

DEMOCRACY PROMOTION IN EASTERN EUROPE: THE STRATEGIC DIVISION
OF LABOUR OF THE EU, CE, NATO AND OSCE

By

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Abstract

This thesis has attempted to determine what strategies are used by Western intergovernmental organizations to promote democracy in Eastern Europe. It concludes that there is a democracy promotion division of labour between the European Union, Council of Europe, North Atlantic Treaty Organization, and Organization for Security and Cooperation in Europe.

Table of Contents:

Abstract	ii
Chapter I	
Introduction	1
The Field of Democracy Promotion	3
Democracy, Democratization and Consolidation in Eastern Europe	5
Western IOs Division of Labour	8
Strategies Common to All	13
Why is East European Democratization so Important to the West?	15
Chapter II	
The EU: Supporting the Market Economy	17
<i>Section I:</i>	
Why Does the EU Promote a Market Economy for Democracy?	18
Development of EU's Role as Market Economy Promoter	20
<u>Development of Relations with Eastern Europe</u>	22
Style of EU Strategy	25
<i>Section II: The Strategy at Work</i>	
Tied Trade/Tied Aid	27

PHARE	29
European Bank for Reconstruction and Development	32
The Promise of Future membership	34
Strategies for Non-Applicant States	36

Chapter III

The Council of Europe: Promotion of Law & Order	38
---	----

Section I:

Why Does the CE Promote Law and Order for Democracy?	38
Introduction to the Organization	40
<u>Membership in the CE</u>	42
Development of CE's Role as Law and Order Promoter	44
Style of CE Strategy	45

Section II: The Strategy at Work

Legal Assistance – General	49
European Commission for Democracy Through Law	50
Activities for the Development and Consolidation of Democratic Stability	52
Law Making Project	54

Chapter IV

NATO: The Protection of Peace and Stability	55
---	----

Section I:

Why Does NATO Promote Peace and Stability for Democracy (and democracy for peace and stability)?	56
--	----

Development of NATO's Role as Peace and Stability Protector	59
---	----

Style of NATO Strategy	62
------------------------	----

<u>Membership in NATO</u>	63
---------------------------	----

Section II: The Strategy at Work

Peace and Stability Enforcement	65
---------------------------------	----

The Euro-Atlantic Partnership Council	67
---------------------------------------	----

The Partnership for Peace	71
---------------------------	----

Chapter V

OSCE – The Protection of Human and Minority Rights	75
--	----

Section I:

Why Does the OSCE Promote Human Rights for Democracy?	76
---	----

Development of OSCE's Role as Human and Minority Rights Promoter	77
--	----

Style of OSCE Strategy	80
------------------------	----

<u>Normative Standard Setting</u>	81
-----------------------------------	----

<u>Early Warning</u>	82
----------------------	----

<u>Inclusive Nature of the Organization</u>	82
<u>Limited Budgetary and Institutional Capacity</u>	84
 <i>Section II: The Strategy at Work</i>	
The Human Dimension	86
The Human Dimension Mechanism	88
The High Commissioner on National Minorities	89
Missions of Long-Duration	91
 Conclusion	
Common Considerations: The motivation behind strategy and democracy promotion activities	92
Final Thoughts	95
 Bibliography	 97

Chapter 1 - Introduction

The revolutions of 1989, 1990 and 1991 marked the end of communism in Eastern Europe¹ and the beginning of democratization in the region. Many national governments, intergovernmental organizations (IOs), and nongovernmental organizations (NGO's) have adopted policies to help this process along. In a short period of time, democracy promotion has become an integral part of development cooperation and of international relations. Now, thirteen years later, it is possible to identify some of the strategies adopted by these actors to promote democracy.

Upon examination of these strategies it is clear that the four main western IOs – including the European Union (EU)², Council of Europe (CE), North Atlantic Treaty Organization (NATO) and Organization for Security and Cooperation in Europe (OSCE)³ – have developed a ‘division of labour’ in order to achieve their common goal of building and protecting democracy in Eastern Europe. These four IOs have developed individually, from both their past experience as well as from their own strengths and capabilities, a central focus of activity - or, a main strategy. Each strategy dominates the

¹ In this paper the term ‘Eastern Europe’ will be used to refer to those countries participating in the OSCE, but not (yet) within the membership of the EU - or, in other words, states of Central and Eastern Europe and of the former Soviet Union.

² Although not always historically or technically accurate, the term ‘EU’ is used throughout the text to refer to both the European Union and the European Community.

political and institutional focus and resources of the organization because it is the area which they believe best supports the consolidation of new democracies.

After a brief introduction to the field of democracy promotion and democracy in Eastern Europe, chapter one will introduce the central strategies that form the division of labour of democracy promotion in Eastern Europe. These strategies will be examined in terms of how they both promote and protect the necessary conditions of liberal democracy. Chapters two to five will be devoted to the EU, CE, NATO and OSCE, respectively. Each chapter is broken down into two main sections. The first section of each chapter will examine three main areas of inquiry all designed to determine why each organization has taken on their specific role in the democracy promotion strategic division of labour and will include the following: the reasons each given organization uses their preferred strategy to promote democracy; the development of that organization's role in the division of labour and why each organization is best suited to promote their individual strategy; and, finally, the 'style' of each organization's strategy, in other words, the unique way they promote their strategy. The second section of each chapter will be devoted to 'the strategy at work'. Here the most consequential democracy promotion activities will be examined in depth in order to further elaborate the logic behind the strategic division of labour of the EU, CE, NATO and OSCE. The conclusion ends the paper by offering one potential direction of future research – identifying common factors which determine why particular strategy and democracy promotion activities are used.

³ In January, 1995 the Conference on Security and Cooperation in Europe (CSCE) changed its name to the Organization for Security and Cooperation in Europe (OSCE). As is the custom, this paper will use

The Field of Democracy Promotion

There are a great number of international actors who are currently working to promote democracy in Eastern Europe. The actors involved include international organizations including, of course, the EU, CE, NATO and OSCE, as well as the United Nations (UN) and Western European Union; multilateral economic organizations such as the Organization for Economic Cooperation and Development (OECD), the International Monetary Fund (IMF), the World Bank, the General Agreement on Trade and Tariffs, and the Paris Club; regional, national and international NGOs including the Institute for Democracy in Eastern Europe, The Democracy Network, the National Democratic Institute, Human Rights Watch and countless others; as well as European and non-European states such as France, Germany, the United States, Canada, Japan and South Korea, to name only a very few.

The EU, CE, NATO and OSCE have been particularly active in promoting democracy in Eastern Europe. Their proximity to the region, geographically, historically, as well as culturally, has ensured their interests are closely tied to the political, economic and security situation in Eastern Europe. Likewise, their intimate knowledge of the region, which comes from such a close proximity, makes them prime candidates to take an active role assisting their neighbours with the reform process.

OSCE, whether referring to events before or after 1995.

Democracy promotion can take many forms and is a multi-faceted activity. Election monitoring, constitution drafting, civil society promotion, institutional development, conflict management, law and order training, conditional aid packages, increased investment and trade, all fall under the label of democracy promotion activities. Democracy promotion includes not only applying assistance to those political values associated with democracy (for example, legitimacy, accountability, participation, openness and transparency in the conduct of public affairs, the rule of law, and so on), it also includes the promotion of a state's democratic prospects by helping the emergence and strengthening of democracy's supporting conditions. With the use of this wider definition, democracy promotion can include all manner of development assistance programs designed to advance the social, economic and other conditions that experts believe are beneficial to democracy (Burnell, 2000: 11). Of course, not all activities undertaken by western actors in democratizing states can or should be labelled as democracy promotion. In order for an activity to fall under the category of democracy promotion, democratic advance must be a primary objective of the promoter, though not necessarily the only objective.

It is important to note that all four IOs partake in some, if not all, of this vast array of activities in order to promote democracy. This paper, however, will examine only the central strategy of each organization - the components of the division of labour – which dominate the attention and resources of each IO.

IOs attempt to influence democratization in a variety of ways. Initiatives may take the form of the political, diplomatic, economic and commercial, moral, cultural and also covert or subversive; and they may be direct or indirect, coercive or persuasive (Pridham, 1997: 11). According to Bruce Russett, IOs have a special capacity to carry out different processes of international (and regional) transformations. Such a capacity is particularly helpful when applied to the promotion of democracy - which involves the creation/protection of institutions and practices, as well as of liberal norms. The processes for which IOs are specially suited, that Russett identifies, include coercing norm-breakers, mediating among conflicting parties, reducing uncertainty by conveying information, expanding material self-interest to be more inclusive and longer term, shaping norms, and generating the narratives of mutual identifications (Russett, 1998: 377).

Democracy, Democratization and Consolidation in Eastern Europe

The word democracy is derived from the Greek words *demos*, 'the people' and *kratos*, meaning 'power'. Therefore, democratic government is literally based on 'people power'. 'Democratization' is the overall process of regime change, from the initial 'transition' away from authoritarianism through to the actual 'consolidation' of democracy. It is a lengthy process and one which the new democracies of Eastern Europe have not yet completed. The vast majority of these states are now working toward the consolidation of their democracy.

Democratic consolidation has no precise definition, and authors disagree on when a democracy actually becomes consolidated. According to Pridham, Herrin and Sanford, democratic consolidation “involves in the first instance the gradual removal of the uncertainties that invariably surround transition and the full institutionalisation of the new system, the internalisation of its rules and procedures and the dissemination of democratic values”. (Pridham, Herring & Sanford, 1997: 2) To the pre-eminent democracy theorists, Juan Linz and Alfred Stepan, a consolidated democracy is “a political regime in which democracy as a complex system of institutions, rules and patterned incentives and disincentives has become, in a phrase, ‘the only game in town.’” (Linz & Stepan, 1997: 15) In other words, in a consolidated democracy no actor expects to be successful implementing anything other than democratic norms and procedures.

The rate of democratization in Eastern Europe varies a great deal from state to state. As a rule, the most advanced levels of democracy are found among the western most states while the lower levels of democracy are found mostly among the states of the former Soviet Union and former Yugoslavia. The achievements of the western most countries, in particular Poland, Hungary and the Czech Republic, are significant, particularly when compared to the old democracies of Western Europe. While England and Sweden took centuries to evolve into democracies, and it took the foreign occupation of Germany to consolidate its democracy, the new regimes of post-communist Europe have shown signs of stable democracy after just over a decade. Many of these states have already seen one, and sometimes two, democratic changes of government. Poland and

Hungary have seen governments change hands from anti-communists to ex-communists running as social democrats to right-of-centre governments, all democratically, through the ballot box (Rose, 1999: 51).

Of course, the transformation is not yet complete. Even the most advanced democratizing postcommunist states cannot yet be considered stable, consolidated democracies, if only because it takes time to demonstrate stability (Rose, 1997: 95). Other problems of consolidation are widespread. Estonia and Latvia, for example, have yet to settle the political rights of resident Russians who still face substantial difficulties securing citizenship. The biggest task East European states have to face is escaping the far-reaching legacy of forty years of communist rule. In the late 1940s Stalinist regimes throughout the region disbanded political parties, imprisoned, exiled, or executed opposition politicians; and made adherence to party lines a necessary condition of appointment to leading positions in universities, the media and trade.

For the Western members of the EU, CE, NATO and OSCE promoting further democratization in Eastern Europe means encouraging the kind of democracy found in their own national political systems - Western liberal democracy. Western liberal democracy goes beyond popular minimalist definitions of democracy which emphasize only the democratic process - like elections, constitutions and parliaments. For example, the oft-used minimalist definition from Joseph Schumpeter identified democracy as a method of selecting leaders through competitive elections (Quoted in Schaffer, 1998: 2). But democracy in the West means more than just elections and parliaments. Liberal

democracy is a concept which also refers to both political ideals, such as tolerance and transparency, as well as a set of institutions designed to realize these ideals, such as elections and courthouses. Liberal democracy also includes a market economy, civil control over the military, institutions based on law and order and good governance, respect for human and minority rights, primacy of individualism over communitarianism, tolerance, transparency, compromise, and freedom. Excluded from the definition of liberal political democracy is social democracy and economic democracy as well as the more extreme models of participatory democracy.

Promoting a comprehensive, liberal brand of democracy is necessary in order for Western IOs to achieve the kind of neighbours they desire. As has been witnessed in the former Yugoslavia, where illiberal political parties had a great deal of electoral support, democratic practices do not always guarantee liberal outcomes. This is why organizations like the CE and OSCE are interested in exporting liberal values associated with human and minority rights and notions of compromise and tolerance, in addition to the nuts and bolts of democracy like free and fair elections, a healthy civil society, or strong and independent political parties.

Western IOs Division of Labour

Using a comprehensive definition of liberal democracy as their guide, the EU, CE, NATO and OSCE promote the conditions they assume are conducive to the

consolidation of democracy. Each organization promotes democracy in a way that takes advantage of their individual expertise, experience, membership and capacity.

The EU, for example, is concerned, first and foremost, with promoting and regulating a market economy throughout the union of fifteen states, and therefore it focuses on the creation of market economies in Eastern Europe. From the CE's perspective, democratically elected governments and effective institutions based on law and order are the most important element of successful democratization. Again, the CE's experience in harmonizing and initiating many of the laws of Europe has determined their law promotion role in Eastern Europe. NATO, on the other hand, believes it is civil peace which is the most necessary condition for constructing viable democracy. For this reason, international interventions to resolve, and peace-promoting activities to prevent, violent conflict are implemented by NATO to protect and promote democracy. NATO's experience as a military alliance since 1949 gives the organization the expertise to carry out such operations. Finally, the OSCE works to eliminate gross inequalities and to promote human and minority rights, for "social dependency and economic inequality are shown conclusively to make the enjoyment of the standard rights of democracy impossible" (Cammack, 1997: 256). The OSCE's experience as the pre-eminent promoter of human rights since 1975 makes it the ideal organization for this role.

Not only do these individual roles divide the labour to *promote* the necessary preconditions for democracy, they also work in tandem to *protect* against the four main threats to democratization. In a discussion of the prerequisites of democracy and

democratization Adrian Hyde- Price identifies the four primary threats to the democratization process in Eastern Europe (Hyde-Price, 1994: 221-225). What is intriguing about these threats to democracy is that each corresponds to the main strategy of each of the four Western IOs. Economic dislocation, national and ethnic tensions, the rise of authoritarian populism, and inter-state conflict are addressed by the EU, OSCE, CE and NATO, respectively. There is truly a division of labour among Western IOs in tackling many threats to democratization.

