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PREFACE

Ambassador Martin EICHTINGER

Director General for Cultural Policy in the Federal Ministry for European and International Affairs, Vienna

Austria attaches great importance to its relationship with the Black Sea Region, representing as it does, not only an important crossroad between Western Asia and Eastern Europe, but also as it links the European Union with some of the most intensely developing countries on the shores of the Black Sea.

In this context, the Austrian Federal Ministry for European and International Affairs organized in Tbilisi, in collaboration with Professor Melanie Sully Vienna and Kornely Kakachia of the Georgian Institute of Politics, in June 2012 a follow-up meeting of the conference “The Culture of Governance” held in Odessa the previous year.

The present publication is the result of the conference held in Tbilisi and hosted by the State University. On this occasion, some of the best experts, academics, civil society representatives and diplomats from Ukraine, Russia, Georgia, Armenia, Turkey, Poland, Austria, the EU and the OSCE as well as several important NGO’s analysed the state of play regarding democratic culture and governance, progress made to date and challenges for faster implementation in the future.

Over the last 20 years, the whole region and especially the Caucasus has undergone important political, economic and social transformation. The region has experienced the lingering impact of former communist governments, globalisation and armed conflicts, some of which have not even been resolved today. Despite this, the region, and especially Georgia, has witnessed one of the highest growth rates in the World.
Internationally, the Black Sea Region attracts growing attention due to its strategic importance and its role as an energy transit corridor. But we must also recognize that the Black Sea Region is a zone of great diversity in complex and difficult transition and transformation. Issues of democracy, such as human rights protection, rule of law, media freedom and transparent economic governance as well as fighting corruption have to be tackled. The region’s future lies in strengthening democratisation and economic integration with the globalized world.

I sincerely hope that the organization of conferences and the present publication, which brings together contributions of speakers, participants and experts, helps to enhance a better awareness of the challenges facing the Black Sea Region and to foster constructive dialogue both with and within the region.

This publication with contributions from different viewpoints, e.g. Moldova, Ukraine, Bulgaria, Georgia, Turkey and Romania, intends to raise some important issues regarding the present political and institutional situation in the Black Sea Region.

My thanks goes to Dr. Oskar Wawra, Director of the Department of International Affairs of the City of Vienna, who has been our partner from the very beginning of the “good governance” project.

To conclude, let me also extend my gratitude to the authors of this publication and especially to Dr Melanie Sully, of the Go-Governance Institute and former professor of the Diplomatic Academy Vienna, who deserves the highest praise for her commitment to scientific research concerning societies and governments of the Black Sea Region.
Vienna plays an important role in the cooperation between the Danube Region countries, amongst them EU member states, and the Black Sea countries. This stretches not just to economic and cultural development but also to the enhancement of good governance to promote long term sustainability. Through city-to-city dialogues and events, Vienna has played an energetic role in raising awareness about common problems of municipalities. People find it comfortable to identify with their local city and through good governance, social and economic development can flourish. Some problems present challenges for the future and are specific to a country’s culture or environment. Nevertheless projects which seek to promote inter-cultural understanding and tolerance can pave the way for working on strategies which will work for the benefit of the peoples in the region.

The EU Strategy for the Danube Region (EUSDR)\(^1\) was adopted in 2010. The Danube Region is currently the home for 115 million people living in 14 different countries. The strategy for the Danube Region aims to secure, maintain and achieve social equality, prosperity and peace for the future in the region. Vienna is strategically well-placed to play a central role in this project and, like many other cities along riverways or on the shores of seas, knows only too well how important it is to secure populated areas from the hazards of flooding. Preserving the landscape for recreation and nature is part of the dialogue which is going on in this region supported by the EU. Vienna is a large hub on the River Danube and connects passenger and transport freight in the region.

\(^{1}\) http://www.danube-region.eu
Vienna has been working together with cities and regions – for example, in ARGE Donauländer\(^2\) and the Council of the Danube Cities and Regions\(^3\) – for many years. This has created a good basis for expanding collaboration through cooperation agreements with other cities, with the support of the Vienna liaison offices. The EU Strategy for the Danube Region represents another opportunity in this regard. Vienna is taking action in two ways: on the one hand, as a coordinator for the transnational implementation of Priority Area 10 (“To step up institutional capacity and cooperation”), and on the other, by participating in cross-border, transnational projects.

Priority Area 10, which Vienna has been committed to from the outset, comprises the exchange of expertise through cooperation at all administrative levels and for solving public administrative problems. This also includes the further development of civil society, better and more efficient cooperation in cross-border regions and the optimisation of efforts and the utilisation of financial resources.

Another area in which Vienna possesses a great deal of expertise is the exchange of experience and cooperation in the field of urban technology.

No city, no country, no region is isolated in this global world. Therefore the Danube projects and the City of Vienna are dynamically engaged with cities in the countries of the Black Sea Region including those which have already hosted “Good Governance” conferences eg in Odessa (2011), Tbilisi (2012) and Istanbul (2013). The books that accompany these conferences are also a part of what Vienna welcomes as an exchange of dialogues between countries with common but also diverse interests. Much can be learnt from exchanging information on citizen participation procedures for well-functioning communities. Only by engaging in such discourse and cross border cooperation can we secure the prosperity and stability of the region which in every sense is a neighbour of the Danube.

\(^2\) http://www.argedonau.at/neu/portal.html
\(^3\) http://codcr.com/
The City of Vienna supports this series of conferences and books coordinated by Dr Melanie Sully and was pleased to attend these events in an active capacity. The Batumi Summer School of 2012 organised with the support of the Austrian Federal Ministry for European and International Affairs, the Black Sea Trust, German Marshall Fund, and the autonomous republic of Adjara was an obvious success in bringing young people together from countries in the region where misunderstanding has regrettably too often held up dialogue. The City of Vienna could participate in the Summer School at Batumi University at the opening but also in seminars and discussion, another example of good dialogue. The City of Vienna has very good relations with the City and also region of Istanbul with its vast metropolitan hinterland. The inclusion of contributions from excellent experts from Turkey and the Caucasus as well as others in the Danube and Black Sea regions gives this project particular merit.
GOVERNANCE AND DIALOGUE
Melanie SULLY

Executive Director, Go-Governance Institute, Vienna
Professor, formerly in Political Science, Diplomatic Academy Vienna

Dialogue presupposes debate and a peaceful interchange of ideas. Talking is one part of dialogue and is part of a parliamentary culture which also by implication involves listening. Increasingly politicians themselves are required to engage in a dialogue with those they represent. More direct democracy is on the agenda in Europe in an effort to avoid apathy and to increase political participation.

A fair representation of all in society and the politics of inclusion helps such a dialogue in the interest of democratic governance. Diplomatic initiatives and “soft governance” can help as was mentioned at the “Good Governance” conference in Tbilisi, June 2012.

Today in Europe, from the United Kingdom to Turkey, scientists are still working on different models to best accommodate an increasingly multi-confessional and multi-ethnic society. All this involves governance and dialogue.

International cooperation and compromise rooted in consensus are essential prerequisites of good governance and important to build strong societies and regions. Only when real dialogue is possible in society eg between elites and the citizens, can democracy even begin to flourish. The history of the countries in the Black Sea Region shows that, if dialogue is not forthcoming or denied, prolonged political deadlock will ensue and with it comes economic paralysis. The societal collapse that ensues results in economic hardship hitting at least a whole generation. Over 20 years after the disintegration of the Soviet Union, much has to be done in overcoming the old mindset (the subject of the Good Governance conference and book of 2012, Tbilisi) but also in building communications across borders and across time, past and present.

1 See www.go-governance.com and www.gip.ge
In the twenty-first century, the tools available for this task have diversified and multiplied with the onset of social media networks, blogs, and Facebook. Mobile governance will become increasingly important to plug in young and old to the Region to the Information highways of European Union countries. This is particularly pertinent for countries where travel across borders is difficult although they may, geographically, be neighbours. It is relevant not just for teenagers posting holiday photos and social events but can also be used to give access to those in isolated areas and those, like the elderly, not so mobile physically. Similarly this form of communication can connect scholars between conferences and summer schools as happened with the students who took part in the Batumi Summer University 2012 which followed the Good Governance conference and was supported by the Austrian Federal Ministry for European and International Affairs, the City of Vienna, Black Sea Trust and German Marshall Aid with local partners. This provided a forum for cross-border dialogue in the interest of mutual understanding and tolerance. Young people came from Turkey and Armenia, Georgia, and Russia as well as Azerbaijan and Armenia to discuss conflicts and solutions in a constructive atmosphere. Their essays were also subsequently published in a booklet edited by Prof Kornely Kakachia of the Georgian Institute of Politics “Reinvigorating Cross Border Cooperation in the Black Sea Region: Visions for the Future.” This project was successful in gaining the support of the Black Sea Trust and the German Marshall Fund as well as the Robert Bosch Stiftung. Batumi is a modern and dynamic city, near the border to Turkey and with its rich history and

proud independence provided an ideal setting for the seminars and intercultural dialogue.

As Sergii Glebov in this volume notes, the language of those speaking “governance” transgresses borders and needs no interpretation. But sometimes within countries the dialogue between elites and their citizens is not functioning and communication even in the same language fails. Over the last year the parliamentary culture and dialogue in the Ukrainian parliament has regrettably failed to show much improvement. The resort to physical violence in debates has often exhibited an incapacity to find a peaceful dialogue. Listening is just as much an essential part of dialogue as the ability and freedom to speak. Parliamentary culture and dialogue need effective channels of communication between government and opposition. But whilst Kiev struggles to find a civilised dialogue, projects are underway in the Crimea, to work out new ways to communicate at local level to reduce prejudice and intolerance. Using video material from other conflict situations, progress has been made in opening up topics previously repressed and shut out of debate.

Another good example of cross-border cooperation is described here between EU member Romania and neighbouring Ukraine, countries that have a difficult past historically which can weigh down the present. Civil society and social media plays a role in the development of projects which serve to reduce tension, stereotypes and prejudice between the two countries. As the author here remarks, such projects show that “the rhetoric of the past is outdated and cannot be used in the contemporary world. It is not on the agenda of the European Union nor does it provide either Ukraine or Romania with any added value for the process of implementing their strategies in the wider Black Sea Region”.

Whilst conflict is an essential part of politics it cannot eclipse consensus and mutual understanding. A country like Austria understands this all too well with

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3 For an analysis of political cultures in the OSCE area, which includes all the countries in the Black Sea Region, see OSCE/ODIHR Background Study: Professional and Ethical Standards for Parliamentarians, Warsaw, 2012, www.osce.org/odihr/98924. This study deals with codes of conduct and behaviour in politics.
the history of the First Republic, after the First World War, when arguably all
the parties were engaging in opposition politics. This contrasted with the politics
of the Second Republic after 1945 when the big parties became aware of
governmental responsibility but for long were checked by a weak opposition.
Now the pendulum has come to rest somewhere in the middle but the journey to
dialogue has been long and not always simple.

For the first time in this book series on the Black Sea, Moldova is considered
separately, a country strategically placed and striving for a positive dialogue
with Europe. Here too emphasis is put on e-governance and open government to
improve the dialogue between elites and the citizens. Civil society and NGOs
can play a role here in helping peaceful ethnic co-existence and democratisation
as well as gender equality. Examples are given here of more active and
successful projects but civil society is donor dependent on external funding
which in turn influences its nature. It is important though for “western” donors
to understand the complexity of the civil society scene, otherwise they will be
faced with failed investments. Citizens have to remain at the heart of NGOs or
else “they become passive consumers of democracy development aid instead of
the driving force behind democratic change”.  

A section is also devoted to Russia and its rather vexed relationship with the
Council of Europe where despite some ups and downs the dialogue continues.
Russia, its language and culture also plays a predominant role in Ukraine and
changes on this front are examined here with the keen eye of a journalist.

This book also includes an EU country of five years standing, Bulgaria. Some
positive aspects such as relative stability appear and also, apparently influenced
by EU values, an improved dialogue with minorities is detectable. But the
relationship with Brussels is still passive and Bulgaria has not seized the
dialogue opportunity to shape the agenda. Nevertheless trust in “Brussels” is

4 See Orysia Lutsevych, Chatham House Briefing Paper, „How to Finish a Revolution: civil society
greater than trust in the national government by the population which contrasts with many EU countries who have longer membership experience\textsuperscript{5}. In Bulgaria too civil society has been making use of social media to promote its goals. The mobilisation dialogue has been evident in for example, environment protection and civil rights projects. Another example of EU dialogue is discussed with the case of Turkey. This is a dialogue with hurdles and disillusionment. But the dialogue is still ongoing. Civil society is playing a greater role and, on the question of constitutional reform, was involved for the first time in public consultations with parliament. Representatives of parties not represented in parliament, trade unions, NGOs but also those of non-Muslim minorities were officially received as described here. Again online consultation played a role in this dialogue. It can be said that in this the EU has played a part in giving civil society a certain legitimacy in the eyes of Ankara which has opened up chances for this new dialogue\textsuperscript{6}. Turkey is a reminder for the EU as also Russia, that there are other options open on the world stage viz China and Asia for dialogue. America whilst it is naturally close to Europe and has invested money, material and manpower into the continent has also cast an eye in that direction. How the EU will act towards the big power players in the Black Sea Region will be a test for the Union and its values\textsuperscript{7}. The contribution from Armenia with its obvious post-Soviet problems notes again that civil society is turning to social media to get its message across to the authorities. Conventional communication has limitations but through facebook and blogs the authorities are forced to engage in dialogue, and government ministries apparently follow the “postings” with keen interest eg on environmental issues, in order to be able to respond.

\textsuperscript{5} See also „Umfrage: EU entwickelt sich in falsche Richtung“, Die Presse, 24.1. 2013, APA, Eurobarometer. Bulgaria according to this poll has 60% trust in the EU compared with 25% in the national government; Austria has 37% trust in the EU and 49% in the national government. Average figures for the EU were 33% for trust in Europe compared with 27% for trust in own government.


\textsuperscript{7} See also Die Presse, 30.1. 2013, “Europa den Rücken kehren?” and “Türkei: „Dann sagen wir der EU auf Wiedersehen”.
Georgia has undergone an interesting dialogue experience in the last year defying the odds and offered an example of a peaceful transition of power in an election. It was only by big money from outside the country that such a challenge to the seeming prolonged party rule could be challenged. Through international pressure, media access for opposition parties was relaxed. The President conceded defeat for his party even as the results were coming in, a rare gesture for the ex-Soviet world, of “good governance”. Scientists are however cautious about the progress of this in Georgia and note setbacks. In 2014 the Olympics go to the Russian Black Sea resort of Sochi and time will tell if Georgian sportsmen and women really can participate or if once again sport will fall victim to a dialogue deficit.

Democratisation surges and waves ebb and flow in an unpredictable manner. As one commentator recently remarked on the Arab Spring, “in addition to blaming new democratic regimes for the sins of their authoritarian predecessors, critics also set absurdly high benchmarks for success, ones that lack any historical perspective. They interpret post-transition violence, corruption, confusion and incompetence as signs that particular countries (or even entire regions or religions) are not ready for democracy, as if normal democratic transitions lead smoothly and directly to stable liberal outcomes and countries that stumble along the way must have something wrong with them. In fact, stable liberal democracy usually emerges only at the end of long, often violent struggles, with many twists, turns, false starts and detours”8. This series on governance and the Black Sea follows these twists and turns seeing progress and stagnation. It seeks in addition to look through at good (as opposed to bad) examples of governance and records work in progress by civil society and media actors.

Dialogues thus play a big role in good governance, between parties, governments and citizens and the executive and the legislature. It is vital also in the quality of government and scrutiny of legislation which is increasingly

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8 “The Promise of the Arab Spring”, Berman, Sheri, Foreign Affairs, Jan/Feb 2013 pp. 64-74.
conducted in online public consultations. Dialogue contributes to transparency and helps to integrate citizens in the political participatory process. Social media has taken on an important dimension in this process of open government. This all differentiates mere government from quality government, from good governance, the focus of this book series.9

As long as people talk to each other they will hopefully refrain from shooting each other. As Irena Bokova, Director General of the United Nations Organization for Science and Culture (UNESCO) stated, “The intangible cultural heritage is our bridge from the past to the future”. From the beginning, after the nightmare of World War II, it was a basic aim of UNESCO to promote “the diversity of cultural expressions and the dialogue of cultures with a view to fostering a culture of peace”. In the decades after 1945, UNESCO elaborated on these principles. In 1972, a Convention Concerning the Protection of the World Cultural and Natural Heritage was signed, an important document strengthening respect and maintenance of valuable architectural monuments and protecting landscapes worldwide whose preservation is a task for governments and a matter of responsibility for societies and individuals. In 2005, a Convention on the Protection and Promotion of the Diversity of Cultural Expressions was adopted.

In this spirit UNESCO is now dealing with projects such as Routes of Dialogue, a Caucasus Project and Post-Conflict Mediation. Where different traditions meet, there may be conflict and misunderstandings but also fruitful exchange and mutual enrichment which can be fostered with youth and education. The United Nations World Conference on Human Rights, 1993 adopted a Vienna Declaration and Programme of Action making a direct link between human and

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cultural rights in their diversity, stating that “the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind”.

A UN Background Note of 1995 noted that, as part of international law, “universal human rights do not impose one cultural standard, rather one legal standard of minimum protection necessary for human dignity”. 2 This is culture in the widest sense, going beyond intellectual and artistic creativity to the very spirit, in which a rule of law enables a framework in which people can live and act freely.

The European Union, aware of the fact that “culture lies at the heart of human development and civilization” adopted in 2007 an agenda for Culture in a Globalized World, referring to the importance of intercultural dialogue, cultural diversity and culture as a catalyst for creativity, considering the promotion of culture as “a vital element in the Union’s international relations”. 3

Although there can be hope that human rights, non-discrimination, tolerance and cultural pluralism prevail, the contrary has often been the case. In wars and civil wars, in Europe and the Balkans at the end of the last century, there were attempts to eradicate the Memory of the Other by destroying places of worship important for national heritage.

Migration, organized crime and terrorism, have contributed to less openness and multiculturalism and instead have promoted prejudice and xenophobia. “Other” cultures are sometimes seen as a threat to identity.

We like to see culture as a bridge, but it is very often misused as a weapon. The example of the Balkans shows that one can construct a theory of “national culture” ignoring the continuous dialogue of styles, ideas and values. There maybe a legitimate search for a specific identity which is quite complicated and often contradictory.

But those who do not care about the past can hardly hope to master the present and will fail to meet the challenge of the future. Without roots, there is no solid guidance for further development. Here again UNESCO launched back in 1992, a Memory of the World Programme focussing on preserving documentary heritage kept in archives, museums and libraries, ensuring better access and increasing awareness of the importance of such treasures.

This brings us to the old connection between history, memory and culture. The well-known Austrian writer Ingeborg Bachmann once said that history is a teacher, but has no pupils. In the nineteenth century, France had to suffer defeats - Leipzig, Waterloo, then Sedan. The Italians saw the Austrian Field Marshall Radetzky as a bogyman while the Austrians looked on Garibaldi much the same way. The Hungarians never forget their thirteen martyrs of Arad, executed in 1849 after the suppression of their national revolution by Austrian and Russian troops. The Poles call up their great past before the partitions of Rzeczpospolita between 1772 and 1795 and saw themselves as a Christ among Nations, cultivating their martyrs in the anti-Russian uprisings of 1830 and 1863. The national awakening of Czechs was linked by historians with the lost battle on White Mountain in 1620 and the Prague Blood Court of 1621. The Ukrainians discovered their old heroes in identifying themselves with Chmielnickis Cossacks, whose uprisings they saw as a freedom fight whereas Poles and Jews recorded them as horrible massacres. The Serbs could not forget

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4 Ingeborg Bachmann(1926-73), “Die Geschichte lehrt dauernd, aber sie findet keine Schüler”. 

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their Kosovo Polje battle of 1389 against the Ottomans. Last but not least, the Austro-Hungarian heir archduke Francis Ferdinand was assassinated in Sarajevo on that very battle day, but in 1914, whose fateful consequence was World War Such has been the history, memory and complexity of modern Europe.\(^5\)

The memory of atrocities is still present and should not fall into oblivion but maybe after all history can act as a “teacher” to avoid repeating failures, war, tyranny and barbarism. We can try and concentrate on peace, conflict prevention and conflict management – that is the art of modern diplomacy. Such preventive diplomacy tries to bring about a constructive climate free from aggression and revenge. This can be done by bringing about dialogue and mutual understanding. Differences of opinions and interest will always exist but the point is how we resolve them. For this people need to listen to different accounts and perspectives. It starts with peace. That is why the European architecture is an architecture of peace and cooperation among nations. Peace can never be taken for granted but has to be constantly worked on.

In Austria there were often debates about the question of involvement in war crimes, responsibility and guilt with both perpetrators and victims playing a role. We have to deal with all kinds of heritage from the past in an energetic dialogue and only then can we come to a new and honest understanding for the future. To continually cite the outrages of others does not help. Wrongdoings from one side do not justify wrongdoings on the other side. As a positive example it is worth

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recalling the Open Letter of Polish Bishops to their German brothers back in 1965, entitled “We forgive and ask for forgiveness”; the beginning of a dialogue among former enemies only later followed at governmental level.6

Austria helped to build bridges in the Balkans, a theatre of tragic civil wars and atrocities in the ‘nineties after the break-up of former Yugoslavia and contributed with different projects of her Foreign Ministry to overcome moral mental barriers. Intercultural dialogue and participating in conferences like “Good Governance in the Black Sea Region” is today a good example in this tradition.

