

## **Policy Department External Policies**

# **ENSURING DEMOCRACY AND EFFECTIVE HUMAN RIGHTS PROTECTION IN THE BLACK SEA REGION**

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## TABLE OF CONTENTS

1. Introduction.....	7
2. The diversity of Black Sea actors .....	8
2.1. The European Neighbourhood Policy Approach in terms of democracy and human rights .....	8
2.1.1. <i>Ukraine and Moldova</i> .....	10
2.1.2. <i>Armenia, Azerbaijan and Georgia</i> .....	10
2.2. The Strategic partnership with Russia .....	12
2.3. Member States and prospective Member States .....	13
3. Regional cooperation initiatives in the field of democratisation and human rights ..	15
3.1. Cooperation with regional organizations .....	15
3.2. Cooperation involving other international organisations .....	17
3.3. Cooperation with international donors .....	17
4. Conclusion .....	18
Bibliography	

## SUMMARY

The completion of the fifth enlargement of the European Union (EU) with the accession of Bulgaria and Romania transformed the union into a Black Sea actor. Irrespective of whether we choose not to question the statute of the Black Sea area as a region or attempt to grasp its complexity, it remains a strategic cross-road and a cultural melting pot at the confluence of Europe, Central Asia and the larger Middle East. The area is marked by longstanding human interaction beyond shifting political borders. However, given its legacy of a strategic buffer zone, as well as its reputation of important transportation hub, the Black Sea region is being primarily regarded from the angle of geo-strategic considerations. So far, this perception of the region has not being favourable to promoting democracy and human rights. One could rightly argue that nevertheless, reality tells that democracy and human rights need to be analysed in a geo-strategic competition context. It is maybe worth discussing in how far the EU would be more successful in democracy promotion if putting itself into such context. Unlike traditional foreign policy actors, the EU has developed an external profile, which has been broadly anticipated as normative or transformative power. This paper argues that the strength of the EU's policies of promoting democratic values rests in its ability to project "soft" power and combine a prosperous single market with democratic governance and a just social order. The EU is an extremely important player in this geopolitically very sensitive region. Aware of this, and at the same time unable to fully agree on its objectives, it tends to act in a somewhat hesitant and rather circumspect manner. It can be argued that one of the main strengths of EU support for democracy derives from the multiplicity of actors, the diversity of expertise and sources of finance within the EU be it the European Commission, be it in particular EU Member States, their Government Departments and public bodies such as Parliaments, judiciaries, police, universities, also sub-regional and local governments in some cases, as well as a range of non-state actors including political foundations, trade unions and religious bodies (Council of EU PSC Discussion Paper, 2006).

Given the variety of actors and the different policies and strategies applied to them, a multilateral approach to human rights and democracy promotion in the Black Sea region is as necessary as it is difficult to formulate. The wide range of possible instruments for democracy promotion<sup>1</sup>, that may be used individually or in combination, means there is a major challenge to achieve a "joined-up" approach between instruments, and also to ensure coherence and a common narrative between

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<sup>1</sup> Like for instance: financial and technical assistance and grant aid; other tools, including political dialogues and other diplomatic instruments; conditionalities and sanctions; trade and investment instruments; mobilization of civilian and military capabilities; humanitarian assistance; multilateral initiatives; public information, advocacy and monitoring

different democracy actors and donors. Additionally, issues from the Western democracy and human rights agenda, being a sensitive subject for some partner countries, might prove obstructive to making progress in other strategic sectors of European concern. Managing such sensitivity would require the consideration of democratic priorities in a broader (in terms of areas and instruments) and multilateral (in terms of actors) framework, compatible with local norms and needs. The commitment to multilateralism, which is a specific aspect of European democracy promotion and EU external relations, is one of the most important strengths of the union. The multilateral approach is particularly visible in terms of cooperation and strategic partnerships with UN bodies and international organizations such as the OSCE, Council of Europe and the strong commitment to the strengthening of international standards, such as UN conventions, and especially their effective implementation. Other forms, such as active donor coordination and cooperation with like-minded third countries and other transformation strategies, are very important to achieve synergies. Such cooperation and coordination should be further enhanced by including the existing Black Sea organizations and initiatives. Regional and multilateral formats of cooperation allow for enhanced ownership and therefore have to be considered with priority in the EU's democracy promotion efforts.

There are indeed many uncertainties about the ability of the EU to promote democratic norm while in the same time denying the prospect of membership. But a reinforced multilateral approach towards democracy and human rights issues fits well the European Neighbourhood Policy (ENP). Along with the principle of differentiation, the policy offers a common EU approach, which is not based on individual Member States' preferences in the region. Provided that coordination with the activities of other donors and individual Member States is improved, the financial assistance under the ENP can foster the reform process in the countries of the Black Sea area now that that its cross-border component involves two of the new Member States – Romania and Bulgaria.