Firstly, the economic dislocation suffered by many groups in society as a result of the transition to a market economy is a serious and well-documented threat to the stability of new democracies. Growing unemployment, widening social and economic inequalities and falling living standards contribute to a deepening mood of insecurity which can ultimately generate social and political unrest. Poland, Hungary, Romania and Bulgaria, to name only a few, all serve as examples of this political volatility. The EU works to reduce these growing pains by working to improve the effectiveness of new market economies and supplying direct aid to democratizing states (Hyde-Price, 1994: 223).

The second threat to the democratization process in Eastern Europe is the possible re-emergence of 'authoritarian populism' as a result of the combined effects of economic dislocation, rising nationalism and, in particular, the fragile state of the existing political institutions (Hyde-Price, 1994: 224). One of the most effective ways to deal with this threat is to strengthen the political institutions in terms of both their effectiveness as well

as in their adherence to law and order and liberal democratic norms. The CE has come forward in this area and primarily concerns itself with strengthening the institutions of Eastern Europe in terms of law and order and good governance.

The third major threat to achieving stable democracy in this region is the possibility of inter-state conflict in the Eastern European region. The collapse of the 'Pax Sovietica' has left a security vacuum in the region which, when combined with the effects of economic dislocation, political turbulence and rising nationalism, could result in inter-state conflict. Not only is democracy best nurtured in a peaceful and stable environment, the democratic traditions of compromise and consensus building are threatened by any serious conflicts. From a West European point of view, conflict in the East also threatens security in the West - whether by increased refugee flows or actual spill-over of the conflict, itself. It is easy to understand why NATO has taken on the role of promoter and enforcer of peace and security on the entire European continent. NATO's peace building and enforcing activities in the states of the former Yugoslavia throughout the 1990s are the most significant example of NATO's efforts to quell this type of threat to democratization.

The fourth and final threat to democratization Hyde-Price identifies is the rise of national and ethnic tension. Witnessed at its most extreme in the states of the former Yugoslavia, the rise of nationalism and ethnic-based conflicts after the collapse of 'proletarian internationalism' associated with communism is a threat to most parts of Eastern Europe (Hyde-Price, 1994: 224). The OSCE has taken a central role protecting

the new democracies from the threat of nationalism and ethnic tensions through its various programs to promote and protect human and minority rights.

The interconnected, division of labour among the EU, CE, NATO and OSCE is best explained using the redundancy international organization theory. This theory predicts that efficiency in the attainment of some common objective (for example, the promotion of democracy in Eastern Europe) is best attained by having several organizations attempt to achieve the same objective. If one organization's strategy fails, the others will pick up the slack. If, hypothetically, it is a prosperous market economy which is essential for democracy rather than, say, peace and stability, at the end of the day, both the EU's and NATO's ultimate goal of promoting democracy will be achieved. There is no mystery to the redundancy theorist why much of these four IOs memberships are overlapping or that they all pursue identical objectives in promoting democracy (Haas, 2001: 83). The goal of Eastern European democracy is simply too important to leave to any one organization or strategy. In the words of Dr. Wilhelm Höynck, Secretary General of the OSCE (1993-1996), "no one organization, global or regional, can go it alone. For reasons of substantive and formal competence, for reasons of historically based differences of membership and - in the final analysis - for reasons of power-sharing, only a pluralistic structure can lead to long-term stability in the OSCE area." (Höynck, 1996: 54). Interestingly, it is not clear whether this division of labour of strategies has been carefully premeditated and planned or is more haphazard and randomly incremental.

Strategies Common to All

Before going any further into the analysis of the four components of the democracy promotion division of labour, it is necessary to note some strategies common to all four IOs. As has already been mentioned, the four main strategies being analysed in this paper make up only a limited degree of the EU, CE, NATO and OSCE's total democracy promotion efforts. These organizations dabble in a number of often very similar activities. The reason that IOs often use similar activities is simply because they share many common considerations when deciding which activity will be used. These considerations offer a potential line for further research and will be briefly discussed in the conclusion of this paper.

One common strategy that permeates nearly every activity of these organizations, is to utilise demonstration effects and increase the exposure of the East Europeans to the Western way of life. The Western model is an attractive one to Easterners – politically, economically and culturally. Western democracy promoters reason that displays of limited government, prosperity and even pop music will strengthen East Europeans' desire for liberal democracy.

The most significant strategy common to the EU, CE, NATO and OSCE is offering membership to democratizing countries. Not only does the promise of membership motivate democratizers to increase their efforts, institutional involvement is

considered by most observers to be crucial to the success of East European democratization. Membership in Western IOs protects against political recidivism and helps accustom political elites to such liberal democratic practices as compromise and consensus (Hyde-Price, 1994: 235). In the words of the former Hungarian Foreign Minister, Geza Jeszensky, “full membership in institutions that provide political, economic and military security – organizations like the Council of Europe, European Union, and NATO – is essential for consolidating Central and East European democracy.” (Jeszensky, 1992) As will be shown throughout this paper, the strength and character of this effect varies with each organization as well as each East European state.

In order to highlight similarities further, a discussion of positive and negative activities is useful. A common way of distinguishing between the different ways of promoting democracy is to speak of either positive or negative activities, offering either a carrot or a stick in order to induce democratization. Positive types of democracy promotion involve elements of support, incentive, inducement and reward in the presence of democratic behaviour, while negative ways of promoting democracy include the use or threat of sanctions to punish undemocratic behaviour. The majority of activities undertaken by the EU, CE, NATO and OSCE fall into the former category and include offering membership to successful democratizers (EU, CE, NATO); reducing trade tariffs (EU); offering advice and training (EU, CE, NATO, OSCE); and providing equipment and material support (EU, CE, NATO, OSCE). The limited number of negative activities that are used include the threat, and use, of expulsion from the organization for undemocratic behaviour (EU, CE, NATO, OSCE); economic aid/assistance being

contingent on democratic performance (EU); and military intervention for extreme cases of undemocratic behaviour such as enormous human rights abuses (NATO in Kosovo).

Why is East European Democratization so Important to the West?

With so much time and energy being spent by so many different actors on democratization one must ask the following question: why is the spread of democracy in Eastern Europe so important to the Western states and their organizations? What is their motivation? The answer to this question is complex but can only be addressed briefly in this paper in respect of space and clarity. There are six main interests which motivate the West to promote democracy in Eastern Europe, including peace and stability, community building, human rights, increased markets, bureaucratic inertia, and neo-imperialism. Some of these interests, naturally, motivate some organizations more than others.

The first reason the West promotes democracy – for reasons of peace and stability – motivates all four IOs, particularly NATO, and has been famously articulated by the Democratic Peace Thesis. The Democratic Peace Thesis is the only International Relations thesis which can conceivably be labelled ‘law-like’ - democracies have never waged war on each other and it is expected that they never will. By ensuring their neighbours are all democratic, Western democracies are working to maintain national, regional and international peace and stability.

The second motivation for promoting democracy is for reasons of building community. The EU, the CE and the OSCE are particularly interested in developing relationships within the European region based on the shared norms and expectations of liberal democracy. The benefits of effective community building are far-reaching and include aiding peace and stability, increasing access to markets and increasing Western power in a brand of neo-imperialism.

The third, and most altruistic, reason the West promotes democracy in Eastern Europe is to increase respect for human rights. Inherent in the basic tenants of liberal democracy are issues that protect the very basics of human rights, including, institutions based on law and order and good governance, tolerance, compromise, equal rights, and freedom. By upholding democracy, one inherently protects human rights. The human rights factor most obviously motivates the OSCE and CE considering their extensive use of human rights promotion activities, though a concern for human rights is central to the motivation of all democracy promoters, including the EU and NATO.

The fourth issue – the goal of increased markets – motivates all Western democracy promoters to some extent but is chiefly the motivator of the European Union. As will be discussed in Chapter II, a prosperous market economy comes part and parcel with liberal democracy. There has never been a democracy with a command economy in peace time, for example. As such, the West is motivated to promote democracy because it increases the number of prosperous and viable markets open to them, thereby increasing Western prosperity.

The fifth and sixth motivator are the least desirable factors to be identified. Not surprisingly, they include issues which none of the four IOs of this paper actually admit to being motivated by. Nevertheless, they are undoubtedly issues which contribute to the overall decision to promote democracy. The fifth issue, bureaucratic inertia, has come in to play largely due to the end of the Cold War. Bureaucratic inertia ensures that when the original mandate of an organization is no longer appropriate, that organization will survive by finding something (anything) to do. Often this means attaching the organization to the worthy cause of democracy promotion. As will be shown in Chapter IV, bureaucratic inertia is most appropriately applied to NATO to understand their metamorphosis into out-of-area stability promoter when their existence as a Cold War Western collective security military alliance was no longer necessary. Finally, the most cynical explanation of why the West promotes democracy in Eastern Europe is explained by neo-imperialism, in other words, because promoting democracy increases Western power. By ensuring the regional political game is played exclusively using Western rules (liberal democracy), the West ensures and secures its political, economic, and cultural pre-eminence.

Chapter II

The EU: Supporting the Market Economy

The European Union⁴ has emerged as the central body of post-Cold War Europe, not only in its operations of supranational integration among its fifteen exclusive West European member states but also as the focus for wider integration of all of Europe. The EU's Common Foreign and Security Policy places democracy promotion at the forefront of the Union's foreign relations. In fact, Article 11(1) of the 1992 Treaty on European Union institutionalizes the goal "to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms." There are a variety of democracy promotion tools the EU uses to support this objective ranging from election monitoring to civil society assistance to institution building. However, the primary strategy the EU implements in Eastern Europe is to assist market economic reform and to help make the new democracies prosper, with an eventual aim to enlarge the membership of the EU eastward.

Section I:

Why Does the EU Promote a Market Economy for Democracy?

The first reason that the EU helps to reform democratizers market economies in order to promote democracy is because, simply, a prosperous and stable market economy is an absolute essential ingredient of a consolidated democracy. According to Linz and

⁴ Full members of the EU include the following fifteen West European states: Austria, Belgium, Denmark, Finland, France, Greece, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

Stepan, there is one truth concerning democracy and economics: there has never been, and there cannot be, a consolidated democracy with a command economy during peacetime (Linz & Stepan, 1997: 21). A market economy is such an integral part of civil society that a civil society without it will scarcely be strong enough to control the state. Likewise, such economic development can also alter a country's culture toward being more accepting of Western culture and values, as well as making the country more supportive of democracy (Huntington, 1997: 5). However, the transition to a market economy is not without risks. If an economy in transition fails to deliver the goods to improve welfare it can undermine a fragile new democracy (Pinder, 1997: 116). Often votes for former communists reflect more of a desire for less painful economic policies than a rejection of democracy or a wish to return to communism (Herring, 1997: 87). Therefore, assistance with market economic development and transitions is key to democratic consolidation.

From this theoretical background, it is clear why, from mid-1989, the EU was, and is, convinced that market economic development is the best way to promote democracy in Eastern Europe. The success of market and democratic reforms was, and is, considered crucial to ensuring long-term stability, security and prosperity in Europe. As was highlighted in Chapter I, it is the EU's belief that capitalist, free-trading democratic countries make the best neighbours as they do not pose a threat to member states' security.

The EU does not dictate the precise form of liberal democracy Eastern European countries should adopt allowing for different mixes of individualism, participation and social provision as determined by the Eastern Europeans themselves. The interest of the Union does, however, insist that the principles of constitutional democracy are applied. That means the new democracies must uphold the rule of law and representative government in their institutions, ensure government is based on civil society and, significantly, have a functioning market economy (Pinder, 1997: 113).

Development of EU's Role as Market Economy Promoter

The post-1989 transitions to a market economy have been fraught with a large number of difficulties. As a starting point, the East European economy in 1989 was anything but healthy. Up to half of the industrial capacity inherited from the communist regimes was either technologically obsolete, environmentally hazardous or produced goods for which there was no longer a market. Nearly half of Eastern Europe's industry did not meet commercial and health and safety standards (Bideleux, 1996: 229).

The development of the EU's role as market economy promoter in the democracy promotion division of labour began early. Even in the very early days of democracy promotion, the EU was the most suitable candidate among all Western IOs to aid market reform in this difficult region. There are three main reasons why; first, the EU was already the Soviet bloc's largest trading partner and, so, understood the unique economic

situation in Eastern Europe . Second, the EU was geographically and culturally close to the region and already held considerable influence over developments there. Finally, given Soviet sensibilities, the EU was more neutral than, for example, NATO, and was not perceived to be American dominated as were, for example, the IMF or World Bank (Hyde-Price, 1994: 229).

The uniquely West European membership of the EU has also determined its role as market economy promoter within the Western IO democracy promotion division of labour. The EU's membership consists entirely of the most prosperous market economies in Europe - both historically and contemporarily. Western Europe has always been, and continues to be, at the centre of the global economy. The United Kingdom, for example, is the historical home of market economics. Briton, Adam Smith, laid the intellectual framework of *laissez-faire* market economics most notably in his 1776 work, "An Inquiry into the Nature and Causes of the Wealth of Nations". The United Kingdom is also where the industrial revolution began which effectively spread prosperity and market economics to other West European and North American states. Another EU member, Germany, has more recently taken on the role of international economic powerhouse, particularly before it accepted the burden of German reunification. Further, Ireland provides a wonderful example of just how powerful EU market economic assistance and membership can be. Ireland entered the EU in 1973 as the poorest country in Europe but, after receiving an enormous amount of EU structural funding, is now one of the richest countries in Europe and boasts the fastest growing economy in the EU (<http://www.ireland.com/explore/about/economy.htm>, accessed 2/02). The pure strength

and success of its member states' economies makes the EU the ideal organization to promote market economic reform in Eastern Europe.

But, the EU is not only promoting market economics because it is good for democracy and because it is the best organization to do so. The EU's disposition towards enlarging its own membership to the East gives it a special interest in the political standards and economic strength of nearby states. The EU is securing its own members' continued prosperity by strengthening Eastern European economies before any official enlargement or even any further political, economic, or otherwise, integration takes place. The goal of the EU's enlargement is to export democracy, prosperity and stability to Eastern Europe, without importing any economic hardships or instability.

