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Promoting Democracy with Neither State Nor Security: U.S. Democracy Promotion Efforts in the Palestinian Territories from the Oslo Accords

BY GEOFFREY SWENSON

I.

Though long a neglected afterthought, democracy promotion now constitutes a major U.S. foreign policy priority. The Soviet Union's demise freed the hand of U.S. policymakers to deemphasize support for unsavory pro-American regimes. Alongside the traditional tools of diplomatic pressure, economic assistance and military intervention, direct foreign democracy assistance plays an increasingly important role in U.S.-directed policy efforts. Thomas Carothers has aptly pointed out that "[e]very American president over the last 30 years ... has ended up becoming substantially involved with democracy promotion... President Obama will also very likely find himself confronted with the issue of democracy promotion, and he will find that his approach to it becomes one of the defining themes of his presidency, almost whether he likes it or not."¹

Government agencies occasionally channel democracy promotion aid directly through the United States Agency for International Development (USAID). Assistance, however, is usually outsourced to U.S.-based not-for-profit non-governmental organizations (NGOs) or for-profit contractors. While American NGOs emphasize their neutrality, their work is more far-reaching than many realize. These NGOs work with a target state's government institu-

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tions, civil society groups, and political parties to overhaul the target state's political culture. Since aid organizations depend on the host government's toleration, they generally assist both opposition and pro-government groups. Democracy promoters consequently endure criticism for both bolstering and undermining non-democratic regimes.

Despite the continuing backlash against the U.S.-led invasion of Iraq, Micahel McFaul correctly assesses that "democracy promotion as a foreign policy goal has become increasingly acceptable throughout most of the international community."² Because friendly authoritarian governments in the Middle East had historically provided easy access to oil and kept radical elements in check, the region was notably exempted from America's expanding interest in democracy promotion until the attacks of September 11, 2001. The danger of terrorism spawned by authoritarian regimes required what some observers describe as a bold new "strategy of freedom in the Middle East" that placed democracy promotion at the heart of counterterrorism efforts.³

While abundant rhetoric praises the merits of democratic governance and the importance of fostering it abroad, concrete analysis of what democracy promotion activities actually accomplish remains scarce. The Palestinian Territories formed a major focal point of U.S. democracy promotion efforts; often cited as one of former President George W. Bush's most dramatic democratization failures and a stern warning for his successor. Yet, there is surprisingly scant academic work about what democracy promoters were actually doing there. The lack of scholarship is particularly unfortunate given the substantial skepticism about democracy promotion in the Middle East and beyond that has resulted from Hamas' victory. This article fills a gap in the literature by examining democratization programming in detail during a particularly crucial time - from the signing of the Oslo Accords to the rise of Hamas after the 2006 legislative elections - in order to gauge the extent to which these activities furthered democratization, their impact on overarching U.S. policy goals, and, mostly importantly the lessons they can offer for future democracy promotion endeavors.

Section I offered the context for democracy promotion activities in the West Bank and Gaza, both in relation to the United States' overarching strategic ambitions as well as the specific dynamics involved with democracy assistance in the Palestinian territories. Section II offers analyses of NGOs' activities in the West Bank and Gaza. After a brief overview of the political situation and a broad look at the involvement of U.S. NGOs in the territories, the section provides a detailed discussion of NGOs' specific activities in each of the four major democracy promotion areas (elections, political party development,

civil society, and governance and the rule of law) as well as their overall impacts. As the US is only one international actor among many, this article is bound to be only a partial snapshot of democracy promotion work in Palestine. The number of actors and the range of activity make it impossible to examine every program rigorously. Still, highlighting the work of the major representative actors that constitute the main thrust of U.S. pro-democracy efforts helps to illuminate the broader democratization agenda pursued by the United States in this vital region and the consequences of those actions.

Finally, section III offers some overarching lessons learned by policymakers, both inside and outside the Obama Administration, and practitioners from over a decade of democracy promotion efforts in Palestine. As the territory continues to receive substantial amounts of international aid, lessons from the past remain highly relevant. Moreover, the successes and failures of the work there can be illuminating for other post-conflict rebuilding situations. As this article will show, democratic reform inevitably risks domestic and regional instability, often hinders access to vital resources, and complicates security arrangements. A more comprehensive understanding of the impact of U.S. NGO efforts acknowledges the tensions between high-level government policy pronouncements, competing U.S. foreign policy priorities, and the specific NGO democracy promotion activities. The experience of NGOs in Palestine suggests that NGOs enjoy far less independence than they often claim and highlights the need for better coordinated strategy between donors and implementers.

