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### **New Threats to Freedom**

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## New Threats to Freedom

# THE ASSAULT ON DEMOCRACY ASSISTANCE

*Carl Gershman and Michael Allen*

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Since the fall of communism in Central Europe in 1989 and the cresting of the “third wave” of democratization in the early 1990s, there has been a steady trend toward the acceptance of democracy promotion as a norm of practice within the international system.<sup>1</sup> Underlying this trend has been the incorporation of “a right to democracy” into international law, a growing consensus that democracy is the only system which confers legitimacy upon a government, and a widespread agreement that democracy promotes human rights, development, and peace.

The practical manifestation of this trend has been a proliferation of democracy-assistance programs funded by governments, multilateral bodies such as the United Nations and the European Union, international financial institutions, and independent foundations. Such programs, which have gained broad international support, provide technical and material assistance to governments that are trying to consolidate democracy, as well as to nongovernmental groups that seek to monitor public institutions and processes, promote human rights and access to information, and encourage democratic participation.

Just as this trend has taken root in the international system, however, a counter-trend has emerged of resistance to democracy programs, especially those that seek to empower civil society; promote free media; and strengthen democratic political parties, institutions, and processes. This new phenomenon needs to be distinguished from the conventional resistance to democracy that is a central feature of such longstanding dictatorships as Cuba, Burma, North Korea, and Syria. These countries have never permitted democracy assistance and deal harshly as a matter of course with any sign of internal opposition. The new resistance takes

place in countries where democracy assistance until recently has been possible and relatively unobstructed, even though independent NGOs and parties have often been subjected to various forms of official harassment. The difference today is that new legal restrictions on—and extralegal impediments to—democracy assistance have assumed menacing proportions and pose a major new threat to the advance and consolidation of democracy.

The backlash against democracy promotion is largely a by-product of the proliferation of so-called hybrid regimes in the aftermath of democracy's third wave. The third wave has not been followed by a reverse wave of authoritarianism, but it has left behind many stalled or failed transitions. In these cases, autocrats have either replaced reformists after a brief interval of unsuccessful democratization, or have held on to power while accepting superficial liberalization and a modestly more open political space for democratic opposition. Hybrid regimes often retain certain formally democratic procedures, including relatively free (if not fair) elections, and permit civil society organizations to function and receive foreign assistance. But the underlying political realities are manipulated elections, a weak parliament, an overweening executive branch, state-controlled media, rampant corruption, and no recourse to an independent judiciary.

Still, the fact that democratic oppositions continued to exist, had some room to operate, and could receive financial and technical assistance from democratic countries made it possible in some cases for opposition groups to mount significant efforts to expand the political space and even to challenge the ruling party. Such pressures succeeded in bringing the opposition to power in Slovakia in 1998 and subsequently in Croatia, Serbia, and Georgia. But it was the Orange Revolution in Ukraine at the end of 2004 that raised alarms in neighboring Russia and Belarus and sent out shockwaves that were felt as far away as China, the post-Soviet republics of Central Asia, and even Venezuela—all countries in which international democracy-assistance organizations had established a presence.

The remaining hybrid regimes—whether termed illiberal, backsliding, or fraudulent democracies or partially open dictatorships—could see the fate that might be awaiting them. If they did not tightly control political expression and choke off foreign democracy assistance, at some point internal opposition could get out of hand. In effect, they came to see the force of Abraham Lincoln's adage that "a government cannot endure permanently half slave and half free. . . . It will become all one thing, or all the other." To the degree that internal democratic groups can use the limited freedom they have secured in order to press the cause of liberty, they threaten to tip hybrid systems toward authentic democracy. In response, the rulers of many hybrid regimes are trying to limit both the activities of internal democratic groups and their access

to international assistance so that, as Belarusian dictator Alyksandr Lukashenka has put it, “there will be no rose, orange, or even banana revolution” in their countries. Such efforts pose a challenge not merely to democratic movements in various lands, but to the new democratic consensus within the international system.

### **The New Face of Repression**

The offensive against democratization, and particularly against forms of internationally funded democracy assistance, dates back to before the “color revolutions.” The Kremlin expelled members of the U.S. Peace Corps and closed the Moscow office of the Solidarity Center, the U.S. labor movement’s operation, several months before Georgia’s 2003 Rose Revolution accelerated Kremlin concerns about the “contagion effect” of democratic breakthroughs. Yet Ukraine’s Orange Revolution in particular clearly accentuated existing trends and prompted a more aggressive and coordinated response on the part of the world’s authoritarians and autocrats.<sup>2</sup>

The legal and extralegal measures adopted by regimes determined to stymie democracy assistance range from constraints to cooptation, from coercion to closure. Many states openly repress independent NGOs and other organizations representing an autonomous civil society. Other countries maintain a more ambiguous position by allowing NGOs to operate with a degree of autonomy, but always under a cloud of operational and political constraints and the threat of arbitrary interference or dissolution.