Development of Relations with Eastern Europe

Formal relations between the EU and Eastern Europe began in 1974 when the EU offered to conclude bilateral agreements with East European countries; but, owing to Cold War hostilities, only Romania accepted. This resulted in a limited trade agreement between the EU and Romania that was in effect from 1980. Even at this early stage in the EU's democracy promotion career, democratic conditionality dictated relations as the agreement with Romania was suspended in 1989 due to the deteriorating human rights situation which culminated in the Timisoara uprising.

In 1988 the East-West political situation was a lot less hostile and the EU was able to promote market economic development on a wider scale. A joint declaration

between the EU and the Council of Mutual Economic Assistance (CMEA or Comecon) – the East European, communist equivalent to the EU in operation between 1949 and 1991 – was signed on 25 June, 1988. This declaration established diplomatic relations between the two regions of Europe and led ultimately to the signing of a series of commercial and economic cooperation bilateral agreements. Hungary led the way signing a ten year trade and commercial economic cooperation agreement with the EU. Czechoslovakia, Poland, and even the Soviet Union soon followed suit.

As early as July 1989 at the Paris Summit of the Arch the EU set the tone for all future EU-Eastern European relations and introduced the principles of conditionality and differentiation. The EU agreed that any East European country embarking on the path of democratic and market-oriented reform would receive Western assistance and aid. In 1990, the EU dismantled its quantitative restrictions on trade with Poland and Hungary – the two countries embarking on the most significant reforms. Integration into the EU system of generalized tariff preferences also gave some Polish sectors, like environmental protection, energy, financial services and occupational training, the same degree of tariff reductions as were normally reserved for developing countries. These early developments and decisions have ensured the EU's central role in the economic reform process.

Just how much assistance would be provided for Eastern Europe was not clear early on. Unlike post-1918 and post-1945, Eastern Europe post-1989 was not recovering from a world war but an economic collapse. However, many of the effects were similar –

high levels of inflation, severe infrastructural neglect and decay, acute social strains, the draining effects of the Cold War, and life-threatening environmental crises all made life, not to mention the process of political and market reform, very difficult (Bideleux, 1996: 230). The expectation of many observers was that in order to ensure the evolution of democratic reforms and free markets within those countries that had overthrown their governing communist regimes, the West would open its doors and its wallet to the emerging democratic states.

This, by and large, did not occur. There was no 'Marshall Plan for the 1990s'. The West, and the EU in particular, has been cautious with its assistance. There are three reasons why the EU did not initiate assistance on a more massive scale in the early 1990s. First, there was initial uncertainty about the direction many of the former communist states would take. It was unclear whether democracy would remain, particularly when many of the old faces from the former communist regimes began to reappear in government. Secondly, the EU was suffering through politically problematic and divisive moves toward deeper integration, as well as the admissions of three new member states – Sweden, Finland and Austria. Third, many Western states (especially the United States, United Kingdom, France and Italy) were suffering through a rather severe economic recession in the early 1990s. Germany was also bearing the huge costs of reunification. Many European states were simply unwilling and unable to allocate many resources to an East European fund. (Mattox, 2001:)

Style of EU Strategy

The EU, just like the other three IOs of this paper, promotes the reform of East European market economies in a unique way. As can already be seen from the discussion so far, the EU's strategies, more than any other Western IO, are characteristically slow, cautious and seek to protect, if not improve upon, the current political and economic standard of its current members. The EU member states are so closely integrated that the success of their individual countries is greatly dependent upon the success of the organization. They enjoy each other's successes and suffer through each other's failures.

Strategically, the EU relies on a number of select principles to forward its aims. As has already been mentioned, the EU uses both carrots and sticks to motivate Eastern European countries to democratize. Also, each strategy toward Eastern European countries is based upon the following two fundamental principles. First, there is conditionality. Closer relations with the EU are conditional upon market economic and democratic political reform in the East European country in question. If a democratizing state makes great strides toward consolidating their democracy, the EU rewards their efforts with increased cooperation. But, if a democratizing state falters on its road to consolidation, the EU punishes their failure with decreased cooperation.

The second fundamental principal, which is a consequence of the first, is that each strategy is based on differentiation. The specific provision of each individual state's agreement varies and is negotiated bilaterally between the EU and the democratizing state

(Ifantis, 2001: 97). Therefore, the specific nature of the EU democracy promotion activities varies greatly from state to state and, in deference to conditionality, is determined by their successful implementation of reforms. Evidence of differentiation is highlighted throughout Section II of this paper. The most striking example includes the differentiated use of the promise of future membership. For example, the five most successful democratizers of Eastern Europe (the Czech Republic, Estonia, Hungary, Poland and Slovenia) are expected to attain full membership soon (approximately in five years time). A further group of five reasonably successful democratizers (Bulgaria, Latvia, Lithuania, Romania and Slovakia) have been named as the next group to join the Union at an unnamed point in the future. The remaining states of Eastern Europe – the least successful democratizers of the Balkans, the Eastern most reaches of Europe, and of the former Soviet Union have not yet been recognized as even potential candidates for membership.

Other than the prominent use of conditionality and differentiation, the majority of the EU's democracy promotion strategies in the field of market reform are dominated by offering technical assistance, know-how, increased trade/aid, and the lure of full membership in the organization.

Section II: The Strategy at Work

The analysis will now proceed to explore a few of the ways the EU furthers its democracy promotion strategy – promoting market economic development – in Eastern Europe. The, by no way exhaustive, list includes: Tied Trade/Tied Aid, PHARE, the EBRD, the promise of future membership for applicant states and, also, those activities implemented for non-applicant states.

Tied Trade/Tied Aid

The EU uses its power as a massive trading block as well as a significant aid provider to further its notions of democracy in Eastern Europe. The EU uses positive (carrot) and negative (stick) democratic conditionality by tying trade and aid to the promotion of democratic ideals like free and fair elections or the protection of human rights. This type of market economy promoting activity is an important one in the EU's arsenal. It is a very effective way to ensure democratizing states continue to reform because, if they do not, they are hit right where it hurts – in the proverbial pocket book.

An example of negative democratic conditionality tied to trade occurred in late 1996 when Serbian President Slobodan Milosović annulled the victories of the opposition party, Zajedno Coalition, in municipal elections. This violation of democracy led to a great number of local protests. The EU responded by postponing a decision on tariffs that would have allowed Serbia to sell millions of dollars worth of goods to Europe. Two months later, Milosović bowed to EU pressure and acknowledged the opposition party victories. While this small victory for the EU did not truly alter Milosović's distaste for

democratic government, the EU tried again a few years later. In 1999, the EU applied positive democratic conditionality in its highly successful “Energy for Democracy” program in Serbia. Under the program, the EU agreed to supply heating fuel only to those Serbian towns run by democratic forces – all in a bid to advance democracy in the former Yugoslavia (Rich, 2001:30).

Combining democratic conditionality with the EU’s use of differentiation, democracy promotion activities vary greatly according to how committed a given East European country is to reform. A country that has not developed closer relations with the EU, Albania, only entered into contractual relations with the EU in March 1991 after its first multi-party elections. Albania then joined PHARE (to be discussed in the next section) in February 1992. However, this minimal progress was short-lived as the desolate economic conditions and frequent spells of political instability have prevented Albania from strengthening its ties with the EU. To date, the country has neither signed an Association Agreement, nor applied for full EU membership.

Slovenia, on the other hand, has clearly been the best performer of the former Yugoslav Republics. Since the 1991 war, Slovenia has enjoyed sustained economic growth and a stable, democratic political system. Consequently, the country’s relations with the EU have proceeded at a very fast pace resulting in a formal application for membership on June 10, 1997.

Democratic conditionality also guides the EU's central aid program. The EU's European Commission guides and coordinates the G-24 Aid Program which involves the twenty-four members of the OECD as well as the IMF, World Bank and European Bank for Reconstruction and Development (EBRD). The five priority areas for aid identified by the Commission include areas directly relevant to reforming market economies: agricultural supplies and restructuring, access to markets, investment promotion, vocational training, and environmental protection. Working groups are assigned to each area to coordinate action and make proposals. The Commission also ensures that potential aid recipients fulfil, or at least be committed to achieving, the following five conditions before any aid is received: committed to the rule of law, respect human rights, establish multi-party systems, hold free elections, and economic liberalization.

PHARE

In order to operate efficiently, a market economy requires much by way of legislation, financial institutions, regulatory bodies, statistics and public administrative capabilities that have long been absent from Eastern Europe. The PHARE (Pologne, Hongrie: activité pour la restructuration économique) program was initiated by the EU as a vehicle to provide grants, advice, training, and information to help democratizing states rectify these deficiencies.

PHARE became operational in 1990 for Poland and Hungary, then extended to other East European states on the basis of democratic conditionality. Bulgaria, Czechoslovakia, the German Democratic Republic and Yugoslavia were added on 17 September 1990. Notably, PHARE was not extended to Romania until January 1991 due to the questionable political and economic situation in the country at the time.

PHARE is the framework within which most of the EU's initiatives to assist the reform process in Eastern Europe take place. PHARE is the largest single source of grant financing for East European countries (Smith, 1999: 73). Aid is directed to several priority sectors, including privatization and private sector development, agricultural restructuring, environment infrastructure, education and training, and humanitarian and food aid. Most aid is concentrated on providing know-how or technical assistance as well as providing essential imports of equipment and inputs. Under the PHARE umbrella, several framework programs have been established including the Joint Venture PHARE Program (JOPP), which helps EU firms set up joint ventures in the recipient countries.

Between 1995 and 1999, funding under PHARE totalled roughly €6.7 billion and covered fifteen sectors, the main five of which were the following: infrastructure (energy, transport, telecommunications); development of the private sector and assistance for businesses; education, training, and research; environmental protection and nuclear safety; and agricultural restructuring. It is clear these particular assistance areas (particularly infrastructure and private sector development; and education, training, and

research) not only help the new democracies reform, but they also help EU member states do business in Eastern Europe by expanding the market and foreign investment potential in the region. In addition, PHARE acts as the main financial instrument for the pre-accession strategy for the ten East European countries that have applied for membership to the EU. The aim is to bring applicant states to a high-level of market economic functioning and prosperity so that upon admission to the Union, they do not cause unnecessary hardship to current members. PHARE is clearly a strategy and democracy promotion activity that not only benefits Eastern European democratizers, but also the EU member states themselves.

PHARE has been revamped for the period 2000-2006 with a budget of over €10 billion and two specific priorities: institution building and financing investments. A recent example of a PHARE program in 2002 is the organization's work in Estonia to assist the Ministry of Finance and Public Procurement Office in that country to achieve fair competition. The assistance takes the form of study visits by state officials to member states' Competition Authorities as well as experts offering their advice to the country.

While PHARE is primarily concerned with supporting the economic transformation in Eastern Europe, its objective is, in the end, political. PHARE will "help to establish democratic societies based on individual rights," thereby "support[ing] the development of a larger democratic family of nations within a prosperous and stable Europe" (Smith, 1999: 71).

European Bank for Reconstruction and Development

In December 1989 the EU Summit at Strasbourg approved French Prime Minister Mitterand's proposal for the establishment of the European Bank for Reconstruction and Development to promote private enterprise and related infrastructure in Eastern Europe. Commencing operations in April 1992, 60% of its €10 billion initial capital and further funds were earmarked for Eastern Europe and the other forty percent to the Commonwealth of Independent States (CIS). The EBRD is the first multilateral organization *obliged* to link loans to political (democratic) conditionality. Only countries committed to, as well as applying, the principles of multi-party democracy, pluralism and market economics are eligible for loans.

The EU co-owns the EBRD with sixty countries including those within its own membership as well as other European, North American and Asian countries. The EBRD currently operates in twenty-seven countries from Central Europe to Central Asia using investment to help build market economies, as well as democracy. The EBRD is the single largest investor in the region and, in addition to its own finances, mobilises significant foreign direct investment. The EBRD provides project financing for banks, industries and businesses. It also works to privatise publicly owned companies. In addition to only working with countries committed to democratic principles, every EBRD investment must fulfil the following three requirements: 1) help move a country closer to

a full market economy; 2) take risks that support, rather than compete with, private investors and do not crowd them out; and 3) apply sound banking principles. The EBRD has been a favoured tool of the EU to promote market economies and democracy since 1994. Like PHARE, the EBRD creates markets which operate by market economic principles thus increasing both Eastern as well as Western prosperity.

The founding directors of the EBRD from the EU-15 were careful not to tread on the delicate mechanisms of the budding free market economies. The EBRD was required both to refrain from trying to act as a substitute for potential private investors and to support only commercially viable enterprises. The EBRD was initially severely restricted by the stipulation that not more than forty percent of its loans were to be dispersed to public sector projects or enterprises; after all, this is a region dominated by publicly owned industry. By 1994, however, an increase of private enterprise (perhaps a result of the success of the EU and EBRD strategies in Eastern Europe) created plenty of would-be borrowers matching the EBRD criteria (Bideleux, 1996: 240).

Operating by the principles of differentiation, the EBRD operates on a country-by-country basis, and elaborates a strategy for each depending on its unique situation as regards the development of its market economy and political democracy. By way of example, a brief examination of the EBRD's strategy in Poland (a successful reformer) and Belarus (a struggling reformer) provides a startling contrast. On the one hand, support to Poland involves such advanced projects as providing greater variety of financing available to SME's and completing the modernisation of the banking/insurance

sector, among other things. On the other hand, the troubling economic and political situation in Belarus has limited the EBRD to merely monitoring existing projects.

The Promise of Future membership

The effects of the promise of future EU membership on the democratization process in Eastern Europe is perhaps the most powerful democracy promotion tool at the EU's disposal. Thus, compared with the other democracy promotion tools in the EU's arsenal, it receives the majority of the EU's attention both directly (for example, through actual accession talks) and indirectly (such as, through activities which prepare applicants for accession like PHARE). The effects of the promise of future membership work in three ways. First, the incentive to democratize in order to attain membership is so great that states are doubly motivated to implement reforms. Second, actual membership in the EU will act as something of a guarantor of democracy. Third, the efforts made by both the applicant country and the EU to prepare the applicant for accession help to bring the state closer to democracy. While each effect is important for the promotion of democracy as a whole, for the current discussion, the third effect involving those efforts to improve the market economics of applicant countries in order to prepare them for accession, are most relevant and will now be analyzed in depth.