Success (or failure) in one area often produces dramatic consequences across the board, as does the interplay among the sponsoring state, the host government, and the implementing NGOs. Even when the U.S. wholeheartedly pursues democracy promotion, important policy tradeoffs with conflicting values remain. The host government often experiences tensions between the preferences of its own population and the accommodation of U.S. priorities. Not all pleasures are complementary or even compatible, but meaningful work is possible even in decidedly inhospitable environments.

II.

Overview

The architects of the 1993 Oslo Accords between Israel and the Palestinian Liberation Organization (PLO) hoped to produce two viable, secure, and independent states. The Oslo Accords established the Palestinian Authority (PA) as the governing body of the independent Palestinian entity. The

PA featured an executive, a unicameral legislature, and a judiciary, which Oslo's proponents believed was the foundation for the resolution of the decades-long conflict. Though the agreement initially enjoyed widespread cross-community support, it did not produce lasting peace.

While the Oslo framework now appears moribund, the government structures it established still endure. Oslo's provision for a strong executive directly elected by the population initially was designed to strengthen then Chairman of the PLO (Yasser Arafat)'s ability to push the peace process forward. While the executive is subject to checks from both the Palestinian Legislative Council (PLC) and the judiciary, countervailing institutions remain relatively weak. Palestinians now directly govern most Palestinian citizens in the West Bank and Gaza. Israel, however, maintains a strong security presence and heavily regulates movement within the Palestinian territories. Israel's efforts to quash the Second Intifada further hindered the PA's already limited capacity. A stable, democratic, and fully sovereign Palestinian state today seems as distant as ever given the landslide victory of Hamas—a militant organization that refuses to accept Israel's right to exist—in January 2006 legislative elections. This already difficult situation was further complicated by Hamas' subsequent assertion of control over Gaza, effectively splitting the Palestinian proto-state into two distinct entities.

U.S. NGO Involvement in Palestine

Palestine received well over \$6 billion in international development assistance in the interim period between the signing of the Oslo Accords and the 2006 PLC elections⁴ This amounts to more than "\$300 per person per year since the outbreak of the Second Intifada," one of the highest per capita amounts of development assistance ever allocated.⁵ Democracy promotion activities received only a relatively small portion of these funds with most going to economic development and infrastructure projects. Still, the United States invested heavily in Palestinian democracy.

Democracy promotion efforts generally fall into four distinct categories: election assistance, political party development, strengthening civil society, and promoting good governance and the rule of law.⁶ Each of these areas has received heavy U.S. investment in the post-Oslo era. Even though they overlap extensively in practice, analytic clarity favors examining these areas separately.

Elections

U.S. policymakers believed that free elections would empower moderate Palestinian leadership capable of furthering the peace process. For them, elections represented a vital step toward a democratic Palestine and ultimately a solution to the Israeli-Palestinian conflict. The National Democratic Institute (NDI) and the Carter Center were the primary implementers of election assistance for the 1996 polls, the 2005 presidential and local elections, and the 2006 PLC elections. Both USAID and the National Endowment for Democracy (NED) have actively financed election programming.

The International Republican Institute (IRI), NDI, the International Foundation for Electoral Systems (IFES), and the Carter Center—often working together—provided substantial election assistance. Preparation for the 1996 presidential and parliamentary election commenced in 1994, two years before the polls. Pre-election assessments outlined potential difficulties and opportunities. NGOs monitored voter and candidate registration, helped educate voters, party members, and election administrators about the election process, resolved disputes over the polling process, and observed the actual elections. American NGOs, most notably NDI, worked with local monitoring organizations to develop an indigenous domestic monitoring capacity. All NGOs issued comprehensive post-election reports and helped resolve post-election disagreements.

These organizations conducted high-quality election monitoring. The Palestinian public expressed widespread skepticism about whether the 1996 elections would be credible. While the transitional elections experienced some administrative shortcomings and procedural irregularities, little evidence of systematic fraud appeared. Subsequent elections featured imperfections, but were largely free and fair. By engaging elections comprehensively, American NGOs helped establish a reliable electoral process and built public legitimacy for future elections.