It is good to cherish ones positive heritage, the richness of national achievements over centuries, arts, architecture, literature, science and research, contributions to mankind in mutual respect and exchange of views, complementary experiences and intellectual trends, necessary for creating a feeling of collective identity, inclusive and open-minded, based on our European past, made of Greek and Roman antiquity, a Christian and Jewish tradition, the legacy of Humanism and Enlightenment, Gothic cathedrals and Italian Renaissance. Islam is, by the way, also a part of European heritage.

The future has a long past according to the Babylonian Talmud. God has given Hope a brother, called Memory, said Michelangelo. That is why understanding the culture of the past means building a bridge to the future.

The ultimate objective of the Republic of Moldova is to one day join the EU. In recent years, the Moldovan Government has logged in a credible track record of reforms, especially in the areas of justice and home affairs, respect for human rights as well as consolidation of democratic institutions.

In the course of our relations with the EU, the Republic of Moldova (hereinafter Moldova) engaged in an intensive process of approximation of EU standards, which since 2009 was enhanced both in the framework of the bilateral and multilateral dimension of the Eastern Partnership (EaP).

Moldova takes an active part in the EaP and used all the opportunities, aiming for a closer political association and deeper economic integration with the EU. We want to become a success story of the EaP and hope that by the EaP Vilnius Summit in 2013 we will manage together with EU to set up new targets.

Our aim for the second half of 2013 is to sign the EU-Moldova Association Agreement, which will include as well the Deep and Comprehensive Free Trade Area (DCFTA). Another objective is to implement the Visa Liberalization Action Plan, which contains a comprehensive agenda of reforms in the justice and home affairs sector. This will pave the way towards a visa-free regime with the EU.

All this should move Moldova forward to a new, reinforced agenda with the EU in line with the Treaty of the EU and recognise the right of Moldova as a
European country, to apply for EU membership. The “more for more” and differentiation, the driving principles of the EaP, should be applied in this context.

This short overview of the EU-Moldova agenda clearly shows how multilayered and enhanced the reform process of the Government has become. One even could conclude that this effort encompasses similar activities to those carried out by countries that perform an accession agenda. Consequently, it is obvious that this agenda has a direct and inevitable impact on the public administration capacities and respectively implies a sustainable process of adjustment of good governance practices, a process on which we already embarked in close cooperation with our EU partners.

Moldova highly appreciates the consolidated efforts and the advice received from the EU in the implementation of these reforms. Many achievements registered up until now would have been more challenging without the guidance and financial support that the EU provided to our country\(^1\).

Thus, our efforts were encouraged by the increase in EU assistance with the European Neighbourhood and Partnership Instrument (ENPI), which from 2007-2010 amounted to 83-114 million Euro and for the period of 2011-2013 the figure was 95.6-109.2 million Euro. The main sectors supported are democratic development, good governance and regulatory reform. As a result of the implementation of the EaP “more for more” principle, Moldova was the first Eastern partner to receive from the EU a top-up of 28 million Euro, designed to sustain the course of reforms in the justice, rural development and health sectors.

\(^1\) For more see, http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/moldova/moldova_en.htm
Moldova benefits as well from a number of technical assistance instruments like Twinning, TAIEX (Technical Assistance and Information Exchange) and SIGMA². Additionally, Moldova participates in the EU Programs and Agencies. Another important component of EU support, which was also intended to sustain the efforts of Moldovan authorities in the establishment of good governance, is the EU High Level Policy Advisors’ Mission (EUHLPMAM)³.

The future Association Agreement requires reform of Moldova’s public institutions responsible for the implementation of the respective commitments. In this sense, the central public administration reform (CPAR) process represents the relevant platform for establishing a modern and efficient central public administration system, in accordance with the principles and best practices of good governance of the European Union.

Through the CPAR, Moldova aims at achieving, at optimal cost, better performance in administration, which would take into account citizens’ interests and rights, the expected result being, a more innovative, flexible and efficient central public administration, with transparent operations, and accountability mechanisms.

One of the tools offered by the EU within the EaP framework that will support the Government in the sustainable implementation of the CPAR is the so-called Comprehensive Institution Building Program (CIB). There is a direct interdependence between the CIB and ENPI in addressing institutional capacity-related issues. For instance, progress toward a sector reform programme of rule of law will ensure a more effective judiciary and law enforcement system, and in turn will drive forward institutional development in specific rule of law related areas.

E-Governance

Another important priority of public administration reform to ensure transparency and efficient management of governmental activity is E-Governance. Recently we designed and launched an E-Governance system, which is intended to support Moldova’s efforts to modernize public services, improve competitiveness toward sustainable economic growth, build human capital and promote social inclusion. It also underpins the larger vision of Moldova’s wish for integration with the European Union.

This modern instrument facilitates interaction between the Government and Parliament with citizens, aiming to bring public authorities closer to citizens and involving them in the governance process by using information and communication technologies and by creating more than 230 e-services in education, health care, social protection, and agriculture, as well as all e-services that are compulsory in the European Union.

Additionally, the E-governance programme aims at the development and implementation of the legal framework on e-transformation and e-Government on the basis of best EU practices. It offers a platform for the introduction of e-voting and to support a participatory democracy by electronic systems, establishment of e-procurements to diminish corruption and bringing about transparency in the decision-making process by displaying on-line open Government data.

Under the “Governance e-Transformation” project, the Moldovan Government is developing an electronic visa service. This e-service will make it easier for foreign citizens to obtain a visa to Moldova without the need to travel to an Embassy or Consulate.
Migration and Governance

Another example of progress achieved not only in developing good governance practices but also sharing them with other partners in this context is the EU-Moldova Mobility Partnership, a tool of the Global Approach to Migration and Mobility of the EU, that outlines the opportunities of the Republic of Moldova and its partners to manage migration in an effective manner which is consistent with the principles of good governance.

To stress the great potential that migration holds to contribute to growth, development and stability of the country, a pilot initiative, started at the end of 2011, to mainstream migration into development of the Republic of Moldova is being implemented by the State Chancellery and other institutional and international partners, which aims at developing a context-specific, evidence-based, participatory, and holistic approach to migration and development at the national level.

The data-based migration policies of Moldova are also supported by a new Extended Migration Profile of the country, which is designed to achieve policy coherence, identify and address data gaps and needs regarding current migration patterns, labour market trends, legislation/policy frameworks, and information on remittance flows, Diaspora and other related data. It should be noted that, the Extended Migration Profile has been developed within one of the important initiatives of the Mobility Partnership, directed to support the implementation of its migration and development component, reinforcing and translating the principles of good governance into practice, while taking advantage of this effective and successful framework for cooperation between Moldova and EU.
In conclusion given the support and guidance received through various EU instruments and such advanced cooperation between Moldovan authorities and EU institutions, our country is able to consolidate these efforts and embrace ambitious objectives, preparing ourselves for an even more enhanced agenda of reforms when Moldova will advance to the next step on the way to integration with the EU.
Moldova is a small country both in terms of size\(^2\) and population\(^3\), squeezed in between Romania and Ukraine, with limited access to the Black Sea\(^4\), multi-ethnic\(^5\), composed of two major territorial units, Bessarabia and Transnistria, which have been locked in a so-called ‘frozen conflict’ since the 1990s. The population of this multi-ethnic country has so far been unable to agree on the correct title of its state-forming nation and on the name of its state language\(^6\). Professing Orthodox Christianity, its Church is divided, with one branch adhering to the Moscow Russian Orthodox Church, and the other to the Romanian.

At the same time, this is the country which reached a cease fire within a year after the start of military hostility in 1992 and has successfully kept it ever since. Moreover, there is almost full freedom of movement of the population across the

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2 Moldova is slightly larger than Belgium or the US state of Maryland in territory and almost 2.5 times smaller than Austria both in terms of territory and population. CIA Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/md.html>

3 The population of Moldova is at about 3.6 million, according to the 2012 estimate of the Moldovan National Statistical Agency <http://www.statistica.md/category.php?l=ro&ide=103>&>

4 Many sources, including the CIA Factbook classify Moldova as a landlocked country (<https://www.cia.gov/library/publications/the-world-factbook/geos/md.html>). This is no longer entirely true: a Moldovan port ‘Giurgiulesti’ is operational since 2006. More on this is available at: <www.gifp.md>

5 Main ethnic groups: Moldovan/Romanian 78.2%, Ukrainian 8.4%, Russian 5.8%, Gagauz 4.4%, Bulgarian 1.9%, other 1.3% (2004 census, the region of Transnistria is not included). CIA Factbook, <http://www.statistica.md/category.php?l=ro&ide=103>

Dnestr/Nistru River,\textsuperscript{7} enabling travel across the country; by all accounts business is united across the border\textsuperscript{8}. However, a political solution for the “frozen conflict” has still to be reached.

**Civil Society and Good Governance**

Transition to democracy in Moldova is a slow process. Political instability\textsuperscript{9}, the ‘frozen ethnic conflict’ combined with poor economic development, created distrust in the political establishment among citizens and caused withdrawal from active participation in society. On top of this, a substantial part of the active labour force left the country in search of better economic opportunities abroad\textsuperscript{10}.

Under these conditions, the role of civil society, as represented by the non-governmental organisations (NGOs), is of utmost importance in keeping the territorial integrity of the country and in providing a secure environment for its immediate and more distant neighbours as well as in promoting peaceful ethnic coexistence for people from both sides of Dnestr/Nistru river. Civil society contributes towards Moldova’s democratisation and works towards steady economic development and gender equality, contributing to the overall aim of building a sustainable democratic society, based on the rule of law and the principle of good governance.

Studies show that currently in Moldova there are almost 8,000 civil society organizations\textsuperscript{11}; however, only about 100 NGOs are fully active and operational,

\textsuperscript{7} Dnestr/ Nistru river is dividing Bessarabia and Transnistria.

\textsuperscript{8} Коноплев Роман Евгеньевич, 2010 Европомет для Приднестровья

\textsuperscript{9} Political stalemate in Moldova lasted from 2010 to 2012, when the newly elected parliament failed to elect the president in repeated attempts.

\textsuperscript{10} The main destinations for Moldovan labour force are Western Europe (mainly, Italy, Spain and Portugal) Russia, Ukraine and Israel. More on Moldovan labour force migration to Italy in: Diana Digol, Миграция дин Молдове: гидул премиум мунтор? Moldoscopie, nr. 3, 2006, Universitatea de Stat, Moldova. More on Moldovan labour migration more broadly, see: Moldova: Coming home. United Nations videos. <http://www.youtube.com/watch?v=UP7t7ussGKw&list=UU5O114-PQNYkurlTg6hekZw>

implementing the projects claimed by their mandate. The main reasons are
general apathy of people, distrust in public authorities and low confidence in
efficiency and non-partisanship of the NGO sector\textsuperscript{12}. However, there are
prominent NGOs which have been successful in carrying out meaningful
projects and have achieved results.

In this article we demonstrate the work of civil society in addressing four main
issues:

• territorial integrity of the country and secure environment for its immediate
  and other neighbours;
• peaceful ethnic coexistence of its people across the country;
• democratisation of the country and economic development, and
• gender equality.

In this short survey we do not claim to be exhaustive in terms of NGOs working
in each of these areas, nor in terms of the projects each NGO carries out in any
specific area. Rather we aim to highlight the work of some NGOs, which are
arguably better known, either because of their position or because of the projects
they have implemented and results achieved.

**Territorial Integrity and a Secure Environment**

*The Promo-LEX Association*\textsuperscript{13} is a non-governmental organization focussing on
the promotion of democratic values and the implementation of internationally
recognized standards in Moldova. The Promo-LEX team consists of human
rights activists striving for change within society, advancing democracy and
combating human rights violations in Moldova. Promo-Lex works directly with
public officials, non-governmental representatives and other beneficiaries from
Transnistria, providing legal consultations to ordinary citizens, and trainings and

\textsuperscript{12} See also, Orysia Lutsevych, “How to Finish a Revolution: Civil Society and Democracy in Georgia,
\textsuperscript{13} Promo-Lex, < http://promolex.md/index.php?module=about&item=62 >
advocacy for changes at the governmental level on both sides. Serious violations of human rights were brought by Promo-Lex to the attention of the European Court of Human Rights14. Furthermore, within its programme on ‘Human Rights & Litigation’, the Promo-LEX organized a special event on ‘Challenges to the protection of human rights and fundamental freedoms in the Transnistrian region of Moldova’15 during the 2011 OSCE Human Dimension Implementation Meeting16, bringing a delegation from Transnistria.

*International Committee for Civic Diplomacy*17 Moldova is a part of the dynamically developing European network of youth human rights organisations, working in the states of Central and Eastern Europe. The organisation is engaged in the realisation of youth educational projects that aim to promote the rule of law, democratic principles of interaction between state and society and youth involvement in the decision-making process. In its projects in Moldova this NGO targets youth groups from all across the country, including Transnistria. Significant steps were made in encouraging young people from both banks of the River to come together in a constructive dialogue, based on respect for human rights and mutual understanding aiming at building together a community with no social or linguistic barriers. ICCD Moldova team managed to increase the level of cooperation and confidence among young people for civic engagement. In particular, its recent project ‘activating youth citizenship participation for social integration’ aims at enhancing cooperation of young people from both banks of Dniester River on civic participation for sustainable development and social inclusion. Another project involves young people from

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17 International Committee for Civic Diplomacy, <www.civicdiplomacy.org>
both regions and aims to encourage youth participation in decision-making at local levels. A more recent initiative is ‘ethnic minority youth leadership training’\textsuperscript{18}.

Although the Transnistrian conflict is high on the political agenda, both domestically and internationally, there are few non-governmental organizations which focus exclusively on promoting the territorial integrity of the country. Given the recent success of the meetings between Moldovan and Transdniestrian leaders, hosted by the OSCE,\textsuperscript{19} this is the lacunae in the NGO landscape which needs to be filled.

**Promoting Peaceful Ethnic Coexistence Across the Country**

*The Resource Centre for Human Rights (CREDO)*\textsuperscript{20} is a non-profit organization that works in the field of human rights, advocacy and democratization of civil society. It acts with civic attitude in solving the problems of public importance, employing such tools as public initiatives, lobby and advocacy activities. This NGO played an important role in joint civil society efforts to establish a National Council of Participation and the National Council of NGOs from Moldova, so that the citizens could “voice” their needs to the government; some NGOs gained a right to attend selected parliamentary sittings.

*Youth Centre Pilgrim-Demo* aims at developing civil society and democratic institutions in Gagauzia\textsuperscript{21} through increasing the participation of young people in political, economic and social life, preventing all forms of discrimination, promoting the principles of tolerance and intercultural dialogue, and developing

\textsuperscript{18} International Committee for Civic Diplomacy, \textless http://civicdiplomacy.org/new/index.php?newsid=145\textgreater \\
\textsuperscript{19} OSCE hosts meeting between Moldovan and Transdniestrian leaders, June 2012, \textless http://www.osce.org/moldova/91529\textgreater \\
\textsuperscript{20} Resource Center for Human Rights, \textless http://www.credo.md/singlepage?id=7\textgreater \\
\textsuperscript{21} Gagauzia is an autonomous region in the south of Moldova, populated by the descendants of Turkish tribes but practising the Orthodox religion.
cooperation with international youth organizations. Its projects include the promotion of free and fair elections in various parts of Moldova, particularly in Gagauzia\textsuperscript{22} through information campaigns and election observation\textsuperscript{23}.

The Russian speaking population of Moldova gravitates around the Congress of Russian Communities in Moldova\textsuperscript{24} and the League of Russian Youth in Moldova\textsuperscript{25}. These NGOs aim at protecting the Russian ethnic minority of Moldova and promoting the idea of Russian as a second state language; they organise resistance to the idea of unification of Moldova with Romania.

*National Roma Centre* is an organization that works with and for Roma people and aims to fight the existing stereotypes, improve the image of Roma in society and provide opportunities for their full integration in Moldovan society. The Centre organises roundtables and trainings inviting Roma and non-Roma participants, conducts field research and publishes articles and reports with information about social and educational benefits. It provides assistance to Roma women on participation in public life and assists Roma community members with job-hunting. The organization is concerned with respect for human rights and the democratization of state institutions with a view to improving the situation of Roma in Moldova. Recent projects include ‘empowering rural Roma communities’ and ‘advancing policies for Roma at the local level’.

The NGOs working with and for different ethnic groups are dispersed and do not cooperate with each other, despite the stated goal of promoting peaceful ethnic coexistence among peoples inhabiting Moldova. Lack of cooperation is

\textsuperscript{22} Promoting the free and fair election in Gagauzia and Republic of Moldova, <http://www.piligrim-demo.org.md/index.php?go=activities&n=9>


\textsuperscript{24} Congress of Russian Communities in Moldova, <http://krorm.ru/>

\textsuperscript{25} League of Russian Youth in Moldova, <http://www.ligarus.org/>
often a result of dependency on external funding and thus the need to integrate the requirements and preferences of the donor, which sometimes results in incompatible goals and difficulties. At the same time, each of these NGOs unites around themselves major ethnic minorities of Moldova, and this has the potential to become a powerful constructive force in the further democratisation of Moldova, assuring respect of human rights, regardless of ethnicity.

**Contributing to Moldova’s Democratisation and Economic Development**

The *Institute for Human Rights (IDOM)* is an independent, non-profit organization aimed at human rights protection. IDOM monitors adherence to the international commitments made by Moldova as a member of the United Nations, Organization for Security and Co-operation in Europe, Council of Europe, etc. The main goal of IDOM is to help, educate, promote and protect the rights and freedoms set out in national legislation and international commitments. IDOM works with particularly vulnerable groups, such as the disabled, detained, or HIV/AIDS infected, informing them of their rights and providing assistance to ensure their enjoyment of these rights. At the same time, IDOM carries out educational campaigns of society promoting tolerance and non-discrimination for these groups. Serious cases of human rights violations against these groups are brought to the attention of the authorities. ‘Promoting respect for the principle of non-discrimination of disabled persons in the Republic of Moldova’ and ‘strengthening capacities of local commissions on monitoring places of detention’ are among its most recent projects.

The *Institute for Development and Social Initiatives IDIS-Viitorul* is an institution of research, education and outreach, working on various fields, such as economic analysis, governance, policy research, strategic planning and knowledge management. IDIS acts as a common platform that brings together young intellectuals concerned with the success of the transition to a market
economy, democratic society in Moldova and its European integration. The organization works for the creation of democratic institutions, developing accountability among politicians, civil servants and citizens of the country, strengthening civil society and critical thinking and promoting freedoms and values of an open society. Over the years, the NGO has developed new policy options, generated a policy dialogue and cross-sectoral communication, and has come up with new initiatives on for example conflict resolution, and challenges of democratisation. ‘Governance in the public sector’, ‘a functioning market economy’, and ‘developing competitive society’ are among its on-going projects.

*National Assistance and Information Centre for NGOs in Moldova CONTACT* is a non-governmental organization aimed at supporting democratic processes in society, building civil society by encouraging civic initiatives and promoting and developing ideas of an open society. The Centre is also active in developing and strengthening civil society and supporting coalition processes of non-governmental organizations, to promote democratic principles and values in Moldova. The NGO carried out an Electoral Education Campaign throughout the country ‘vote with thought! Choose freely’ and ‘campaigns of electoral education’\(^{26}\). More recently\(^{27}\), the Centre organized the first Gala of Best Practices "promoting transparency in the NGO sector", where the non-governmental organizations had the possibility to meet each other, share information about their activities and objectives as well as discuss ways for joint cooperation in the democratization process of Moldova.

Moldova is a successfully democratising country. At the same time, it provides fertile ground for many imperfections of democracy. Lack of respect for the rule


\(^{27}\) On 27.6. 2012
of law, galloping corruption and governments’ posts ‘on sale’ do not help a smooth democratisation or steady economic development. The NGO sector works hard on disclosing cases of ‘wrong-doings’ among officials, organising educational campaigns for the population, promoting legal amendments which would curb corruption, and providing information support for the most vulnerable in society. However, many of these NGOs themselves struggle to keep going over a long period of time and are themselves vulnerable to the whims of corrupt officials, who control the power loci. More programmes on curbing corruption and training on NGO sustainability are amongst the most pressing needs in Moldova.

Working Towards Gender Equality

Center Partnership for Development PROGEN specialises in women’s political participation and has conducted gender monitoring for three national and two local elections within the last four years in order to better understand gender equality issues within the election process. For this, Progen monitored female representation on candidate lists and in election management positions, in addition to monitoring the media reflection of women throughout the campaign, voters participation and candidates’ electoral platforms. This project was successful and no previous election in Moldova had ever been monitored through a gender perspective and it provided new, useful data for further research. Other projects included providing leadership trainings for women in rural areas, and developing a leaflet ahead of elections, specifying the steps still to be undertaken by various electoral stakeholders (Central Election

28 Provocările președintelui Timofti, <http://adevarul.ro/moldova/politica/provocarile-presedintelui-timofti-
1_50aee54e7c425a6c3e0/index.html>
29 Center Partnership for Development PROGEN, <www.progen.md>
Committees, political parties, mass media) in order to promote full gender equality in the election period.

*Club of Women 50/50 (local)* is another prominent Moldovan NGO working on women’s political empowerment aiming at encouraging women to actively participate in the socio-political local, national and international life by offering consultancy and workshops for women. This NGO implemented over several years an adapted version of the Norwegian project ‘Women Can Do It’ targeting the areas of decision-making at local, regional and national level, in elected and appointed office, with the aim of increasing women’s participation in the political life of Moldova. A specific project for Roma women was also carried out.