Current member states of the EU continue to disagree on how quickly the Union should enlarge to the East and on what terms it should happen. Hesitancy is motivated by

a variety of factors including national interest, such as protecting the status quo on valuable agricultural subsidies; and realistic political anxieties, like worries over an inrush of job-seekers from neighbouring countries, given the EU's free movement of labour policy (Rose, 1999: 55). Therefore, it is in the interest of current member states to improve applicant states' economic prosperity so as to minimize any potential disruption. Likewise, the obstacles for post-communist countries joining the EU include technical issues which are necessary to protect the effectiveness of the Single European Act. New members must develop all of the functioning institutions of a market economy including commercial banks that are able to quickly and routinely transfer payments from one country to another and central banks that keep inflation low (Rose, 1997: 106).

As was determined in 1993 at the EU Summit in Copenhagen, "accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required." (Smith, 1999: 118). Democracy is the first condition of EU membership – applicants must achieve stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for, and protection of, minorities. All subsequent conditions, however, are entirely dependent upon a prosperous market economy. Candidate countries must have a functioning market economy; be able to cope with competitive pressure and market forces within the Union; and be able to take on the obligations of membership including the adherence to the aims of political, economic and monetary union. And the EU is helping applicant states to meet these conditions. The PHARE program no longer provides assistance in areas determined by the recipients. Assistance is now "accession

driven” – designed to help candidates reach the goals set by the Copenhagen criteria (Rupnik, 2000: 74).

Of course, the magnitude of the prospect of joining the EU on democratic consolidation is directly related to the plausibility of a country’s prospects of being admitted. In December, 1997, the EU named five East European countries for “first wave” entry – the Czech Republic, Estonia, Hungary, Poland and Slovenia. These countries are not expected to attain full membership for at least another five years. Another five countries were named to form the “second wave” – Bulgaria, Latvia, Lithuania, Romania and Slovakia. A further nine countries in the region have not yet been recognized as even potential candidates for membership – Albania, Belarus, Bosnia-Herzegovina, Croatia, Macedonia, Moldova, Russia, Yugoslavia, and the Ukraine. With such classifications in place the motivation to persist with democratic consolidation as a result of the prospect of EU membership will be felt most powerfully in the north west corner of the region. The effect will be slightly less pronounced in the central zone, while in the Eastern most areas the impact of EU enlargement on democratization will be weak, absent, or even negative (Whitehead, 1999: 77).

Strategies for Non-Applicant States

Since the more manifest the membership prospects of a given East European state, the greater the chance for the EU to exert its influence and promote democratic and

market economic development. Alternate strategies are, therefore, necessary for non-applicant states to shore up the EU's democracy promotion strategy. Even for those countries not part of any current enlargement plans, market economy assistance dominates the EU democracy promotion strategy. The EU has, for example, signed Partnership and Cooperation Agreements (PCA) with Russia, Ukraine, Belarus and Moldova. The agreements include measures for political cooperation based on democracy and economic cooperation. They include plans for summits and working groups and contain the possibility for the eventual establishment of free trade zones.

Another project, working within the wider context of the inter-organizational Stability Pact, the EU's Stabilization and Association Process, has been made available to Albania, Bosnia and Herzegovina, Croatia, Macedonia, and Yugoslavia. Provided they comply with the EU's conditionality principle – moving their political, economic and institutional development towards democracy, respect for human and minority rights, a market economy, inviolability of borders and good-neighbourly relations, as well as regional cooperation – SAP offers these states a prospect of limited EU integration. SAP goes further than the former Trade and Cooperation Agreements, offering countries assistance in meeting the conditionality principle, as well as including provisions for trade liberalisation and financial assistance. As Macedonia has made the most significant progress in democratisation, economic transformation and good neighbourly relations, they were the first selected to begin SAP negotiations on 16 June 1999.

CHAPTER III

The Council of Europe: Promotion of Law & Order

The Council of Europe⁵ may be the least well-known Western IO presently being discussed, but its contributions to the promotion of democracy in Eastern Europe have been invaluable. Like the other Western IOs, the CE is active in many areas of democracy promotion, notably in the field of human rights promotion, but the majority of its resources are devoted to one area in particular – the promotion of law and order.

Section I:

Why Does the CE Promote Law and Order for Democracy?

The CE works to help reform legal institutions in Eastern Europe and promotes Western, liberal legal notions because it believes institutions based on law and order are paramount to the consolidation of democracy. And Linz and Stepan agree with the CE. According to these authors, a state subject to the rule of law,

⁵ CE members include the following forty-four European states: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the "former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.

“is particularly crucial for the consolidation of democracy. It is the most important continuous and routine way in which the elected government and the state administration are subjected to a network of laws, courts, semiautonomous review and control agencies, and civil-society norms that not only check the state’s illegal tendencies but also embed it in an interconnecting web of mechanisms requiring transparency and accountability... Indeed, the more that all institutions of the state function according to the principle of the state [subject to the rule of law], the higher the quality of democracy and the better the society.” (Linz & Stepan, 1997: 19)

A state subject to the rule of law defines and limits areas of discretionary power, and enables citizens to appeal to courts to defend themselves against the state and its officials. Without such rights, citizens would not be able to exercise their political rights fully and independently which is absolutely necessary for a functioning democracy (Linz & Stepan, 1997: 19).

The three pillars upon which the CE is built include pluralist democracy, human rights and the rule of law. And the Council believes that democracy and human rights can only take root and flourish if a state’s legal and judicial system is completely anchored in the rule of law (Pinto, 1996: 52). Likewise, the CE believes that in order for democracy to function properly, laws must be drafted carefully and precisely. Law is

essential to democracy so that it may ensure the fundamental principles of individual rights and freedoms and provide clear guidelines for individuals and the state (http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Law-Making/, accessed August, 2002).

The Council of Europe promotes a brand of democracy which, first and foremost, complies with Western liberal ideals, as has already been discussed. In addition, the CE wishes its new member states' governments to be decentralized; involving full and equal active public participation of both women and men, young people, and all citizens in local and regional life; and allowing for complete freedom of expression, movement and right of access for the public to information (The Council of Europe, 1998: 15).

Introduction to the Organization

Since most readers will be significantly less familiar with the Council of Europe than with the other IOs of the division of labour, a brief introduction to the CE and CE membership is necessary for the remainder of the discussion. The CE consists of a small secretariat headed by the Secretary General; a Parliamentary Assembly – the organization's appointed deliberative body; the Committee of Ministers – the executive body composed of members' Ministers of Foreign Affairs; three legal instruments – the European Convention on Human Rights [1950], the European Social Charter [1965], and the European Convention for the Prevention of Torture and Inhuman and Degrading

Treatment or Punishment [1989]; and a court of appeal – the European Court of Human Rights at Strasbourg. The CE has given central importance to the promotion of democracy from the organization's inception. The preamble of the 1949 Statute of the Council of Europe affirms democracy as the central goal. Members' devotion to individual freedom, political liberty, and the rule of law are all "principles which form the bases of all genuine democracies".

The Council of Europe was created on 3 August, 1949 with the signing of the Statute by all ten democracies of Europe (Great Britain, France, Belgium, Netherlands, Luxembourg, Denmark, Ireland, Italy, Norway and Sweden). The founders of the CE envisaged a ministerial committee and a consultative parliamentary body which would deal with all questions of common concern except defence (to be dealt with by the proposed NATO) and economics (dealt with by the Organization for European Economic Cooperation (OEEC)). Their aim was to bring like-minded democratic states together and to thus safe-guard the democratic life which had been threatened or extinguished during World War II (Archer, 1994: 59).

The CE is a significant organization for cooperation among its members. The organization can be said to carry out three basic functions. The first function, easily the priority of the organization, is to protect and reinforce democratic pluralism and human rights. Secondly, the Council seeks common solutions to the major societal problems confronting its member states. Finally, the CE encourages a heightened sense of Europe's multicultural identity. So, while democracy promotion is arguably the

organization's key area of activity, other areas of concern include improving European standards regarding labour, social protection, discrimination, scientific and technological research, environmental protection, health, communication and information, education, as well as working toward the harmonization of European legal standards and documents.

The CE is widely regarded throughout Eastern Europe as an important IO to help strengthen the process of democratization. The Council is often thought of as a training ground for states seeking eventual EU membership. The CE helps states reform their institutions in terms of the rules of democracy, law and order and good governance. Gabor Kardos, a leading Hungarian international legal scholar, identified the CE's role nicely when he wrote, "the well-developed legal culture and the more sophisticated legal regulations of the West should find their way to Central and Eastern Europe. The best method to pave the way for this process is to join the Council of Europe. This international organization can provide a kind of maturity test for the newly democratized states, before admitting them [to the EU], which is of crucial importance." (Kardos, 1991: 152)

The CE provides a valuable safeguard against backsliding away from democracy by enveloping East European states further within institutionalized Europe. It is also a powerful symbol. Membership acts as a badge of political maturity for new democracies – giving them a much needed boost in the eyes of observers at home and abroad.

Membership in the CE

The CE was the first Western IO to allow only democratic states to become full members. The Council maintains this requirement, though, particularly in contrast to the EU, requires only a minimum display of democratic government from prospective members. For example, governments of countries wishing to attain membership must only be democratically elected by secret ballot and respect the 'principle' of the separation of powers and the rule of law. The reason for the lax democratic requirements is that the CE believes once a new democracy becomes a member of the organization, the Council can help them with the process of consolidation and thus further their initial democratic gains. However, initial admission to the CE does not guarantee 'lifetime membership'. Democratic standards must be maintained, and even raised. In 1969, Greece was made to withdraw from the CE, because of its moves toward military dictatorship, and was not readmitted until democracy was restored in 1974. Turkey was also suspended from the Parliamentary Assembly's activities following a coup in 1980. The country was not allowed to rejoin the parliament until an agreed timetable to restore democratic government and institutions was well under way. More recently, the CE condemned both Serbian atrocities and the dictatorial rule of Yugoslavia when in 1991 they were the first IO to condemn, and sever all ties with, the Milosović government.

Before the 1989 revolutions in Eastern Europe, the membership of the CE consisted of only West European democratic states. Membership now stands at forty-four states and includes nearly every European state from Ireland to Croatia to Russia. In recent times, the pressure to democratise in order to gain membership to the CE has all but disappeared since most East European countries partaking in the Council's

democratic assistance programs are already full members. Of course the pressure to remain democratic remains as any move away from central democratic norms brings the risk of expulsion. Russia, in 2000, was the latest state to be threatened with expulsion because of its actions in Chechnya.

Development of CE's Role as Law and Order Promoter

The CE was the first IO to promote democracy and its values – such as, law and order and human rights – throughout Europe. Unlike NATO and the EU, the CE had been designed from its beginning to embrace all of Europe under an umbrella of democratic principles. The start of the Cold War, however, prevented that mission from being realised until the 1989 revolutions. It took only six years after the revolutions for nearly every East European state to become a full CE member. The organization's experience of helping with the construction of the legal and pluralist systems of Spain and Portugal during their transitions from dictatorship to democracy has certainly helped their efforts (Hyde-Price, 1994: 241).

The particularly wide and inclusive European membership of the Council from Ireland to Russia make the CE the best candidate to take on the role of law and order promoter in the democracy promotion division of labour. The inclusive nature of the membership allows the CE to tackle particularly sensitive political issues like law and constitutional reform. Likewise, the founding West European members of the CE, in

particular the United Kingdom, have played a leading role historically and contemporarily in the actual development of liberal legal standards and, as such, are especially suited to aid in liberal legal reform proceedings in Eastern Europe.

The Council, itself, identifies its own democracy promotion strategies as including the following: “carrying on political dialogue, rendering mutual assistance, framing ancillary policies in many areas, having the obligations of states monitored by the Committee of Ministers and the Parliamentary Assembly, and invoking the responsibility of states by individual petition to the judicial control organs of the European Convention on Human Rights.” (The Council of Europe, 1996: 8) Notably, the Council avoids actually using the terminology of democracy promotion or democracy assistance. It is careful to avoid the label for fears of being pegged ‘imperialist’ – forcing its own ideals upon other states. The CE is sure to only go where invited and do what is requested by the new member states.

Style of CE Strategy

In order to promote democracy in Eastern Europe, the CE’s central strategy involves assisting new democracies in the reform of their legal institutions. That assistance often takes the form of training and educating every level of legal professional, official and government worker on the principles of democracy and law and order. It is noteworthy that all four IOs of the democracy promotion division of labour heavily rely on training the key individuals of the new democracies, including judges, prosecutors,

police, parliamentarians, parliamentary staff, politicians, election commissioners, mayors, city councillors, union officials, lawyers, human rights specialists, journalists, civics teachers, civic activists, and many others. Training is used so much because democracy promoters believe that individuals in key institutions can and should be taught to shape their actions and their institutions in line with the appropriate models – from market economics to law and order to human rights (Carothers, 1999: 90). It is a cost efficient way to ensure those models are spread and strengthened.

The Council wishes to embed democratic and human rights norms into every level of society, and so their education initiatives reflect that desire. Seminars are regularly held for prison authorities, police officers, lawyers, and teachers. The CE also sponsors the teaching of human rights at many different universities, secondary schools and media outlets. Another educational tool the CE uses is publishing guidelines of democratic societies for legal professionals in Eastern Europe. Titles include “The Transformation of the Prokuratura into a body compatible with the democratic principles of law”, “The Role of the Public Prosecution’s Office in a Democratic Society”, and “Police Ethics in a Democratic Society”. A further example is the Council’s ‘European Law Weeks’ which are held in Eastern Europe in order to present to legal professionals the key aspects of European law, such as, *habeus corpus* and notions of bail.

The CE wishes to help install what it deems to be the essential legal components of a functioning democratic state into its new member states from Eastern Europe. This includes transforming the former Soviet court system from the one time tool of the

Communist authority into a tool of democratic justice. This involves structuring an independent judiciary with the corresponding constitutional and supreme courts, training judges, and preparing lawyers and notaries to be independent within their newly privatised profession, as well as retraining the administrative professionals of the ministries of justice. Such information is spread via study visits, training workshops and seminars. And topics include assistance in the elaboration of new civil codes, prison reform, reform of the penal code and prosecution system, and seminars on the role of judges in democratic societies(Pinto, 1996: 54).