The introduction of competitive elections confounded policymakers' expectations. Election results initially propped up Arafat's position—inflating hopes that he would effectively facilitate the peace process and reign in anti-Israeli violence. Consequently, the international community tolerated his rampant corruption and steady slide toward authoritarianism. Even the election of Mahmoud Abbas did little to build peace in early 2005. Hamas' triumph in the January 2006 legislative elections highlights the paradox behind free elections: they can both legitimize organizations that endorse violence while concurrently refusing to accept the legitimacy of democratic institutions. Sustainable democratization requires elections, but they are only one component.

Political Party Development

Political party assistance from the United States attempted to simultaneously prop up and reform the ruling Fatah party—a thoroughly corrupt party with pronounced anti-democratic tendencies—out of fear of the alternative. International party aid did not begin in earnest until 2003, nearly seven years after the 1996 elections; while technically available to all non-violent parties, Fatah received the bulk of this assistance. NDI emphasized the long-term structural development of Fatah and a multi-party system that marginalized Hamas. Programming there centered on increasing knowledge about the role of parties in a representative government and offering key party figures with the necessary background needed to revitalize Palestinian political parties. Assistance included registering new voters, honing communication and outreach skills, policy and message development, survey and canvassing assistance, and help with outreach to youth and women. Before the local and PLC elections, aid became more campaign-focused with candidate and activist trainings, creation of a major voter database, an extensive voter mobilization campaign, and manuals on campaign management, voter targeting, and fundraising.

Even though NGOs distributed only a small portion of this aid, an analysis of U.S. party assistance would be incomplete without mentioning USAID's massive support for Fatah's electioneering efforts. USAID spent roughly \$2.3 million to bolster Fatah and undercut Hamas;⁷ assistance included paying for advertisements and events praising the then Fatah-led Palestinian Authority. USAID funded roughly 40 projects through Abbas' office including: "a street cleaning campaign, distributing free food and water to Palestinians at border crossings, donating computers to community centers and sponsoring a national youth soccer tournament."⁸ In contrast, Hamas spent only \$1 million on the entire campaign.

Despite certain gains, outside investment, produced few tangible results. On the positive side, these investments likely did allow Fatah to run a better campaign. Thousands of activists and candidates have been trained and voter outreach techniques improved. And, given the desperate living situations in much of the West Bank and Gaza, the patronage programs undoubtedly swayed some voters. However, Fatah not only lost power, but showed little interest in reform. Indeed, Fatah's corruption and willingness to accommodate the United States and Israel no doubt helped to propel Hamas to electoral victory.

Democracy promotion efforts reflected the deeply flawed assumption that

Western-funded advertisements and development projects would make voters overlook the stalled peace process, steadily declining living conditions, constant expansion of Israeli settlements, and Fatah's corruption. Party aid has been largely ineffective, often even counterproductive. NDI and USAID stressed their commitment to vibrant multi-party democracy, yet offered massive technical and financial assistance to the hegemonic party. This aid further distorted Fatah's already dysfunctional incentive structure. Not only did Fatah possess the advantages of incumbency, it also could rely on fears

Aid to Fatah reinforced the general public's perception that "international funding is driven by the political agendas of the international community rather than the best interests of the indigenous population."

of a Hamas-led government to ensure it would retain major donors' support. Aid effectively functioned as a massive subsidy. This is not purely the fault of U.S. NGOs, as no other major party embraces non-violent democratic practices. It is not clear that party aid, as implemented, furthered the goal of a vibrant, democratic multi-party system.