The regimes of the broader Middle East have almost perfected this model, softening the harsh reality of authoritarian rule by permitting a degree of political space for relatively tame or managed NGOs while consistently undermining or harassing genuinely independent or assertive groups. In Egypt, for instance, NGOs must carefully gauge how much democratic advocacy they can afford to engage in at any given time.

In addition to legal constraints, many regimes employ more “deniable” tactics such as the use of thugs or auxiliary forces—as in Venezuela and Egypt—to intimidate or assault activists. Also popular among some authoritarians is the creation and manipulation of pseudo-NGOs in an attempt to contest and confuse public and international opinion. The Venezuelan state under President Hugo Chávez has been notable for the variety and ingenuity of NGO harassment and subversion tactics it has tried, including abusive tax audits.

While the meaning of all the provisions in Russia’s new NGO law has not been made fully clear, the law’s main provisions already establish serious constraints. The law expands the grounds on which a new authority can deny registration to organizations. The provisions applying to denial of registration for branches of foreign NGOs raise particular concerns since they permit the authorities to deny approval if a foreign

NGO's "goals and objectives . . . create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage and national interests of the Russian Federation."<sup>3</sup>

The law enhances the state's supervisory prerogatives, increasing the reporting burden by, for example, requiring organizations to list all funds received from foreign sources and to specify how such funds are allocated or used. The state can now interfere in an NGO's internal affairs by, for instance, requiring that any foreign national or stateless person who wishes to found, join, or participate in an NGO must be domiciled within the Russian Federation—a rule that clearly violates Russia's duty, under the European Convention on Human Rights (ECHR), to secure the right to free association of "everyone within" the ECHR's jurisdiction.

### Who's Afraid of Independent NGOs?

At the November 2005 meeting in Bahrain of the Forum of the Future, the intergovernmental initiative for reform in the broader Middle East, the question of NGO independence led Egypt to veto a final declaration and to sabotage the launch of a Foundation for the Future to promote democratic development within the region. Cairo insisted—with support from Bahrain, Oman, Saudi Arabia, and Tunisia—that all NGOs be "legally registered in accordance with the laws of the country." These regimes feared a provision in the proposed package of financial incentives that would have allowed unregistered NGOs to accept foreign funds.

The developments outlined above "are not isolated events," notes the International Center for Not-for-Profit Law (ICNL). The ICNL points out that "recently, over twenty countries have introduced restrictive legislation aimed at weakening civil society," joining "scores of others with existing laws, policies and practices that stifle the work of civil society organizations (NGOs)." The Center's research reveals that a number of countries have enacted or proposed laws that significantly restrict the activities of civil society. "We are witnessing a marked increase in the use of restrictions on NGO formation, operation, and financing by foreign governments," the ICNL concludes.<sup>4</sup>

Such provisions are found in virtually every region of the world, but tend to be most common in the Middle East, Africa, Asia, and the countries that used to make up the Soviet Union. As the ICNL notes, states with restrictive laws tend to exhibit one or more of the following characteristics:

- a "closed" or command economy;
- government by leaders with autocratic tendencies;
- the belief that political dissent—whether internal or within a neighboring country—is a threat to the current regime or incumbent party;
- concerns about religious fundamentalism or, more specifically, jihadist Islam;

- a contagion or copycat effect of similar legislation or practices introduced across neighboring regimes;
- a record of human rights abuse;
- a concern about alien or foreign influences.

The rationales offered for repressive measures vary. Governments sometimes offer an “official” rationale for a proposed law that does not match the reasons perceived by the international community and local NGOs. In Russia, for example, the government has dubiously alleged that the new law is essential for regulating the NGO sector, fighting terrorism, and countering money laundering. Yet in Russia as elsewhere, the means used are more restrictive than necessary to fight NGO malpractice or poor governance, and are often contrary to obligations to protect the right to free association required by international conventions that the country has signed, or even by its own constitution.

In countries such as Zimbabwe, restrictive laws consolidate longstanding patterns of government repression. In other states, including those of the former Soviet Union, recent initiatives appear to flow from a desire to forestall political opposition. Indeed, ICNL research indicates that governments often enact restrictive NGO legislation before elections, recognizing the critical role that civil society groups mobilized around the electoral process can play in advancing democratic change.