The CE has a very limited budget when considering all of the areas in which it wishes to act. The Council is able to implement so many projects by acting as facilitator, go-between, and sometimes 'marriage broker' between countries requesting assistance and the older member states (Pinto, 1996: 52). For example, many projects are started with limited funds from the CE and are subsequently funded by member states. Often it is geographic proximities and/or areas of expertise which dictate exactly who participates in a given project. Scandinavia has been known to help the Baltic states; France and Italy tend to assist Albania and Romania, after having helped Poland; and Germany and Austria look after Hungary, the Czech and Slovak Republics and Slovenia. Spain assists those states wishing to establish decentralization and regional autonomy; while the UK's libertarian expertise has ensured its role in many a juridical initiative regarding individual freedoms and human rights. An important new development involves the newer member states also taking a lead as 'tutors' passing on their own expertise to many of the republics of the former Soviet Union in crucial areas such as the adaptation of legislation

to European Standards and ensuring legal compatibility with the European Convention on Human Rights. Poland, for example, has recently been training jurists from Moldova and Belarus.

The Council also heavily relies on the help of NGO's and has granted a select few of these organizations consultative status. Those NGO's deemed to be 'category one' may, after consulting the Secretary General, suggest subjects for the Assembly's agenda. The help of Amnesty International, for instance, has been valuable for the CE's work in the field of human rights.

As with the EU, the type of assistance offered to member states by the CE varies greatly according to the needs and levels of democratization of each state. Those needs are also a good way of gauging each country's progress. The human rights, juridical and constitutional assistance given to Poland, Hungary and the Czech and Slovak Republics in 1990 and to the Baltic states in 1991 and 1992 is now being sought by the republics of the former Soviet Union. Now Poland and Hungary, the real democracy leaders in the East, are seeking assistance in areas which trouble the long-established democracies of the West, such as assistance with property and commercial law or with combating money laundering (Pinto, 1996: 53).

Section II: The Strategy at Work

In order to highlight some of the principles identified so far, a more in depth discussion of some of the CE's main law and order promotion activities in Eastern Europe will be useful. These activities include general legal assistance in Eastern Europe, the European Commission for Democracy Through Law, Activities for the Development and Consolidation of Democratic Stability, and the Law Making Project.

Legal Assistance – General

As can already be seen from the discussion so far, the CE has developed an ambitious cooperation and assistance program with a view to assisting its new Eastern member states to comply with the Council's rigorous standards regarding human rights, democratic pluralism and the rule of law. The mission of the CE is to ensure new member states stay on the right track as they draft constitutions, reform criminal and civil law codes, reorganise government administrations, establish and consolidate an independent judiciary, and train future democratic leaders.

The first way the CE promotes law and order in Eastern Europe is by requiring new and prospective members to accede to the European Convention on Human Rights, as well as recognizing the European Court of Human Rights. Both are instruments of the Council and ensure increasingly stringent democratic human rights standards are upheld across Europe. Prospective members are also encouraged to bring their constitutions and laws into line with some of the more recent additions to the Convention including the

protocol that abolishes capital punishment (1983) and the convention that explicitly outlaws torture and inhuman or degrading treatment or punishment (1989).

There is a three-step process used by the CE to assist new member states with the reform of their legal system. The first phase involves a focus on training – sending expert missions to the state in question in order to explain to the government how to include human rights provisions in their new constitutions and other fundamental texts. These missions are followed by new teams of experts entering the country to verify that their legislation adheres to the three credos of the Council: human rights, political pluralism, and the rule of law. The third phase, where most new member states now find themselves, involves further missions verifying whether the laws ‘on paper’ have become fully operational and applied properly. These three phases are supplemented by study visits of Eastern European and former Soviet specialists, as well as judges and senior decision makers in the judicial system, to a variety of ‘learning centres’ including the European Court of Human Rights and some of the older member states own courts. Areas of particular concern and attention include the protection of national minorities and improving relations between minorities and majorities, the promotion of local democracy and increasing all Europeans’ freedom of expression.

European Commission for Democracy Through Law

The Council of Europe's European Commission for Democracy Through Law (the Venice Commission) has played a significant role in strengthening the rule of law and democracy in Eastern Europe, having contributed to the drafting of most of the constitutions in Eastern Europe. The Venice Commission was established soon after the fall of the Berlin Wall as a tool for emergency constitutional engineering. Since that time, the Venice Commission has expanded its role and is active throughout the constitutional domain as well as in such areas as legislation on constitutional courts and national minorities, election laws and other legislation with implications for national democratic institutions. The Commission is composed of experts on constitutional law, administrative law and international law. It is an enlarged agreement of the CE which allows non-members to join the Commission as full members. Belarus and Yugoslavia, for example, are associate members of the CE (meaning they are expected to eventually join the organization), and are full members of the Venice Commission. In addition non-members of the CE are also members of the Venice Commission including, Argentina, Canada and Japan, among others.

The Venice Commission's primary task is to assist and advise individual states in constitutional matters in accordance with the three principles of the CE: pluralist democracy, human rights and the rule of law. This requires the Commission to scrutinize constitutional legislation and make recommendations that will ensure the new legislation will uphold the CE's three principles. The process usually takes place at the country's own request, though, not always. The Committee of Ministers, rather than the Russian government, for example, asked the Venice Commission to examine the that country's

constitution as part of their accession process. Importantly, most of the Commission's opinions are reflected in the final version of the constitutions.

Activities for the Development and Consolidation of Democratic Stability

The programs of the Activities for the Development and Consolidation of Democratic Stability (ADACS) consist of four separate initiatives: Demosthenes, Demosthenes *Bis*, Themis and Lode. The overall aim of ADACS is to assist the development and consolidation of democratic stability and law and order in the new member states as well as any applicant states. As was mentioned above, the CE believes democracy and its associated values are best spread through contact with the institutions and people working on the ground. Concrete and practical advice and training of every level of society in the political, legal and social realms is central to the ADACS programs. Essentially, this involves East-West and West-East exchanges of expert missions, travel visits and traineeships.

The CE created the Demosthenes programs in 1990 with two broad aims in mind: first, "to strengthen the reform movement towards genuine democracy" and, second, "to facilitate their smooth progressive integration in the circles and institutions of European Cooperation" (Hyde-Price, 1994: 242). Demosthenes (covering new member states) and Demosthenes *Bis* (covering states with special guest status) serve as the umbrella structures encompassing all of the comprehensive democratic assistance programs

dealing with legal assistance, human rights, media, culture, and education. The two programs target a range of different elites including leaders in the political system (both national and local), civil servants and administrators, youth leaders, leaders of NGO's, journalists, and health and social specialists.

Within the Demosthenes scheme, the Demo-Droit program was initiated in 1990 and is concerned with legislation and the reform of legal systems of CE member states. Activities include assistance in the drafting of new constitutions and in the framing of other important laws which influence the nature of the new political systems. The program is administered largely by the European Commission for Democracy through Law which Countries which have benefited from Demo-Droit include, among others, Romania, Bulgaria, Albania, Estonia, Latvia, Hungary, and Russia.

The second program within ADACS, Themis, is devoted to legal cooperation and is designed to train judges, prosecutors, lawyers and notaries, as well as prison administrators and civil servants, in the judicial administrations of running a democratic state respecting human rights and the rule of law. Recent activities within Themis include meetings of the Presidents of the Supreme Courts of new member states to discuss the interrelation of roles, powers and responsibilities of Supreme and Constitutional Courts; meetings of large numbers of notaries from across Eastern Europe to discuss the notary's role in the prevention of disputes; meetings of *Bâtonniers* and lawyers from Eastern Europe to discuss the roles and responsibilities of lawyers in a

society in transition, such as professional standards and rules of professional conduct as well as the principles of the European Convention on Human Rights.

The third program, Lode (for 'local democracy'), which is not as relevant to the present discussion on legal reform, runs in conjunction with the Congress of Local and Regional Authorities of Europe (CLRAE), a statutory organ of the CE. Their aim is to foster the development of grassroots democracy and the training of local leaders, elected officials and administrators in the realm of local politics and finance.

Law Making Project

The latest focus of the CE's legal reform activities is centred around the Law Making Project. The broad purpose of the Project involves familiar goals – to support new member and candidate states in the introduction of efficient legislative procedures and modern law-drafting techniques. The goal is to bring East European states' legal systems in line with more advanced European standards and principles the CE deems necessary for the consolidation of democracy. These include respect of the hierarchy of legal norms, transparency, and involvement of social partners. Also, to ensure active democratic participation at all levels of society, laws must be comprehensible and accessible through application of drafting techniques and extensive means of publication. In addition to these points, the CE insists that procedures and institutional frameworks

must exist to enable evaluation of the effects of legislation (http://www.coe.int./T/E/Legal_Affairs/Legal_co-operation/Law-Making/, accessed 8/2002).

Under the auspices of the Law Making Project, and in line with the Council's emphasis on education, the CE has held several training seminars for law drafters on specific law-drafting skills to improve the clarity of legal norms. These practical training sessions are usually supplemented with a discussion on various issues related to the organization of the legislative and regulatory process of a democratic state such as legislative initiative; coordination among government agencies and with the parliament; and transparency of the legislative process including the role and involvement of the general public, NGO's, interest groups, the academic community and legal practitioners (http://www.coe.int./T/E/Legal_Affairs/Legal_co-operation/Law-Making/Drafting_techniques_and_procedures/, accessed 8/2002). Some of the most recent seminars on law drafting techniques and legislative process have taken place in the Ukraine (October, 2000), Azerbaijan (April, 2001) and in Bosnia and Herzegovina (June, 2002).

Chapter IV

NATO: The Protection of Peace and Stability

The end of the Cold War and the collapse of communism has dramatically altered the security environment in Eastern Europe. Long-suppressed nationalist conflicts, ethnic

rivalries, and territorial disputes re-emerged leaving areas of violence and instability across many of the states of the former Soviet Union and former Yugoslavia. The economic hardship and political instability associated with reform compounded the risk of domestic instability and, even, international conflict. Added to this, there is the uncertain and potentially destabilizing role of Russia, which maintains a significant, though greatly reduced, nuclear and conventional military capacity. Such instability undermines democracy in a very extreme way. The North Atlantic Treaty Organization⁶ understands this relationship and so their democracy promotion strategy is very much dominated by the protection of peace and stability. In their own words, NATO is “dedicated to protecting democracy, human rights and the rule of law. The best means of safeguarding these shared values is to bring about a just and lasting peaceful order in Europe as a whole.” (<http://www.nato.int/welcome/home.htm#>, accessed 9/2002) The protection and promotion of peace and stability are absolutely vital parts of the Western IO democracy promotion division of labour.

Section I:

Why Peace and Stability for Democracy (and democracy for peace and stability)?

⁶ The Members of NATO include the following nineteen European and North American states: Belgium, Canada, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Turkey, United Kingdom, and United States.

NATO promotes peace and stability because they are necessary for the consolidation of democracy. Likewise, the best way to ensure peace and stability in a region is to have consolidated democracy in your own, as well as your neighbours', states. Security and democratization are inextricably linked. Theoretical understanding holds that international, regional and, especially, local security threats undermine democratisation. One reason for this is that in order for democratic transitions to become consolidated, proper socioeconomic foundations must be established by integrating new democracies into Western economies and institutions. This cannot occur, however, without security. And, as the situation in the former Yugoslavia has illustrated, instability does not bode well for a successful democratic transition where trust should be the order of the day rather than fear.

Likewise, the failure of democratisation undermines local, regional and international security. NATO is a security organization – a military alliance primarily concerned with the collective security of its member states. Democracy is the best way to enhance security for its members and the wider region. As was discussed in Chapter I, the well-known democratic peace thesis advocates this point arguing, very convincingly, that no two democracies have ever waged war on each other, and are unlikely to do so in the future. The understanding is that democratic governments are inherently peaceful and stable with each other. Therefore, it is easy to understand why NATO's member states would prefer, for the sake of their own peace and security, a mass of consolidated democracies on their Eastern frontier rather than either autocracies or, as will be shown below, struggling democracies. In the words of NATO's leaders, "our own security is

inseparably linked to that of all other states in Europe... the consolidation and preservation throughout the continent of democratic societies and their freedom from any form of coercion or intimidation are therefore of direct and material concern to us.” (Kay, 1995: 121)

Also, the risks that the actual process of democratization pose to a state’s (and region’s) stability are significant. First, the introduction of elections forces political leaders to compete with each other for votes. Often, the easiest way to win votes in a new democracy is to appeal to ethnic and religious constituencies. Thus, initial democratization can promote communalism and ethnic conflict (Huntington, 1997: 6). Relatively few new democracies have the structures and institutions to deal with elevated tensions or violence and, so, NATO has taken on the role of peace-promoter, peace-keeper, and sometime peace-maker to ease tensions. Also, according to Robert Dahl, if a democracy is to survive through periods of crisis, the main public forces of coercion – the military and the police – must be completely under control of democratically elected leaders and civil society. This is why many of NATO’s initiatives are aimed at ensuring civil control over the military.

The second risk democratization produces, and despite the democratic peace thesis, is that the process of democratization can actually make foreign wars more likely. Studying the years since World War Two, Edward Mansfield and Jack Snyder have presented impressive evidence that in the “transitional phase of democratization, countries become more aggressive and war-prone, not less... democratizing states are

more likely to fight wars than are mature democracies or autocracies” (Mansfield & Snyder, 1995: 5, 6). This inclination toward inter-state wars comes from, in part, the same communal appeals which also motivate intra-state, ethnic conflict among new democracies (Huntington, 1997: 7). Again, NATO member states have a strong motivation to maintain peace and stability in the East European region for their own security, as well as for the future of consolidated democracy in the region.