*The Gender Center*[^32] is a research and training NGO, with a team of professionally trained members in different research areas focussing on gender and development issues. Its mission is to promote gender equality as one of the basic principles to consolidate democracy in Moldovan society. Gender Center has been active in national and regional work in the area of gender equality. The Center carries out the work on a broad range of gender issues from electoral education of women, to domestic violence, providing programmes for the social, legal and economic advancement of women.

The NGOs carrying out the work on gender equality are proud of many achievements, including a female speaker of the parliament, prime-minister and currently, the deputy speaker of the parliament. However, there are only 20% women in parliament, so there is a lot of work still to be done. Thus, there are programmes dedicated to gender education of public officials and professional politicians, in particular men, explicitly designed to address men’s issues in

Moldova. Also there are projects supporting the work of NGOs for creating a women’s cross-party organisation in parliament, as well as further support for the re-birth of a “women’s movement”.

Conclusion
There are several thousand NGOs registered in Moldova but only a small minority are fully-fledged and operational. In this article, we provided some highlights on the NGO landscape in Moldova. This is by no means a full list of NGOs which implement projects in the areas we have mentioned. These examples serve just to illustrate the work of civil society in Moldova. Nevertheless, overall, there is a small group of active NGOs, that are consistently active in addressing the issues of their established and proclaimed mandates.

While the legal system and regulations do not seem to create serious impediments to NGO activity, many are struggling for existence and are almost completely dependent on donor funding. This results in NGOs spreading their efforts over a large number of activities to make them eligible for funding by diverse donors. On the other side, this necessarily means weak specialisation and expertise. Furthermore, lack of funding also prevents a follow-up on the projects previously implemented. A specific proposal in this regard is to provide training on fund raising techniques and mobilisation of internal funding for NGOs.

The work of the majority of NGOs is done in the state language, which by default excludes a significant part of the population who are not fluent in the current state language. These are people who share two or more of the points below:

- belong to national minorities;
- do not live in the capital, but in small ethnic enclaves across the country;
- are over 50 and often not in the labour force.
Due to ethnicity, age or place of residence, these people are almost completely deprived of any protection by NGOs of their political, economic or social rights. Thus, supporting the work of NGOs who offer help and assistance in various languages relevant to Moldova would provide an outreach to the people, currently left out of the loop of not only NGOs but also the government.

A substantial number of NGOs are concentrated in the capital city. Work in rural areas is going on but it is sporadic. Providing support to NGOs with headquarters in the capital to establish permanent branches in rural areas as well as support for the creation and permanent function of NGOs outside the capital, for example in far remote areas, is another priority.

A democratic society requires the existence of a multiparty political system, a competitive market economy, and active and responsible citizens. A strong civil society and its non-governmental organisations is the most effective way of addressing this while at the same promoting democratic values and good governance. The civil society sector in Moldova has already manifested itself through a number of positive changes in community development, contributing to the political and economic agenda of the country.

Thus further support of NGOs both by national governments and the international community is imperative, to enable them to further carry out activities described in this article. This on-going dialogue will promote democratic good governance in Moldova and in turn strengthen its own dialogue with the European Union.
The relations between Romania and Ukraine, both Black Sea littoral states with a complicated history, cannot be assessed as the best in the region. Not only are both countries influenced by the ghosts of the past but there are also many new problems often rooted in misperceptions and non-existent threats that poison a meaningful dialogue between Kyiv and Bucharest.

What makes the situation even worse is that quite often politicians and media representatives exploit existing negative stereotypes. Thus media resonance caused by problems in relations between the two countries, overshadows positive developments and good practices.

Under such circumstances the task for civil society institutions is to define a positive agenda for cooperation, suggest possible common solutions for policymakers in Romania and Ukraine and enhance the dialogue between the interested stake-holders in both countries. Sometimes this turns into quite a challenging task since very often attempts to achieve common solutions and to shape activities around a win-win approach, are perceived as betrayal of national interests and those who follow such goals are considered to be alien agents. However, despite this, there are still enthusiasts eager to try.

**Dialogue Projects**

One positive example was the Project «Ukraine-Romania Relations: Perceptions, Perspectives, Priorities» initiated by the Strategic and Security Studies Group and supported by the Black Sea Trust for Regional Cooperation (Project of the German Marshall Fund of the United States). The project idea
was to put together experts from Romania and Ukraine and to let them voice their concerns regarding bilateral relations between the two states and elaborate alternative scenarios for effective and efficient interaction between these countries.

The project idea was rooted in numerous discussions within multilateral projects that indicated mutual interest of Ukrainian and Romanian expert society to move together on the way to building strong ties between the countries that potentially can convert their cooperation into significant influence in the Wider Black Sea region.

Among other activities covered by the Project was an experts’ poll aimed at defining priorities of both countries and obstacles that strained joint cooperative efforts on achieving mutually beneficial results. An interesting point in this regard was that at least on the level of the expert community, there is an understanding that there is more in common between Ukraine and Romania than controversies that divide.

The Project was quite a success since the team managed to set up links not only between the representatives of civil society in the two countries but also offered the floor to diplomats (respective ambassadors were interviewed and representatives of the respective foreign ministries consulted the authors of the project monograph) for outlining the priority areas for negotiations between Ukraine and Romania. It proved useful because the project team could provide the officials with a possibility to share the concerns in semi-formal environment. Therefore the diplomats had the possibility to discuss points normally out of bounds during the official talks and to get the proper responses. Think tanks which organized the Project in this regard served as an important part of the negotiation chain.

The approbation of the project methodology and instruments took place at the meeting of the Expert Council of BSPN – Black Sea Peace-building Network in Chernivtsi on 17.9. 2011. In addition, preliminary results of the experts’ poll and
of research conducted within the project were discussed within a wider audience, at the workshop which was the side event of a bigger event viz. the Black Sea NGO Forum which took place on 24-25.10. 2011. Undoubtedly, such a format enriched the discussion since not only the representatives of Ukraine and Romania but also experts from other Black Sea countries had a chance to share their opinions regarding the relations between the two countries. The event was attended by high-ranking Romanian officials who expressed their interest in further events and activities of the Project.

No less important was the fact that the workshop was the first attempt to start a regular dialogue between Romanian and Ukrainian experts. ¹ Another important achievement of the Project team was the interest the Project aroused with the legislative body in Ukraine. In particular, the final event of the Project was organized by the Strategic and Security Studies Group with the assistance of the European Integration Committee of the Parliament of Ukraine. The interest of parliamentarians shows that there is an appreciation that not only the dialogue with Brussels, but also relations with neighboring EU countries have a role to play on the European path of Ukraine.

The Project monograph presented contained a number of policy-oriented recommendations which should be looked on as guidelines for shaping the agenda of further development of relations between Ukraine and Romania.

Among the key recommendations were the following (extracts):

• “to continue the process of combating misunderstandings and trust building. Within this context it is necessary to avoid stereotype-based perception of each other as unfriendly state and to skip the practices of aggressive rhetoric towards the neighboring country”,

• “European integration of Ukraine should be a basis for the development of partnership relations between Ukraine and Romania”,

¹ In this regard the Strategic and Security Studies Group welcomes the follow up initiative of the Institute of World Policy and the Romanian Centre for European Policies that launched the annual Romanian-Ukrainian civil society forum, which started in Bucharest 24-25.5. 2012.
• “to re-launch all existing mechanisms of bilateral cooperation between Ukraine and Romania”,
• “Ukrainian and Romanian communities on the respective territories of Romania and Ukraine must serve as a bridge between the two countries”,
• “to realize the initiative of joint ecological monitoring within Danube basin” etc².

Another indicator of the relevance of the Project was that the completed project monograph was requested by both the Foreign Ministry of Ukraine and that of Romania and hopefully the recommendations presented by the authors will be taken into consideration by the policy-makers when shaping the further agenda of the bilateral dialogue.

Expert Consortium

Besides these project outcomes and outputs it is also worth mentioning that the project team created a new informal group named Ukraine-Romania International Experts’ Consortium, a platform for the exchange of opinions regarding burning issues in Ukraine–Romania bilateral relations. This group discusses new initiatives, shares research findings and looks for follow-up project partners. Now the group has more than 80 experts from Romania, Ukraine, Moldova and other countries and the number of those interested is growing. It is worth mentioning that at the early stages of the Consortium, experts were invited to join the Consortium but now many ask to join of their own accord.

Although at the very beginning the Consortium used mailing lists as a means of communication, over the last year social networks are mostly used to disseminate information. Such an approach enables Group members to communicate interactively and to react promptly on controversial issues in bilateral relations.

A high point in the activities of the group coincided with the visit of the Minister of Foreign Affairs of Romania to Ukraine in autumn 2011. An important result of the discussions at that time was the prompt reaction towards some allegedly provocative steps of civil society actors which accompanied the visit of the minister. In particular the visit coincided with the conference organized by the Ukrainian Jewish Committee which was devoted to Holocaust and Romanian crimes against the Jews who lived on the territory of today’s Ukraine and Moldova. The conference resolution demanded that Romania should acknowledge and apologize for the crimes against Jews.

The conference resolution was discussed among members of the Ukraine-Romania Experts’ Consortium. Romanian members of the Consortium provided materials that showed that the resolution was not a demand for historical justice but rather a provocation aimed at hampering the constructive trend launched by the visit. The Ukrainian experts of the Consortium used the materials for preparation and published an article in one of the influential newspapers\(^3\) in an attempt to limit the impact of the resolution on bilateral relations. Another positive side of this short publication was that it demonstrated that experts of Romania and Ukraine, in unity, can promptly react on provocative steps of those interested in tense relations between the two states and they were able to provide alternative messages. Also it was important that the article contained another important message – the rhetoric of the past is outdated and cannot be used in the contemporary world. It is not on the agenda of the European Union nor does it provide either Ukraine or Romania with any added value for the process of implementing their strategies in the Wider Black Sea Region.

An important feature of the Ukraine-Romania International Experts’ Consortium is that it is not only useful for discussing narrow Ukraine-Romania relations but also for outlining problems of mutual interest. It is worth mentioning that an issue frequently discussed by the members of the Consortium is the

Transnistrian conflict settlement. In this the Consortium offers a vital platform since it provides the representatives of the Trasnistrian region and Romania to interact indirectly with the mediation of Ukrainian experts. Thus the very existence of the Consortium, open to all interested parties, is in itself an input for building trust between the representatives of the Moldovan secessionist region and Romanians who in accordance with the Transnistrian official “mythology” cause the biggest threat for the inhabitants of the so-called Transnistrian Moldovan Republic.

Another gap that the Consortium is trying to fill is between the local representatives of civil society from the bordering regions of Ukraine and Romania and representatives of the leading civil society institutions in Kyiv and Bucharest.

It is a fact that civil society networks in Ukraine and Romania are underdeveloped and very often even the experts in the field of bilateral relations have little knowledge regarding developments on the regional level. Unfortunately this problem adversely affects the media agenda of bilateral relations. Mass media representatives draw attention to sensational materials on scandalous cases and at the same time the achievements of the regional communities are much less visible on the level of national newspapers, television or online media. In order to fill this gap and to promote the achievements of regional communities and their cross-border projects, the members of the Consortium started monitoring of cross-border projects initiated and implemented recently in the border regions of Ukraine and Romania.

The perfect medium for such monitoring was the European Neighbourhood Partnership Instrument (ENPI) Cross Border Cooperation (CBC) Romania-Ukraine-Republic of Moldova Program and Ukraine-Romania bilateral projects implemented under the auspices of the Program whose area coincides with the interests of Consortium members. Projects implemented with the support of the
program contribute to the development of relations between Moldova, Romania and Ukraine.

In order to obtain information on the Program activities, the Consortium wrote an official letter requesting the Program’s officers to share their assessment of the activities and information on the projects supported by the Program (as well as the organizations/institutions that benefited from the Program activities). Consortium members assumed that it would be helpful in discussions on the improvement of cooperation and could contribute to increasing awareness on the issue of the development of Romania-Ukraine bilateral relations.

Unfortunately the initiative that was supposed to make a contribution to better understanding of the relations between Ukraine and Romania at cross-border level turned out to be quite a challenging task. Not a single one out of five existing offices of the Program responded to the request for information from the Consortium. However, this challenge appeared to be quite a useful push for the group. First the members of the Consortium started to collect information themselves, using their social networks and informal connections. Second, membership of the Consortium rose mostly due to those interested in the issues of cross-border cooperation but also those who were directly involved in the projects supported by the Program. Third, public awareness about the Program and its activities was raised. For example, at the Conference “Increasing the role of Civil Societies in promoting Confidence Building Measures (CBM) in the areas of “frozen conflicts” organized by the Foreign Policy Association in Chisinau on 31.10. 2012 the issue of Joint operational Program UA-RO-MD 2007-2013 was raised by the members of the Consortium. In particular it was mentioned that in accordance with the List of the Grant Contracts Awarded in 2010 and Contracted in 2011 by Romania-Ukraine-Republic of Moldova (Priority 3 “People to people cooperation”) 1,416,796.58 Euro was spent on a bilateral Ukraine-Romania/Romania-Ukraine Project. In order to find out who the beneficiary was of these projects and how the projects affected bordering
areas and bilateral relations, the Ukraine-Romania International Experts’ Consortium addressed all the contact points mentioned on the web-site of the program, but did not receive a single response. This caused the members of Consortium to start independent analyses of the projects and media feedbacks. In some cases diplomats, Ukrainian officials, and Project beneficiaries were approached. The findings of the Consortium were supposed to be transformed into an assessment paper.

Members of the Consortium believe that such activities can be useful for reaching wider public awareness about cross-border programs and related projects and will contribute to the development of transparency and publicity. However, the Consortium does not plan to limit its functions to the role of external evaluator of different programs but rather wants to become a knowledge hub and serve as a discussion platform to provide informational resources for those interested in bilateral relations and to build partnership among NGOs from Ukraine and Romania.

The key mission of the projects like the one described in this article is to prove that adequate and open-minded people prevail in Ukraine and Romania over those who still think within the categories set by World Wars.
The current situation in the Crimea is characterized by a persistent difficult transformation process. We see the deepening of differences between dominant ethnic groups and increased competition between them in the political, social, economic and ideological spheres. Aggravated conflict between Crimean socio-cultural communities threatens political stability not only on the peninsula but in Ukraine as a whole. At the same time this situation creates a pretext for foreign interference, especially if we take into account precedents of such policy scenarios in the past.

The interaction of three ethnic groups - Russian, Ukrainian and Crimean Tatar - is based on a different vision and objectives of how to address eg the socio-economic development and resource allocation and on controversies such as:

a) political and legal rehabilitation of those once deported;

b) the issue of the legal status of the Medjlis as a representative body of the Crimean Tatars1;

c) the low level of social and living conditions of returnees in ‘compact settlements’;

d) high unemployment and its ethnic colouring;

e) unfair distribution of resources (land, housing, infrastructure);

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f) the burning issue of historical memory, different interpretations of Ukrainian and Crimean history;
g) the return and restoration of religious buildings;
h) the development of national culture, language; access to education in native languages for all ethnic groups, access to information in native languages.

Dominating stereotypes and prejudices widely used by political parties and the media and the rise of intolerance toward the ‘Other’ in Ukraine as a whole, are also among key factors behind new conflicts. Lack of mutual interest and the indifference of one group to the problems of the other as well as the lack of inter-ethnic communication has led today to the isolation of each group, and the perception of the other as a rival.

Community Dialogue

This article is concerned with the experience of promoting open dialogue in local communities of the Crimea between representatives of different ethnic groups. This initiative² was aimed at introducing the innovative method of cross-cultural interaction based on documentary and feature films taking into account the experience of the course "Culture of Good Neighborhood" activities with parents of school students.³ At the same time a special methodology of video-club activities was tested over several years among students⁴ of the Crimean Humanitarian University (Yalta). The idea was to involve adults from potential conflict settlements in discussions of local inter-cultural, inter-ethnic and inter-

² The project “Unity in Diversity” was implemented by the IDC in 2012 with the financial support of dvv international.
confessional tension and challenges based on documentaries depicting different conflict situations from various parts of the World.

In the first stage several pilot settlements were identified taking into account preliminary information about local inter-ethnic and inter-confessional conflicts which occur from time to time. The list of settlements included the villages of Kuybyshevo and Krasny Mak in the Bakhchisaray district, Ukromnoye and Mazanka in the Simferopol district and two regions in Belohorsk town.

Attention was paid in discussions on how adults could be attracted. During this pilot stage it was decided to involve adults through schools and rely on the most active parents in each school. There were several ways to involve them in discussion meetings eg: to depend on parents already actively involved in school activities (in each school there are parents’ committees, a group of parents representing children from different classes); and/or to motivate parents in their own children’s successes in local communities through discussions on cases of intolerance and xenophobia (that were registered earlier in different settlements) as the reason for a dialogue which can help to avoid negative cases in the future which in turn can contribute to the safety of their children.

In order to define the current situation and possible ways of intervention the focus group research was conducted in March 2012. The content of the focus group questions was determined by the main objective of the diagnosis. Most of the participants were active, because they were genuinely interested in the future of their children (the main motivation). The respondents answered questions on xenophobia, intolerance and the conflict potential level in the Crimea as a whole and in their local communities, the perception of their and other ethnic groups status, attitudes and behaviour, opportunities for development, the issue of ethnocentrism and evaluation of these factors in the classroom, at school, in town or village.

The issues of concern included vandalism in cemeteries, and lack of
opportunities for the development of the Crimean Tatar language, separation of children according to their language in primary school and difficulties for their adaptation during the transition from primary to secondary school. Some of the answers had a rather defensive nature explaining the roots of the "problems" beyond the place of their residence: "We are fine. It's over there in the Crimea, in Ukraine ... ". They also indicated the sources of problems outside their communities - power and politics, which may be the result of a lack of openness of the participants and a low degree of awareness of problems in their community and their causes. There was a certain lack of readiness to discuss these issues openly, which may be explained by the sensitivity of such problems and the absence of dialogue practices.

All involved stressed that despite the fact that there are few open conflicts, everybody has experienced different degrees of discrimination against people of a different ethnic origin, which manifests itself in various walks of life eg medicine, politics, education, job environment. Examples were also identified from personal experience of communication with law enforcement officers and traffic police. There is in addition the problem of relations between neighbours, especially those of a different confession. There are known cases of Crimean Tatar families forbidding their children to participate in Slav holidays that are celebrated in schools or in any other community events even though the majority of children are eager themselves to participate with children of another origin. Then again there are cases of intolerant behaviour by Slavs to Muslims. Participants recalled cases from personal experience of disruptive behaviour of representatives from other ethnic groups.

The reason is, according to participants, a lack of dialogue, joint meetings and events, a lack of recreation centres and the existence of different hobby clubs, etc. so that "people are looking for differences, not for something that can unite."
Typical problems for the region are stereotypes of the majority of Russian-speaking population to the returning Crimean Tatars: eg they are accused of bringing weapons, spreading drugs, etc. Local authorities, allegedly in their view, do not react to these problems.

All participants agreed that it is very difficult to come to a real solution. The main concern was with youth, which can be easily drawn into political conflicts. There were only a few positive examples of intercultural interaction on the community level mentioned. All participants agreed with the view that children of different cultural background play well with each other and communicate: "Russian-speaking children are also interested in greeting Crimean Tatars in the Crimean Tatar language ". The importance of teaching tolerance and skills of mutual communication was stressed by almost all the respondents.

**Culture of Good Neighbourhood**

What was proposed within this initiative in order to stimulate better understanding and effective communication amongst the local population? One idea was to involve representatives of various ethnic groups in the Crimea in joint educational activities on the basis of documentary and feature films and discussion clubs.

The approach is based on the “Culture of Good Neighborhood” course experience and trainings for authorities, law enforcement officers and prosecutors. A group of selected school teachers (twelve in all) from the pilot regions (two from each community) were trained to conduct discussions with adults, working with documentary and feature films as media scenarios in multi-ethnic local communities.

Each trainer received several DVDs with documentary and feature films and short clips. Among them “Bridge Over the Wadi” (Producer/Director: Barak Heymann, Tomer Heymann; A group of young Arab and Jewish children study
together in a bilingual school programme in Israel), “One Hundredth of a Second” (Director: Susan Jacobson; Kate is a talented photojournalist. She risks her life to deliver powerful images to the World until a photograph of a girl changes her life forever); “Strangers” (Director/ Producer: Erez Tadmor, Guy Nattiv; A tale of two young men, one Arab and one Jewish who are motivated by fear to overcome their racial prejudice and hatred when suddenly confronted with a menacing gang of skinheads.); “Impasse” (Director: Bram Schouw; An encounter between a white boy and an African girl in a night train), several film clips produced within the Free2choose programme of Anne Frank House ⁵. Some of the works used were products of Crimean authors who had participated in the first Yalta city youth competition of video works “Social Lenses”⁶.

A special methodology was developed on eg: How to build a discussion? How to choose a film or clip? What kind of activities can be proposed for participants at different stages of a discussion? How to use freeze frames during video projection? The published Guidelines on “How to Organize a Discussion of a Film” became one of the practical results of the initiative applicable for other regions.