The types of measures most often used to impede democracy assistance may be categorized as follows:

**1) Constraints on the right to associate and the freedom to form NGOs.** As noted above, relatively few authoritarian or hybrid regimes adopt nakedly repressive measures, although some well-entrenched dictatorships remain severely repressive and intolerant of political opposition. The most repressive regimes refuse even to recognize the right of free association. In Saudi Arabia, NGOs enjoy only limited rights of association. Genuinely independent NGOs are effectively banned, and only a few organizations established by royal decree or under government control are allowed to function; Libyan law does not recognize the right to associate; China, Cuba, and Vietnam strictly control the ability to form or operate any NGO.

**2) Impediments to registration and denial of legal status.** Many governments jealously guard the process by which organizations can register as legal entities and gain the rights and prerogatives which that status brings. On the one hand, governments often insist that groups, even some as small or informal as a neighborhood association or a babysitting cooperative, must register, thereby ensuring that the state can monitor them. On the other hand, regimes make registration difficult, limiting the ability of advocacy groups and other NGOs to exist. Tactics include asserting excessive government discretion over the registration process; making registration costly or difficult in terms of the type or amount of information required; incurring excessive delays in

making registration decisions; and requiring re-registration every few years, thus giving government the right periodically to revisit the issue of whether an organization should be allowed to exist.

In Algeria, Azerbaijan, and Ethiopia, regulations governing the registration process are left deliberately vague, giving officials wide leeway to impose delays, make numerous demands for information, or even deny registration outright. In Belarus, a series of laws has restricted both public gatherings and NGO activities.

**3) Restrictions on foreign funding and domestic financing.** Restrictions on foreign funding of domestic NGOs are increasingly common. Government attempts to legitimize and gain support for such constraints are frequently couched in xenophobic or *faux*-patriotic terms. In this respect, authoritarian regimes gain a double advantage, forcing technical restrictions on NGOs while undermining them politically by suggesting that they represent alien interests.

Egypt, Russia, Venezuela, and Zimbabwe provide perhaps the most blatant and pernicious instances. “We are against overseas funding for the political activities [of NGOs] in Russia,” said President Vladimir Putin in a July 2005 meeting with human rights activists. Two months prior, in his annual address to the nation, he had stated that “for some of these organizations the main objective has become to receive funds from influential foreign and domestic foundations, for others the aim is to serve dubious groups and commercial interests.”<sup>55</sup> Such remarks highlight the importance not only of political intent but the context and operating environment of civil society groups. Governments may legitimately seek to regulate foreign funding of domestic political actors, and to regulate NGOs prone to malpractice or poor governance. But while democracies such as India and France have such regulations, they exist in a context of genuine political pluralism and institutional checks and balances. Nor, of course, are they designed or intended to suffocate or impede relatively young and still-fragile civil society organizations.

During the first half of 2005, the Egyptian government used its institutional sway over religious affairs to prompt Muslim imams to incite attacks against some of Egypt’s leading democrats and human rights activists, alleging that they represented “infidel” interests. Introducing a 2004 bill that prohibits Zimbabwean NGOs from accessing foreign funds, President Robert Mugabe declared that Zimbabwe “cannot allow [NGOs] to be conduits or instruments of foreign interference in our national affairs.”<sup>56</sup>

Laws used to restrict foreign funding often require domestic NGOs to obtain prior government permission before receiving grants from abroad (sometimes on a donation-by-donation basis), imposing further administrative burdens on thinly stretched organizational resources. Similarly, such laws often require NGOs not only to register but frequently to re-register with the government; set up state-run bodies that decide

whether an NGO can accept foreign funding; force such funding to be channeled through government agencies or via designated bank accounts that are easily monitored or frozen; tax such monies at punitively high rates; and require that foreign funds stay below a limited percentage of an NGO's total funding.

In Belarus, a presidential edict of 17 August 2005 imposed new restrictions on foreign technical assistance. According to the Belarusian presidential press office, the edict prohibits organizations and individuals from receiving and using assistance for "preparing and conducting elections and referenda, recalling deputies and members of the Council of the Republic, staging gatherings, rallies, street marches, demonstrations, picketing, strikes, producing and distributing campaign materials and for other forms of mass politicking among the population."<sup>7</sup> Under the edict, international technical assistance includes seminars, conferences, and public discussions. Regulations adopted in 2004 had already imposed reporting and approval mechanisms that ensure government control over donor funds and projects. The rules force NGOs to pay up to a 30 percent tax on foreign aid, a stipulation that has prompted some donors to reconsider financial support to Belarusian NGOs.