Currently there are a number of multilateral initiatives emerging from the region with often overlapping portfolios and geographic scope. Mapping of those regional initiatives and close examination of their activities is necessary. Locally generated initiatives could attract larger domestic support if recognized by the EU as a reliable tool for promoting the EU democracy agenda. Further on, a reinforced multilateral approach would require that international actors and donors coordinate their efforts more closely and pool their resources in order to implement common projects. While encouraging regional organizations to narrow down their portfolios in order to become more efficient, all available formats of multilateral regional cooperation in democracy and human rights should be explored. To make this possible and bring the scattered information together, a more effective, accessible and "user-friendly" network of all relevant actors might be necessary.

## Recommendations:

- Coordinated action at regional, Black Sea area level is needed, not only targeted towards the most recognized key economic sectors of interests, but also to human rights, good governance, education and culture, people-to-people contacts etc. regarded in a broader democratization framework as a means to mitigate possible sensitivities of partner countries. Coordinated action here is not meant in the sense of proposing a centralised decision-making system. What is suggested is to invest in examining and coordinating lessons learnt and best practices of individual member states and actors. This might contribute to enhancing the capacity of the EC to function as a “learning organization”. Some Member states have developed considerable expertise and are leaders, not only giving vital core funding to many multilateral programmes and international NGOs, developing special programming and evaluation techniques but also supporting research and policy development within the EU.
- The EU’s reputation differs from that of many foreign governments, especially the US, whose assistance to civil society is often criticised for being a tool to intervene in domestic affairs and promote national strategic interests. A way to avoid such criticism is to adopt an empowerment approach, the immediate implication of which is that democracy aid should be provided in support of locally owned, democratic initiatives, addressing individual and collective human development needs. In geographical areas where both the EU and the US are actively pursuing democracy promotion policies, such as the Black Sea region, enhanced coordination could be beneficial. However, at the moment formal coordination does not yet exist. The example of the Black Sea region shows that there is a huge potential for further coordination of transatlantic democracy promotion activities, both at the highest political level and at the NGO level.
- Cooperation and coordination could be enhanced by including the existing/emerging Black Sea organizations and initiatives. Regional and multilateral formats of cooperation allow for enhanced ownership and therefore have to be considered with priority in the EU’s democracy promotion efforts.
- Collaboration should focus on areas where national priorities and ENP opportunities intersect. This requires good analysis, well targeted interventions, monitoring and dialogue. It is crucial to insist that all agents from the civil society participate in the implementation and monitoring of reforms, in areas such as democracy and human rights. Monitoring of democratic reform processes could be performed in closer collaboration with pan European organizations like the Council of Europe, of which all Black Sea States are members on equal footing. All available formats of multilateral regional cooperation in terms of democracy and human rights promotion should be explored. To make this possible and bring the scattered information together, a more effective, accessible and “user-friendly” network might

be necessary. Development of an Internet-based platform may prove extremely useful to this end.

- Last but not least, the EU has to reflect on its ability to stimulate the reform process with the same vigour, also within its member states. The experience of its new members could prove quite important for the management of the “unfinished business” of the fifth enlargement and inspire critical thinking. The challenges Bulgaria and Romania are facing in terms of social inclusion policies and multi-ethnic issues, could be linked to immigration policies on EU level. Transfer of lessons learned by the two new member states to their non – EU Black Sea Neighbours should be encouraged on European level.

## 1. Introduction

With the accession of Bulgaria and Romania the European Union (EU) transforms into a Black Sea actor and has to establish a new type of relations with the immediate Eastern neighbours. The new EU Black Sea agenda, albeit still in the making, is attractive to most local actors, since it is entrusted with high expectations for closer integration to the union. Ensuring protection of human rights and democracy is an inextricable part of this process. However, given the variety of actors and the different policies and strategies applied to them, a multilateral approach to human rights and democracy promotion in the Black Sea region is as necessary as it is difficult to formulate. If the EU intends to view the Black Sea area as a region and plan its assistance accordingly, then ways should be found to collect best practices and formulate a coherent multilateral approach to democracy promotion, where the EU acts as a leader. Such an approach would improve the specific European profile of foreign policy actor and transformative power. .

As a general concept, “democracy promotion” encompasses all measures designed to facilitate democratic development, but despite an underlying convergence of objectives within the EU, there has been little consistency in public discourse and terminology, neither within and between Member states and within EU institutions, nor generally in the international community. “Democracy” is not frequently used as an umbrella term within the EU. Though few contest that democracy lies at the nexus of peace and security, human rights and development objectives, the term has sometimes been considered too ambiguous and political to be used in isolation (Council Of EU PSC Discussion Paper, 2006). Therefore the analysis does not take up precise definitions of human rights and democracy in examining EU’s and other international undertakings in individual countries and the Black Sea region. Any action to facilitate, advocate, inform, educate, or bring pressure to secure particular policy changes (eg, support local self-governance, the judicial reform, or implement small-scale social community projects) may be considered a form of democracy promotion.