Each pair of trainers conducted three discussion clubs in their local communities for groups of the adult population, representing different ethnic groups. Up to 20-25 people participated in each meeting conducted during May-October 2012. In order to monitor the influence of discussions in pilot communities there was a final focus group. During the monitoring for this, participants were asked not only questions relating to the current state of inter-ethnic and inter-religious relations in Crimea and in their local communities, but also questions to assess the impact of the proposed technique of the discussions and the use of

⁵ www.annefrank.org/en/Museum/Exhibitions/Free2choose/
⁶ http://www.youtube.com/user/rotaractyalta/videos?sort=da&view=1
documentary and feature films eg do the participants have a better understanding of local problems and of intercultural communication? Do they see ways of resolution (and warning) of conflict situations?

Most of the participants were active when topical issues of communication between adults were discussed. Responses were generally detailed and informative. It should be noted that the results of the discussions significantly influenced the willingness of people to speak openly about local problems. Compared with the initial monitoring of the situation in selected communities, when people were reluctant to share their vision of the problems or tried to escape their identification, at this stage we could see that local people were more willing to discuss their personal experiences of intercultural dialogue and the challenges that existed in the communities. For example, some cases of intolerant attitudes and behaviour (several inter-ethnic conflicts, inter-religious conflicts, discriminatory attitudes of some teachers to children of different ethnic groups) were mentioned. Common to all regions are the challenges of inter-religious interaction associated with communication in mixed families.

The participants in all groups underlined the practical benefit of the discussions. They received practical skills that some of them have already used after discussions. A group of participants reported on breaking down some stereotypes and prejudices against other ethnic groups; they became more tolerant to the diversity around them, and willing to openly discuss the past and current history and conflict situations in their communities. At the same time, there was still some reluctance to name local problems of inter-ethnic relations, for example, related to the allocation of land, or intolerance in interpersonal relations.

Among the common problems faced by almost all the trainers were the following: the problem of motivating adults to participate in all discussion video clubs (but those who participated once were ready to take part afterwards);
unwillingness to openly discuss local problems and it was easier for them to discuss the stories on video films.

All focus group participants were in favour of continuing the discussion clubs, and suggested topics that, in their opinion, should be included at the respective training of teachers and video materials used. The range of the proposed issues was rather broad: solving conflict situations; inability to respond adequately to the conflict; the problem of communication in mixed families; inter-confessional conflicts; the discriminatory attitude of teachers to children of different ethnic groups; the problem of social differentiation, discrimination based on social status; prevention of domestic violence; problems of adolescence: drugs, smoking, alcohol abuse; the problem of intolerance to HIV-positive people; legislative illiteracy; intolerant attitudes to children and older people with disabilities, the problem of mutual understanding between parents and teachers (parents often perceive teachers as enemies); communication problems between parents and youth; the problem of forming one’s own opinions, the ability to express, communicate and defend them as well as the problem of delimitation of rights and responsibilities.

The results testified that the project empowered the majority of participants - local community members - to be effective managers of change processes, to communicate with the diversity of the community, and to understand that knowledge and skills can be applied to real situations on the community level. The participants, parents of school students of same class, mentioned that they came to know each better during these discussion meetings than in the years before. In some regions trainers were contacted with a request from other groups of people to involve them in such discussion meetings.

It is important to provide people with a sense of understanding for their actions in the process of intercultural dialogue, their feelings, their position and to help them to express them in words. New and diverse methods and techniques are
important for positive results. These can be ethical discussions, debates, discussions of books, TV shows, interviewing, testing, case analysis, trainings, practical exercises. And most important of all is the development of a culture of open dialogue. This is about interacting with other people on a particular issue of a multicultural society. During these discussions experience is gained to take into account other points of view and coordinate them with one’s own. “If there is any secret of success it lies in the ability to get to the other person’s point of view and see things from that person’s angle as well as from your own” (Henry Ford).

According to the results of this work we can say that using this method with films as media-texts can be one of the most effective steps for early warning of conflict at the local level. However, the experience of the project indicates that, along with the dissemination of discussion clubs aimed at preventing conflict, other diverse activities are needed to resolve existing or emerging conflicts. There should be more systematic work supported by state authorities. But such local initiatives build a foundation and help people understand that they can be the catalysts for change, including changes in attitudes and behaviour, in a diverse population, which can help to guarantee peace and prevent future conflict.
UKRAINE: BETWEEN EAST AND WEST, BETWEEN PAST AND PRESENT

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She is the mother of a desperate child. The Mother of the Nation, also known as the Mother of the Fatherland, in Kyiv, the monument south of the center of the Ukrainian capital. Her eyes point to the steps on the left bank of the Dnipro River. To the east, where once the Red Army gathered to take the city back from the Nazis and where today tenements mark the horizon. A gigantic sword in her right hand and a shield in her left, on which the hammer and sickle are proof of the communist past of this country. Her steely back turned against the west.

She was the subject of heated and angry discussion. Some wanted to tear her down after the fall of the USSR, others wanted to change the hammer and sickle into the Tryzub, the contemporary coat of arms of Ukraine. But she remains as she always was. She still marks this old front-line holding the symbols of the proletarian dictatorship up high. A reminder of the empire Ukraine once was part of and of the system that ended a very short period of independence after the First World War, of the Soviet Union that for a notable part of Ukraine's society still remains a symbol of identity. That is remembered for some as a time that was better than now. The mother of their nation. For others it symbolizes the death of that very same nation.

But most came to make fun of her. Calling her the Iron Lady, that shows her “butt to the west”. And in the end it is the park around her that is most appreciated. Here families meet for picnics on sunny days to enjoy the view to the left bank and couples have a bottle of wine holding hands on mild evenings.

**Difficult Dialogue**

It is a little further to the north, closer to the center, where the real dispute about
Ukraine's present and past takes place – sporadically escalating. The Parliament, where debates sometimes result in fisticuffs – or where deputies throw smoke-bombs. And where people gather surprisingly predictably outside for demonstrations, when debates inside become heated.

But it is far too simplistic to conclude, that there are two Ukraines. These stereotypes of the stubborn Soviet-minded one in the East, that is dedicated to Russia and the Soviet past and the European-minded one in the West, that holds the blue and yellow banner of freedom and democratic values up high. The Russians and the Ukrainians split into two languages. Split in two parts. The east and the west. Yes, it does happen that people ask a question in Ukrainian and receive an angry answer in Russian – or vice versa. But this is not the core of the country’s problems. It is just one of the outcomes, something, which can be seen on the surface.

As a matter of fact the Red Army that liberated Kyiv from Nazi occupation faced a major insurgency as soon as it moved westwards. And it still grappled with it after Berlin had long since been taken. It lasted until the end of the 1950s and by then it was no longer Fascist-minded nationalists that fought against the Soviets – as it had been before. It was a public uprising that united Menscheviks, socialists, patriots as well as nationalists and of course Fascists against the Soviets. It was a war for independence, fought in the Carpathians that has simply been forgotten by the rest of the world – but that still remains a matter of a national identity for those who lost their parents or grandparents. And here the misunderstanding starts.

New History, Old Present

When the orange revolution succeeded it was not just a new president and a new elite that came to power. It was a completely different understanding of history. And with that came a different setting of national heroes. And in some cases these were controversial heroes. Leonid Kuchma, Viktor Yushchenko’s
kept the Soviet habits, paid his tribute to the veterans of the Great Patriotic War and laid wreaths to the feet of the Mother of the Nation.

Yushchenko broke with all that. He honored the veterans of the UPA, the Ukrainian insurgent army that fought the Soviets in the Carpathians. He posthumously awarded the title Hero of Ukraine to Roman Shukhevych and Stepan Bandera. Shushkevych had been a high ranking General and mastermind of the Ukrainian insurgent army UPA who also collaborated with the Nazis. He used to be a Hauptmann in the 201st Schutzmannschaft Battalion formed by Nazi Germany in order to organize sympathizers on Ukrainian territory against the communists. And he is said to be guilty of a series of war crimes. The same goes for Stepan Bandera, who used to be a high ranking leader of the Organization of Ukrainian Nationalists OUN. Just as Shushkevych, Bandera also collaborated with Nazi-Germany and followed a strict anti-Semitic agenda. All that of course with the aim to establish an independent, ethnically cleansed Ukraine – independent not only from the Bolsheviks but also from Nazi Germany. And that is why he temporarily was held in German custody and was sent to the Concentration Camp Sachsenhausen. Later, when the Nazis needed him again to fight the Bolsheviks, he was released.

Especially Bandera’s honor in the last days of Yushchenko’s presidency became the subject of massive criticism. And under the following – and current – president of Ukraine, Viktor Yanukovych, it has been annulled.

Not that such political steps of Yushchenko had been celebrated by everyone in the West of the country. But they did not find huge resistance either. Statues and monuments to Bandera and Shushkevych still can be found there. And they are well kept.

But a very different mood had grown up in the east of the country. It was an open insult to the vast majority there to award Bandera and Shushkevych with the highest decoration of the Ukrainian State, and especially of course to all those veterans left from the Second World War. But Yushchenko’s affinity to a
certain understanding what Ukraine is and who the Ukrainians are, left a large part of the country outside, as aliens.

**Russian and Ukrainian**

In fact just a very small group east of the Dnipro considers itself Russian. There is a big sense of Ukrainian patriotism there, just as in the West. And the broad majority in industrial regions like Donetsk or Kharkiv, that are so often described as the Russian territories in Ukraine, consider themselves to be purely Ukrainian. Even more than that: as those who boost the country’s economy through hard labor.

But east and west do not share the mutual heroes. That is one point. Just a few years ago veterans erected a brand new statue of Stalin in Dnipropetrovsk – a statue that would not survive one single day in a town like Lviv. Another point is: sometimes they simply speak different languages. And here it comes to Ukrainian and Russian as a matter of conflict.

Yushchenko did everything to promote Ukrainian as the solid single language spoken on the territory of Ukraine. A language, which is in the process of being standardized – or where defined standards are far from the people’s reality. It is also a language that had been a target for the Soviets for over almost a century. They did everything to extinguish it or at least create the picture of those speaking it as the funny, a bit retarded Russian-speaking mountain tribe on the western boundaries of the Soviet Union. So with that kind of history it is more or less clear as well as understandable that the language itself becomes a matter of pride and identity. And that any offence against it opens historical wounds, especially for one part of the country.

But for the other part Yushchenko’s language policy simply intruded into their daily life. And even his supporters in the west and east did not go along with him in, saying that on this point he simply went too far.

It was summer last year when history took another turn. And it resulted in
maybe the worst incident the young Ukrainian democracy has experienced. Smoke bombs had been thrown in the Parliament, when it came to the vote on another language law, now written by the new Government. Deputies left the hall with bleeding noses. And in front of the Parliament demonstrators stormed police barricades - and all that because the Russian language was granted the status of a minority language.

There are many legitimate points to criticize the current government under Victor Yanukovych – for the complete crackdown on the opposition, irregularities in elections, the imprisonment of a large number of opposition figures like Yulia Tymoshenko, the significant strengthening of the secret police SBU or the political cleansing of the administration. And of course the reason for the decision on the language law was primarily a calculation to gather people behind the party of regions ahead of the parliament elections that followed in October – and that had also been a subject of general criticism of the government and its handling of the polls.

But the language law itself can indeed be seen as a realistic adoption of legislation to the reality on the ground. And this reality simply is: most of the people in the East know the Ukrainian language, they understand it, they speak it, they can find their way through all bureaucratic hurdles the state has prepared for its people. But when they go home, sit around the table and have a chat within the family or with their friends they prefer Russian – or maybe as well Jewish or Tatar in Crimea.

Victor Yanukovych himself speaks Ukrainian with a strong accent. And in the intellectual capital of the East, Kharkiv, even supporters of the Orange Revolution repeatedly stated their objections to the language policy that followed the public uprising against a corrupt authoritarian president – as well as the scuffles and demonstrations that accompanied the vote on the language law. Even politicians within the moderate opposition camp expressed their concerns about Yushchenko’s policy.
But what had happened in Parliament on that particular day in August 2012 was just the last act in a performance of the political elite that has become some sort of a freak show to its audience – the people, the voters. And in fact, in daily life people get along with each other. If there are differences and disputes they usually are solved in a more civilized way than they are solved in Parliament. And if one really wants to search for the deep cracks in Ukrainian society one may find them rather between a generation that was socialized in the Soviet Union and the other, which barely remembers it, social classes, rich and poor or simply between the population and the political elite of the country.

It is the elite that has very little in common with those who share a one room apartment in a poky apartment block on the outskirts of Kyiv with four other people. The elite of bureaucrats that sometimes officially earn a few hundred dollars and brag with ten-thousand-dollar watches and expensive suits, the people for whom it is a matter of pride never to eat at home but only in expensive restaurants. It is the elite, a class that is alienated from what is actually going on in the country they are supposed to serve. And the big gestures in Parliament or city councils are rather a show than a reflection of the reality in villages or small towns all around the country, where the real conflicts escalate more on potato prices than on language laws.

It comes therefore as no big surprise that during the recent elections new political forces gained such huge support. Besides Vitali Klitschko it was especially the far right Svoboda Party that openly follows a nationalistic, xenophobic as well as homophobic agenda. Its leaders speak about Fascism as an aim and not as something dangerous. They strictly refuse to use or even understand the Russian language.

But when we take a look at the level of small communities or municipalities governed by Svoboda, a rather different picture emerges. Here one can find engaged deputies that are more concerned with providing new roads and better infrastructure for their devastated and long neglected communities rather than
following the agenda the party’s leadership predetermines. To engage within Svoboda very often is nothing more but the easiest way to act outside a fossilized corrupt environment that defines the rules of the game all around. But nevertheless it is a party that officially praised a bunch of hooligans, who beat up homosexuals during a gay pride march in the center of Kyiv. And some see a clear connection between skinhead groups and the party.

It is the complete absence of true political positions in the political debate that let the far right gain significant ground. The established political parties are above all busy with serving their financiers and powerful instigators. Businessmen, some might call them oligarchs, who really set the agenda their puppets in the political field have to follow. They change sides whenever it appears to be convenient and opportune. Like the current minister of economy Petro Poroshenko, who insists that he is independent and not a member of any political force. But primarily he is a businessmen, who made his money on candies – hence his nickname Chocolate King. He used to be Yushchenko’s main financier and one of the big donors for the Orange Revolution that swept him into power. Now he is serving in the government of Yanukovych, who during the Orange Revolution had been the bogeyman for those who held out in the center of Kyiv for weeks in frost and snow.

The result is a widespread, one would even say a complete mistrust in the decision-makers often combined with pure envy towards those who made it. Then there is the desperation of those, who barely manage their daily survival.

**The Monument Falls**

Seen in this light, it is hardly relevant, in which direction the Mother of the Nation is looking. Where she casts her eyes. Which emblems she carries. Who she shows her “butt to”. The compromise in this small dispute of contemporary Ukrainian history is quite trivial. Two old and rusty tanks were placed on the
small square between the monument and the memorial hall for the fallen heroes of the Soviet Union. The barrels of their cannons are pointing at each other, and they were painted in bright colors. What that should mean, no one knows. But on warm summer days children climb on them under the watchful eyes of their parents. In the evening youngsters use them to have a better overview over the place that is filled with young people. Sometimes one can hear the strains of a guitar, then someone is singing, and once in a while a bottle breaks amidst loud laughter.

The Kyiv, this monument once was erected in, does not exist anymore. Nor does the country for which it once was meant to be a symbol.
LANGUAGE AS A POLITICAL TOOL: 
DOES IT JUSTIFY GOOD GOVERNANCE IN UKRAINE?

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“Our civilization comprehends great variety and complexity, and this variety and complexity, playing upon a refined sensibility, must produce various and complex results. The poet must become more and more comprehensive, more allusive, more indirect, in order to force, to dislocate if necessary, language into his meaning” T.S Eliot, Nobel Prize Laureate, Literature, 1948

These lines by T.S. Eliot are relevant, not only for poets of the mid-twentieth century, but also for modern Ukrainian “poets” – Ukrainian politicians, who are playing political games on the field of language, trying to dislocate Ukrainian and Russian languages into political meanings. As Rüdiger Schreyer wrote in 1985, “The Enlightenment regarded language as one of the most significant achievements of man. Consequently inquiries into the origin and development of language play a central role in eighteenth-century moral philosophy….“ What role does language play in the social life of Ukraine now and how does it relate to moral philosophy, national culture, Ukrainian history and the current political struggle for power? To what extent is the post-Soviet Ukrainian political “elite” “enlightened” and able to face and deal with humanitarian challenges to national security and prosperity, and respect the “public good” at the beginning of the third millennium? These questions are not that easy to answer, taking into account, that Ukraine de-facto is a bilingual state, where almost everything that is linked to social life is highly politicized and, according to the last national

1 From the Award Ceremony Speech by Anders Österling // http://www.nobelprize.org/nobel_prizes/literature/laureates/1948/press.html

population census of 2001, 67.5% of the population gave Ukrainian as their native language and 29.6% Russian.3

West-East Split

The so-called “language issue” in Ukraine has always been directly connected to the constitutional building of Ukraine as a sovereign, independent, and democratic state. When Ukraine entered a new historical phase as a newly independent state in 1991, the issue of language became central in state-building and was one of the core elements in national and statehood identity throughout the period of transition. Originally, the language dilemma for Ukraine was based on ethno-linguistic preferences of Ukrainian citizens and was shaped by the legacy of their historical memories: Western regions of Ukraine usually were characterised as the users of the Ukrainian language with the Ukrainian Greek-Catholic identity and the symbolic anti-Soviet (anti-Russian, “anti-russification”) struggle of the past; while inhabitants from South-Eastern parts of Ukraine (the majority) were usually accepted as Russian-language speakers in every-day life, sympathizing with Russian culture and history of Russian statehood. But such a view of the Ukrainian ethno-linguistic and cultural map is rather primitive, subjectively simplified and consisting of a number of national stereotypes and myths, although it still serves as a real mechanism for political intrigues and manipulations. Thus, Ukrainian politicians as well as the rest of Ukrainian society almost immediatelly faced a “language” self-identity dilemma: which language had to be constitutionally identified as a state language in the process of elaborating the new Constitution of Ukraine – only Ukrainian or Ukrainian plus Russian, so, post-Soviet Ukraine could have two state languages? In the end, the Constitution adopted in June, 1996 only referred to Ukrainian as the country’s state language.

By doing this, Ukrainian politicians have, consciously or unconsciously, developed an undisputed political tool to further their power struggle in Ukraine: political parties, seeking to promote Russian political and economic support, found fertile electoral soil in the South-East of Ukraine, including Crimea; while those using political rhetoric for pro-European and nationalistic slogans started to rely on Western parts of Ukraine. The following political cycles in Ukraine, like the presidential elections of 2004 and 2010 and the parliamentary elections in 2007, only served to confirm this territorial split around the middle of the Dniper river with relation to political sympathies and voting preferences: both Ukrainian-speaking and Russian-speaking Ukrainians were artificially played off against each other by political rivalries. Therefore, the “language issue” with its implicit perspective to make Russian the second state language naturally appeared on the political agenda and split Ukrainians. For example, one of the most controversial questions revolved around NATO in the period 2005-2010, when “pro-European” political forces led by the “pro-American” President Yushchenko campaigned to join NATO, while their political opponents led by the current President Yanukovych vehemently opposed this, motivated by pro-Russian aims. In both cases, the “NATO issue” as well as the “language issue” has been used by all sides to gain support from voters, the core electorate groups, in both the East and the West.

Language as an Election Issue
But by the time of the 2012 parliamentary election campaign, the issue of NATO had ceased to be important for the parties, political technologists and advisors. Since 2010 Ukraine officially declined to join NATO, and the Alliance does not treat the country as a potential member. Therefore, the language issue became the almost only nation-wide dispute which had the electoral potential to mobilize voters for or against the idea of the Russian
language as a second state language, or at least with the status of an official language.

As a result, the Party of Regions, the ruling party of Ukraine led by President Yanukovych, on the eve of the 2012 parliamentary elections took the first step by introducing the Law on the Principles of the State Language Policy in Ukraine. It is important to stress that one of the key motives behind the bill was the decision of the ruling party to at last fulfill election promises made in previous campaigns to ensure the status of the Russian language. This is what, for instance, the British newspaper the Guardian wrote, after the bill passed the first reading in parliament 4.7. 2012: “Analysts said Yanukovych’s party had pushed through the bill as a pre-electoral move to soothe his voter base. “They had to give their electorate something ahead of the election, prove they could fulfil electoral promises,” said Vladimir Kornilov, a Kiev-based political analyst”. Top officials of the Party of the Regions also did not hide their pre-electoral motivation. This is what the first vice-president of the Party of Regions faction in the Verkhovna Rada, Mikhail Chechetov, said to Ukrainian National News prior to the vote on the bill: “…I met voters in the Kharkiv region and people there say they want this law to be adopted. Therefore, they urged us to implement this mandate from voters. Thus, we have to listen to voters, remove our “white gloves” and fulfill promises we have already made“.

It is interesting, that sociological surveys constantly show another tendency as to the chances of Russian as the second state or at least official language of Ukraine. According to research conducted by the Ukrainian sociological group “Rating” in 2012, support for granting Russian the status of a state language has gone down (from 54% to 46%) and the number of opponents has increased

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4 Ukrainians protest against Russian language law // http://www.guardian.co.uk/world/2012/jul/04/ukrainians-protest-russian-language-law

(from 40% to 45%) in the period 2009-May 2012; in July 2012 only 41% of respondents supported granting Russian the status of a state language and 51% opposed it. A survey by the Ukrainian Foundation “Demintsitativy” and the Ukrainian Razumkov Center, September 2012, found that 53.8% opposed granting Russian even the status of an official language, with just 38.4% in favour.