USAID's efforts to sway voters through patronage undermined any potential momentum for reform. Fatah party members saw little need to eliminate practices that alienated voters, especially since virtually no one predicted a Hamas victory. Aid to Fatah reinforced the general public's perception that "international funding is driven by the political agendas of the international community rather than the best interests of the indigenous population."⁹

While U.S. NGOs emphasized their neutrality, political party assistance became overtly partisan. Yet, policymakers consistently failed to accept the tough choices intrinsic to promoting democratization in general—let alone when the electorate lives under occupation and the area is prone to instability. Scott Wilson and Glenn Kessler identify the overarching tension in simultaneously pursuing democratization and supporting favored parties:

Free elections in the Arab world, where most countries have been run for years by unelected autocracies or unchallenged parties like Fatah, often result in strong showings by radical Islamic movements opposed to the policies of the United States and to its chief regional ally, Israel. But in attempting to man-

age the results, the [Bush] administration risks undermining the democratic goals it is promoting.¹⁰

Civil Society

Since 1996, American democracy promoters, primarily funded by USAID, have sought to bolster the capacity of moderate, indigenous advocacy NGOs to influence the legislative process. Chemonics, IRI, NDI, the Academy for Educational Development (AED), and the Search for Common Ground are the major implementers of civil society assistance. Chemonics oversaw a \$34 million program that ran from 2002 to 2006, designed to bolster Palestinian NGOs to further democratization and promote the establishment of a vibrant, democratic, and peaceful Palestinian state. Approximately half the money went directly to local organizations. These activities ranged from civic forums and voter education programs to a youth parliament and a blood pressure monitoring initiative. The other funds supported technical assistance for local groups through seminars and workshops.

IRI focused on crosscutting measures between the civil society and the legislative branch from 1996 through 2003 focusing on establishing “polling and surveying capabilities, a parliamentary research unit, and a policy dialogue project.”¹¹ This program built on the foundation of an earlier NED-sponsored polling program. Since 2003, IRI also sought to enhance political involvement “through a support network for Palestinian women interested in assuming a more prominent role in public life.”¹² NDI’s civil society work established the Civic Forum for group discussions, produced written materials on democratic development, and training seminars and produced management, fundraising, strategic planning, and conflict resolution manuals. From 2002 through 2006, AED and the Search for Common Ground invested nearly \$2 million supporting a small core of local NGOs dedicated to promoting non-violence and Palestinian-Israeli discourse. Sponsored activities included trainings on conflict resolution, effective advocacy, message development, and organizational capacity building.

In contrast to their political party development efforts, the United States’ funding for civil society programming produced some notable results. Association with American NGOs provided protection for partner groups from both the Palestinian and Israeli authorities—a major benefit given the fluid security situation and the PA’s authoritarian tendencies. Thousands of activists benefited from trainings. Local NGOs received much needed funding and material aid. Aid meant local organizations could provide much-needed social services and increase their political advocacy. Moreover, many indig-

enous NGOs owe their survival largely to U.S. support.

However, involvement in civil society also has a dark side. Many organizations respond directly to the wishes of foreign donors. Consequently, problems frequently stem from disconnections between the donors' wishes and the local population's priorities. American NGOs initially enhanced the credibility of recipient organizations. Over time, however, groups dependent on foreign funds emerged as a distinct, widely disliked social group. These organizations lost substantial popular legitimacy due to their alienation from the community at large and lack of accountability.¹³

Funding decisions have equally dramatic consequences for NGOs not favored by the international community. As Israel had outlawed the major Palestinian political parties prior to the Oslo Accords, civil society "served in a wide range semi-representative capacities and provided a wide range of services up to and including the First Intifada."¹⁴ NGOs and other international actors wrought havoc on many longstanding local organizations, which also desperately needed funding, by favoring groups with a more Western orientation. Donors and NGOs failed to maximize opportunities to contribute to a robust, sustainable, and largely organic civil society in the West Bank and Gaza by generally failing to engage with many preexisting grassroots institutions. Western support for civil society development, including direct monetary assistance, is not intrinsically destructive. It can play a vital role in supporting an energetic, representative civil society sector and has done so on occasion in Palestine. Though civil society in Palestine continues to rank among the most dynamic in the region, U.S. assistance has fallen far short of its goals and may have retarded the very progress that U.S. NGOs intended to advance.

Governance and the Rule of Law

Establishing credible, effective, and representative government institutions supported by the rule of law is inevitably difficult. Palestine presents a particularly daunting case because conflict resolution, state building, and democratization must all occur simultaneously, even as the West Bank and Gaza remained under Israeli influence. Not surprisingly given the magnitude of the challenge, governance and rule of law programs have received major international investment.