Another challenge to the structuring of such an analysis is the multiplicity of regional initiatives and structures with often overlapping activities, as well as the variety of operating western actors besides the EU – international organizations and individual member states included. On the other hand, in spite of the remarkable spread of regional initiatives, genuine Black Sea regional cooperation, with few exceptions, has played only marginal role. Like in Southeast Europe, countries with membership aspirations still prefer to accentuate their differences/advancements against the overall region’s backwardness, than look for a common ground with immediate neighbours.

The protection of human rights varies in the different countries and it is not possible to make a general conclusion for the whole region. Certainly, human rights in the Black Sea EU member states (Bulgaria, Greece, and Romania) are better secured within their established democratic governance structures. Turkey, like never before,

is heavily scrutinised because of its EU membership prospect. On the other hand, the delayed transition in the former Soviet republics resulted in the establishment of weak democratic systems, even of semi-authoritarian governments, with virtually no rule of law, so that even if human rights and democracy standards are in place, the enforcement of protection mechanisms remains problematic. In this context, the understanding of the European concept of democracy and human rights cannot be taken for granted because of the sensitivity of some of the Black Sea actors. Moreover, an imposed democracy agenda could even impede advancements in solving major European geopolitical or economic concerns.

## **2. The Diversity of Black Sea Actors**

Beyond the three EU Member States (Bulgaria, Greece and Romania), the Black Sea region<sup>2</sup>, comprises seven other countries covered by different type of European Union approaches: the Pre-Accession process in the case of Turkey (which puts the country closer to the first group, but the declared open-ended character of the negotiations has the potential to produce negative effects that can spill over in a regional context); the European Neighbourhood Policy (ENP), with five eastern ENP Black Sea area partners; and the Strategic Partnership with Russia. These, and mainly the European Neighbourhood Policy, determine the EU attitude towards the region. Therefore these are also the instruments from the side of the EU, through which promotion of democracy and human rights is channelled. Moreover, the ENP Plus now includes the new Black Sea Synergy initiative, which admits that because the EU has entered into a different quality of ties with the individual countries concerned, a synergy is to be achieved within an efficient Black Sea regional framework.

### **2.1. The European Neighbourhood Policy Approach in terms of Democracy and Human Rights**

Five of the Black Sea states participate in ENP: these are Armenia, Azerbaijan, Georgia (making up the South Caucasus sub-group), Moldova and Ukraine. The catalogues of necessary reforms incorporated in their Action Plans indicate that as a whole, the ENP framework seems to provide for an increased attention to democracy and human rights. The Action Plans however, being the main policy tool to manage differentiation among individual countries, are basically a product of negotiating process involving the Commission and the respective national government. Resting on partnership and shared values, these negotiations are differing in substance from the accession negotiations with candidate countries. The ENP negotiation framework is based on rewards and positive conditionality in relation to democratic values, the later presupposed to be adopted within a home-grown process, in which the EU is not willing to interfere because it does not embrace the perspective of integrating those

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<sup>2</sup> “The Black Sea region includes Greece, Bulgaria, Romania and Moldova in the west, Ukraine and Russia in the north, Georgia, Armenia and Azerbaijan in the east and Turkey in the south. Though Armenia, Azerbaijan, Moldova and Greece are not littoral states, history, proximity and close ties make them natural regional actors.”, Communication from the Commission to the Council and the European Parliament, Black Sea Synergy – A New Regional Cooperation Initiative, Brussels, 11.04.2007, COM(2007) 160 final

states in its decision-making structure. Naturally, the ability of the ENP to pursue normative goals such as the promotion of democracy and human rights is questioned where partner countries, i.e. governments, do not share the same notion of values or are likely to sign up to more attractive alternatives. Eurasian integration, for instance, contrary to the European variant, does not require compliance with democratic values as a pre-condition for participation in the process. Thus, the Action Plans can provide important external legitimacy for domestic reform, but nevertheless they are still political commitments and as such do not have the legal force of an Association Agreement. The lack of common standards and benchmarking method applying to all countries, as well as the difficulty of elaborating such a tool to measure democratic governance, could complicate the democracy and human rights promotion. This and the lack of a membership perspective is the reason why questions are constantly being asked about the extent to which the ENP can promote human rights and democracy from the angle of “everything but the institutions”. A reinforced multilateral approach towards these issues is however well-placed under the ENP because along with the principle of differentiation, the policy offers a common EU framework/approach to all partners, which is not based on individual Member States’ preferences in the Black Sea region. The conflicts of interests between the EU and its Member States, between long-term and short-term approaches and between economic and developmental paradigms are generally considered as challenges for a coherent European democracy agenda. Democracy promotion efforts under the ENP can be adapted to the specific domestic environment of the given partner country, thus ensuring differentiation and avoiding “one-size-fits-all” policies. However, it has to be admitted that the specific strategic context could also determine the consequences of applying the differentiation principle. The Action Plans for Moldova and Azerbaijan offer two examples of strict (for Moldova) and vague (for Azerbaijan) language, addressing the conduct of parliamentary elections.

