*, p. 142.

of employing instrumental values so as to promote other aims or objectives has been widely utilized by the European Union, and it constitutes a relevant, useful and beneficial (not only for the EU, but also for its partners and, to a large extent, the international community) tool for the latter in conducting its foreign relations: for instance, regarding its economic ties with the international community, the European Union has encouraged, overseas¹⁴⁷, “the integration of national markets¹⁴⁸ into regional economies to benefit from economies of scale”¹⁴⁹.

In this sense, it should be regarded that, ultimately, by exporting its values and institutions (still gradually and appealing to international standards regarding those values or institutions) the European Union is not acting differently as any international subject since, ultimately

diplomacy is increasingly not only focused on influencing inter-state relations, crises and conflicts. Diplomacy increasingly also had the objective of shaping or influencing structures, with structures being the organizing principles, rules of the game and institutions that determine how actors relate to each other in the political, economic, legal, social and security fields¹⁵⁰.

147 Take, for instance, the Euro-Arab Mediterranean Free Trade Agreement:

Commission of the European Union, “Economic Development. Support to the implementation of the Arab-Mediterranean Free Trade Agreement”, retrieved 10 April 2012, http://ec.europa.eu/europeaid/documents/case-studies/arab-mediterranean_fta_en.pdf.

148 An integration which, even though may be conceived as mainly directed to the benefit of the integrated economies, since, there is a wide agreement that “market integration is a [...] step to financial development and to an increase in economic growth” (*) is, as stated in the quoted sentence, also conceived for the proper EU’s profit.

(*) K. Pukthuanthong, “Multinational Finance and Global Financial Market Integration”, retrieved 18 April 2012, p.1, http://www-rohan.sdsu.edu/~kpukthua/publications/HB1_Multinational%20Finance%20and%20Global%20Financial%20Market%20Integration.pdf.

149T. Leinz, “Problematizing the EU’s Model Export to Mercosur –Strategies and Motivations–”, Paper presented at the *International Studies Association conference Europe as a Model: Bridging the Divide between Aspirations and Realities*, San Francisco, 25- 28 March 2008, p. 8.

150 S. Keukeleire, R. Thiers & A. Justaert, “Reappraising Diplomacy: Structural Diplomacy and the Case of the European Union”, *The Hague Journal of Diplomacy*, vol. 4, no. 2, 2009, p. 145.

The main problem thus is not, per se, the existence of such approach regarding the conduct of the European Union foreign relations, but, as stated, how such strategy is operationalized. In the case of Palestine, the EU reaction towards the outcome of the 2006 parliamentary elections has not only led to a clear and absolute EU repudiation of the political party (and its inherent ideology) with which many Palestinians identified (and still identify) themselves, but has also entailed the degradation and discredit by the European Union of the independence of criteria and right to elect its own representative of the Palestinian people. Evidently, in a society touched and affected by Western interventions in the Arab World (take, for instance, the Afghanistan 2001 or the Iraq 2003 military invasions) such policy may not be the most adequate one.

In short, the fact that the European Union conceives democracy as an instrumental tool for other purposes does not imply any reprehensible conduct insofar as the outcomes of advocating for such tool (in the case, the political victory of Hamas in a transparent and democratic election) are not rejected or condemned by the EU if the latter feel any aversion towards those tool implications. In the present case the European Union not only breached its commitment towards democracy, but also defined in a very unilateral and counterproductive manner how security should be construed in Palestine.

Those are the reasons underlying the proposed change of paradigm regarding subjecting security to democracy concerns in conducting the EU foreign relations: committing itself to protect unconditionally and unreservedly (even if such commitment may, at least a priori, potentially affect security considerations) the results of a democratic process not only would prevent rendering, as it has been done in the past, an absolutely inconsistent message to the international community¹⁵¹ (given the fact that the EU may, quite likely support such democratic process, as it happened in the abovementioned countries) but, additionally, it will allow the creation of a constructive and profitable dialogue with several organizations or political parties which would be, otherwise, marginalized (a scenario which, in the case of Hamas, given the popular support such organization received in the abovementioned elections, seems to be unavoidable over the long term).

151 Given the fact that the European Union may support a given democratic process but not its outcome if the latter is perceived as affecting security or stability concerns.

In conclusion, the paradox of constructing, by means of promoting democracy, a proudly unilateral and autarchic foreign policy schema should be replaced by a constructivist and deliberative dialogue between different historical and cultural traditions, which difference, instead of separating, should constitute them since, as George Sabine stated when developing the stoics ideas,

there are always two laws for each man: his own city's law and the universal city's one, the custom's law and the reason's law. It's the second one who shall have a superior authority [...] Customs are diverse and numerous, but the reason is one and behind the variety of means a unity of ends must lay¹⁵²

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