Associates in Rural Development (ARD) played the primary role in assisting the PLC's institutional development from 1999 through 2004. ARD worked to enhance the PLC's internal administration and executive oversight abili-

ties. ARD also sought to strengthen the PLC's "deliberative and legislative capacity by implementing a three-pronged program: clarifying the legislative process; enhancing access to expertise and information by the Council; and institutionalizing an improved approach to drafting and reviewing laws by committees."¹⁵ These efforts included holding workshops, drafting training materials, and providing direct material aid. Assistance went beyond the technical and institutional aspects of the legislative process, extending to public relations, office management, and policy communications. NDI has also played a role in this area, most notably supporting the drafting process of the Palestinian foundational law.

From 1999 to 2004, DPK Consulting oversaw a major rule of law initiative imple-

menting "automated case management systems, bench books for judges, standardized forms and operations manuals" with partner courts for potential nationwide use.¹⁶ DPK also modernized case processing methods, trained prosecutors, underwrote improvement to research facilities and sponsored legal workshops. Since 2004 Chemonics has continued this work by partnering with local actors to push for legal reform, funding improvement to Palestinian law schools, and supporting professional and student legal associations. Finally, AMIDEAST implemented a modest rule program from 1999 to 2002 that sought to develop continuing education and apprenticeship opportunities, and establish a legal practitioner code of conduct.

On a structural level, assistance from the U.S. Government proved vital to the establishment and continued maintenance of distinct executive, judicial, and legislative branches. While they continue to face major problems - including rampant corruption and waste - their very existence of these three discrete branches constitutes a major success. They were constructed from scratch in a very difficult environment. U.S. NGOs also made notable contributions. The entire PLC membership and most staff (at least prior to the 2006 elections) received training and assistance. Along with the administrative and material assistance, these activities enhanced the capacities of members and the PLC as an institution. Likewise, judicial aid had visible impact, aiding the Palestinian judiciary in becoming extremely independent, especially in comparison to the rest of the Arab world. Palestinian legal institutions and law schools face chronic resource shortages that U.S. funding helps alleviate. Though many challenges remain, aid generated tangible improvements to the court system and the legal academy.

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Assistance, however, is only one factor in the political economy of reform. In response to the Second Intifada, Israel worked to systematically dismantle the PA and cut off vital tax revenues in response to Hamas' triumph in the 2006

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PLC elections. As long as the two entities remain so unequal, long-term stability and secure democratic government in Palestine appears highly unlikely.

III.

As President Obama seeks to jumpstart the Israeli-Palestinian peace process and promote democracy in the Palestinian territories (while simultaneously avoiding the Bush administration's foreign policy missteps) he has much to learn from democracy promotion efforts during this crucial time. American policymakers and NGOs cannot be faulted for lacking ambition. They attempted to reform and support Fatah, construct a viable state backed by free elections, and foster a vibrant civil society—all against a backdrop of intense conflict. The limited successes and larger failures highlight the important policy tradeoffs that inevitably

exist in democracy promotion. Even programs with the best intentions often have unintended negative consequences.

Election assistance presents the most obvious example. Election assistance ranks as the most successful programming area, at least from a technical perspective, because it normalized free and fair elections. But in the 2006 PLC elections, voters designated Hamas—an extremist group that supports the use of violence against Israel—as the legitimate governing party. The election process may be sound, but the results unsavory. Nevertheless, elections, regardless of their outcome, have helped institutionalize credible voting procedures in a territory with little previous experience with democratic rule. An established norm of free elections could check the party or parties in power regardless of their ideology. Indeed, Hamas' victory exemplifies the often non-linear pattern of democratization.

Tensions also frequently exist, though generally unacknowledged by both donors and implementers, between the various facets of democracy promo-

tion. Activities, even when underwritten by the same organization (such as USAID), too often do not adequately take into account the ramifications of other programming decisions. Party assistance prior to the 2006 PLC elections provides a dramatic illustration. NGOs stressed that Fatah must reform, while USAID labored to insulate Fatah from the voters' wrath. Backed by incumbency and foreign investment, Fatah believed it could escape accountability for its rampant corruption. It made no effort to reform. This, in turn, made local organizations, particularly groups not directly backed by Westerners, more skeptical about moderate politicians.