Provided there is improved coordination with other donors’ and the individual members’ states activities, the financial assistance under the ENP can foster the reform process in the Black Sea area countries. Improved coordination includes awareness of what type of assistance is working and what is not, which projects and type of activities prove effective, where multiplication of results is possible. This knowledge might help in evaluating future project proposals under the ENPI and in drafting assistance schemes. In addition, all states concerned are members of the Council of Europe, UN and the OSCE, thus benefiting from various programs and initiatives, including the ones carried out in cooperation between these organizations and the EU. The examination of experiences gained under these projects would help developing a clearer picture about possibilities and restraints of regional/multilateral forms of cooperation.

Among the ENP Black Sea partners, one should acknowledge the improvements achieved by countries committed to the European agenda of democracy and human rights, such as Georgia, Ukraine, and Moldova and to certain extent Armenia. “Frozen conflicts” are not covered by this analysis. However, it should be noted that they considerably add to the complexity of regional dynamics.

### **2.1.1. Ukraine and Moldova**

The EU has been the second largest contributor to Ukraine as well as Moldova, with the US being by far the most significant donor to both countries. So far the EU has focused on technical assistance and the institutional dimension of democratisation, whereas the US has concentrated more on “bottom-up” democratisation through supporting civil society. This support is channelled primarily through the National Endowment for Democracy (NED) programmes as well as the Eurasia Foundation in Ukraine. Further, the International Renaissance Foundation, part of the Open Society Institute, has been active in Ukraine since 1990, allocating considerable financial resources to projects promoting European integration, the development of a civil society and its control of the authorities, a public system of human rights and the establishment of the rule of law, etc. Other major donors like Germany, the Netherlands and Sweden channel most of civil society aid through political foundations and NGOs. The Swedish International Development Agency (SIDA) has focused in Ukraine on public administration reform, election reform, gender, and media. There are also regional projects in the field of human rights, like the support to the European Roma Rights Center and projects based on transferring experience from newly acceded EU Member states to Ukraine, Belarus and Moldova.

In 2006 the EU continued to support the implementation of the Moldovan National Action Plan for Human Rights approved by the Moldovan government in 2003 and included as a priority area in the Technical Aid for the Commonwealth of Independent States (TACIS) indicative programme for assistance for Moldova for 2005-2006. The EC Country Strategy Paper 2007-2013 for Moldova provides a comprehensive overview of future EC assistance priorities, among them democratic governance. EU Member States were regularly briefed and invited to comment on the Programme. Like in Ukraine and the countries from the South Caucasus, assistance in the field of democracy and human rights promotion from US foundations has been significant. The Moldova Citizen Oversight Initiative of Eurasia Foundation supports citizen groups to engage the government - by monitoring the government's activities, conducting advocacy and information campaigns and providing independent analysis of government policies. The NED has since 2003 focused on strengthening civil society, independent media, transparency of the political process etc. The Soros Foundation-Moldova has been also very active through its programs addressing civil society and good governance issues.

### **2.1.2. Armenia, Azerbaijan and Georgia**

Human rights protection remains a critical issue in the South Caucasus region, a situation which is reflected in the annual country reports of International Human Rights organisations. The so called “frozen conflicts” are major impediment to democratic governance and human rights. The lack of control of these regions should not be used as an excuse for insufficient standards elsewhere in the respective country. However, illegal practices in these uncontrolled territories can easily spread over border-lines and create negative spill-over effect elsewhere in the region. Conflict areas have turned into grey zones along border lines, where smuggling and

illicit activities flourish and undermine human security efforts of even most reform committed governments. Being illegitimate international subject, these separatists' republics are not object of international agreements and do not bear any responsibility in terms of human rights protection.

Armenia, Azerbaijan and Georgia receive a relatively large amount of international aid. Bilateral and multilateral donor organisations are most active in the region of South Caucasus. Coordination of aid, however, is considered so far inadequate. Regional cooperation, although providing an opportunity to mitigate cross-border tensions, is rather limited. EU's strive, as demonstrated in the APs, to promote trilateral cooperation between Armenia, Azerbaijan and Georgia, with inclusion of Russia and other regional actor is perceived as intention to keep the countries in the regional "club", rather than integrate them in the EU (Alieva 2006).