In May 2004, Uzbekistan's government effectively took control of Uzbek NGOs' foreign funding via a law requiring them to deposit funds in government-controlled banks, thereby allowing monitoring and control of financial transfers. The system operates according to unwritten policies and oral instructions, making it difficult for NGOs to follow the rules or appeal adverse decisions. More recently, the government has suspended the operations of foreign-based democracy and governance organizations that partnered with or funded local groups, and has refused to register others.

**4) Ongoing threats through use of discretionary power.** Some regimes retain discretionary powers to shut down NGOs and use that discretion to quash opposition groups. In effect, NGOs are kept in a precarious state in which they are tolerated but remain vulnerable to arbitrary termination. Even if dissolutions rarely happen, the availability of the option inhibits NGOs' activity and effectiveness. Egypt's Law 84/2002 permits the supervising ministry to close an organization at any time should officials deem that it is "threatening national unity" or "violating public order or morals." Such typically broad terms give the Mubarak government great leverage over NGOs.

**5) Constraints on political activities.** NGOs and related groups are frequently required to refrain from activities defined broadly to be political, a serious problem for any group whose aim is to promote democracy. Even activities undertaken on a nonpartisan basis or of a largely technical nature are vulnerable to malicious or willful misinterpretation, laying activists and organizations open to penalties that can be severe.

A disturbing aspect of this trend is the attempt by governments to

equate democracy assistance with oppositional activity, “regime change,” or political subversion. Discussing proposed NGO restrictions in 2004, for example, Zimbabwe’s public-service minister Paul Mangwana claimed that NGOs funded “antigovernment activities, in the name of democratization.” Zimbabwe’s NGO law, enacted in December 2004, bans foreign NGOs concerned principally with “issues of governance” and denies registration to NGOs receiving foreign funding for “promotion and protection of human rights and political governance issues.”

In Venezuela, the populist “Bolivarian” administration of President Hugo Chávez is prosecuting civil society activists from Sumaté, an independent NGO engaged in election monitoring and education, on charges of “conspiracy” resulting from a voter-education grant that the U.S.-based National Endowment for Democracy gave the group around the time of the unsuccessful effort to recall Chávez by means of a referendum. The regime openly insists that receipt of foreign funds is itself subversive. “It is one thing to be involved in politics, and quite another to solicit support from a foreign government to intervene in internal affairs of the country,” says Venezuelan prosecutor Luisa Ortega.<sup>8</sup> Article 10 of the Criminal Code Reform of October 2004 specifies that anyone who supplies or receives funds from abroad to “conspire against the . . . integrity of the republic, against the institutions of the state or to destabilize the social order” may be punished by 20 to 30 years in jail.

In Belarus, the upper house of parliament in late 2005 approved—unanimously and without debate—a bill introducing severe penalties for activities deemed conducive to fomenting revolution. The measure amends the country’s Criminal Code by introducing prison sentences for training people to take part in street protests, for “discrediting” the country’s image abroad, and for appealing to foreign powers and international organizations to act “to the detriment of the country’s security, sovereignty and territorial integrity.”

In Kazakhstan, “foreigners, persons without citizenship, or foreign legal entities and international organizations” are prohibited from engaging in “activities which support (or make possible) the nomination and election of candidates, political parties, nomination of parties to the party list or the achieving of a specific result during elections,” according to a National Security Law amendment (Article 102-3) that President Nazarbayev signed in July 2005.

**6) *Arbitrary interference in NGO internal affairs.*** Even when NGOs are allowed to form and to secure official registration, governments continue to restrict their activities through unchecked oversight authority and interference in their internal affairs. Failure to comply with the state’s demands may prompt sanctions and penalties. NGOs are frequently impeded and harassed by bureaucratic red tape, visits from tax inspectors, and other below-the-radar tactics used to thwart the efforts of democratic and civil society actors.

In China, one province holding village elections at the end of this year has enacted new regulations prohibiting NGOs, or anyone except provincial officials, from monitoring elections. This is especially regrettable since China now has its first-ever group of independent election monitors, trained to state-of-the-art, internationally accepted standards. These monitors (a core of 12, a larger group of 25, operating on a train-the-trainer basis) come from all over China, and the charter of their group explicitly prohibits them from working in their own home provinces, as a safeguard against possible conflicts of interest and corruption. The new regulation, especially if duplicated in other provinces, will effectively prevent independent and impartial election monitors from functioning at all and will deprive the Chinese government of a valuable source of impartial information on the real status of elections in various parts of the country. Even technical-assistance projects are suffering as a result of the Chinese authorities' approach.