Deep-seated political problems rarely have technical answers. Democracy is merely an abstraction—albeit an invaluable one—that serves as a benchmark to evaluate the actual practice of government. To have a real impact, democracy promotion activities must be willing to confront the tough issues, such as corruption, lack of political infrastructure, and lingering bitterness between former adversaries, rather than merely trying to alleviate a supposed lack of knowledge or deficiency of material resources. As Michelle Dunne argues in

reference to democracy promotion in the Middle East during this time, "USAID... has understandably chosen to work in areas such as civil society, local government, judicial reform, and women's rights that seemed the easiest and least sensitive... with little assessment of areas in which reform would be most meaningful."¹⁷

The ad hoc quality of many democracy programs illustrates the need for more comprehensive strategic planning. Successful programming must reflect local realities and demonstrate a willingness to seize opportunities, but also refrain from prioritizing short-term gains at the cost of long-term setbacks. Democracy promotion in Palestine highlights the reality that a fuller understanding the impact of U.S. efforts work requires contextualizing programming within the overarching policy apparatus. In other words, the relationship between NGOs and the U.S. government has a substantial impact on both program implementation and results.

The rigidity with which NGOs generally parrot overarching U.S. policies highlights the need for more leeway for NGOs to act as honest brokers capable of gaining the trust of partners rather than as mere proxies for the government.

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A better strategic paradigm demands critical reflection. Thus, improved programming requires taking evaluation seriously at both the level of individual programs and countries. USAID, NED, and U.S. democracy promotion NGOs frequently resist even minor criticisms. Outside evaluators contracted by USAID to analyze their programming may be hesitant to make earnest assessments since a review that the agency deems unfair could jeopardize future contracts.

In an extremely competitive marketplace, NGOs suffer from a pervasive fear that existing funds will evaporate and new funds will be directed elsewhere. They are understandably apprehensive about their budget being slashed by a Congress perpetually skeptical of foreign aid. Building on past successes and learning from failures requires a willingness to critically examine earlier decisions. For such a system to develop, Congress and the administration must collaborate to adopt a more nuanced approach to democracy promotion rather than placing a premium on immediate results.

Pursuing democratization in conflict-prone areas raises additional issues not necessarily present in more stable regions. This shift requires relinquishing some convenient fic-

tions in favor of some inconvenient truths. While U.S. government-funded NGOs often stress their independence, they possess only limited discretion; rather, the government has almost unilaterally designed the American democracy promotion programming. In many ways, policy implementation has simply been outsourced to NGOs. Former Secretary of State Colin Powell's description of NGOs as "force multiplier[s]" in the service of U.S. policy contains much truth.¹⁸ The rigidity with which NGOs generally parrot overarching U.S. policies highlights the need for more leeway for NGOs to act as honest brokers capable of gaining the trust of partners rather than as mere proxies for the government. On a deeper level, the tight nexus between democracy NGOs and the government foreign policy apparatus means that high-level government policymakers should consider the impact of their actions on democratization rather than simply blaming shortcomings on NGOs.

The decisions of NGOs, donors, and high-level policymakers leave plenty of room for improvement, but they have made some critical contributions.

For example, their work to strengthen Palestine's judiciary has made a major contribution to establishing the rule of law and perhaps, eventually, offering a meaningful check on the still overpowered PA executive. Both peace and democracy will remain elusive without the emergence of a Palestinian state that has the capacity to deal with its citizens' legal claims legitimately and effectively.

Given the realities of Palestine and the limited results of democracy promotion there, President Obama's appropriate response is not abandonment. Rather, he should pursue lofty goals checked by modest expectations, both of which should be underwritten by an unwavering commitment to democratic ideals. The administration's recent announcement of a holistic review of development policy may provide a good first step. Representative government offers too much promise to languish simply because promoting democracy proved more difficult than initially assumed. Democracy promotion efforts must be made smarter rather than curtailed. The romantic imagery of chivalrous defenders of freedom bringing democracy to the benighted masses contrasts with the tedious truth of what democracy promotion actually entails. Unfortunately, no gallant steeds or broadswords are involved, just voter education and electoral system design. Bold ideological battles or titanic shifts remain rare. Policymakers and American NGOs alike must own up to the hard realities of the craft: promoting democracy is slow and hard work that can take many seasons to bear fruit. ■

- Erlend Vestad served as the lead editor of this article.

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