Development of NATO’s Role as Peace and Stability Protector

NATO’s experience and capacity as a military alliance has made it uniquely eligible to fill the role of peace and security promoter in Eastern Europe. The end of the Cold War presented NATO with the opportunity to finally fulfil its intentions towards Eastern Europe which were originally outlined in its 1967 Harmel Report. The Report emphasized the need for a strong defence coupled with a relaxation of tensions by building bridges to the countries of the Warsaw Pact – the East European Cold War Soviet alternative to NATO. The hope was for a stable settlement which would end the unnatural barriers between Eastern and Western Europe and provide appropriate security guarantees therein. It is in this sense that NATO’s November, 1991 document on the New Strategic Concept actually refers to the 1967 Report (Boczek, 1995: 208).

NATO made its intentions toward the states of Eastern Europe clear in 1990 before the Warsaw Pact was even formally dissolved. The London Declaration on a

Transformed North Atlantic Alliance was issued by the heads of the North Atlantic Council (NATO's executive decision making body) in July of that year. The Declaration represents a watershed in NATO history and marked a turning point in the Alliance's relations with the countries of Eastern Europe. The Declaration proclaimed a new concept of Europe as one geopolitical and cultural entity no longer divided by hostile blocs in which "the democratic countries of Central and Eastern Europe form part of the political structures of the New Europe." (Boczek, 1995: 208) Shortly thereafter, NATO leaders extended invitations to Soviet Eastern European leaders to establish regular diplomatic liaison with NATO. Soon Eastern European visitors began a series of regular contacts, first as high-level diplomatic visits which developed into a stream of ever-intensifying military and political exchanges of expertise in a number of fields. The foundation was set for the rapidly expanding relationship between NATO and Eastern Europe which holds peace and stability and the consolidation of democracy at its core.

It is not solely for liberal values and increased security that NATO promotes democracy in Eastern Europe, however. At the end of the Cold War, and with the dissolution of its nemesis, the Warsaw Pact, NATO was in imminent danger of losing its *raison d'être* – upholding the collective security of its members in the face of a Communist threat – in the early 1990s. Adopting a new mandate of ensuring democratic stability in Eastern Europe through 'out of area' operations for peace enforcement, as well as creating the Partnership for Peace (PfP) and Euro-Atlantic Partnership Council (EAPC) for peace promotion, provided a new lease on life for NATO and ensured the continued central role of the United States in Europe (Haas, 2001: 86).

NATO leaders described their Alliance's adaptation after the Cold War as including political (namely democratic) considerations shored up by security and stability. Their commitment in 1990 read as follows:

“Our Alliance must be even more an agent of change. It can help build the structures of a more united continent supporting security and stability with the strength of our shared faith in democracy, the rights of the individual, and the peaceful resolution of disputes. We reaffirm that security and stability do not lie solely in the military dimension, and we intend to enhance the political component of our Alliance as provided for in Article 2 of our Treaty” (Baker, 2001: 97).

Article 2 of the North Atlantic Treaty expresses the economic, political and social aspirations of the Alliance, those intentions that were only allowed expression after the tensions of the Cold War abated. At Travemünde, Germany in October, 1993, NATO defence ministers elaborated their intentions toward Eastern Europe further: while they would not offer security guarantees to the new democracies, they would increase cooperation in the military and political sphere, supporting joint training for peacekeeping tasks open to all members of the EAPC and OSCE under the framework of the PfP (Kay, 1995: 119).

The specific West European and North American membership of NATO has played a significant role in determining the Alliance's focus on peace and stability protection to support the consolidation of democracy in Eastern Europe. For one thing, NATO's membership has been shaped solely by strategic military sensibilities and priorities as well as by military compatibilities. The focus on peace and stability pervades the Alliance right down to determining its actual membership. In addition, the membership of NATO consists of the globe's top national military powers, notably the global military hegemon, the United States. This group of states are ideally suited to lead the way in spreading peace and stability to Eastern Europe.

Style of NATO Strategy

NATO implements two main tactics to further its strategy of promoting peace and stability in order to fulfil its ultimate goal of promoting democratic consolidation in Eastern Europe. Those two tactics are, firstly, peace and stability enforcement, such as NATO's military operations in the Balkans, and, secondly, peace and stability promotion, including cooperative initiatives such as the PfP and EAPC. In these activities, NATO does not rely on democratic conditionality and any differentiation is based on levels of security and stability, rather than on democracy. NATO relies a great deal on consultations and cooperation, ground operations (for both peace enforcement and promotion), training, assistance, advice, country-to-country visits, and military-to-

military contacts. But before a thorough examination of these tactics can take place, a brief discussion of the unique quality of NATO membership is required.

Membership in NATO

Unlike every other IO currently being discussed, NATO does not use the lure of membership or, indeed, membership itself, to promote democracy. This issue is currently a subject of a great deal of scholarly debate⁷. NATO is a unique organization among the EU, CE and OSCE. It is a military alliance and there is no evidence that democracy can be promoted through military-to-military contact (as opposed to government-to-government or official-to-official contacts). NATO also has little means of influencing the internal politics of its member states, unlike the EU, CE and OSCE. NATO does not, for example, have the provision to expel any member which reverts to a nondemocratic form of government. If a member acted in a nondemocratic way, flouting the rule of law or transgressing human rights, there is no provision for punishment either. Turkey and Greece have experienced prolonged periods of undemocratic government in spite of their membership in NATO. This is in stark contrast to the EU, CE and OSCE which all have means to sanction nondemocratic behaviour.

And in the case of the EU and CE, stringent democratic conditions must be met in order to become members in the first place. NATO does not have a list of criteria for membership and insists the only necessary condition is active participation in the PfP and EAPC. Any decision on membership will be made on a case-by-case basis, by consensus. While it is unlikely a non-democratic state would be admitted in the current

pro-democracy climate, there is no formal requirement. After all, Portugal under Salazar was a founding member of NATO. So far only three postcommunist countries (the Czech Republic, Hungary and Poland) have been offered full NATO membership⁸. That was at NATO's July 1997 Madrid Summit. NATO's member states decided to enlarge primarily to increase their own security as the security of Central Europe is inextricably linked to the security of Western Europe. Germany, in particular, was interested in pushing Europe's military border as far east as possible.

In fact, NATO membership may actually impede democratization as participation in the Alliance causes weaker nations to unnecessarily divert scarce resources to the modernization of their military in order bring them up to NATO's standard and improve interoperability. In fact, NATO's military requirements for members have already caused political difficulties in the Czech Republic (Bandow, 1998: 213).

NATO's enlargement may not promote democracy directly but it will promote peace and stability in Europe, which has a positive effect on democratization in Eastern Europe. For instance, before membership was granted to the new members, border problems were required to be resolved. This was not an insignificant hurdle and one which has a positive effect on the overall stability of the region.

⁷ For a useful treatment of this debate see Waterman, Zagorcheva and Reiter, 2002.

⁸ At its Prague Summit on 21 November, 2002, NATO announced its intention to hold accession talks with seven more East European countries – Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia.

Section II: The Strategy at Work

This next section provides a more in-depth analysis of NATO's peace and stability enforcement and promotion activities. In the realm of peace and stability enforcement, a brief discussion of NATO's military and peacekeeping campaigns in Bosnia and Herzegovina and in Kosovo will be offered. The majority of activities, however, fall under the peace and stability promotion category and include The Euro-Atlantic Partnership Council and The Partnership for Peace.

Peace and Stability Enforcement

By engaging in air missions and peacekeeping operations in the Balkans throughout the 1990s and into the 2000s, NATO has enlarged its military mission to include out-of-area operations in a region which did not directly threaten the member's collective security, but did threaten European security and stability, and therefore East European democracy. Their enlarged mission is no doubt partially due to the effects of bureaucratic inertia, discussed in Chapter I.

NATO led the UN sanctioned mission to enforce peace in civil-war ravaged Bosnia-Herzegovina, between 1993 and 1995. Their activities included enforcing a no-fly zone, protecting safe areas, supporting UN peacekeepers, and committing numerous air strikes. This type of detached intervention – characterized by the exclusive use of air

strikes, rather than the use of ground troops, coupled with limited engagement on the ground – dominates the nature of NATO's peace enforcement activities. And there is no surprise why this is so: NATO member states' governments do not like fatalities. A peace enforcement activity that enforces peace and stability without risking soldiers' lives will always take priority over more active types of engagement.

In 1995 the Dayton Agreement was signed by all relevant parties and put in place a peace settlement to end the war. NATO deployed 60,000 troops to Bosnia-Herzegovina to protect the peace and monitor compliance with the agreement. This mission prevented renewed conflict and helped create a secure environment in which further efforts to secure a lasting peace could be made. The two peacekeeping forces, the NATO-led Implementation Force (IFOR), later replaced by a scaled down Stabilization Force (SFOR), have put the PfP program to work as NATO members and Partner countries work together to ensure stability. The aim of SFOR is to create a secure and stable state where democracy can flourish, and includes the following specific goals: 1) to provide a safe and secure environment; 2) to establish a unified, democratic Bosnia and Herzegovina; 3) to rebuild the economy; 4) to allow the return of displaced persons and refugees to their pre-war homes.

NATO also militarily intervened in Kosovo in 1999 in order to enforce peace and to protect Kosovar Albanians from a severe human rights crisis initiated at the hands of the Serbs. Like Bosnia, the mission was dominated exclusively by air strikes in order to protect NATO soldiers' lives. Of course, NATO's intervention into Kosovo should not

be exclusively seen as an effort to solely promote democracy either directly or by ensuring stability. While democracy promotion was an important subsidiary goal – the mandate, for example, included a provision to establish “provisional democratic self-governing institutions” – the principle and immediate aim was to deal with the grave humanitarian situation and the acts of violence against the Kosovar Albanian population (Rich, 2001: 32).

After the military campaign to enforce peace in Kosovo, the NATO-led Kosovo Force (KFOR) has been working to establish security and stability for a democratic and multi-ethnic society in Kosovo. KFOR is responsible for the establishment and maintenance of a secure environment through such means as air surveillance, patrols, and border control. KFOR is also actively involved in the demilitarization of Kosovo. KFOR’s main responsibility is to create a secure and stable environment in which democracy can thrive.

The Euro-Atlantic Partnership Council

The Euro-Atlantic Partnership Council⁹ is NATO’s program of drawing the states of the former Warsaw Pact under NATO’s influence in order to promote peace and stability, and therefore, democracy. The EAPC began life as the North Atlantic

⁹ The forty-six European EAPC members as of October, 2002 include all of the members of NATO, plus: Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Estonia, Finland, Georgia, Ireland, Kazakhstan, Kyrgyz Republic, Latvia, Lithuania, Moldova, Romania, Russia, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Cooperation Council in June, 1991 in Copenhagen with the aspiration of strengthening political and military contacts between NATO and the states of the now defunct Warsaw Pact. EAPC membership has now expanded to forty-six (nineteen NATO members plus twenty-seven) and includes states of the former Soviet Union as well as some West European states.

The EAPC is a way for states to express security interests and concerns at the ministerial level within a NATO context. It is a forum to offer military exchanges and assistance to the new democracies of Eastern Europe. NATO has stated six fundamental objectives of EAPC:

- 1) “to demonstrate the nonthreatening defensive posture of the alliance and its continuing dedication and contribution to peace;
- 2) to inform NATO nations about cooperation partners’ strategies, concepts, and security concerns and their individual methods of operating in peace and crisis;
- 3) to provide concrete military assistance to individual cooperation partner states where possible, seeking help from NATO nations as appropriate;
- 4) to assist in the development of civilian-led, democratically controlled defence establishments, including development of civilian expertise in defence and military affairs;

- 5) to influence and advise on the establishment of appropriate, effective, and defensive armed forces that can contribute to stability and security in Europe within the context of the post-Helsinki process;
- 6) to enhance transparency and mutual understanding in military affairs as a vital component of confidence-building measures” (Jordan, 1995: 45).

The goal of the program is clearly to protect and foster peace and stability within Eastern European countries as well as across the entire European region.

The EAPC, however, is a forum without a mandate to make binding decisions. It works as an informal mechanism for consultation where participants can find constructive ways to fulfil their obligations as OSCE member states. The mechanisms NATO implements in order to forward its objectives include the following activities:

- 1) organizing meetings of officials and experts to discuss security policy issues;
- 2) intensifying military contacts by organizing discussions at NATO headquarters and major commands;
- 3) inviting officers from Eastern Europe to NATO training facilities;
- 4) establishing contacts with experts from Eastern Europe to participate in NATO “third dimension” scientific and environmental programs;

- 5) encouraging greater contact between the parliaments of Eastern Europe and the North Atlantic Assembly (NATO's executive decision-making body)

Consultations and cooperation within the EAPC proceeds in accordance with the jointly determined annual Work Plan for Dialogue, Partnership, and Cooperation, or Action Plan, of which ten have been adopted since 1992. Each annual Action Plan identifies a broad spectrum of topics and activities in security and defence planning fields where consultation and cooperation could be most useful. Throughout its ten years of operation, EAPC Action Plans have initiated, besides consultations, a wide range of cooperative activities focusing on security and related issues such as, arms control and disarmament, defence planning, civilian-military relations, training and education methods and concepts in the defence field, conversion of defence production for civilian purposes, civil emergency planning, and peacekeeping education, training and joint exercises, arms control and non-proliferation of weapons of mass destruction.

By way of example, the 2000-2002 EAPC Action Plan has identified a number of political and security related issues for consultation and cooperation for the two-year period. The focus of this most recent Action Plan is clearly on increasing security and stability on the edge of Europe – south eastern Europe, Central Asia and the Balkans – where democracy is progressing in fits and starts by varying degrees. Included in the Plan are: regional matters including South Eastern Europe and the South Caucasus; practical cooperation with the Central Asian Partner Countries; the international fight

against terrorism; cooperation on Stability Pact issues¹⁰; cooperation with the OSCE and other international institutions on security issues; the situation in the Balkans; follow-up on the political military framework for NATO-led PfP operations; practical cooperation issues; border security; and other topics to be defined. Activities that will help achieve progress in these areas include seminars, workshops, expert meetings and briefings and exchange of information on Bosnia and Herzegovina and Kosovo (<http://www.nato.int/docu/pr/2001/p01-165e.htm>, accessed 8, 2002).