In Armenia, Azerbaijan and Georgia the European and US donors tried to promote cooperation between the state and non-governmental actors during the negotiation of the ENP Action Plans and their adoption. The role of the US donors was evident in organising civil society groups in order to come up with a position on the APs. However, at the end the absence of legal provision for the civil society participation in the implementation of the Action Plans might prove a substantial deficit in the mechanism for promoting democracy and human rights. The ENP Action Plan for Armenia<sup>3</sup> underlines issues such as the rule of law, judicial reform, anti-corruption measures and respect for human rights. According to local experts, while very neutral in nature the document does outline plans for democratization of Armenia's flawed political system. Armenian government will however face pressure to deliver on its promises, particularly as there is a reference to benchmarks in the section on Monitoring (absent from the Azerbaijan and Georgia APs)<sup>4</sup>.

In Armenia, assistance to democracy and human rights is provided by individual member states such as Germany, Denmark, Sweden, the Netherlands, the United Kingdom (UK). The Organisation for Security and Cooperation in Europe (OSCE) is active in fighting corruption, in anti-trafficking, democratization, electoral reform, environment, human rights, media, and rule of law. In 2005-2006, the Helsinki Committee of Armenia implemented the educational project "NGO Capacity Building in Monitoring of Human Rights in Armenia" jointly with the OSCE Office for Democratic Institutions and Human Rights. The Partnership for Open Society (POS), an operational program of the Open Society foundation, established a coalition of sixty non-governmental organizations, thus empowering the civil society to deal with a wide range of issues related to democratic development.

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<sup>3</sup> [http://ec.europa.eu/world/enp/pdf/action\\_plans/armenia\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/armenia_enp_ap_final_en.pdf)

<sup>4</sup> Analysis of European Neighbourhood Policy (ENP Action Plans for South Caucasus: Armenia, Azerbaijan and Georgia):  
<http://www.partnership.am/files/Analysis%20of%20ENP%20Action%20Plans%20Dec%202006.doc>

Although some donors, including some EU Member States, are scaling down their activities in Azerbaijan, a large number of donor organisations are still active in the country. The principal ones, in addition to the EU and individual member states, are the World Bank, the European Bank for Reconstruction and Development (EBRD) and the United Nations Development Program (UNDP). Azerbaijan is also a large recipient of USAID. There are four main priorities for USAID funding, one of them being Democracy and Human Rights.

Donors' activities in Georgia are primarily focused on issues related to governance, economic reform and development and poverty reduction. Despite donors' active involvement in nearly all sectors, the formal government-led donor coordination in Georgia has been assessed weak. Efforts have however been deployed to improve the situation. The European Commission hosts regular meetings for the Member States embassies to ensure coordination and information sharing on their activities in Georgia.

## **2.2. The Strategic Partnership with Russia**

Russia quite clearly prefers to organize its relations with the EU on the basis of dialogue with individual EU member states and considers the advancement of Euro-Atlantic interests in the Black Sea region as an unacceptable erosion of its own interests. Insistence on implementing the European democracy agenda is considered by Russia as interference in its domestic affairs. The delicate balance between promoting the EU's democracy agenda one hand and its strategic agenda on the other is not easy to master. Officially, there is a consensus between Russia and the EU that human rights are an essential element of their dialogue. This is reflected in the concept of the four Common Spaces and the Common Space for Freedom, Security and Justice in particular, which however lacked any substantial commitments. There are numerous issues that the EU raises with Russia in the human rights consultations. For its part the Russian side raises matters of concern inside the EU, like issues concerning Russian speaking citizens in the Baltic countries. Since November 2004, the EU and Russia have held regular consultations on human rights every six months and the EU is involved in numerous human rights projects in Russia. The EU actively supports international human rights initiatives in Russia also in partnership with the United Nations and the Council of Europe, whereby it monitors the observance of human rights and the conditions under which human rights organisations operate. Russian human rights organisations receive support notably through the European Instrument for Democracy and Human Rights (EIDHR). The EIDHR in Russia works with Russian and international non-governmental organisations. Since 2007 the European Neighbourhood Policy Instrument is the main financial instrument for supporting the implementation of the strategic partnership with Russia, while cross-cutting issues such as gender, human rights and the rights of indigenous peoples and minorities will be taken into account in the design of interventions.

The experience gathered so far could be used in finding out ways to reinforce the multilateral approach in promoting democracy.. For instance, for the North Caucasus the United Nations (UN) has led coordination through a "consolidated appeals"

process for humanitarian assistance and, from 2006, socio-economic recovery. The European Commission has agreed to fund a secretariat for dialogue with the regional authorities on governance issues, and for the harmonisation of donor assistance in general in the region. The TACIS evaluation noted that Russia is the only country in which there is anything like a formalised system of donor coordination. As a result notably of the UK's Department of International Development (DfID) - funded Donor Secretariat for Civil Service and Public Administration Reform in Moscow, there is considerable dovetailing of support for governance and public administration reform. The Delegation calls EU coordination meetings three or four times a year, as part of a range of coordination activities fostered also by the Donor Secretariat, the UN and other actors<sup>5</sup>.