This bill, which expands the use of Russian as well as languages of other national minorities, was eventually adopted in July 2012, albeit after violation of the parliamentary rules of procedure (a view endorsed even by one of the key protagonists of the law, deputy Speaker, the communist MP, Adam Martynyuk) accompanied by bloody fights in the plenary and violent protests in Kyiv and other Ukrainian cities. President Viktor Yanukovych, though acknowledging deficiencies in the law, nevertheless, signed the language policy bill into law on 8.8.2012. The Law conforms to the requirements of the European Charter on Regional or Minority Languages which Ukraine signed in 1996 and ratified in 2002. Now if the number of native speakers of one of these languages is 10% or more of the population of the territory on which the language is used, then measures aimed at the use of regional and minority languages will apply. In theory, this could be a chance for Hungarian and Romanian minority languages in western Ukraine and Crimean Tatar in Crimea. But only Russian is likely to become a regional language, as approval by local councils is required.

Experts say this could result in Russian becoming a regional language, even undermining Ukrainian: “Such a situation may threaten Ukraine’s national security and sovereignty, as a language is a key component of a nation’s

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6 The language question, the results of recent research in 2012 http://ratinggroup.com.ua/en/products/politic/data/entry/14004/
7 Ibid.
8 Больше половины украинцев не хотят никаких статусов для русского // http://www.pravda.com.ua/rus/news/2012/10/1/6973759/
9 Мартинюк визнає, що мовний закон протягнули з порушеннями // http://www.pravda.com.ua/news/2012/10/5/6974075/
identity”, said Vyacheslav Bryukhovetsky, a linguistics professor and former
president of the National University of Kyiv Mohyla Academy. The Venice
Commission, for its part, also noted back in December 2011 that the draft bill on
the principles of the state language policy in Ukraine had the potential to pose a
threat to Ukrainian and “diminish the integrative force of the Ukrainian
language and endanger the role that this language has to play as the sole state
language.”

As to the text of the already adopted bill, experts also said that the bill was full
of irregularities and contradictions; a report by analysts at the Central Scientific
Experts Office, a department in parliament that conducts legal analysis of draft
legislation, said that unless these flaws were removed, they would create legal
chaos.

Even Verkhovna Rada Speaker Volodymyr Lytvyn who from the very
beginning was strictly against the Law but in the end signed the adopted bill,
warned President Yanukovych of the negative consequences in a special letter to
the President. These he saw lay in the implementation of the bill: “constant
political arguments, the disappearance of the legal status of the state, the actual
prevailing of the Russian language and the alleged expansion of the rights of
representatives of other nationalities.” Lytvyn also stressed that the legal
documents should be studied in detail to check whether they are in line with the
European Charter for Regional and Minority Languages. Here it is important
to explain why Volodymyr Lytvyn, an ally in parliament of the Party of
Regions, did not at first, support the Law. One possible explanation is that he
wanted to earn additional political points and electoral sympathy during his own
campaign for re-election during the Autumn 2012 parliamentary elections, while

10 Onyshkiv, Yuriy. Divisive battle ahead over language issue //
http://www.kyivpost.com/content/ukraine/divisive-battle-ahead-over-language-issue-1-129030.html
11 Ibid.
12 Ibid.
13 Ibid.
14 Ibid.
at the same time he did not want to concede any privileges to Russian since he was a candidate in one of the Ukrainian-speaking regions of Central Ukraine. The language issue was widely used for different reasons by a majority of political forces. Some political commercials and slogans during the parliamentary campaign 2012 speculated on the status of language: eg “enemies want to steal our language and state” or “we have defended our language”. In fact, those in power had to recognise that the Law was not perfect and needed further “significant amendments”. In Autumn 2012 there was already a new draft amendment to the law, a move taken for political reasons before the parliamentary elections.

International Dimension of the Language Issue

Even considering legal irregularities, the “language” bill could just be for “local consumption”. Having just a “domestic status”, the language issue could have little direct electoral pull either in political circles or in Ukrainian society. However the language issue in Ukraine has always been a problem of international relations: relations between nations: the Ukrainian and Russian. Many Ukrainians, particularly in the country’s West, see language as a critical part of Ukraine’s identity and a buffer against Russian influence in culture and politics. Russia though has for years pushed to elevate the status of the Russian language in Ukraine, claiming that the rights of Russian speakers are being violated.

It cannot be denied that Ukraine is economically dependent on Russia and political steps are underway by the Russian Federation as a state to incorporate Ukraine economically and politically into Russian-led integrative Unions, like for example, the Customs Union which would make it impossible for Ukraine to continue integration with the EU. So, finally, there is another hidden threat when

15 Yanukovych suggests serious changes be made to language bill // http://www.kyivpost.com/content/ukraine/yanukovych-suggest-serious-changes-be-made-to-language-bill-311184.html
speculating on the language issue in Ukraine: the threat of using the Ukrainian language question as a political tool for realigning the political preferences of Ukraine towards reintegration with Russia. As the director of the Kyiv Center for Army, Conversion and Disarmament, Valentine Badrak, admitted in October 2012: “Three new theses have been announced by the Russian Federation towards Ukraine. Firstly one demands federalization. Secondly, fixing Russian as a state language; and thirdly, subordination to the Russian Church. These three positions could in fact lead to the dissolution of Ukraine as a state.” Of course, we can find totally opposite opinions on the future of Russia-Ukraine relations, based on mutual respect of the state sovereignty but it is clear that the language issue currently lacks consensus in Ukraine.

In conclusion, it should be said that the so-called “language issue” in Ukraine is instrumentalised in public discourse by politicians. This is usually done in the context of what has already been promised, or in reports of what has been done just before the next election. Even if such a step is acceptable during an electoral campaign, why have the responsible politicians not reported on policies eg for combating poverty or corruption in Ukraine, since these too were often promised by all parties in former electoral campaigns? Instead, language is an instrument of political technology, which has been used both for domestic purposes and external interests. Also, the language issue, like some other artificial problems which split society into two groups, has a tendency to be used as a smokescreen: firstly, to distract the attention of society from real, urgent problems and secondly to push other economic bills not necessarily in the public interest.

In the end, the key question can be posed: is the language issue really the most urgent topic in the Ukrainian state, which is worth physically assaulting one another in parliament and polarizing society? In the end, does it matter what

language is being used when state bodies in a vast majority of cases violate the rule of law and neglect basic freedoms and rights of the “common” citizens in a “kingdom” of post-totalitarianism with a weak democracy and poor governance?

Ukrainians should realize that it is not so much the language, but the one (representative of a state power on all levels) who uses that language against the "public good". Corruption and bureaucratic chaos thrive equally in the Ukrainian-speaking Western Ukraine, and the Russian-speaking Eastern Ukraine. It would be useful to conduct a sociological study on the following: to what extent is the level of corruption (the key problem in Ukraine which ruins the country) dependent on the language situation in different parts of Ukraine. Probably the result would be 50/50. So, it is not the language issue which has Ukraine stuck in post-Soviet heritage. Among Russian-speaking citizens of Ukraine there are Ukrainian patriots no less than those who speak the Ukrainian language. After all, the words and deeds of some politicians right across the whole political spectrum spoken in the Ukrainian language, are not necessarily signs of patriotism.

Fortunately, civil society represented by the expert scientific community of Ukraine is far beyond those who call themselves the “political elite”. Russian and Ukrainian-speaking colleagues understand each other without any problem, as they talk to each other in the language of civil society, based on democratic values. So long as the language issue is politicized, the Ukrainian politicum understands neither Ukrainian, nor Russian in communicating with Ukrainian society. Nor can it understand when civil society replies on the real problems of the “common” Ukrainian citizen; the reason is that in their language are embedded only material values, sometimes geopolitical but not really democratic.
REINVENTING CROSS BORDER COOPERATION IN BLACK SEA REGION: VISIONS FOR FUTURE

„Batumi Summer University“

„Georgia and the Past“ by courtesy Embassy of Georgia in Austria
RUSSIA’S DIALOGUE WITH THE COUNCIL OF EUROPE:
DEMOCRATIC GOVERNANCE

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In February 1996, Russia joined the Council of Europe, an intergovernmental organization created after WWII to promote and uphold universal values. The Council of Europe’s Statute requires member states to “accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms.”¹ This description hardly applied to Russia, facing problems on all fronts: fighting a losing war with its own separatist region, Chechnya; bearing the brunt of the massive economic downturn which saw the national GDP halved, and dealing with the challenge of the presidential elections (scheduled for June 1996) in which the incumbent president, Boris Yeltsin, faced a strong challenge from Communist Party Chairman, Gennady Zyuganov. Elements of the Soviet legal system too remained strongly entrenched. However, there was also a functioning civil society, independent media and a competitive political environment. Moreover, Russia’s leadership had been pursuing membership in the Council for years. With this background, the Council of Europe’s decision to admit Russia served as an expression of hope in future democratic development, rather than an award for past achievements.

Today, nearly 17 years later, Russia may be much wealthier but it is also less democratic and less open to listening to the Council of Europe. When confronted with criticism, Russian politicians are quick to denounce “double standards” and external interference in domestic affairs. Talk of modernization

¹ Statute of the Council of Europe, Article 3.
and liberalization under President Medvedev (2008-2012) proved to be little more than rhetoric. The surprising mobilization of Russian civil society before the parliamentary elections of December, 2011 initially gave hope to many, yet despite readily available evidence of extensive electoral fraud, the ruling United Russia party went on to win a majority in the State Duma, and in March 2012, Vladimir Putin scored a victory in the presidential elections. Since then, large parts of civil society have become disillusioned with the possibility of change. In the meantime, a package of legislative amendments adopted in the summer of 2012 have tightened government control over NGOs receiving funding from foreign sources;\(^2\) drastically increased financial penalties for participating in unauthorized protests,\(^3\) re-criminalized defamation (revoking the changes of December 2011, which had made defamation an administrative offence),\(^4\) and provided for the establishment of a “black list” of internet sites containing content judged to be “objectionable”.

There are, in addition, justifiable concerns for political prisoners in the country, including members of the *Pussy Riot* punk band and the former oligarch Mikhail Khodorkovsky.

**The Rocky Path: Russia’s Accession to the Council of Europe**

Russia submitted a request for membership in the Council of Europe in May 1992. In accordance with the set procedure, the Committee of Ministers, the Council’s decision-making body, requested the Parliamentary Assembly

(PACE) to produce an opinion on the application. The process would take four years, reflecting deep concerns about Russia’s democratic transition. The October 1994 report by a group of eminent legal experts found that rule of law had not yet been established in Russia. But the Russian authorities did not give up. In an official letter to PACE at the beginning of 1995, Russia’s President, Prime Minister, and heads of both chambers of the parliament gave strong assurances to the Council:

“Our desire to gain full membership of the Council of Europe is a logical consequence of our current policy aimed at establishing the rule of law, strengthening democracy and genuinely securing human rights in Russia (…).

We are sure that, having regard to the development trends in our society, Russia’s accession to the family of European democracies will not result in any lowering of the high standards of your Organisation but, on the contrary, will help to turn them into norms generally accepted and generally applied throughout our continent.”

In December 1994, war broke out in Chechnya which was to become one of the most serious hurdles to Russia’s accession. The conflict shocked the world by its sheer brutality and the government’s indiscriminate use of force against its own civilian population. In February 1995, PACE suspended the process of reviewing Russia’s application. The process restarted after the Russian government promised it would pursue a political solution to the conflict and authorized an OSCE mission in Grozny. A ceasefire agreement was eventually negotiated in August 1996.

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http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta95/ERES1055.htm
No one in the Council of Europe argued that Russia had met all membership criteria, and many demanded evidence of more progress in the area of democracy and human rights. There were also fears that admitting such a large and unprepared member state might dilute the Council of Europe’s standards. However, a majority believed that being a part of the Council would help Russia “learn” democracy and integrate itself into the European system of values, with the help of PACE’s monitoring procedure and access to the European Court of Human Rights. After all, by extending membership to post-Communist countries after 1989, the Council of Europe had already positioned itself as a certain “school of democracy” for nations in transition.

In January 1996 PACE finally held a vote on Russia’s request for membership. 164 MPs voted in favour and 35 against. As a result, PACE adopted Opinion 193 (1996) which recommended the Committee of Ministers to admit Russia as a member. The document also included a 25-point list of official obligations and commitments that Russia agreed to honour upon becoming a member. These included, apart from signing and ratifying various European conventions, a commitment to solve internal and international conflicts by peaceful means (in the context of 1996 this meant first and foremost the conflict in Chechnya); renouncing the concept of the “near abroad” as a special zone of interests; withdrawing Russian military forces and equipment from the territory of Moldova; reforming Russian legislation in line with the Council of Europe’s standards, and fully cooperating in the implementation of the Assembly’s monitoring procedure. Thus by joining the Council of Europe, Russia explicitly gave the right to PACE to monitor developments in the country.

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8 Rudolf Bindig, PACE Committee on Legal Affairs and Human Rights, “Russia's application for membership of the Council of Europe”, Opinion (Doc. 7463), 18.1. 1996, part VIII.
9 Aude Merlin, “Gambling, Misunderstanding or Compromising? The Council of Europe and the War in Chechnya”, in Russia and the Council of Europe: 10 Years After, ed. by Katlijn Malfliet and Stephan Parmentier (Palgrave Macmillan 2010), p. 140.
A Short Honeymoon

The Council of Europe has two main bodies: PACE, which is a representative and deliberative organ consisting of parliamentary delegations from all member states, and the Committee of Ministers, the decision-making body made up of foreign ministers and their deputies. Both are to ensure member states’ conformity with the Council’s standards, but at the beginning of the 1990’s, PACE became far more proactive in its monitoring activities, with a dedicated Monitoring Committee set up for this purpose in 1997. The Committee appoints two co-rapporteurs for each member state that finds itself under the monitoring procedure. (Other PACE committees can also appoint rapporteurs on issues in their remit). Rapporteurs are a key link in the relationship between PACE and the monitored country, and their integrity, judgment and analytical skills are all of great importance. They carry out fact-finding visits, meet with the country’s political leadership and civil society, and write reports and draft resolutions that are debated and voted upon at PACE.

In the case of Russia, the first several years were marked by a relatively close cooperation with the Council of Europe and witnessed progress on many, although not all, commitments. Russia signed and ratified almost all the required conventions and other legal instruments, including the European Convention on Human Rights in May 1998. A notable exception was Protocol no. 6 on the abolition of the death penalty, which was signed but not ratified by the Russian parliament, although the de-facto presidential moratorium on the death penalty was introduced in August 1996 and still holds. A new, improved, Criminal Code

http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta97/ERES1115.htm
was adopted. The Assembly rapporteurs were given full access to Russia’s highest officials and repeatedly traveled to the country, including to Chechnya. They witnessed a number of persistent problems but thought that the overall developments in Russia gave rise for hope. In their first report of 1998, the two rapporteurs came to a cautiously optimistic conclusion, “It can be said that the Russian Federation has made considerable progress towards the fulfilment of its obligations and commitments.”\textsuperscript{12} However this was soon to change.

**Testing PACE’s Resolve**

The turning point in Russia’s relationship with the Council of Europe came in 2000 and exposed the limits of PACE’s influence on Russia. Once more it was the conflict in Chechnya that acted as the catalyst. What was different this time, however, was that Russia had a new leader, acting president Vladimir Putin, who took over after Boris Yeltsin resigned at the end of 1999. Federal forces had entered Chechnya in August 1999, following the Chechen invasion of the neighbouring republic Dagestan and a spate of terrorist attacks on apartment houses in Russian cities. Once again, government forces engaged in the indiscriminate use of force against civilians, including bombings of the Chechen capital Grozny. The Russian authorities clearly were in flagrant violation of Russia’s commitment to the Council of Europe to pursue a peaceful resolution of the conflict.

Putin, who had vowed to exterminate the Chechen terrorist threat, was unlikely to heed PACE criticisms. Following fruitless appeals, in April 2000 PACE resorted to the use of sanctions for the first time ever, voting to withdraw the voting rights of the Russian delegation, provoking the latter’s angry walkout. The Assembly also called on the Committee of Ministers, the only body that has

the authority to decide questions of membership, to suspend Russia’s membership in the Council if no political settlement or ceasefire was reached. However, the Committee of Ministers, bound by its unanimity rule and political considerations, remained silent to PACE’s request. In May 2000, the armed conflict ended with the restoration of federal authority in Chechnya and the installment of Moscow-backed interim president Akhmad Kadyrov. In January 2001, the Russian delegation’s voting rights in PACE were reinstated, although Russia never acknowledged responsibility for massive human rights violations in Chechnya. The incident showed that the Council of Europe lacked leverage to influence the actions of the Russian government, and that it was possible for a country to remain in the Council despite grossly violating basic human rights.

Settling into the Routine

In 2001, Russia and the Council of Europe were back to business as usual. The Monitoring Committee’s dedicated co-rapporteurs continued monitoring the country, making repeated visits and drawing PACE’s attention to the commitments and obligations that still remained unfulfilled. Two more monitoring reports were debated in PACE in 2002 and 2005. They noted some progress but stressed that problems persisted. They also identified new alarming trends, such as growing restrictions on freedom of the media, political parties and NGOs. In June, 2005, during the Assembly debate on their last monitoring report, one of the co-rapporteurs said:

“…let us be clear about why Russia is not yet a free democracy. It has not yet held elections that are fair. That is because its national television broadcasting system is neither politically impartial nor free of state influence or control. While we welcome the reforms underway of Russia’s judiciary, it is not yet fully efficient, free from corruption or independent of political influences. And Russia has not yet ratified the abolition of the death penalty. Those are fundamental obligations for every member state of the Council of Europe to fulfil.”
The rapporteurs’ concerns proved to be well-grounded. Buoyed up by windfall oil revenues and deeply suspicious of the colour revolutions that swept the post-Soviet space, the Russian leadership started consolidating its power and undermining the opposition. This came hand-in-hand with an increasingly assertive foreign policy vis-à-vis the West and post-Soviet republics. And yet despite the growth of authoritarian tendencies throughout Putin’s second presidential term (2004-08), not a single monitoring report was debated in PACE from 2005 until 2012. New rapporteurs carried out several visits to the country but left the Assembly without ever presenting a full monitoring report.

A new challenge was posed by the August 2008 war between Russia and Georgia over the breakaway province of South Ossetia. It was the first time in the Council of Europe that two member states had engaged in military action against each other. The circumstances surrounding the outbreak of the war were hotly disputed by both sides. In September 2008, 24 PACE members tabled a motion calling on the Assembly to reconsider the Russian delegation’s credentials citing “serious violations of the basic principles of the Council of Europe”. The reaction from the Russian delegation was swift. Russian MPs described the motion as a “provocation against the Russian people.” Experts close to the Russian government hinted at the possible “deterioration of oil and gas cooperation” with Europe, should PACE approve the motion.\(^\text{14}\) The motion failed, due to PACE’s insistence on the need to preserve dialogue with Russia. During a heated debate in the Assembly in the autumn session in 2008, PACE adopted a resolution (1633) that did not assign full blame for the conflict to

\[^{13}\text{PACE debate on 22.6. 2005, item 5 “Honouring of obligations and commitments by the Russian Federation.”}\]

\[^{14}\text{Vladimir Socor, “Russia Neutering the Council of Europe after Invasion of Georgia”, Eurasia Daily Monitor, vol. 5, issue 184, 25.9. 2008.}\]
either side but listed a number of points it called on Russia to implement. In particular, the resolution condemned Russia’s recognition of the independence of South Ossetia and Abkhazia and drew particular attention to the ethnic cleansing of ethnic Georgian villages on South Ossetian territory. It condemned Russia’s disproportionate military response and the violation of sovereign borders, and called on Russia to fully implement the EU-brokered ceasefire agreement, which included a requirement to withdraw forces to pre-war positions. The following year, when it became clear that Russia did not intend to comply with this point of the agreement nor a number of other points in Resolution 1633, another motion to reconsider the credentials was filed. This time as many as 72 PACE members put their signatures under the call. Yet once again the view that the Council needed to continue dialogue with Russia, prevailed. However this motion did not succeed either, and PACE was forced to accept the status quo, although it did declare its resolve to step up its monitoring procedures with respect to Russia.

**Better Inside than Outside: Russia’s Tactics in the Council of Europe**

Despite occasional talk of withdrawing from the Council of Europe due to its allegedly “Russophobic” tendencies, Russia is unlikely to take such a step. The far more appealing option is to remain a member while trying to minimize criticism and escape sanctions. There are several ways in which this can be achieved. As the experience of the past years shows, Russia has been busy building a support coalition within the Assembly. Thanks to openly accessible debate transcripts (since 2000) and voting records (since 2008), it is easy to discern a clear pattern of groups and individuals always siding with Russia. Some come from countries which traditionally consider Russia an ally, such as Serbia or Armenia. Others come from countries that are equally reluctant to
allow PACE to examine their own human rights violations, such as Azerbaijan (this is a mutual arrangement, as Russian MPs also invariably vote against all critical resolutions targeting Azerbaijan). There are other trusted supporters in the post-Soviet region, such as MPs from Yanukovich’s Party of the Regions (Ukraine) or from Moldova’s Communist Party. There are a few Communist members from Western Europe, too.