**7) Harassment by government officials.** China also offers a clear and disturbing instance of enhanced state interference and harassment of NGOs, particularly by the Ministry of State Security. Beijing's concern about the color revolutions and the potential role of NGOs in fostering political change is well documented.<sup>9</sup> NGOs have been visited by state security representatives asking about sources of funding, specifically mentioning certain U.S. funders, including the National Endowment for Democracy, the International Republican Institute, and the National Democratic Institute. The Ministry of Civil Affairs, the government body responsible for registering NGOs, recently stopped processing applications for registration.

**8) Establishment of "parallel" organizations or ersatz NGOs.** Repressive governments have sought to undermine the NGO sector by establishing ersatz or captive groups, or Government-Organized NGOs (GONGOs). Governments use these organizations to appear to be supportive of civil society, to channel funding to preferred causes and away from opposition groups, and to discredit independent NGOs or opposition groups by claiming that government-affiliated organizations are the only "legitimate" civil society. In Slovakia under the authoritarian rule of Vladimír Mečiar, for example, the government sponsored and funded "parallel" NGOs to compete with opposition groups.

In Tunisia, GONGOs monitor the activities of independent NGOs. Members of state-sponsored groups attend conferences and other civil society events, in part to collect information for government agencies monitoring independent NGOs. In the midst of a 2004 assessment mission to Tunisia, an international democracy and human rights-related organization heard from senior government officials that, if it wished to operate in the country, it would be expected to work with state-appointed groups to the exclusion of independent local bodies.<sup>10</sup>

Russia has been more aggressive than most in employing quasi-au-

onomous groups, including certain self-dubbed “political technologists” who in some cases have previously worked with or been trained by U.S. democracy-promotion groups, to impede democracy-promotion efforts and to buttress authoritarian incumbents facing electoral challenges. During the Ukrainian presidential election of 2004, for example, Gleb Pavlovsky’s Russian Press Club, posing as a nongovernmental forum, served as a conduit for Russian interference in the election. Through his Foundation for Effective Policy, Pavlovsky serves as a consultant to President Putin and has been closely associated with electoral abuses and violations in Belarus, Russia, and Ukraine.<sup>11</sup>

**9) Harassment, prosecution, and deportation of civil society activists.** In some countries, individuals who engage in certain NGO activities can be held criminally liable and fined or jailed. Such provisions aim to discourage active participation in NGOs and to chill citizens who might seek freer association or wider participation in political or civic affairs. In Russia, NGOs associated with the West and international democracy and human rights–related organizations frequently find themselves harassed by inspections, criminal investigations, or detentions. The field director of one such group was recently detained for no apparent reason just after landing at Moscow airport, and would have been barred from entry had the U.S. ambassador not intervened. Later, she was effectively deported after authorities refused—without explanation—to extend or renew her registration.

Egypt’s Law 84/2002 uses an array of severe penalties to put a leash on NGO activity. Punishments can include up to a year in prison and a fine of about US\$1,750 for establishing an association that threatens “national unity” or violates “public order or morals”; up to six months and \$350 for conducting NGO activity “without following the provisions prescribed” by the law, conducting activity despite a court ruling dissolving or suspending an association, or receiving or sending funds abroad without the permission of the Ministry of Social Affairs (MOSA); and up to three months and a smaller fine for failing to get MOSA’s permission before conducting NGO activities, affiliating with a foreign NGO network, or merging with another association.

In Uzbekistan, several U.S.-based organizations are currently under criminal investigation for alleged violations, including having an unregistered logotype and failing to register specific activities (not the organization itself) with the government. Some staff members have been questioned for up to 12 hours at time, and prosecution of individuals remains a threat.

Other kinds of punitive legal actions can also be a serious form of harassment. In February 2006, Singaporean opposition politician Chee Soon Juan was bankrupted and, as a consequence, barred from contesting for political office, following a defamation suit brought by former prime ministers Lee Kuan Yew and Goh Chok Tong.<sup>12</sup> This tactic had

previously been used against opposition veteran J.B. Jeyaretnam, who is currently attempting to get his status as a bankrupt lifted so that he may run in the elections set for later in 2006.

### Three Levels of Response

In devising a response to the backlash against democracy assistance, it is worth bearing in mind that the problem involves a relatively limited number of countries—approximately 20 out of the more than 80 countries where democracy assistance is provided—and that the response will have to be fine-tuned, addressing both the general problem and its particular manifestation. Inevitably, the democratic world will more easily be able to constrain the offensive behavior of small countries that depend on foreign assistance than of larger countries with more political and economic leverage deriving from control over energy resources or large markets.