There are reports that human rights non-governmental organisations (NGOs) are increasingly experiencing difficulties in operating in Russia and the EU has repeatedly expressed concerns about the current NGO legislation in the country. Moreover, at the end of 2005 - beginning of 2006, the Federal Security Service reiterated its claims that some NGOs were working for foreign interests and against Russia. Undoubtedly this environment is not favourable to European efforts for supporting civil society initiatives. From Western perspective the project of democracy promotion in Russia is faltering because of the de-democratizing trends accruing in the country. However a more critical look at the western record of achievement might suggest that the process fails because democratic priorities are often defined regardless of what prospective benefactors on the ground need and want. Assistance therefore should be in line and compatible with local norms and the objectives of local stakeholders, where small-scale social projects could be very successful. Human rights and good governance practices in the specific Russian environment could be promoted by means other than sticking to a grand strategy for democracy. Smaller, practical steps like investing in local communities to unfold their potential for bottom-up projects might prove a more feasible approach. Such an empowerment approach would imply that democracy aid is provided in support of locally owned, democratic initiatives, which address people's individual and collective human development needs.

### **2.3. Member states and prospective member states**

Although the origins of the EU's human rights policy do not lie in the Union's enlargement process, but rather in its Member States' experience as donors of aid to the developing world, its reputation in this area stems largely from its most successful foreign policy tool – the enlargement process (Balfour and Missiroli 2007). The offering of a membership perspective, together with the policy of conditionality, allowed the EU to play an effective transformative role for Bulgaria and Romania. On the other hand, the EU is becoming a more competitive actor as a result of the enlargement. It is the attractiveness of the EU as a success story and the cherished integration perspective, which bring the ENP countries closer to the EU. Unlike the Council of Europe or OSCE, the EU has the advantage of offering the incentive of greater integration. The state of affairs in the new member states after their accession

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<sup>5</sup> Country Strategy Paper 2007-2013, Russian Federation, p.20

to the EU are worth following by their non-EU neighbours. It could be expected that every piece of good practice and success story is potentially transferable. Thus, encouraging cooperation platforms of mutual benefit and creating better possibilities for exchange, twining and people-to-people contacts projects might prove the most welcome and acceptable instrument to promoting democratic development beyond borders.

Nevertheless, one cannot neglect the trend that once having achieved the membership goal, the former candidates and current new members might slow down the pace of reform. They even experience political turbulence because their political leadership usually cannot live up to the extremely high expectations associated with the EU membership. General dissatisfaction with the slow pace of improving the living standards, together with popular confusion about the EU and domestic spheres and levels of competence, might produce waves of populism and challenge the stability of the political system and its democratic foundations. In order to avoid this, new member states have to constantly reinvent the attractiveness of belonging to the union by bringing the benefits of membership as close as possible to the citizens. Civil society plays an important role in the process. However it is also going through a process of transformation with foreign donors' assistance phasing out after Bulgaria and Romania joined the EU. The lessons learned from over-dependence on foreign funding, although still being assimilated, will be of high importance to the neighbours across the Black Sea. With the advancement of the accession process plentiful number of nongovernmental organizations dealing with human rights and quite often with "democracy in general", had to refocus on other, more "tangible" problems of the transition or simply stop to exist. Thus the number of NGOs identifying themselves as providers of social services in Bulgaria and Romania has dramatically increased in contrast to think-tanks with often unclear and donor-oriented/dependent missions<sup>6</sup>. On the other hand however, one could reasonably sceptical about the effect of reducing the role of civil society, including think-tanks (which in Central and Eastern Europe were modelled to a large extend by the US) to a mere service-provider community, dependent on state and EU funds.

Turkey, on the other hand, also occupies a very special place in the Black Sea puzzle. After gaining the candidate status, the policy of conditionality has in the Turkish case produced pressures and resulted in clear improvements in the area of democracy and human rights. A series of reform packages were introduced as a result of sticking to the country's European agenda. Important legal changes adopted by the AKP government in June 2003, provided for international observers at elections; authorized broadcasting in Kurdish; repealed an article that allowed leniency for honour killings etc. The government pushed through measures to reduce the political role of the military. Despite Turkey's remarkable progress in adapting legislation to European standards, deficiencies in the implementation of legislation have been and continue to be a major challenge. Shortcomings remain, especially in relation to safeguarding fundamental freedoms and human rights, particularly freedom of

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<sup>6</sup> Results from a Survey carried out by the Open Society Institute- Sofia under the "Next Mile of European Civil Society Infrastructure" project ([www.nextmile.eu](http://www.nextmile.eu))

expression, women's rights, religious freedoms, trade union rights, cultural rights and the further strengthening of protection against torture and ill-treatment. The EU needs to strike a fine balance in its democracy promotion strategy now that accession negotiations are open: not to risk harming the process of democratic consolidation by introducing additional political entry criteria; and on the other hand to refrain of focusing only on the technocratic "chapters" of entry talks, in the judgment that Turkey has already achieved a sufficient degree of democracy.