A somewhat unexpected yet important addition to this mix are a number of UK MPs, many of them Conservative. Due to its Euroskeptic stance, the UK Conservative Party shares membership in the European Democrat Group, a political family in PACE, with the United Russia, as well as Azerbaijan’s governing New Azerbaijan Party, and nationalist parties from Slovakia, Slovenia, and Serbia. In recent years, Russia has made UK Conservatives a target for its lobbying activities, opening the “Conservative Friends of Russia” group in London in 2012 and sponsoring all-expense paid “fact-finding trips” to Russia. Finally, Russia also counts on other friendly allies in PACE,

In addition to benefiting from its support coalition, Russia has also been using the Council of Europe’s financial difficulties as a bargaining chip. For the last several years the Council has been forced to implement significant budget cuts. Given that Russia is one of the largest contributors to the Council’s budget (supplying 11% of the 240 million Euro budget in 201215), the government’s pundits periodically make statements declaring PACE an unfriendly institution and question the point of Russia spending money on membership fees.

Yet another problem is the composition of the Russian delegation that reflects the composition of the Russian parliament, dominated by the ruling party that is supported by a group of loyal “pocket opposition” parties. With the number of

15 Council of Europe, „Russian Federation“, Budget, http://hub.coe.int/country/russian-federation
true opposition figures in the Russian delegation to PACE extremely low, the entire delegation essentially functions as a mouthpiece of the government.

Russia is not unique in its strategy towards PACE. In fact, very similar methods including wide-scale lobbying have been used even more extensively and successfully by other member states such as Azerbaijan, a topic examined in detail in the May 2012 report on Azerbaijan’s “caviar diplomacy” by the European Stability Initiative think tank.16

For a long time, it seemed like Russia’s strategy worked well, and PACE had other things on its mind than the sorry state of democracy and human rights in its largest member state. Recently, however, there have been signs of change. In October 2012, after a seven-year hiatus, PACE finally debated a 67-page 548-point monitoring report on Russia.17 The debate became one of the best attended in PACE’s entire history, with 209 members participating in the vote on the critical draft resolution (no. 1896), which called on President Putin to “democratize the system.”18 The resolution was adopted by a large majority (161 votes in favour, 41 against, and seven abstentions). However, the rapporteurs’ proposal to submit a recommendation to the Committee of Ministers to step up Russia’s monitoring failed to gather the required two-thirds majority (although it did receive a simple majority of votes). In a show of protest against the proposed

“Russophobic” recommendation, Russian Duma Speaker Sergey Naryshkin had canceled his previously scheduled speech at PACE at short notice.\textsuperscript{19}

The renewed focus of PACE on monitoring Russia’s obligations to the Council is a positive development, and the high attendance at the debate testifies to the sustained level of interest within the Assembly. However, old problems resurfaced when a recommendation to the Committee of Ministers was defeated, and Russian MPs and officials demonstrated little willingness to engage in dialogue. It remains to be seen how Russia will react to the new resolution and what strategy it will pursue in its relationship with the Council.

**Looking Ahead**

The accession of post-Communist countries has increased the Council of Europe’s membership, but at the same time it has also put a severe strain on its mechanisms. Russia’s example is a case in point. Joining the Council with the promise of “learning democracy”, Russia has managed to get away with serious violations. While there have been some positive effects from Russia’s membership in the Council, such as giving Russian citizens access to the European Court of Human Rights,\textsuperscript{20} they fall short of what the Council had envisioned in 1996. The failure of the Council of Europe to meaningfully respond to even the gravest violations committed by its member states has dealt a severe blow to its credibility.

\textsuperscript{19} RIA Novosti, „Нарышкин отказался ехать на сессию ПАСЕ, планы делегации под вопросом” (Naryshkin refuses to attend PACE Session, delegation’s plans are in question), 27.9.2012. http://ria.ru/politics/20120927/760467716.html#ixzz2F9bezWjY

\textsuperscript{20} As of 1.1. 2012, Russia ranked first in the number of applications pending at the ECHR (26.6% of all applications). In 2011, the ECHR decided on 133 cases coming from Russia, in number second only to Turkey, see European Court of Human Rights, Facts and Figures 2011, pp. 5-6. http://www.echr.coe.int/NR/donlyres/C99DDB86-EB23-4E12-BCDA-D19B63A935AD/0/FAITS_CHIFFRES_EN_JAN2012_VERSION_WEB.pdf
While it is true that the Council of Europe lacks effective enforcement mechanisms, this does not mean it is doomed. The most realistic course of action for the Council would be to concentrate on its core mission and strengthen its role and visibility as a unique pan-European organization with a clear focus on human rights and democracy. The European Court of Human Rights has developed into an authoritative institution with a high reputation; there is no reason why other Council of Europe bodies should not follow suit. Instead of diluting its standards, the Council of Europe should set the benchmark much higher in terms of transparency and integrity and lead by example, even if it means applying sanctions. Only then will the Council’s opinions and statements carry weight.

The recent adoption of a code of conduct for Assembly members (in addition to a code of conduct for rapporteurs) is a long-overdue step in the right direction but it can still be improved on the basis of best practices drawn from the experiences of the UK Parliament or the European Parliament. In the same vein, there should be increased accountability of PACE members to their national constituencies on the decisions they choose to support or oppose in their activities in the Council of Europe. In addition, the Council should be consistent and diligent in its monitoring procedures. There should also be better coordination and dialogue between PACE and the Committee of Ministers. Finally, the Council should not shy away from tackling controversial or politically “difficult” issues.

All in all, Russia’s dialogue with the Council of Europe has posed many challenges. Continuing “business as usual” with member states that are clearly in violation of their obligations and commitments undermines the very raison d’etre of the Council, giving rise to allegations of hypocrisy and weakness. Dialogue on human rights, democracy and good governance is crucial but it can only be effective if the Council of Europe itself sets an example of integrity and remains fully committed to its own values.
TURKEY AND THE EU: BRINGING CIVIL SOCIETY INTO THE DIALOGUE

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This chapter highlights the significance of dialogue between people and civil society actors in Turkey with the EU as a mechanism for dissemination of norms including democracy, good governance, the rule of law and human rights. It starts with a brief section on the role of international organisations and transnational advocacy networks in norm diffusion. The article then looks at the EU’s methods of norm diffusion and convergence in Turkey. Both intergovernmental and the formal accession process and bottom-up mechanisms which involve societies will be analysed.

Dialogue, Mechanisms of Norm Diffusion and Convergence

Regional or international organisations are important agents for dynamics that lead to emergence and diffusion of norms, as well as domestic or local ownership of these norms. These formal organisations may help dissemination either by strict mechanisms such as conditionality or softer but stronger mechanisms of norm internalization (learning). Another agent of norm diffusion is transnational advocacy networks, which bring together regional or local actors with their international counterparts. These networks may help consolidation of already existing demands for representation, ending corruption and torture.

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1 These can be defined as networks of activists; they are the informal and shifting structures through which non-governmental organisation members, social movement activists, government officials, and agents of international institutions can interact and help resource poor domestic actors to gain leverage in their own societies. See also Sidney Tarrow, “Transnational Politics: Contention and Institutions in International Politics”, Annual Review of Political Science, 4, 2001, p. 13.
advancing social and economic justice, etc. and contribute to the harmonization of political, social and cultural norms. Acting together with governmental and intergovernmental organisations or even in their absence, transnational advocacy networks may provide valuable expertise and know-how on how to increase awareness of norms and how to monitor and secure their implementation. By multiplying the opportunities for dialogue and exchange, transnational advocacy networks contribute to the process of change in definition of identities, interests and preferences at the state and societal levels which can be seen first in discourses, then in procedures, policies and behaviour.²

How domestic or local actors perceive the agents that promote certain norms is crucial for positive norm diffusion and convergence. Norm adoption may be symbolic, coming about as a result of external pressure or it may signify internalization (a learning process). Therefore, adoption of norms may depend on how domestic actors view the international agents that promote the norms or the international society in which these norms are embedded.³ Other crucial factors determining norm adoption are the resonance of international norms with domestic ones and the degree of external pressure.⁴ Norms that resonate domestically, matter and get accepted within the domestic scene. Therefore, regardless of whether it is the international or regional organisations or transnational advocacy networks, the norms that they promote have to resonate with existing domestic or local agendas or with indigenous history, tradition, or culture. As Andrew P. Cortell and James W. Davis, Jr. point out, in some cases, recognition of an international norm can be compared to cultural imperialism and cause domestic resistance or rejection. For instance, political elites might

⁴ Ibid, p. 422.
view complying with an international norm as compromising the state’s sovereignty or their ruling capacity.⁵
Therefore, for norm resonance and for domestic ownership of the reform process, it is vital to listen and know what local actors say, want or need and to promote bottom-up mechanisms of norm diffusion involving civil society actors. Spreading norms through increasing opportunities for dialogue, interaction and exchange at the societal level may take longer but this may also be the strongest mechanism in terms of outcome. In cases of norm compliance as a result of conditionality, cost-benefit calculations may be the reason why target governments or states adopt or comply with the norm. However, when bottom-up mechanisms of norm diffusion and convergence are at work at the level of individuals or societies, convergence will most likely be a result of a learning or internalization process and domestic ownership of these norms by the domestic actors themselves.

**Dialogue between the EU and Turkey: Support to Civil Society**

The EU’s political criteria, cited in the 1993 Copenhagen Criteria for accession, require candidate countries to have a functioning democracy, rule of law and human rights systems. However, since there is no uniform application of these principles in the EU member states themselves, there are few clear guidelines on how reforms should be carried out in a candidate country. The EU follows political reforms in annual progress reports prepared by the European Commission and the political dialogue mechanism consisting of meetings with a focus on the challenges in implementing political criteria. In cases of serious breaches, Turkish accession negotiations could be suspended.⁶

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Although the EU insists on the objective and technical character of political criteria including democracy, rule of law and human rights, conditionality is also an instrument for the EU to pursue other political goals, such as the promotion of peace and good neighbourly relations. The EU’s interpretation of its normative goals and accompanying political conditions change, depending on the particular interests of its member states and developments in its neighbourhood. For instance, in the case of the Western Balkans, cooperation with the International Criminal Tribunal became an explicit condition within the accession process, whereas in the case of Turkey, the EU put particular emphasis on Turkish relations with Greece and Cyprus.\(^7\) The Cyprus issue eventually led to a blockade of chapters in accession negotiations.

The conditionality mechanism, which is an essential pillar of the accession process and intergovernmental relations, worked quite well in the case of Turkey from the late 1990s until around 2005. The prospect of EU candidacy led to legal and constitutional reforms on the rule of law, human rights and democratization in the late 1990s. After Turkey received candidacy status at the Helsinki Council of 1999, reform efforts intensified and a major liberalisation of legislation followed due to the credible and clear prospect of opening accession negotiations. Another and more significant impact of the candidacy status has been its contribution to increased activism of civil society organisations. The fact that Turkey was firmly anchored in Western international organisations and had already opened its economy through liberalization in the 1980s and the establishment of a customs union with the EU in 1996, meant that civil society was ready to act as domestic owners of a loose transnational advocacy network and push for reforms in line with EU standards. A prominent example of this is the Movement for Europe, a civic platform of 175 civil society organisations.

which contributed to a turning point in the relations. The movement put pressure on the Turkish government for legislative harmonization with EU standards in 2002 and lobbied, with more participants, for the EU to open accession negotiations with Turkey in 2004.  

Thus, while the conditionality mechanism contributed to increasing freedom of Turkish civil society associations through legal changes, a parallel bottom-up mechanism of norm diffusion and convergence was also set into motion in 1999. The EU impact through these two interacting tracks contributed to change from traditional top-down reform process of Turkey as seen fit by the state elite towards widespread public debates on reforms. Changes in laws made it easier for civil society organisations to take part in legislative reforms and cooperate with foreign counterparts. For instance, KADER (Association for Supporting and Training Women Candidates) and KAGİDER (Women Entrepreneurs Association) emerged as leaders of successful campaigns for extending women’s rights and related legal changes in line with EU standards.

However, the period after the opening of accession negotiations in 2005, marked the beginning of a stalemate in relations at intergovernmental level and with this came a decline in support for EU membership at individual and societal level in Turkey. The emphasis of the EU on the open-endedness of the process and the fact that the issue became part of the member states’ domestic politics (specifically in France and Germany) complicated the sustainability of EU-induced reforms. As a result of ambivalent and even negative messages from Europe and official blockades of chapters by Cyprus, France or the EU as a

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whole, the EU’s credibility suffered a major blow and this led to increasing
distrust at both the elite and public opinion level in Turkey.\textsuperscript{12} The EU-induced
reform process in Turkey slowed down after 2005 and references to the EU to
justify changes in political, legal and economic systems diminished.\textsuperscript{13}
Despite this, earlier reforms of the Turkish political system to comply with EU
political criteria had at least started a momentum. Therefore, “the slow-down in
the accession process has not translated into an equivalent suspension of
political reform”, although this does not mean that the ongoing changes in
legislation do not cause controversy within Turkey.\textsuperscript{14} Debates on further
democratization and criticisms of restrictions to freedoms remain on the political
agenda. The stalemate at governmental level in official relations between
Turkey and the EU did not significantly affect the EU’s support to civil society.
The European Commission maintains mechanisms of dialogue at the societal
level, despite obstructions to the movement of people between Turkey and the
EU and cumbersome visa procedures.

**Mechanisms of EU Support to Civil Society**

Through its annual Progress Reports, the European Commission raises
awareness of and monitors the participation of civil society in governance. The
2008 Progress report noted that governmental bodies regularly consult NGOs,
but the process is not supported by a coherent legal framework.\textsuperscript{15} The 2009
report on the other hand, pointed towards a “growing awareness in public

\textsuperscript{12} According to the Transatlantic Trends Survey of 2012, 36% of Turks had a favorable view of the
EU and a majority of them (53%) an unfavorable view. See German Marshall Fund, Transatlantic
Trends, Key Findings 2012, p. 9.
\textsuperscript{13} See Atila Eralp and Zerrin Torun, “Europeanization”.
\textsuperscript{14} Bahar Rumelili, “Turkey: Identity, Foreign Policy and Socialization in a Post-Enlargement Europe”,
*European Integration*, 33:2, March 2011, p. 238. For a contrary argument see Lucie Tunkrová who
states that for Turkish democratization to continue, the EU accession process is vital. Lucie Tunkrová,
“Democratization and EU Conditionality”, in Lucie Tunkrová and Pavel Saradin eds., *The Politics of
institutions and in the public at large about the crucial role played by civil society organisations, including in the accession process”. From 2010 onwards, the progress reports have confirmed that legislation on freedom of association is broadly in line with EU standards. However, the need for improving the legal framework for supporting NGOs’ financial sustainability and for preventing disproportionate administrative checks and fines that civil society organisations face, remains a challenge. The 2012 progress report highlighted difficulties in policy implementation pointing out the gap in mentality change (norm internalization or learning process) accompanying legal changes. The report noted that “the constitutional right to freedom of assembly and association appears to be interpreted at times in an overly restrictive manner.”

Another pillar of the EU’s support to civil society (as a means for democratic consolidation and good governance) is its financial assistance programmes. Since 2002, through the Turkey Programme of the European Instrument for Democracy and Human Rights (EIDHR), the EU supported more than 100 projects on issues such as freedom of expression, improved access to justice, fight against torture and impunity, women’s rights and respect of cultural diversity. Recent examples include a project by the Human Rights Foundation of Turkey on improving the well-being of survivors of torture and their relatives; a project by the International Hrant Dink Foundation on raising awareness on hate speech and discriminatory language in the media and a project by the Third Sector Foundation of Turkey on preparing a methodology for monitoring the freedom of association in Turkey.

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In addition to the EIDHR, in the 2007 Enlargement Strategy, the EU outlined a specific Civil Society Facility to support civil society development and dialogue. This EU funding scheme was set up in 2008. Through this scheme, the Civil Society Development Centre (STGM) in Turkey implements the ‘Civil Society Development for Active Participation’ project, which aims at strengthening the institutional capacity of NGOs and their participation in decision-making processes at local and national levels. The EU has also been promoting dialogue programmes between the EU and Turkish Chambers of Commerce and Trade Unions Confederations in order to integrate the business communities of the EU and Turkey. A recent programme on ‘Promoting Civil Society Dialogue between the EU and Turkey II’ has focused on two distinct areas, culture and arts, and fisheries and agriculture.\textsuperscript{19} Such financial support of the European Commission increases dialogue through exchange of experience and expertise in different sectors and may contribute to a positive norm convergence between Turkey and the EU.

**Concluding Remarks**

As can be seen, annual progress reports prepared by the European Commission raise awareness on the need for appropriate consultation with civil society in drafting legislation and effective participation of civil society associations in policy implementation in areas such as combating corruption and promoting gender equality. These increase the legitimacy of civil society in Turkey. Although the outcome of the process of adopting a new constitution is far from clear, the Parliamentary Constitution Conciliation Committee held public consultations with political parties not represented in parliament, professional associations, trade unions and NGOs between November 2011 and April 2012. During the process, representatives of non-Muslim minorities were officially

\textsuperscript{19} Information compiled by the authors from the website of the Delegation of the European Commission to Turkey.
received by parliament for the first time. Moreover, members of the committee have also been taking part in public events organised by civil society platforms and a website was set up to gather written opinions, returning over 25,000 contributions. Although problems occurred, since some submissions to the committee by civil society and others were removed from or not published on the internet, numerous local and national civic initiatives generated a lively debate on the new constitution.20

The funding schemes of the EU, on the other hand, help empower civil society organisations through capacity-building and sharing technical expertise and experiences between their EU counterparts. More importantly, from a longer term perspective, they contribute to the development of a deeper knowledge and understanding of Turkey within the EU and of the EU within Turkey. However, this does not mean that Turkish civil society is a homogeneous entity in favour of EU membership. The cleavages in Turkish politics between pro-reform and anti-reform camps is also reflected in civil society. Moreover, doubts on the EU’s credibility due to blockades of chapters in accession negotiations, negative messages from some leading policy-makers of EU member states and decreasing level of public trust towards the EU, also influence civil society. This restricts the scope for a united civil society movement that will push for deeper alignment with EU standards and pursue the cause of Turkish EU membership. Despite this, the European Commission’s financial support to civil society provides an alternative mechanism of norm diffusion and convergence between Turkey and the EU. This may prove to be a stronger basis for norm diffusion and convergence in the long run and therefore needs further attention and reinforcement.

The 1982 Constitution of Turkey was prepared after the military coup of 1980 which transformed the public and private spheres of Turkish society with the introduction of tight controls on fundamental rights and freedoms. The need for constitutional change has often been on the agenda since 1982 and has been acknowledged by various political parties as well as by different sectors of Turkish society for many years. The ruling Justice and Development Party (AKP) has initiated a process of constitutional change in order to prepare and adopt a more liberal and democratic constitution. The recent constitutional debate is a result of various factors including the increased interconnectedness of Turkey with the globalized world, the launching of accession negotiations with Turkey and the EU, and AKP’s third time victory in the general elections in 2011, bringing more political power to the party.

Even though there is a positive political climate in terms of the willingness to change the constitution, there are couple of tension points which make this change complicated and challenging. First of all, opposition parties claim that the constitutional change dialogue has not embraced all sectors of society but has been held behind closed doors at the Turkish Grand National Assembly (TGNA) under the control of AKP. Secondly, for the more secular minded or for Kurdish activists, in this dialogue the scope of fundamental rights and freedoms has to be all embracing. Thirdly, forming a consensus on the basic structure and political system of the Turkish state has been a divisive dialogue issue. It raises the question of whether or not it is necessary to keep a representative republican system in Turkey with the separation of powers. In that respect, the
constitutional change debate also now includes the transformation of the Turkish political system to a presidential one.

**Turkey and the Impact of Globalization**

The military coup on 12.9. 1980 resulted with a freezing of political life by the military junta in Turkey.¹ It has been argued that this coup was more radical than previous ones as the government and parliament were dissolved while the main political party leaders were detained when martial law was proclaimed throughout the country.² It was the military junta’s view that the 1961 constitution was “exceedingly liberal” with excessive freedoms which in turn created chaos in the country. The 1980 military junta’s remedy was to establish “law and order” in a very restrictive manner on individual freedoms and freedom of thought. The result was the new era of “disciplined democracy.”³

Due to human rights issues Turkey’s relations with the Council of Europe (CoE) were suspended in May 1981, followed by an official inquiry into human rights.⁴ A liberal approach was later adopted by Prime Minister Turgut Özal in the mid-1980s including intensified efforts of economic restructuring by encouraging open market competition with lowering prices of industrial goods through the abolition of import restrictions.⁵ This liberal attitude towards the economy was not matched by a restrictive stance towards politics. Constitutional amendments were passed in 1987 and in 1995. These amendments repealed the provisions which were put into place by the military junta in 1980. These amended provisions included banning cooperation between political parties and other civil society institutions, trade unions, associations, foundations, and professional

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¹ This was the third military coup staged in the history of the Turkish Republic. The first two were in 1960 and in 1971.  
organizations. However, amendments were not able to provide a liberal outlook for the military inspired 1980 Constitution.

One factor that has influenced the demand for a more liberal constitution recently was the impact of globalization and Turkey’s increased connectedness with the globalized world. Increased economic prosperity and globalization with the support of the EU accession process has led to a more confident civil society, vocal in demanding a more liberal constitution, safeguarding fundamental rights and freedoms in Turkish society.