The nature of the political relationship between offending countries and the major democracies is also a factor. The deterioration of relations with the governments of Belarus, Uzbekistan, Venezuela, and Zimbabwe necessarily means that the democratic world will find their behavior harder to influence directly. But Kyrgyzstan, following protests by a number of governments and Human Rights Watch, announced in February 2006 that it was dropping an investigation into the receipt of foreign funds by domestic NGOs, while Ethiopia and Uganda appear to be refraining from certain constraints on NGOs in no small part out of fear that foreign aid will be cut off.

Whatever the precise degree of leverage that each case will permit, it remains clear that the overall response must come at three distinct levels—the tactical, the political, and the normative. The tactical response involves the work of the indigenous NGOs and activists affected by the new restrictions as well as the international donor organizations and programmatic agencies that provide democracy assistance. The donors will have to be guided by the readiness of NGOs to accept assistance, as well as by the manner in which indigenous prodemocracy groups choose to deal with the legal and administrative barriers that their governments erect.

In some instances, the NGOs may wish to test the new laws and procedures by publicly acknowledging the receipt of grant assistance and, where necessary, applying for permission to accept it. But governments may stall in granting permission or, as in the case of Uzbekistan, refuse to release funds deposited in designated bank accounts. In such instances, and once again in consultation with local NGOs, democracy-assistance groups may need to revert to practices employed in formerly or currently closed societies. Such efforts might include creative funding arrangements, financing through third parties or third countries, running trainings and other programs in adjacent territories, and chan-

neling support through exile groups. Different contexts demand different responses, but this is not new. Democracy-assistance organizations have long been involved in a diverse range of political contexts—closed societies, authoritarian and semiauthoritarian or hybrid regimes, and fragile or emerging democracies—and the strategies, operating procedures and funding arrangements honed over more than 20 years can be readily adapted to the new situation.

For example, cross-border programs, requiring ample coordination and expertise, are run by NGOs based in Poland, Slovakia, the Czech Republic, and Lithuania in order to aid media and human rights groups in Belarus and much farther afield in Central Asia. Similar work is done by NGOs based in the United States and Hong Kong in order to help colleagues in mainland China. Many of these initiatives take advantage of the Internet and other forms of communication that were unavailable to activists in communist Eastern and Central Europe only two decades ago.

The new backlash presents a special challenge to democracy-assistance organizations that need to maintain an in-country presence to carry out programs which provide training and technical assistance to local activists. In addition to carrying on with their normal programs, such organizations are finding it necessary to invest more time and effort in quasi-diplomatic activities: explaining their programs to local authorities; providing guarantees—through communication and transparency—that their work has no partisan or oppositional agenda; and engaging members of ruling parties in programs. Confidence-building measures of this kind may help to insulate democracy-assistance programs from political pressures and give a degree of protection to local activists while preserving the integrity of the relationship between the international NGOs and their local, grassroots partners.

Another way to insulate democracy assistance from political pressures is to strengthen its international and multilateral character. Much of this assistance, of course, is provided by government agencies and private or quasi-governmental foundations in established democracies. But the national character of such institutions need not preclude joint programs, shared funding of NGOs, and regular meetings to coordinate assistance in priority countries or to strengthen cooperation in different functional areas, such as party building, media assistance, or civil society development. Such collaboration is useful in itself and also sends the message that democracy assistance is an international activity which is not meant to further the narrow foreign policy objectives of any particular government.

Beyond tactical efforts to evade or neutralize restrictions on democracy promotion, democratic governments, and multilateral bodies can exert political pressure on governments that block democracy assistance and persecute local NGOs and democratic activists. This is the second—or political—level of response to the backlash against democ-

racy assistance. As has already been noted, some offending governments will be easier to influence than others. That said, it should be possible to develop a coherent, coordinated, and comprehensive policy to defend democracy assistance and NGO activists.

The key political response is linkage. It proved highly effective in advancing human rights under repressive regimes during the late twentieth century, and it may do so again in order to defend democracy assistance in the early twenty-first century. The idea is to link a state's treatment of democracy activists and independent civil society organizations to the political and economic dimensions of interstate relations. A modest version of such a policy was followed last December when the U.S. and several European governments pressured Russia to modify aspects of its new NGO law, especially pertaining to the work in Russia of foreign foundations, research centers, and democracy organizations. The law, as adopted in January 2006, is still a threat to NGOs, but thanks to international pressure it is markedly better than the more draconian original draft.