With the advancing of the EU membership prospect it would be logical for Turkey also to play a constructive role in resolving its conflicts with nearby states and become more active in the ENP framework of cooperation. Here conditionality from the side of the EU is crucial, but it should not be neglected that tough conditionality policies can overstretch themselves and turn counterproductive by undermining the EU bargaining power. In the case of Turkey, having in mind its huge geographical and political weight in the region and non-European perspectives wide open, this could produce devastating results for the wider Black Sea Region and thus, naturally for Europe as well.

### **3. Regional cooperation initiatives in the field of democratization and human rights**

Cooperation among the countries of the Black Sea area has been fragmented, reflecting the lack of consensus on the competing visions of the countries in the region, as well as the interests of other external players. In particular, outstanding bilateral issues between Turkey and Armenia or Greece, and between Russia and other former Soviet states, have also prevented Black Sea countries from elaborating regional plans. Nevertheless, currently there are a number of multilateral initiatives emerging from the region with often overlapping portfolios and geographic scope. Mapping and ensuring transparency of those regional initiatives and close examination of their activities is very important since domestic support in the Black Sea countries is vital for the EU democracy agenda. Further on a reinforced multilateral approach would require close coordination among international actors and donors while pooling resources for the implementation of common projects. While encouraging these regional organizations to narrow down the core business of their activity (Tassinari 2006), all available formats of multilateral regional cooperation in terms of democracy and human rights promotion should be explored. To make this possible and bring the scattered information together, a more effective, accessible and "user-friendly" network might be necessary. Development of an Internet-based platform would prove extremely useful to this end.

#### **3.1. Cooperation within regional organizations**

- **The Organization of the Black Sea Economic Cooperation (BSEC)**

This is considered the main and most inclusive framework for co-operation in the region. BSEC is highly institutionalized and its strength rests in its inclusiveness. Because of Russia's membership it provides a forum for communication between

countries with difficult bilateral relationships and a unique opportunity for dialogue. However, besides the large set of issues on its recently updated agenda, this broad membership is also BSEC's weakness, as the organization strives to coordinate the diverging policies and regional strategies of all its member countries, which is a rather burdensome process. Small states regard the organisation as driven foremost by the agenda of bigger members. Thus, outside interference from the side of serious factors like the EU is welcome to change this misbalance. BSEC is making itself more and more relevant to the European Union by emphasizing cooperation, which is not solely focused on economics and trade and thus it could prove to be a useful partner in areas such as democratization and good governance through the newly established Working Group on Institutional Renewal and Good Governance.

- **GUAM (Georgia, Ukraine, Azerbaijan, Moldova)**

GUAM was created in 1996 by the Presidents of Georgia, Ukraine and Azerbaijan, with the support of the United States. Following the “rainbow revolutions” in Georgia and Ukraine, both countries strived to give regional co-operation within GUAM a new impetus and new directions, focusing on security-related issues, including support for democratisation in the region, which would distinguish the organisation from BSEC. GUAM was restyled as the Organisation for Democracy and Economic Development (ODED-GUAM) at a Kyiv summit on 23 May 2006. The ODED-GUAM espouses multiple objectives, among them democracy promotion. A serious problem to the organisation is that it is regarded by Russia as a foremost anti-Russian initiative.

- **The Community of Democratic Choice (CDC)**

CDC is essentially a product of the recent rapprochement between Georgia and Ukraine. The CDC creates a broad framework that goes far beyond the shores of the Black Sea and that includes a majority of states that are already fully integrated in the Euro-Atlantic community. A new organization, the CDC, as the name suggests, was also created with a clear mandate in favour of democratization in the region and beyond. The CDC's Kyiv declaration insists indeed on its role as a model for democratization in other countries and regions. One could read in this statement a certain ambition to act as a model for Central Asia, but also the Greater Middle East (Middel, 2006). However, Russia's opposition to this initiative casts some doubts on its potential efficiency and spread. This opposition is explained by doubts that the hidden agenda of the initiative might include geopolitical targets beyond the pure democratic values.

### **Black Sea Forum for Dialogue and Partnership**

The cornerstone of this new Romanian approach to the region was put in June 2006. The Black Sea Forum, aims to increase the synergy between international and regional policies and instruments, and in the same time to encourage more open and value-based type of interaction at governmental and non-governmental levels.