The EAPC is a significant program in NATO operations and commands a significant proportion of the Alliance's time, effort and resources. It has played a constructive role in transforming the old Cold War confrontational structure of European security into a new pattern of dialogue and cooperation between East and West – a pattern most conducive to the consolidation of democracy. The EAPC's Action Plans have given the initiative focus and direction, while giving Eastern cooperation partners a common security anchor with the EAPC allowing them to freely pursue their democratic goals without the hindrance of security concerns. The EAPC offers all of these benefits to NATO without having to offer actual membership to a great number of Eastern European states. Such a move could overstretch NATO resources and compromise members' security by overextending the collective security guarantee.

The Partnership for Peace

¹⁰ The Stability Pact is an inter-organizational preventative diplomacy initiative for south eastern Europe promoting democratization, human rights, economic development and security.

The Partnership for Peace¹¹ program is another tool NATO uses to promote security and stability across Europe working within the framework of the EAPC. The PfP is the basis for practical, security cooperation between NATO and individual Partner countries (19 + 1). The PfP was created as a compromise measure to deal with the numerous pleas for full NATO membership coming from the new democracies of Eastern Europe at the end of the Cold War. Like with the EAPC, by not offering or promising actual membership, NATO members saved themselves the potentially hefty costs of supplying the new democracies with a security guarantee. Of course, in addition to helping to fulfil NATO's democracy promotion goals, the PfP keeps NATO at the centre of European security, as well as keeping American involvement at the centre of Europe. The PfP embodies NATO's cooperative approach to security – for each state's security contributes to the security of the entire region. And a secure region is an ideal place for new democracies to consolidate their new form of government.

In order to protect peace and stability and to allay any security concerns of the partners of PfP, NATO pledges a consultation with any active participant if that partner “perceives a direct threat to its territorial integrity, political independence, or security.”

(Boczek, 1995: 216) Upon joining the PfP, all partners must sign the Framework Document which outlines the principles and objectives of the Partnership. The PfP

11 The thirty members of PfP include the following European states: Albania, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Hungary, Georgia, Ireland, Kazakhstan, Kyrgyz Republic, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Sweden, Switzerland, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, and Uzbekistan.

combines both political and military priorities to form a unique, cooperative way of protecting peace and stability and for promoting liberal democratic values.

In terms of political obligations, members are required to reaffirm their commitment to the UN Charter, the OSCE's Helsinki Final Act, all other subsequent OSCE documents, the international legal obligations in the field of disarmament and arms control. Members are also required to uphold the liberal democratic principles of the Partnership. Those principles include, but are not limited to, the following: respect for existing borders; protection and promotion of fundamental freedoms and human rights; safeguarding freedom, justice and peace through democracy; and preservation of democratic societies and their freedom from coercion and intimidation. The PfP has allowed NATO to shift the focus of the Alliance from one created to only respond to an external threat to one based on shared values of liberal democracy.

In regard to specifically military objectives, and in order to achieve a stable and civilian controlled military in cooperation with NATO, the PfP Framework Document determines that the countries of the PfP are to pursue the following: 1) transparency in defence budgeting; 2) democratic control of the defence forces; 3) readiness to contribute to operations under the authority of the UN and/or the responsibility of the OSCE, subject to constitutional considerations; 4) development of military cooperation with NATO peacekeeping, search and rescue, humanitarian operations and other activities; 5) over the long term, development of forces better able to operate with those of NATO members. As can be determined by these objectives, the PfP not only ensures Partner's militaries do

not stand in the way of the consolidation of new democracies, but it is also a useful preparatory stage toward making East European States' military assets compatible with NATO standards. The objective of the PfP is to improve the capacity of Allies and Partner states to work together in joint operation. It holds a focus on practical cooperation tailored to each individual country allowing the PfP to be a key factor in developing a new security relationship between the Alliance and its Partners – thereby ensuring NATO's continued standing at the centre of European security.

Activities are drawn from the Partnership Work Program (PWP) which lists all activities offered by NATO bodies (headquarters, staffs, agencies, or schools), NATO nations, and Partner countries. The PWP is, in principle, open to all PfP nations and provides a menu from which each Partner prepares their yearly Individual Partnership Programs. The list of activities available each year number into the several hundred and echo the political and military principles listed above. Activities are organized into Areas of Cooperation including, but not limited to, the following: crisis management, democratic control of forces and defence structures, peacekeeping, small arms and light weapons, and military education, training and doctrine. NATO uses the PWP to not only increase interoperability, but to also teach liberal democratic standards, particularly regarding civil-military relations.

Chapter V

OSCE – The Protection of Human and Minority Rights

Of the four organizations currently being discussed, the OSCE¹² is active in the broadest array of democracy promotion activities. However, when required to name the most important area of OSCE democracy promotion activities, human rights promotion easily stands out from the crowd. This is the area which holds most of the organization's attention, the greatest amount of experience and expertise, and which is most associated with the OSCE, historically and contemporarily. The success of the OSCE's 'human dimension' has been one of the most significant achievements of the organization.

The OSCE is also the organization most explicitly committed to the promotion and protection of democratic practices and ideals in Eastern Europe. Without relying on democratic conditionality or extensive integration, and with a very limited budget, Europe's most inclusive organization relies on norm and community building to promote the protection of human rights.

Section I:

¹² The fifty-five participating states of the OSCE include the following European and North American states: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, 1992: Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Slovak Republic, Slovenia, Spain, Switzerland, Sweden, Tajikistan, former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, United Kingdom, United States, Uzbekistan, Federal Republic of Yugoslavia.

Why Does the OSCE Promote Human Rights for Democracy?

The OSCE understands democracy as a multilayered concept which includes human rights, self-determination, minority rights, freedom of speech, rule of law and participatory government (Whyte, 1997: 170). At the OSCE's most recent annual human rights conference (September, 2002), the Director of the Office for Democratic Institutions and Human Rights, Gérard Stoudman, urged governments to redouble their efforts to eradicate human rights violations. He outlined the OSCE's comprehensive view of democracy – "true democracy is more than just organizing elections once in a while... Too often, we see mere appearances of democracy through elections, or adopting new laws, while the fundamental understanding – that democracy actually means credible checks and balances, social and ethnic inclusiveness, a truly independent judiciary and an active and participatory civil society – is still missing." (http://www.osce.org/news/generate.php37news_id2747, accessed 10/2002)

The OSCE promotes human rights because democracy cannot exist without strict protection and elevation of human rights. The reverse is also true as enshrined in international human rights law, human rights are best upheld under democratic forms of government. This basic principle is clearly outlined in Article 21 of the Universal Declaration on Human Rights, which describes "the will of the people" as "the basis of the authority of government" and calls for that will to be expressed via "periodic and general elections". The maintenance of human and minority rights not only ensures the

success of democratic pluralist systems of government (by ensuring the system is truly inclusive, for example), but they are also a democratic ideal in and of themselves.

According to Linz and Stepan, "in a multinational, multicultural setting, the chances of consolidating democracy are increased by state policies that grant inclusive and equal citizenship and give all citizens a common 'roof' of state mandated and state-enforced individual rights." (Linz & Stepan, 1997: 26) Likewise, Robert Dahl warns, in order for a democracy to survive a crisis, there must be tolerance of, and a firm legal protection for, conflicting views and beliefs (Dahl, 1997: 36).

It is indisputable that questions of peace, stability, democracy and human and minority rights are dependent upon the success of one another. The resurgence of nationalism in Eastern Europe has brought the issue of human and minority rights to the forefront of democracy promoters minds. Of the twenty-eight states comprising Eastern Europe, twenty-two have minorities that account for over ten percent of the population. This is a region in need of assistance and guidelines in the realm of minority rights.

Development of OSCE's Role as Human and Minority Rights Promoter

The OSCE, while not having a great budgetary or institutional capacity, has great political capacity and plays a significant role in democratizing Eastern Europe. It is obvious why the OSCE is the most suitable organization for promoting human and

minority rights in Eastern Europe. The OSCE's strength comes from a variety of areas. First, the OSCE is by far the most experienced IO in this area and has played a constructive part in pan-European politics throughout the 1970s, 1980s and 1990s. Secondly, throughout this time, the OSCE has earned an enormous amount of political legitimacy in Eastern Europe. It has earned respect and trust from every corner of the continent from the new states of the former Soviet Union, to Russia, to Western Europe. Thirdly, the OSCE, thanks to its wide, inclusive membership, provides the institutional expression of all of Europe and North America – from Vancouver to Vladivostok – which allows the organization to deal effectively with politically sensitive issues like human and minority rights over a wide area. (Hyde-Price, 1994: 238).

The OSCE began life as the Conference for Security and Cooperation in Europe (CSCE) in August, 1975 with the signing of The Helsinki Final Act by 35 countries - Canada, the United States and all European states (including the Soviet Union) except Albania. Over the course of these early years the OSCE supplemented the Helsinki Final Act with a series of follow-up conferences and experts' meetings, providing a normative framework, or process, for participating states based on adherence to multi-party democracy, the rule of law, human rights and liberal economic systems (Adler, 1998: 123).

From the beginning, the OSCE was envisaged as an instrument for "chipping away at the communist monolith by establishing basic parameters on human rights" (Whyte, 1999: 170). The Helsinki Final Act's Declaration of Principles for the OSCE –

the Decalogue – includes, among other liberal democratic values, the principle of respect for human rights and fundamental freedoms and the principle of equal rights. In many ways, among all other IOs, it is the OSCE which has done the most for democracy in Eastern Europe by helping to kick off the whole process. The combined pressure of the political opposition in Eastern European countries as well as from Western governments turned the human rights commitments of the Helsinki Final Act into an instrument for change helping to undermine the Communist regimes in the East and to bring about the revolutions of 1989.

When East European liberalization began in the late 1980s, the OSCE was able to make great progress in the once sensitive area of human rights. After the revolutions of 1989, the OSCE was immediately ‘accepted’ by the new leaders of the new democracies as a legitimate guide toward democratic and human rights reform. One way the OSCE ensured its democracy promotion goals went ahead in the face of political opposition in the recipient country was to give democracy projects another label. One ruse was to refer to democracy projects as human rights endeavours, making it more difficult for foreign governments who have signed the relevant human rights conventions to refuse help (Burnell, 2000: 21).

Over the years, the OSCE has played a leading role, among both IOs and governments, in elaborating commonly agreed criteria for democratic government and the protection of human and minority rights. In particular, the commitments on minorities in the Copenhagen Document (29 June, 1990) are still considered to be more

advanced than provisions on minorities made by the UN or the CE. The Copenhagen Document not only includes detailed standards on the use of the native language, an educational provision, a provision for freedom of association among themselves and across borders, but also a stipulation for the fundamental right of individuals to choose whether or not to identify themselves as members of a minority..

Style of OSCE Strategy

The OSCE's strategy is dominated by the principle that the manner in which a state treats its own citizens is a concern of the entire region. Therefore, the goal of democracy and human rights promotion has taken on such an importance and urgency that it has seemingly bypassed other, formerly primary, considerations. Consider the strong normative language of the Document of the Copenhagen Conference on the Human Dimension (1991), which states that participating states "will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems" and that domestic political instruments must adhere to "obligations under international law". This conditioning of national sovereignty, even the right of participating states to determine their own political structure, seems to completely fly in the face of former, or at least stronger, considerations. The Helsinki Accord (1975), for example, provided central guarantees of "respect for the rights inherent in sovereignty" and "non-intervention in internal affairs." (Quoted in Whyte, 1997: 171). The contrast is striking. And what is

made clear is that the OSCE's participating states seek to create a community in which liberal democracy based on the protection of human and minority rights is the common and general political culture within its borders.

The OSCE human and minority rights promotion activities are characterized and shaped by four qualities: normative standard setting, early warning, the inclusive nature of the organization, and its limited budgetary and institutional capacity.

Normative Standard Setting

Democracy and human rights promotion in the OSCE is necessarily much broader than the encouragement of the mere nuts and bolts associated with pluralist politics. The OSCE understands that the ideas, norms and culture of democracy are just as, if not more, important to ensure the actual consolidation of democracy in Eastern Europe. One of the most difficult tasks of promoting democracy and human and minority rights is transforming the very basic values and ways of thinking of the East Europeans which have been characterized by communist systems and run contrary to liberal democratic values and thought patterns. The strategy is to change Eastern European peoples' fundamental beliefs about who they are -- from the upper elites, down through all facets of civil society. Some observers suggest the change of attitude could take a generation or more (Hyde-Price, 1994: 223).

In order to promote and protect human and minority rights, the OSCE is actively involved in normative standard setting. The idea is to promote democratic values by

building political consensus around common norms of democratic behaviour and respect for human rights. The OSCE "...gives meaning to the practice of active socialization and the international teaching of norms". The OSCE solidifies its socialization strategy further by only bestowing the prestige of legitimacy upon those states which comply with liberal democratic ideals (Adler, 1998: 135). Further, the OSCE provides the knowledge necessary for effective imitation of liberal democratic governance. For example, information and consultation is provided regarding the inner-workings of democracy, the rule of law and the market economy. (Adler, 1998: 133)

Early Warning

Many of the OSCE's human and minority rights promotion activities operate by the principle that the best way to tackle a problem is to be aware of it before it becomes a crisis. As will be shown below, the Human Dimension Mechanism, the High Commissioner for National Minorities, and the missions of long-duration all stress the importance of early warning.

Inclusive Nature of the Organization

By having a highly inclusive participating membership, from Vancouver to Vladivostok, the OSCE promotes democracy through its own liberal community-building policies. Therefore, the OSCE's primary strategy to promote democracy is one of 'infiltration from within' through the constant strengthening of shared norms and practices devoted to the norms and practices of liberal democracy and human and minority rights.

The OSCE participating states prefer to stress the process of cooperation rather than achieving actual goals; prefer a set of transactions and strategies to heavily bureaucratic institutionalization; and, as there has never been an OSCE Treaty or any other legally binding document, political commitments have always been preferred to legal obligations (Brett, 1996: 672). This 'post-modern' institutionalization has allowed for the successful and intensive community-building and norm development among a diverse and numerous set of actors. While the original purpose of this wide inclusion and post-modern institutionalization was originally for security concerns, the process has had the added benefit of being particularly conducive to democracy promotion among the organization's participating states.