In the case of the Russian NGO law, democratic governments found an advantage in Moscow's impending assumption of the rotating G-8 presidency. Fear of embarrassment at the G-8 summit set for St. Petersburg in June 2006 helped to move Russia's rulers to trim back some of the law's more egregious provisions. Other ways in which democracies can press governments that restrict prodemocracy organizations include public statements by high officials and by national or regional parliaments defending prodemocracy NGOs and criticizing restrictions on democracy assistance; symbolic gestures such as high-level meetings with democracy activists and opposition leaders; conditioning foreign assistance and trade benefits on democratic performance and the treatment of groups working to strengthen democracy;<sup>13</sup> and reports by public bodies or credible private groups that gauge democratic progress and monitor the ability of civil society and political organizations to receive democracy assistance.

Such reports can be useful in helping democracies to distinguish between countries that are making genuine efforts to democratize and semiauthoritarian regimes that use elections to legitimize illiberal and antidemocratic behavior. This distinction is especially important in the case of backsliding autocracies such as Russia and Venezuela. These are countries that once were electoral democracies but where democratic rights and processes have been steadily eroded and international assistance to democracy NGOs has increasingly come under attack. At what point can it be said conclusively that such regimes have crossed the line and no longer deserve the respect that comes with being considered a democratic government? Many people believe that these countries have already relinquished any claim to democratic legitimacy, yet Russia remains a member of the G-8, which brings together the world's leading democracies, and both it and Venezuela continue to be full

participants in the Community of Democracies, the worldwide association of liberal and electoral democracies that is seeking to establish a caucus of democracies within the United Nations. Surely the attitude that countries sliding toward authoritarianism take toward political opposition, civil society, and international democracy assistance should play a role in determining whether they are eligible to take part in international associations of democracies.

That these regimes covet the image of being democratic and value the advantages that come with participation in the Council of Europe, the Organization of American States, and other associations of democratic countries highlights the extent to which democratic values have spread throughout the international system. Regimes that seek to reverse or avoid the tide of democratic progress by suppressing democracy assistance may actually have their own urge for continued power foremost in mind, but will often state a public rationale in which they paint themselves as sentinels guarding the principle of state sovereignty—a sovereignty that international democracy assistance is alleged to undermine. This leads us to the third, normative level of response that needs to be given to the authoritarians and their apologists.

### **Democracy Promotion as an International Norm**

The precondition for the acceptance of democracy promotion as a normative practice within the international system is the existence of a broad, if not universal, consensus about the definition of democracy promotion and the means by which it is carried out. Opponents of democracy promotion have tried to associate it with the removal by force of the Saddam Hussein regime in Iraq, claiming that democracy promotion is simply the pursuit of regime change by other means. But support for democracy promotion within the international community is vastly greater than the backing for the war in Iraq, not least because democracy promotion's purpose is not to remove particular regimes but rather to strengthen democratic processes. The removal of a nondemocratic regime does not automatically produce democracy, as the replacement of Batista by Castro or the Shah by Khomeini confirms. Democracy assistance does not focus on determining *outcomes* but on nurturing democratic culture, practices, and institutions.

It is true that the expansion of democratic participation can lead in some instances to a change of government and even, where the government in question is not democratic, to a change of regime. But that is not the goal of democracy promotion, nor is supporting free, fair, and competitive elections its only dimension. Democracy promotion also means strengthening independent media; promoting the rule of law and an independent judiciary; defending human rights and the fundamental freedoms of expression, conscience, and association; and supporting

civil society, including women's organizations, labor and business associations, and nongovernmental groups that educate citizens about democracy and empower them to participate in the political process and monitor government performance.

In June 2000, democracy promotion—understood as a cooperative international effort designed to strengthen these and other dimensions of the democratic process—received the endorsement of more than a hundred sovereign governments meeting in Warsaw to found the Community of Democracies. To be sure, the Warsaw Declaration also acknowledged the importance of “sovereignty and the principle of non-interference in internal affairs.” But it gave no sanction to the view that democracy promotion—meaning nonviolent and transparent efforts “to strengthen institutions and processes of democracy”—conflicts with sovereignty or violates the principle of noninterference. On the contrary, the Declaration affirmed the importance of democracy promotion in the evolving international system of transnational bodies, democracy-assistance organizations, grassroots NGOs—and sovereign states.