Turkey’s increased interconnectedness started after the liberalization of the Turkish economy in the mid-1980s under the Özal government. Trade liberalization became relatively successful with Özal’s increased import-export support for companies. This change in policy orientation was followed with capital account liberalization in 1989. Following this liberalization Turkey experienced two severe financial crises in 1994 and 2001 respectively. The political instability of the 1990s did not allow governments to take deep-rooted action regarding the 1994 crisis. In 2001 under the leadership of the Minister of State for Economic Affairs Kemal Derviş (who was the former Vice-President of the World Bank), Turkey underwent a serious economic recovery programme. The programme was also supported by an IMF stand-by arrangement. It achieved successful results concerning the inflation rate, fiscal deficit, structural reforms and forward looking policies.

As an emerging market country Turkey continued to experience problems in its exchange rate regime, instabilities in the political sphere as well as low level confidence in its legal system reducing Foreign Direct Investment (FDI). These problems continued until 2002 when the 2001 economy programme showed positive results and Turkey entered a more stable political environment with AKP’s single party victory in 2002 general elections.

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From 2002 onwards significant changes in the Turkish economy can be noted. Turkey’s gross domestic product (GDP) increased from almost $200 billion in 2002 to $1288 billion in 2011. In addition, per capita GDP jumped from around $3,000 to over $10,498 in 2011. These developments had a positive impact on the chronic inflation that Turkey experienced for more than two decades. The inflation level which was around 70% was cut to an estimated 8% by the end of 2012.7

Positive global economic trends up until 2008 complemented Turkey’s efforts for enhanced connectedness with the world economy. Turkey became the 17th biggest economy in the world with its nominal GDP.8 It also joined the world’s major economies, G20, in 1999.9 The economic growth rate of Turkey from 2002 onwards remained significantly higher than most of its European counterparts.10 This brought considerable self-confidence to Turkey during the time of the 2008 global economic and financial crisis.

Liberal trade policies coupled with liberal visa polices with regional and neighbouring countries increased the trade volume of Turkey while at the same time increasing its export capacity. Turkish foreign policy supported this change in its economy while a neo-liberal trade oriented approach to foreign policy started to dominate Turkey’s diplomatic relations. In this economic environment a more liberal approach ensuring fundamental rights and freedoms was also necessary. Turkey’s economic growth and increased economic strength provided a social and economic environment for further liberalization in the political sphere.

The Impact of EU Accession Process

Two years after the Luxembourg Summit of the European Council in 1997, the European Council Meeting in Helsinki in 1999 served as the cornerstone in the relationship between Turkey and the EU. According to the Helsinki Decision, Turkey was included in the single enlargement framework and recognized as an official candidate country. According to Article 12 of the Presidency Conclusions it was noted that: ‘Turkey is a candidate State destined to join the Union on the basis of the same criteria applied to the other candidate states. Building on the existing European strategy, Turkey, like other candidate States, will benefit from a pre-accession strategy to stimulate and support its reforms.’¹¹ This statement was met with nationwide joy for the approval of “Turkish Europeanness.” Conclusions were drawn that this positive outcome was a result of years of effort to integrate Turkey with “Western civilization”. The Turkish elite (directors and assistant directors in the Turkish bureaucracy, academics and journalists) after the Helsinki decision adopted a positive attitude on Turkey one day joining the EU.¹²

There is no doubt that the Helsinki European Council Decisions in 1999 marked a turning point in the history of Turkey-EU relations. This was followed by the decision to open accession negotiations in 2005. From 1999 onwards Turkey entered a pre-accession process involving the fulfilment of political conditionality requirements. With this Turkey was exposed to EU conditionality which stimulated domestic political change. Harmonisation packages accepted by the TGNA brought critical political change to match the EU political conditionality to open accession negotiations. These changes undoubtedly transformed Turkey’s political life as it enabled the discussion of various issues in a more open and transparent way.

After the official declaration of Turkish candidature to the EU at the Helsinki Summit, an accession strategy was adopted. One year after the Helsinki decision through the usual development of the accession process, the European Commission prepared the Accession Partnership (AP) for Turkey on 8.11.2000. This document identified short and medium term political and economic priorities, intermediate objectives and conditions on which accession preparations should concentrate on. On the basis of this document Turkey was expected to adopt its National Programme for the Adoption of the Acquis (NPAA). The Helsinki decision started a process of pre-accession including a transitional period of policy and legislation adoption and harmonization in order to prepare domestic legislation and policies for opening the negotiations period. This membership prospect meant Turkey had to comply with the priorities set in the AP document of the European Council which resulted in an increased pace in adopting the *acquis communautaire*.

The AP also involved a comprehensive set of political criteria to accelerate political transformation and democratisation in Turkey. After Helsinki, the general project of Westernisation turned into one of ‘a concrete project of Europeanization, a more complex process of not only adapting of common values but also of transformation of political and economic structures and governance systems.’ Eralp argues that harmonizing legislation indicates a change in domestic political practices and institutions as well as the approach to political problems, ‘which requires a mental shift to think and act within the larger context of the EU.’

After the Helsinki Summit Turkey entered a new period of democratisation with the adoption of several democratisation reform packages in order to comply with the Copenhagen political criteria. During this process, the Westernisation project turned into a more concrete project of Europeanization, which is a complex

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14 Ibid.
process of adapting to common values, transforming political and economic structures and governance systems.\textsuperscript{15}

In order to comply with the Copenhagen political conditions Turkey accepted several reform packages in parliament in the course of a relatively short period of time. In due course political conditionality as well as \textit{acquis} conditionality transformed the political and legal spheres in Turkey. Bağış argues that ‘the EU is Turkey’s dietician.’ As any other dietician the EU assists Turkey in its quest to lose its excess weight. Bağış considers it is up to Turkey to decide on the pace of this loss as well as its amount. In this analogy the EU provides the rules and the framework and it is up to Turkey to follow the plan and set the rate of accession.\textsuperscript{16}

Public discussion on the content and extent of these reform packages was very controversial as Turkey had a coalition government in the first phase of the accession process. It is possible to divide Turkey’s accession process into three brief periods. The initial phase is the period covering the years 1999-2002 or in other words the pre-AKP period. The second and medium phase covers the years 2002-2005 and it is the active involvement AKP period. Öniş calls this period the ‘golden age of Europeanization.’\textsuperscript{17} The third phase covers the period 2005 onwards and it is the stagnation or limited Europeanization period. Both initial and medium phases were very vigorous and energetic when reform packages were accepted and difficult political decisions were taken.

The reform process included changes in various legal codes which could have been a lengthy legislative process. The solution was to address these reforms through “harmonization packages.” This term came into existence to refer to ‘a draft law consisting of a collection of amendments to different laws, designed to amend more than one code or law at a time, and which was approved or rejected.

\textsuperscript{15} Ibid.
\textsuperscript{16} Bağış, E. (2008), \textit{Interview}, Minister of State, Turkey-EU Chief Negotiator, AKP Vice Chairman in charge of Foreign Affairs, Member of the TGNA for İstanbul, Ankara, 17.09.2008.
in a single voting session in Parliament. This approach targeted legislation that was not in line with EU standards in such areas as freedom of speech, freedom of assembly or gender equality. Despite the tensions and divergence in opinions, harmonization packages including the abolition of the death penalty were passed. The tension among the coalition parties was so severe, it led to premature elections in 2002. Reforms were rapidly and forcefully done by the AKP when it came into power as it was the sole governing political party in 2002. Until 2007 nine harmonization packages in the TGNA covering these areas were passed.

These political reforms brought fundamental changes in Turkey’s political life. Harmonisation packages changed existing national legislation to improve issues regarding human rights and cultural rights while strengthening safeguards against torture and ill treatment, the freedom of association, assembly and demonstration, and broadening freedom of expression and freedom of the press. Harmonisation packages also reinforced gender equality and consolidated civilian democracy. These democratisation efforts of Turkey were recognized by the Commission in its 2003 Regular Report: ‘Over the past year the Turkish government has shown great determination in accelerating the pace of reforms, which have brought far-reaching changes to the political and legal system. It has also taken important steps to ensure their effective implementation, in order to allow Turkish citizens to enjoy fundamental freedoms and human rights in line with European standards.’

The positive remarks in the 2003 Regular Report were an indication of the acceptance of the progress made through harmonization packages. The former

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18 For more details see information note prepared by the Directorate of Political Affairs, EUSG. EUSG (2004), Report, <www.turkishembassy.com/II/O/Political%20Reforms%20in%20Turkey.doc>
EU Enlargement Commissioner Günther Verheugen highlighted this progress and remarked on 13.1. 2004 ‘we cannot just ignore the enormous progress made by Turkey.’\(^{21}\) The Commission Progress Report in 2004 supported Verheugen’s view. Similar to the 2003 Report, the 2004 Report acknowledged the impact of the reforms made in the political sphere.\(^{22}\) In terms of respect for human rights and fundamental freedoms the report acknowledged that ‘Turkey has acceded to most relevant international and European conventions.’\(^{23}\) As a result, the date indicating the start of the accession negotiations with Turkey was officially declared at the European Council Meeting on 17.12. 2004 to become 3.10. 2005.\(^{24}\)

While the Report accepted that important progress had been achieved in terms of implementation of these reforms, it underlined that deficiencies still remain and political reform needs to be further consolidated and broadened. Despite these deficiencies accession negotiations were opened with Turkey in 2005. This was official proof of the fulfilment of the EU’s Copenhagen political criteria. It is important to note that opening accession negotiations did not necessarily mean overall compliance with political conditionality. The latter is an ongoing process which is continuously monitored by the EU through the Commission’s annual progress reports. A fundamental breach of political conditions can result in the suspension of accession negotiations at anytime. This works as an important political leverage tool in Turkey’s accession process to the EU.

Accession talks opened with Turkey on 3.10. 2005 involving 35 policy chapters to be negotiated. June 2006 marked the opening of the first chapter by the Council on science and technology. This chapter was opened and closed


provisionally on the same day as most of the harmonisation was already done. Despite this quick start, the accession negotiations did not continue at such a fast pace. However, the accession process to the EU has undoubtedly accelerated the pace of democratic reforms in the political field challenging the highly restrictive 1982 Constitution’s political constraints.

**AKP’s deep rooted engagement in Turkish politics**

AKP as the ruling party won general elections consecutively in 2002, 2007, and 2011. Within the ten year period that AKP was in power the party gradually gained in political strength. The constitutional debate was first initiated in 2007 and resulted with very limited progress in the constitutional reform process. Instead of focusing on overall religious freedom for all segments of society including Alevis, non-Muslims and non-believers, a religious freedom debate concentrated narrowly on a headscarf ban in universities. It aimed at challenging the principles behind the ban instead of pursuing a more embracing and all inclusive path of promoting fundamental freedoms and freedom of expression in religion. Failing to get the support of all segments of society a deep-rooted and wider constitutional debate was postponed to a later date.

In 2010 amendments on certain articles of the 1982 Constitution were proposed at the TGNA. It was decided that these changes had to be accepted via a referendum. The referendum took place on 12.9.2012 and the result was 57.9% in favour of a change and 42.1% against.\(^25\) As a result, reforms have been made on certain rights and fundamental freedoms amending in total twenty-six articles. The opposition Republican People’s Party (CHP) argued that the amendments involved unconstitutional provisions. The main criticism was that the proposed amendments to the structures of the Constitutional Court and the Supreme Board of Judges and Prosecutors were in violation of the constitutional principle of the

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separation of powers. In this respect, CHP claimed that the basic tenant of Turkey’s political structure the “separation of powers” (legislation, executive and judiciary) was being transformed. The discussion was brought before the Constitutional Court which ruled that the amendments should be voted on in a public referendum. At the same time it annulled parts of two articles so none of the parties were completely satisfied with the Court’s decision. The result of the referendum was in favour of changing certain amendments of the 1982 Constitution but did not create deep rooted changes.

After the victory of the 2011 general elections AKP gained 50% of the popular vote and an immediate debate on constitutional change was initiated. Constitutional change was an important part of AKP election campaign.26 AKP also had more power as a result of a third consecutive election victory. Just after the elections, early signs appeared that constitutional change will involve more than constitutional reform on liberal rights. Rather signs indicated that it will cover transformation of the Turkish parliamentary system with the inclusion of a debate on a proposal for transformation to a presidential system resembling the French or US examples.

The constitutional debate since 2011 has been perceived by different sectors of Turkish society diversely. For Kurdish activists, this debate offers an opportunity to negotiate for certain issues to be included in the new constitution. The scope and content of the definition of Turkish citizenship has become the main source of tension. The discussion centred on how Turkish identity for citizenship could be defined within the new constitution without ignoring different identity demands by Kurdish origin Turkish citizens.

For the more secular-minded Turkish citizens this debate was an opportunity to have a more liberal constitution allowing the broadening of fundamental rights and freedoms. It was also seen as an accelerator of reforms that had started with the EU accession process. Compliance with the EU’s Copenhagen political

criteria stagnated after the opening of EU accession negotiations in 2005. Since then Turkey’s accession negotiations can be considered the slowest in the EU enlargement history. With the debate on the new constitution it was hoped that issues regarding fundamental rights and freedoms and strengthening the rule of law in Turkey could be brought back to the top of the political agenda.

For the ruling AKP the constitutional debate provides prospects for transforming the parliamentary system while moving towards a presidential or semi-presidential system. It has been argued that with this transformation the current political structure and policy-making process would become more efficient. Deputy Prime Minister Bekir Bozdağ argues that this transformation will “strengthen political stability and render the governing body a stronger one.” 27 He believes “the parliamentary system paves the way for coalitions, and the coalition governments Turkey saw after 1991 caused further economic and social troubles for Turkey.” In contrast, he argues that strong governments with strong leaders will do the opposite quoting the example of President Özal or PM Erdoğan.

Opposition parties argue that a more powerful executive will weaken the checks and balances system which is already under scrutiny with the 2010 constitutional amendments. Rıza Türmen, a former judge at the European Court of Human Rights (ECtHR) and a current MP from CHP, argues that this can lead to a “constitutional dictatorship.” 28 Opposition parties claim that fundamental changes in the current state structure and governance system will destabilize the political system while at the same time may introduce an authoritarian form of governance thus weakening democracy. Prime Minister Erdoğan after avoiding involvement with the presidential debate made his first comment on the subject in May 2012. He argued that if the TGNA decides to


move to a presidential system, there will not be much to say for the prime minister. In the current parliament, the majority lies with PM Erdoğan’s party. However, there is no defined consensus on this topic and an alternative such as a semi-presidential system is also on the agenda. With these points as yet unclear, it seems that the presidential debate will be dominating the Turkish political agenda in the near future.

Conclusion
Changing the 1982 Constitution has gradually moved to the top of the Turkish political agenda as a political issue. Reforming the constitution and changing the restrictive provisions on fundamental rights and freedoms with more liberal ones has been accepted among Turkish society. In this debate the biggest challenge is to include all sectors of society and to listen to the demands and to respond. This challenging task includes designing the constitution with equality as the main principle for all citizens regardless of religion, gender, ethnic background or political origin. This means religious freedom for all and not prioritising one particular ethnic group but equality for all citizens without any discrimination. Another challenge is to keep the debate in focus and not move away from the main intention of these reforms. The main motivation behind reform is to liberalize the constitution and make it more democratic and egalitarian. Although this can provide an opportunity to transform the political system into a presidential or semi-presidential one, the main priority has to remain the enhancement of democracy in Turkey.

As a rule, research on the effects of EU membership focuses more on governance-related issues, as societal changes are harder to grasp or relate to membership as such. This article covers a wider problem area to outline changes in Bulgaria since accession to the EU by focusing on three sets of questions: first, issues of governance; second, the dialogue with civil society and public opinion; and finally, the general issue of “catching up with Europe”. This will be done by a series of snapshots that illuminate different aspects of these areas.

The Good News and the Bad News: highlights of membership experience

Expectations ran high in Bulgaria prior to EU accession with hopes that membership would transform the country in a matter of a few years. Popular hopes were vested not only in higher standards of living, but in improvements in the economy, democracy, better governance, public services, all seen as part of the broader “return to Europe”1. Now, more than five years after entry, January 1, 2007, it is an opportune moment to take stock of what has really changed in the state and society.

The good news is that Bulgaria has remained quite stable even during the economic crisis with the second lowest government debt in the EU; there has been a 45% increase of the GDP between 2006 (the year before entry) and 20112. Bulgarians came out as the most enthusiastic supporters of the EU by the spring of 2012 according to a Eurobarometer poll. New forms of civic activism

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2 Eurostat data, own calculations.
appeared and energized civil society. Bulgarians have also become increasingly more tolerant of minorities, a point one is tempted to put under the label of “Europeanization”.

At the same time – and here comes the bad news - Bulgaria is still one of the poorest countries in the EU with a GDP per capita of only 44 of the EU27=100. The country has been subjected to post-accession conditionality for poor performance in fighting organized crime and corruption. The use of EU funds, meant to level out disparities with the rest of the EU, has been at a painfully low level for a long period due to lack of capacity or poor management practices. Its citizens have faced labour market restrictions in the majority of fellow EU members and the country’s bids for Schengen and the Eurozone have not materialized.4

The Political Context of Accession

It is indicative that none of the three governments since the start of negotiations and accession has been reelected, despite that fact that each of them in their own way had made a contribution to entry and the first years in the EU. Thus, membership in the European club failed to translate into tangible political benefits as conventional logic would suggest.

This can be attributed to the political culture during the whole transition period when no government was reelected, or to the gap between high expectations and reality of incremental progress. But the reason may also be sought in the discrepancy between the EU negotiations agenda and necessary domestic reforms. While governments invested efforts in meeting the official requirements of Brussels for membership, they apparently neglected necessary reforms of the transition period when there was no EU acquis and no Brussels to

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4 Bulgaria has now unofficially decided that it is not in its interest to join Schengen and the Euro area too soon, due to fears of uncontrolled migration and instability in the Eurozone.
monitor adoption. This unfinished business includes healthcare, education, social safety nets, etc., deepening problems that continue to plague the country to this day.⁵

A Bittersweet Experience for Governments: post-accession conditionality

One way to explore the issue of governance in Bulgaria in the post-accession period is to look at the performance of the government in EU-related policies. In terms of EU policy performance, the important areas for Bulgaria that can serve as benchmarks are the post-accession conditionality imposed on the country, the level of absorption of EU funds as well as participation in the EU decision-making process.

EU fund-absorption rate has been painstakingly low for most of the membership period. The rate was only 11.3% for the first three years of membership. The reason has been the lack of capacity and inefficiency on behalf of beneficiaries – state and local government institutions as well as allegations of corruption in the past that brought about a freeze of EU funds altogether in 2008. In the last couple of years though, the situation has improved and the figure has increased to 29.1%⁶ as of September 2012. This rate is still low, but it is a significant improvement with the promise of better to come.

Bulgaria’s participation in the decision-making process of the EU has been similarly lackluster. The country has been described as a “policy taker” rather than a “policy driver” in an Open Society Institute (OSI)-Sofia comparative study, looking into the capacity of the newer member states of the EU to contribute to the decision-making of the Union. Bulgaria, along with many

⁵ Kavrakova, Assya, The Unfinished Business of the Fifth Enlargement Countries, OSI-Sofia, 2009; Available at www.eupi.eu
⁶ Official government statistics at www.eufunds.bg accessed on 10.10. 2012 measured as share of paid sums to beneficiaries out of the total.
fellow Central and East European (CEE) states, preferred to passively bandwagon positions already adopted by more influential member states. There have been few exceptions where the country has participated more assertively eg energy policy.\(^7\)

Bulgaria’s governments however suffered from the post-accession conditionality imposed by the EU in the form of the Cooperation and Verification Mechanism (CVM).\(^8\) This is the process of monitoring the fight against corruption, organized crime and judicial reform, where Bulgaria has to achieve progress on six benchmarks and the European Commission monitors and issues regular reports.

The monitoring process, although accepted by Bulgaria as a condition to enter the EU, has been unpopular with the parties in power as the reports have pointed out the deficits of governance. However, it has been supported by the citizens, with 77% in favour of control from Brussels and only 6.5% against.\(^9\)

**Asking the People: trust in the EU and the national government**

It is interesting to trace public trust as a source of legitimacy and to make a comparison between trust in EU institutions and national ones. “Brussels” asserted itself as another centre of power in practice and in popular attitudes\(^10\) even prior to accession and has asserted its weight after membership in the EU.

Bulgaria’s citizens remain supportive of the EU even in the crisis and even though they are not part of the internal circles of integration such as Schengen or the Eurozone. Trust in the EU was over 55% in 2012\(^11\), well above the EU

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\(^7\) In Lessenski, Marin, Not Your Grandfather’s Eastern Bloc: The EU New Member States as Agenda Setters in the Enlarged European Union, OSI-Sofia, 2009.

\(^8\) CVM was also imposed on Romania, but some benchmarks are different due to the different priorities in the two countries. Description and documents available at http://ec.europa.eu/cvm/


\(^10\) The image of the EU has been somewhat vague and undefined, but this may have in fact elevated the standing of Brussels.

\(^11\) Eurobarometer, EB77 Spring 2012.
average of 31%. Moreover, Bulgarians seem to have retained their trust over the years as their support for the EU in the first months of membership was at 54%, although there were other nations more optimistic about the EU back in 2007 and trust then was on average 57%. Bulgarians also tend to trust EU institutions more than their own national government. OSI-Sofia’s survey show that trust in EU institutions remains a constant – 35% in June 2008 and 34% in May 2012 compared with the figure of trust in the government of just 12% in 2008 and 16% in 2012. At the same time, it should be noted that Bulgarians cannot be dubbed “federalists” as they would not transfer too much power to Brussels and with the deepening of the economic crisis, opposition to adopting the Euro increased, with a preference for keeping the national currency, albeit pegged to the Euro.