The OSCE is the organization most uniformly supportive of democratization across the entire Eastern European region presently being examined – from Central European states like Poland to Central Asian states like Azerbaijan. The OSCE is unique in that it has the ability and the mandate to deal with Eastern Europe's most difficult democratizing cases. For example, Belarus' Lukashenko regime does not abide by any minimum standard of democracy such as free elections, economic reforms, or respect for human and minority rights. Thanks to the great number of violations of human rights and democracy, the economic attractiveness of Belarus is very low. As such, most Western actors see any democracy promotion efforts in Belarus as a wasted effort – the EU has not set up a delegation, and commitment from the other Western IOs is equally low. The only activities that do stand out are those of the local OSCE office.

OSCE activities in Belarus take place under the OSCE Advisory and Monitoring Group (AMG) which is a mission of long duration (to be discussed below). The AMG was formed by the OSCE Permanent Council on 18 September, 1997 to assist the Belarussian authorities in promoting democratic institutions and in complying with other OSCE commitments like human rights. The AMG, working in an advisory capacity, holds seminars, conferences and workshops on a variety of topics including training electoral observers and public defenders. In a monitoring capacity, the AMG concentrates on human rights – analyzing some 600 human rights cases, visiting some forty prisoners or detainees and monitoring dozens of court proceedings. The limited budgetary capacity of the OSCE means that all of the AMG's work in Belarus is carried out with only four staff members.

Limited Budgetary and Institutional Capacity

The OSCE uses unique and creative tactics to forward human and minority rights in Eastern Europe because it is restricted by its limited budgetary and institutional capacity. The OSCE operates with a very small budget. The entire budget for the OSCE in 2002 amounted to a paltry 187.3 million euros of which eighty-four percent goes toward supporting missions and field activities. The Office for Democratic Institutions and Human Rights (ODIHR), for example, is the institution primarily charged with the implementation of the OSCE's goal of promoting democratic pluralism, the rule of law, human rights and market systems to the Eastern most reaches of the OSCE's participating states. It is surprising, then, to note the size of the ODIHR's budget. The combined total

for 2002 began with an assessed budget of 8.5 million euros, which may be supplemented by up to three times by voluntary contributions from participating states and international organization (ODIHR Factsheet). However, it is important to note that the OSCE's main budget has grown remarkably in recent years. In 1993 it amounted to only 12 million euros.

The OSCE's institutional capacity is similarly small. For example, the OSCE does not have the capability to implement effective sanctions which could prevent national governments from violating their citizens rights. All of the OSCE's documentation has the character of mere declarations rather than documents of international law. Therefore, the OSCE must rely on the strength of its norm-building efforts to further its ideals of human and minority rights. The OSCE is similarly limited by, first, the fact that all decisions must be agreed unanimously by a very large, and very diverse, membership, and, second, the organization possesses no mechanism for enforcing any of its decisions.

One example of a unique, effective and low-cost OSCE initiative to promote human rights is the OSCE-run radio show in Azerbaijan which focuses on human rights awareness. On the air since September, 2002, the series of talk shows are comprised of experts, representatives of local NGOs, and government officials discussing issues such as political prisoners, prison reform, gender, freedom of religion, street children, corruption and other topics of concern. The aim is not only to stimulate discussion in all

sectors of society but to also raise awareness in the general public about their human rights. A similar project is now being planned for Georgia.

Section II: The Strategy at Work

The activities the OSCE uses to promote human and minority rights, the final segment of the Western IO democracy promotion division of labour, are characterized by a reliance on norm building and early warning and are shaped by the inclusive nature and limited budgetary and institutional capacity of the organization. The most important activities, and those that will be discussed in-depth in this section, include the Human Dimension commitments, the Human Dimension Mechanism, the role of the High Commissioner on National Minorities and Missions of Long-Duration.

The Human Dimension

Known as the Human Dimension, or the Third Basket, the protection of human and minority rights has been a goal of the OSCE from its very beginning, though it has increased in priority since 1989. Like other OSCE commitments, the Human Dimension has its roots in the Helsinki Final Act. Principle VII of the Decalogue declares that the participating states will “respect human rights and fundamental freedoms, including the

freedom of thought, conscience, religion or belief, for all, without distinction as to race, sex, language, or religion.” The inclusion of the Human Dimension was one of the major achievements of the Helsinki Process – human rights had never before been the subject of direct East-West talks. The Human Dimension commitments, comprised of human rights, democracy and the rule of law, is at the heart of the OSCE.

Normative standard setting is an essential part of the Human Dimension. The OSCE promotes issues related to the Human Dimension by setting a high level of standards in the protection of human rights and fundamental freedoms. OSCE standards apply to all participating states; and though they are not legally binding, the fact that all decisions within the OSCE are made by consensus means that no participating state can claim certain commitments do not apply. And contrary to other IOs, and as highlighted by the Belarussian case, if a state fails to live up to its Human Dimension commitments, the OSCE’s cooperative approach ensures that the state is assisted rather than isolated.

The Moscow Document of 1991 was a landmark in the evolution of the OSCE’s human dimension. It stated that commitments undertaken in the Human Dimension were matters of direct and legitimate concern to all participating states and do not belong exclusively to the internal affairs of the state concerned. This was in addition to strengthening the Human Dimension and adding several key new commitments, such as support to an elected democratic government facing an attempted or actual overthrow, and the protection of human rights during a state of public emergency.

The Human Dimension Mechanism

However, the OSCE no longer only focuses on standard setting; other tools have been added to their repertoire to protect human and minority rights in order to promote democracy. Recently, the policing and monitoring of the actual implementation of standards has also been introduced. Such a move has given the OSCE more 'bite'. With the introduction of the Human Dimension Mechanism, the organization is capable of establishing monitoring missions without the consent of the monitored state.

At the Vienna Follow-Up Meeting a breakthrough in the Human Dimension was realised with the introduction of the Human Dimension Mechanism, or Vienna Mechanism. The procedures of the Vienna Mechanism outline the steps that can be taken by the participating states in response to perceived violations of the Human Dimension. The Vienna Mechanism comprises four intergovernmental procedures allowing participating states:

- 1) to exchange information and respond to requests for information on questions relating to the Human Dimension;
- 2) To hold bilateral meetings with other participating states in order to examine questions relating to the Human Dimension, including situations and specific cases with a view to resolving them;

- 3) To bring situations and cases in the Human Dimension to the attention of other participating states; and
- 4) To provide information on the exchanges of information and the responses to its requests for information and on the results of the bilateral meetings at OSCE meetings.

The Vienna Mechanism fell short, however, in that it did not provide for fact finding, independent investigations or verification of information. All stages were dependent upon the willing, and truthful, cooperation of the participating states. This shortcoming was addressed in 1992 with the introduction of the Moscow Mechanism which gives participating states more intrusive powers of intervention to protect human and minority rights. Included in the Moscow Mechanism is the provision that any participating state which has completed steps one and two of the Vienna Mechanism may, with the support of at least five other participating states, initiate the establishment of a mission of up to three OSCE rapporteurs. Such a mission can take place without the consent of the relevant participating state. The rapporteurs are charged with the task of establishing the facts, reporting on them, and giving advice on possible solutions to the questions raised. The goal is to create an early warning at a limited cost before a potential crisis becomes enflamed.

The High Commissioner on National Minorities

The central democratic ideal of the protection of minorities and minority rights is upheld vigorously by the OSCE and has been a guiding principle of the organization since the drafting of the Helsinki Final Act in 1975. Principle VII of the Decalogue states that participating states on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, and will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms. In 1992, Principle VII was given a degree of formal institutionalization when the post of the High Commissioner on National Minorities (HCNM) was created.

The Commissioner, the first OSCE employee with executive powers, is charged with the duty to provide 'early warning' and, where appropriate, 'early action' in regards to tensions involving national minorities. If, after his/her own independent examinations, the Commissioner concludes that there is a risk of potential conflict, he/she will issue an early warning to the Chairman-in-Office and the process escalates, where appropriate, from there. The HCNM has been particularly active in investigating the condition of Russian minorities in Estonia, Latvia and Lithuania and has also looked into minority conditions in Albania, the Ukraine, Slovakia as well as the Roma population in many of the OSCE participating states.

While the HCNM does not determine the legality of actions committed against national minorities or act as a mediator, the HCNM can alert political institutions to possible impending disputes and can even take preventative action to remedy the situation. The HCNM acts independently of governments and minority groups and

focuses on both conflict prevention and human rights. Where the HCNM experiences the greatest amount of success is in its ability to act at an early stage and to establish confidence through quiet diplomacy.

Missions of Long-Duration

The OSCE has experienced a good deal of success with the use of missions of long-duration used to assess and monitor the human rights situation within a particular country. The missions of long duration are the human and minority rights promotion activity that dominates the OSCE's agenda. In fact, eighty-four percent of the OSCE's 2001 budget was reserved for such missions and field activities. The goal of the missions is to establish an outside presence which can monitor a tense situation, discourage human rights abuses, and help to prevent the situation from deteriorating, as well as to provide early warning if it does.

The first such missions were in Kosovo, Sandjak, and Vojvodina in 1992 though these missions were withdrawn a year later due to objections from Belgrade. Other long-duration missions have, however, been established in other East European countries including Georgia, Estonia, Moldova, Latvia, Sarajevo, Ukraine, and Chechnya, to name only a few. The missions normally involve only six to eight people, are mandated for about six months at a time, and each has its own terms negotiated. For example, the terms in Chechnya were "to contribute to the achievement of a political settlement of the

crisis, a restoration of local authorities, and the respect for human rights in the war-torn region.” (Brett, 1996: 688) The OSCE may not yet have achieved its security goals in Chechnya but they have no doubt raised the issue of human rights – attempting to strengthen the norm. The central goal of each mission, is to enhance human rights, and (hopefully) security and stability among all elements of the population in order to aid the democratic transition.

The OSCE initiated a second mission of long duration in Kosovo after NATO’s campaign to enforce peace in the area. Established in 1999, the Mission in Kosovo is the largest of all OSCE long-duration missions with a staff ceiling of 350 international and 1150 local staff. The Mission in Kosovo is charged with “matters relating to institution- and democracy-building and human rights” Within the realm of human rights, the mandate includes the following issues: promoting and raising awareness of human rights, monitoring human rights related to security and law enforcement, investigating cases of discrimination and working to find solutions, ensuring an individuals right to property, and monitoring the legal system in Kosovo and assisting in its development.

Conclusion

Common Considerations:

The motivation behind strategy and democracy promotion activities

The field of democracy promotion is a vastly under-studied area of inquiry. This paper being the first to identify the Western IO democracy promotion division of labour, it is with a sense of duty that new areas of research of the division of labour are identified. By way of conclusion, and in hopes of offering a possible direction for future research, the common reasons particular strategy and democracy promotion activities are practised by the EU, CE, NATO and OSCE will be identified. It is the finding of this paper that these four IOs follow separate strategies, each upholding their role in the democracy promotion division of labour. However, there are common considerations that affect each of them and that help determine the activities they pursue. Because there are common considerations affecting all four IOs, many of their activities are similar even when their strategies are distinct. For example, each of the IOs discussed here actively engage in advice and training to further their strategy and democracy promotion goals. There are reasons for such commonality. Preliminarily, four common factors can be identified and discussed briefly here in the hopes that further research can flush out further issues.

The number one consideration affecting the EU, CE, NATO and OSCE when deciding which activity they will pursue is cost efficiency. There are two distinctive ways cost efficiency motivates the IOs, however. Firstly, all IOs and governments, to a lesser or greater extent, have a limited budget. Therefore an activity which is both effective and relatively inexpensive will always be a popular choice. The cost efficiency and effectiveness of training and advice programs largely explains their extensive use as a strategy and democracy promotion activities. The second way cost can affect the type

of activity an IO uses to further its aims is in terms of the project's potential economic, political or security costs to the organization or its members rather than just the monetary cost of the activity to the organization. The EU, for example, works to improve the market economies of applicant states in order to minimize the future costs of enlargement. NATO, on the other hand, uses programs like the EAPC and PfP to promote peace and stability without actually offering membership to a great number of democratizers. As a consequence, NATO saves the potentially hefty security costs of over-extending its collective security guarantee.

Another consideration affecting what type of activities are used to promote IOs strategic and democratic goals involves the wish of the organizations and their member states to be politically sensitive to democratizers. No organization wishes to insult a democratizing state by being insensitive to their specific political and cultural sensibilities. A desire for political sensitivity is part of the motivation behind, for example, the OSCE using human rights language to describe their activities rather than using the terms of democracy promotion.

A final factor which affects what activities IOs use to promote strategies and democracy is the level of democratization present in the recipient state. The EU's extensive use of differentiation reflects this consideration. However, the CE, NATO and OSCE also consider the level of democracy in a given state when determining what activities will be implemented. With a greater level of democracy in a given state, the IO will use a more advanced democracy promotion activity aimed at higher-level democratic

values. An example includes the CE's offering of assistance with property and commercial law to advanced legal reformers discussed in Chapter III. Likewise, if a democratizing state shows a low-level of democracy, the IO will use an activity which caters to lower-level democratic values such as initial election monitoring which is practiced by the OSCE and CE.

Final Thoughts

It is difficult, if not impossible to attempt to evaluate the level of success of either the Western intergovernmental organization division of labour or of the individual strategies democracy promoters use. This is a significant problem of the entire democracy promotion field. One can determine what strategies are used, but not how successful they are. One reason for this difficulty is because it is impossible to isolate the independent variable (the strategy and its associated activities) from all of the other intervening variables which influence the democratization process. Likewise, it is difficult to determine the criteria of success – for example, when exactly does a democracy become consolidated.

One point, however, is clear – democratization is proceeding in leaps and bounds throughout the East European region. As has been shown above, democracy in most of the states of Eastern Europe has proceeded at a pace many times faster than early Western democratization. The EU, CE, NATO and OSCE have no doubt played an important role

in that progress. They use a division of labour to support both the four main necessary conditions for democracy – market economy, law and order, peace and stability and human and minority rights – and the four main threats against its consolidation – economic hardship, weak legal institutions, inter-state conflict, and ethnic tension. In order to do so, these organizations depend on a variety of activities including membership in their organization, or in an alternative association they have created for the purpose; advice, training and education; increased trade and aid based on democratic conditionality; peace enforcement; normative standard setting; and early warning, to name only a few. Their motivation has not always been purely altruistic – sometimes they are motivated by security, sometimes prosperity and sometimes because they just don't have anything else to do to legitimate their existence.

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