While the Community of Democracies was never meant to be a democracy-assistance agency as such, its aims do emphatically include the goal of fostering greater cooperation and commitment among democratic countries in order to advance the cause of democracy worldwide. Heretofore, however, the Community's voice has been muted and its role unclear. The new backlash against democracy promotion gives the Community an opportunity to play a more visible and important role in the current international debate. The Community needs to reaffirm and further elaborate the Warsaw Declaration in light of new circumstances and to seek approval for the Declaration from governments and parliaments around the world, as well as from regional bodies and global institutions including the United Nations. With its core mission under attack, this unique but still untested international association should mobilize in a concerted way to broaden the acceptance of democracy promotion as an international principle and practice. If the Community of Democracies can rise to this challenge, it will help to isolate and discredit the new assault on democracy promotion and bring the world's democracies together around a worthy common purpose.

## NOTES

1. Michael McFaul, “Democracy Promotion as a World Value,” *Washington Quarterly* 28 (Winter 2004): 147–63.

2. One manifestation of such coordination is the Shanghai Group comprising Russia, China, Kyrgyzstan, Kazakhstan, and Tajikistan. On 2 July 2005, Russia's President Vladimir Putin and China's President Hu Jintao issued a joint declaration on “World Order in the 21<sup>st</sup> Century,” in which they rejected attempts to “ignore objective processes of social development of sovereign states and impose on them alien models of social and political systems.” Three days later, the leaders of

Kazakhstan, Uzbekistan, Kyrgyzstan, and Tajikistan joined Moscow and Beijing in rejecting “attempts at monopoly and domination in international affairs” from whatever quarter these might come. “Concrete models of social development cannot be exported,” said a declaration from the Shanghai Cooperation Organisation summit held in Astana, Kazakhstan, on July 5. “The right of every people to its own path of development must be fully guaranteed.”

3. Federal Law of the Russian Federation No. 18-FZ, “On Introducing Amendments to Certain Legislative Acts of the Russian Federation,” 10 January 2006.

4. International Center for Not-for-Profit Law (ICNL) online library, [www.icnl.org/knowledge/library.htm](http://www.icnl.org/knowledge/library.htm). Quotes are from a specially commissioned report prepared for the National Endowment for Democracy by the ICNL, which is not yet in the public domain. Individual country reports and other case studies are, however, available at the ICNL Web site.

5. Risto Karajkov, “NGO Bashing,” WorldPress.org, 13 November 2005, available at [www.worldpress.org/Europe/2178.cfm](http://www.worldpress.org/Europe/2178.cfm).

6. “Mugabe law will curb church and charities,” *The Guardian*, 2 August 2004.

7. International Center for Not-for-Profit Law online library, [www.icnl.org/knowledge/library.htm](http://www.icnl.org/knowledge/library.htm). See note 4 above.

8. “Chávez Government Targets Venezuelan Civil Activists,” *Democracy Digest*, 19 October 2004.

9. See, for example, Yongding, “China’s Color-Coded Crackdown,” *Foreign Policy* Web exclusive, 11 October 2005, [www.foreignpolicy.com](http://www.foreignpolicy.com). In 2005, Beijing’s official *Economic Information Daily* released a report titled “Fighting the People’s War Without Gunsmoke,” which claimed that U.S. geopolitical strategy in Central Asia entails “democracy infiltration” through foreign NGOs. See *Open Magazine* (Hong Kong), 14 July 2005.

10. One might also note the extensive support lent to antidemocratic forces by an array of regimes that aim to counteract or undermine the recent wave of democratic gains. Venezuela’s Hugo Chávez has reportedly invested considerable sums in supporting Cuba, the election campaign of Bolivia’s newly elected president Evo Morales, and other radical or populist groups in Latin America. Similarly, Iran and Syria provide considerable financial support to Hezbollah in Lebanon and Hamas in the West Bank and Gaza. While such subsidies are not normally considered a form of democracy assistance, there is little doubt that the medical facilities and other social-welfare services provided by Hezbollah and Hamas, for instance, significantly enhanced their political legitimacy and reputation, and were a salient factor in the electoral successes that they scored in 2005 and 2006.

11. For more on Gleb Pavlovsky and his fellow “political technologists,” see Ivan Krastev’s essay on pp. 52–62 of this issue.

12. Chee Soon Juan’s statement criticizing the tactics used to target him may be found on pp. 182–83 of this issue.

13. In early 2006, Egypt’s imprisonment of opposition politician and former presidential candidate Ayman Nour prompted the U.S. Bush administration to suspend talks regarding a free-trade agreement with Cairo. See Jonathan Powell, “Free Trade Agreements: The Quiet Economic Track of U.S. Middle East Policy,” PolicyWatch No. 1079, Washington Institute for Near East Policy, 13 February 2006. Available at [www.washingtoninstitute.org/templateC05.php?CID=2443](http://www.washingtoninstitute.org/templateC05.php?CID=2443).