- **The Central European Initiative (CEI)**

CEI, with its elaborate institutional structure, has proved an efficient platform for dialogue and collaboration between its member states, among them Moldova and

Ukraine. In the Good Governance filed it could be successful in transferring experience and best practices between the EU new member states and Moldova and Ukraine as ENP Black Sea actors.

### **3.2. Cooperation involving other international organizations**

- **Joint Programmes of the European Union with the Council of Europe**

The joint programme initiative is an important element in the relations between the EU and the Council of Europe<sup>7</sup>. Most joint programmes are country-specific. They cover all ENP Black Sea states, plus Russia and Turkey. There have also been multilateral thematic joint programmes. The South Caucasus JP is a particular example of regional programming, although the evaluation report concludes that it has effectively functioned as three separate JPs with minimal regional cooperation and dialogue. Cooperation between the European Commission, Council of Europe and national policy-makers should be therefore improved.

- **The Black Sea Euro-region**

The initiative was launched in March 2006 in Romania. It is intended to complement the links which already exist between Bulgaria, Georgia, The Russian Federation, Turkey, Ukraine, and Romania – with a reinforced and decentralised cooperation between its cities and regions.

- **The Kiev Initiative**

It is a regional programme of cultural cooperation between Armenia, Azerbaijan, Georgia, Moldova and Ukraine, which started in September 2006. It aims to promote dialogue, democratic development and respect for cultural diversity through actions in the cultural and natural heritage fields.

### **3.3. Cooperation with international donors**

There are many other actors whose channels may be used simultaneously, since plurality of funding sources helps to address the plurality of organisations and needs on the ground. Foundations can work more effectively especially in non-democratic countries, since they are not constrained by the same bureaucratic requirements as the Commission (Herrberg 2006).

- **The Black Sea Trust for Regional Cooperation**

The Trust was created in June 2006 by the German Marshall Fund of the United States (GMF). It will provide grants to promote democracy consolidation and civil society development in the Black Sea region. Grants will be awarded along two programmes: Civic participation, and Cross-border cooperation. The initiative is based in Bucharest, Romania and will be officially launched in October 2007.

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- **US Agency for International Development (USAID)**

By far the largest provider of American democracy assistance is the US Agency for International Development (USAID) with an annual budget of 7 266 million Euro (2006), out of which 853 million Euro is allocated to the promotion of democracy and local governance.

- **The National Endowment for Democracy, the Asia Foundation and the Eurasia Foundation**

While funded by the US government, they draw additional resources from a wide range of private donors and international organisations. The Eurasia Foundation is active in the former Soviet region and in comparison with the USAID, focuses more on civil society.

- **The Open Society Foundation**

The Open Society Institutes and its affiliated Soros foundations in Central and Eastern Europe and Central Eurasia work with governments, nongovernmental organizations and international partners to find solutions to some of the region's most challenging problems, democracy and human rights issues being a key priority. The following are the foundation's operative programs in the field of promoting democracy and human rights which are open to all Black Sea region countries: Monitoring and Advocacy Program; East East: Partnership Beyond Borders Program; Human Rights and Governance Grants Program; Local Government & Public Service Reform Initiative; The Media Program; The Open Society Justice Initiative; Women's Program; The Central Eurasia Project. In addition to this, the PASOS (Policy Association for an Open Society), a network of 26 independent public policy centres in Central and Eastern Europe and Central Asia, is committed to working to ensure that the lessons of transition are analysed and understood, then shared and applied.

#### **4. Conclusion**

Coordinated action at regional, Black Sea area level is needed, not only targeted towards the most recognized key economic sectors of interests, but also to human rights, good governance etc., regarded in a broader democratization framework. The EU's reputation differs from that of many foreign governments, especially the US, whose assistance to civil society is often criticised for being a tool to intervene in domestic affairs and to promote national strategic interests. A way to avoid such criticism is to adopt an empowerment approach, the immediate implication of which is that democracy aid should be provided in support of locally owned, democratic initiatives, addressing individual and collective human development needs. Another feature of the European approach that makes it different from the approach of US is the mix of Member States' and EU policies and strategies. The duality of Member States and the EU as actors has both positive and negative consequences for the European approach to democracy promotion. Its positive features include variety and plurality. The drawbacks are that it is less coherent, less consistent, rather bureaucratic, and it is sometimes difficult for recipients to understand. These drawbacks could be diminished by enhancing the institutional learning capacity of the

EU and by considering the added value of locally owned initiatives and of transformative strategies that are relevant to the needs of the region. In the Black Sea area, where both the EU and the US are actively pursuing democracy promotion policies, enhanced coordination could be beneficial. Last but not least, the EU has to reflect on its further ability to stimulate reform processes, also within its member states. The experience of its new members could prove useful in managing the “unfinished business” of the fifth enlargement, by inspiring critical thinking within the EU and offering practical experience and lessons learnt to the Eastern European neighbours.

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