Tolerance as a “European Value”: Bulgaria’ dialogue with its minorities

Tolerance is often espoused as a core “European value” and it is interesting to observe changes in Bulgaria after EU accession. In general, the country has a mixed historical record – from the repressions of the Turkish minority by the communist regime in the mid-1980s to the ongoing debates on Roma inclusion, and the recently discovered pride in saving Bulgaria’s Jews during WWII.

There is a striking positive trend, characterized by increased tolerance of Bulgarian society towards its minorities between 2008-2012.

Attitudinal studies show that although to some extent prejudice is still evident, this too has diminished. The share of ethnic Bulgarians, who readily accept the

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12 Eurobarometer, EB67, Spring 2007.
13 OSI-Sofia surveys, available at www.opendata.bg
14 These issues are more often topics of expert debates and rarely of critical public discussion.
15 Pamporov, Alexey, “Sotsialni distantsii i etnicheski stereotipi za maltsinstvata v Balgaria” (Social distances and ethnic stereotypes concerning minorities in Bulgaria), OSI-Sofia, 2008. OSI-Sofia
idea of living side by side with ethnic minority members such as Turks, has steadily increased from 39.5% in February 2008 to 58.5% May 2012. The comparative figure for attitudes towards Roma has increased from 28.8% in 2008 to 45.6% in 2012. Attitudes to having a boss of Turkish origin in the workplace has increased from 15.0% in 2008 to 38.8% in 2012, and for bosses of Roma origin the percentage has gone up from 12.5% to 27%.

The study found that the younger generation are more tolerant in general and despite some reservations (e.g. for intermarriages) there is a definite positive trend of increasing tolerance in the country. It would be overstretching it to link this phenomenon directly to EU membership, but the timeframes of this change in attitudes and EU membership coincide and more empirical research would be worthwhile to confirm the theory.

Organized Civil Society in Bulgaria and the Reversing Roles of Brussels

The role of “Brussels” and its role and relations with Bulgarian civil society as symbolized by the European capital (i.e. the European institutions) served as an alternative power centre even before entry to the EU. The first stage, prior to accession, could be described as a positive partnership, when Brussels was seen as an ally of civil society against the wrongs or excesses of the government. Brussels also partnered with civil society organizations as it relied upon them for independent assessment for the country progress reports. The second stage came after accession when the government suddenly became “part of Brussels” and it could not be perceived anymore as an unconditional ally of civil society. The third stage, which is currently underway, represents a shift back towards


16 Religious organizations (the Orthodox Church, Muslim institutions and other denominations) in Bulgaria play a very limited to non-existent role in public debate and social life and, so they are excluded from this overview.
reclaiming the position of “Brussels” as a partner in a dialogue with civil society organizations.

The second and third stages deserve a closer look. In the 1990s and early 2000s, Bulgaria had a well-developed network of NGOs, many of them styled on US models funded by US and international independent donors. As the country was “graduating” and getting closer to the EU, these donors started to withdraw and the existing infrastructure of NGO lost not only funding opportunities but also international contacts and networks. The EU funds earmarked for non-governmental groups could not fill the gap. Moreover funding was controlled by the executive, (providing it with a leverage to control the sector) and it was diverted to service provision. As the sector depends very much on external funding, this has turned most of the NGOs into service providers and has made traditional roles such as watch-dog functions rather difficult.

A study of civil society in Bulgaria\textsuperscript{17}, released four years after accession, found out that Bulgarian civil society organizations have high organizational capacity, but at the same time they are plagued by financial problems and most of them consider their impact in resolving social and policy problems limited. The most troubling problem that the study identifies is a low level of civic engagement by the citizens. This is a trend that has persisted over the years\textsuperscript{18} and it is confirmed by the findings of the European Values Study\textsuperscript{19} looking at the reluctance of citizens to get involved in governance. Thus there is a paradoxical phenomenon of fairly good civil society organizations operating in a rather passive society.

\begin{footnotesize}
\textsuperscript{17} Hristova Kurydlowski, Dessislava et all, Civil Society Index 2008-2010: Civil Society in Bulgaria: Citizen Actions without Engagement, OSI-Sofia, 2011, done within the CIVICUS world-wide study of civil societies.

\textsuperscript{18} In a previous Civil Society Index: Assessment of the Bulgarian Civil Society 2003-2005, BalkanAssistm 2005

\textsuperscript{19} EVS 2008 wave for Bulgaria, European Value Study http://www.europeanvaluesstudy.eu/, available at http://info1.gesis.org
\end{footnotesize}
But at the same time, there are trends which provide a positive outlook for the development of civil society in Bulgaria. To begin with, there is a new type of activism that has emerged and developed in recent years. At the risk of generalisation, it can be said that this is more on an ad hoc basis, focused on a single issue rather than on a broader range of themes. At its core are younger people - students, professionals - who are not civic activists *per se*, but are rather involved on a case by case basis. Such groups are loosely associated rather than officially registered. They use the new social media as their primary instrument for mobilization, but are not limited to it, overcoming the concerns of futile “online activism”\(^\text{20}\), and public action on the streets has also been apparent.

In terms of thematic areas, this activism has emerged closely related to environmental issues, but it has also gradually entered new areas such as the protection of civil rights in view of overly intrusive laws (e.g. internet neutrality and freedom).

It should be noted though that more “traditional” CSOs were not sidelined, but have rather been benefiting from the new developments and as they are more organized, experienced and as such they have been able to carry on the debate.

As a token of the role of EU membership in civil society development, the civil society study\(^\text{21}\) says that participation in EU and other international projects and programmes has enhanced the capacity of non-governmental organizations. The increasing role of citizen participation in the EU allowed for under the Lisbon Treaty as well as improved networking with EU counterparts will offer new opportunities for the development of civil society in Bulgaria.


\(^{21}\) In Hristova Kurydlowski, Dessislava et all, Civil Society Index 2008-2010.
The Verdict: how is Bulgaria catching up with the rest of the EU?

The main appeal of EU membership for Bulgarian citizens has been the opportunity to catch-up with “Europe”, its counterparts in the West. The “catching up with the European average” slogan is more than often used as a departure point in political and social discourse. But this has either rarely been backed by veritable metrics, or it covered just limited aspects of the process. An instrument, called the Catch-Up Index\(^\text{22}\) overcomes these gaps by measuring and comparing the performance of 35 European states – EU members, candidates and potential candidates.\(^\text{23}\) The index includes four categories – Economy, Democracy, Quality of Life and Governance – based on the conviction that the EU stands for each of these dimensions as far as citizens of countries such as Bulgaria are concerned. It is not just the economy or wealth, but also good governance or the quality of democracy and the level of public services that set the EU apart and introduce the notion of the “European way” as the yardstick of success.

The findings of the index show two main observations worthy of note. The first one describes in which of the four categories the country is performing the best and catching up most successfully with the rest of EU. It turns out that the Economy is the area, where the country performs best, followed by Democracy and Governance, while Quality of Life (defined primarily in terms of quality of public services) is lagging significantly behind.

The second observation is that geography still divides the continent and Bulgaria’s scores put it in the company of fellow Balkan countries. This is done


\(^{23}\) The index uses scores from 0 to 100 (lowest to highest) and rank positions 1-35 (highest to lowest). For more information and the methodology, please visit www.thecatchupindex.eu
on the basis of cluster analysis of the overall scores (i.e. of all four categories),
grouping together the countries with higher similarities. The clusters are
hierarchical, i.e. the first cluster groups the most developed, democratic, best
governed countries and last cluster features most problems.

The cluster analysis is interesting as it shows there are distinct geographic
patterns in the performance and catching-up in Europe. The divides in Europe
are shifting across the North-South divide rather than the old East-West divide.

As the experience and data shows, EU membership for Bulgaria has been a story
of progress, but with a steep learning curve. In this the continuing dialogue with
the EU helps as does also efforts to intensify the dialogue in the country on
governance-related issues.
Communication and Dialogue as Effective Tools of Good Governance in Armenia

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Armenia, a post-Soviet country and emerging democracy, has often come in for tough criticism by Euro-Atlantic structures and local institutions alike for offering fertile ground for bribery and corrupt practices and old-style governance, spiced with heavy bureaucracy. Some argue that one of the main reasons behind these failures is Armenia’s historical attachment to Russia plus its subsequent Sovietization. Others say the Nagorno-Karabagh armed conflict, the devastating earthquake of 1988, refugees from Azerbaijan and a ruined economy, meant that Armenia had a difficult starting point which enormously slowed down the country’s effective development and negatively affected the establishment of democratic institutions.

From an expert point of view, both approaches hold strong theoretical and empirical water. The first approach is tenable since it is clear that countries in Europe, Asia, Central America etc that were under Russian and/or Socialist influence had an uphill struggle with the collapse of the Red Empire in 1991 to get on equal footing with the civilized international community of democratic countries. Armenia unfortunately was not an exception. The latter view is also valid given that no one can deny those bitter realities of the early ‘90s.

Based on the combined analyses of these two approaches, one can argue that on the one hand, Armenia was trapped by its past, and on the other, it is fully aware of the inefficiency of old and obsolete procedures. The country knows it has to adopt new approaches and establish more effective mechanisms to pave the way for meaningful change and sustainable reforms.
The Long Road to Good Governance

Despite critics and not very flattering reports by international organizations on good democratic practices, Armenia is now witnessing a “blossoming” of a number of projects and initiatives by civil society and local authorities. Social media, a number of youth projects, youth leadership schools as well as civic initiatives have come to fill the existing gap between bad and good types of governances. They have the potential to reduce the negative impact of inefficient processes of bad practices and provide better democratic outcomes where the “conventional” mechanisms of good governance are not functioning properly or are just simply missing.

From a realistic point of view, it is quite a difficult task for an analyst to explain the emergence of necessary democratic tools amid corrupt practices with only a verbal commitment by the government to undertake reforms. A constructivist (or perhaps, an anthropological) approach seems to be more appropriate in helping to contextualize more accurately the ongoing positive processes in Armenia. Although democratic values and practices of good governance have not yet been deeply rooted in Armenia’s socio-political culture, some good examples are emerging of modest good governance due to increased awareness, civic initiatives and democracy-driven projects.

Armenia’s socio-political canvas was decisively shaped in the late 1980s when an accumulated energy was transformed into “revolutionary” ambition, finally culminating in the independence of Armenia in 1991. But an ongoing war, an economy in ruins, huge socio-economic problems, widespread poverty and a government with a low reputation made it almost impossible to go for more democracy and promote accountable governance in a rights-based environment with justice. Civil society itself was more concerned with survival issues rather than with thinking about “western” values and their implementation.

The last years have not been promising in terms of economic growth, institutional changes, reforms in important areas, or the establishment of a
strong civil society. A gap between those in government (especially after the highly controversial presidential elections in 1996) and those in the civil society widened after every presidential, parliamentary or local authority election and after every economic and political crisis in the country. The bloody events in Spring, 2008 that accompanied the presidential elections, contributed to reinforcing existing dividing lines and mutual mistrust. Then, a fresh political opposition appeared on the stage and with this came new hopes and dreams. Although, the newly-formed opposition, headed by the first president of Armenia, Levon Ter-Petrosyan, soon lost political and social influence civil society, it paved the way for the next generation to become aware of their role in state and nation-building, regardless of any political party or group affiliation.

This is not to say that before March, 2008 Armenia’s civil society was “jobless” and in “sleep” mode. Instead, it was trying to find ways for its revival by seeking new sources of inspiration and also, by relying on a qualitative generational change. However, due to a number of socio-economic and political reasons, public activity and civic transformation was quite slow, thus weakening civil society and promoting apathy.

Domestic political developments boosted by a new post-March 2008 reality engendered new civic activity and civil movements. A number of civil initiatives emerged and this new generation positioned itself as a new player in Armenia’s socio-political landscape. The new vibrant civic environment reminded many Armenians of the late ‘80s and early ‘90s (up to the controversial election of 1996) when an Armenian political renaissance took place and new ideas, values and hopes were injected into the socio-political arena substantially contributing to the collapse of the communist regime. Due to a number of developments within civil society and also thanks to awareness raising activities, different scholarships, and fellowship programmes, a new generation of keen activists emerged, committed to liberal ideals of democracy.
Armenia has never witnessed such civic activism since 1991 and the role of civic initiatives is more crucial than ever. Surprisingly for the older generation, the young generation positioned itself as proactive, creative, and fearless. It did not hesitate to demand change, defend its rights, offer solutions, and get rid of old-fashioned habits by advocating progressive approaches.

**Dialogue, Communication for Governance**

Armenia’s political palette has been for a long time looking for more colours that could render the black and white reality more vibrant and make the political elite and the people more receptive to reforms. Both the representatives of political parties whether pro-governmental or oppositional as well as members of civic society understand that no one can progress without dialogue, communication and cooperation.

A number of youth projects and initiatives (e.g. cross-border media projects, the Armenian-Turkish Youth Club, Armenian Youth Initiatives’ Foundation, Alliance for Democracy NGO, Youth Initiative Center, National Youth Council of Armenia, the Youth Bank Armenia), leadership schools (e.g. School for Young Leaders, "Leadership School" Foundation, Youth Leadership School by NDI, etc.) and programmes (e.g. Youth in Action) triggered a spate of positive developments in society and state-governed institutions.

Alternative ways of spreading information through different media became an inseparable part of the reality and the role of free media is constantly growing in light of important transformations in society and political life. Participatory and more inclusive activities help monitor progress and hold the government to account.

Some still are very skeptical about such developments. On the other hand, the activism and tangible outcome resulting from civic engagement has created new hopes especially among the youth which has opened up more space for progress.
The political elite had no choice but to accept the very existence of an active and strong civil society in the country and to accept a partnership and dialogue with it in order to reach sustainable development and progress.

This unprecedented civic activism in Armenia meant for many changes with the promotion of equality, rights, pluralism and accountability through both political and non-political means. Social media such as Facebook in particular became an alternative way for non-political actors to express ideas and share views and opinions. Civic activists having reduced access to more “conventional” mass media such as TV, newspapers, and electronic newspapers (many of which are government-controlled), have been “forced” to migrate to Facebook and some internet-based resources and to create support and advocacy groups, forums, initiatives, open discussions and so on to meet modern challenges.

For many of these activists, groups, and initiatives one of the main goals is to make the work of government more transparent and the political elite more accountable. It was also important for these groups to be heard by decision-makers and to find ways to influence the decision-making process.

Newspapers as well started not only to post their articles and other information on Facebook by opening their pages and groups, but Facebook also became a new and very rich source of information. Posts, statuses, notifications, and comments are periodically used by the mass media, while Facebook users, bloggers, and other activists become “heroes” of interviews, articles, TV and radio-shows. Also, a serious comment or post by internet users can create a series of discussions and “entrap” in a dialogue or direct communication as well those directly targeted: authorities, representatives of law enforcement bodies, political parties, pro-governmental journalists, experts, analysts and many others. Almost all ministries created special departments to follow Facebook activities, posts and comments and to react to them through Facebook or other media.
It must also be noted that many in the government still think that the Soviet Union is not yet over and having power still means dividing society into those who are loyal to the regime and those who are not and the latter need to be persecuted, exiled or kept silent. However, due to a number of initiatives by civic activists, projects, forums, and protests, the political elite had to change its strategy and concede the fact that fortunately for many we are living in much better world where every single person has a role to play and where the accountability, pluralism and diversity are among the most important drivers of progress and prosperity.

The Armenian political elite was forced to react to this reality and take appropriate steps towards “rapprochement” with its own people. While the geopolitical developments, survival and security issues constitute the number one priority for post-Soviet republics of the South Caucasus and while the international community is still expecting to see the region less violent and more cooperative, the same cooperation and trust are needed on the domestic level. No government can succeed without domestic support and dialogue with its own civil society.

The high level and efficiency of civic activism and other activities in Armenia made the political elite think of finding ways for opening up dialogue and communication with society. That is why just after the presidential elections in 2008, the newly-elected president, Serj Sargsyan, aware of the danger of ignoring civil society, established the Public Council of Armenia, a consultative body aimed at taking note of the wishes of various social groups to improve the internal political situation and promote consolidation of civil society. While the efficiency of this body is questionable and many consider it as simply an attempt by the government to feign dialogue with civil society, it is still a good example of positive consequences of activism to at least push the political elite to create bridges and by so doing, making its activities more transparent.
Environmental activism (e.g. Armenia Tree Project, "Save Teghut" Civic Initiative, etc.) is also on the rise and has set off an unprecedented dynamic for an important component in building a more sustainable and open-minded society, educating those in government to respect basic rights and freedoms of all, including the environment. Green activism is growing by the day due to mounting concerns on environmental hazards in Armenia. For example, the "Save Teghut"1 Civic Initiative started with about 20 activists, and now has over 6,000 followers on Facebook, and many more supporters across Armenia without internet access. Also, environmental activists are not affiliated with any organization or political party and they insist on covering their expenses either through their own means or donations from the general public. The green agenda is now quite large and includes successful actions to save Kacharan, in the Syunik region, from harmful mining and the Trchkan waterfall from destruction.

The success of many civic initiatives is due to the solid will to succeed by those who initiate such activities and although the political elite appeared at first to be reluctant to “share” its power, it is now fully aware of the importance and value of a strong civil society. This does not mean that Armenia has overcome its Soviet past, or has less corruption; on the contrary, Armenia has still a very long way to go to become a member of a progressive democratic community. In this context, dialogue and everyday communication between the political elite and society is needed to record substantial results and sustainable development. It is, for sure, a two-way process where both the government and civil society have still to grow mentally and morally and to prefer cooperation and dialogue to division and monologue.

It is also obvious that the political elite has more duties and obligations and a more important role to play in establishing a dialogue-based environment and rendering Armenia’s socio-political landscape more open, transparent and accountable.
Slow democratisation and an ineffective public administration system, the core determinants for the achievement of socio-economic progress, often hinder success in new reform countries. The experience of mature reform-oriented countries indicates that the path to democratisation and economic progress lies in the divergence from authoritarian governance both in the social and economic spheres, with particular emphasis on increasing the participation of citizens in state governance and public decision-making processes, and the restoration of free market relations and the liberalisation of the economy. Moreover, the liberalisation of the politico-economic system requires a deepening of the decentralisation process in the country, as well as the formation of administratively independent and economically strong local self-government institutions.

However, at present, no ready concept on decentralisation exists in many transition countries, as their attitude towards any external initiative is predominantly based on conservativism. High-level corruption within the government apparatus and impediment to reforms in the politico-economic system further complicate the already complex situation.

Azerbaijan is no exception. More than 20 years after the restoration of state independence, although some steps have been taken in the development of both
a new political and economic system, it is hard to conclude that all these meet the requirements of sustainable development or are sufficient for creating opportunities for citizens to take part in a decision-making process which favours good governance and dialogue.

**Governance System in Azerbaijan: how centralised?**

In the Constitution of the Republic of Azerbaijan, adopted on 12.11. 1995 by referendum, Azerbaijan was declared a democratic, legal, secular and unitary state. Under the Constitution, the political system of Azerbaijan conforms to the parameters that define a republic based on presidential administration. In accordance with the division of power, in the Republic of Azerbaijan, three branches were independently formed and started to function - legislative, executive, and judicial - with their activity regulated by the Constitution and legislative acts.

Thus, Milli Majlis has the legislative power, the President is given executive power, and courts represent the judicial power. According to the Constitution, legislative power is given solely to the Milli Majlis, which is formed by election, and consists of one chamber. The Milli Majlis defines general rules pertaining to complex issues, and within the framework of those rules, executive power conducts concrete executive functions. Second, the Milli Majlis possesses competences, such as dismissal of the President of the Azerbaijan Republic through impeachment; giving consent to the appointment of the Prime Minister of Azerbaijan Republic; appointment of judges based on the recommendation by the President of Azerbaijan Republic to the Constitutional Court, Supreme Court and the Courts of Appeal, etc. Finally, along with the legislative power, the Milli Majlis also approves and controls the state budget.

Members of Milli Majlis of the Azerbaijan Republic are elected by a system, whereby a majority is obtained through general, equal and direct elections
conducted by employing free, individual and secret voting; Milli Majlis consists of 125 deputies, all of whom serve a five-year term.

In accordance with the Constitution, there is a combined system of executive power consisting of central and local executive powers. The system covers the majority of governmental bodies and civil servants and thus possesses a wide range of competences, with the implementation of laws as the main function of the executive power.

Under the Constitution, the President of Azerbaijan is the head of the Republic and holds sole executive power. The President is the guarantor of state independence, territorial integrity and judicial power, as well as Supreme Commander-in-Chief of Military Forces of the Azerbaijan Republic. He/she is elected for a five-year term. However, the limitation that was in place before 2009 and ensured that one person could not act as a President for more than two terms was removed in the amendments made to the Constitution in 2009.

The Constitution grants a wide range of responsibilities to the President. For instance, with the consent of Milli Majlis, the President appoints and dismisses the prime minister and the members of the Cabinet of Ministers and submits the draft state budget to the Milli Majlis for final approval. It also has legislative initiative rights. Thus, all draft laws and decisions he/she submits to the Milli Majlis are discussed in parliament and put to a vote. In turn, laws adopted by Milli Majlis are submitted to the President for signature.

The President carries out the executive power through the Presidential Administration, the Cabinet of Ministers and the local executive power institutions. In order to ensure the implementation of executive powers, the President forms the Cabinet of Ministers, which is regarded as the highest body of executive power. Under Article 124 of the Constitution, executive power in the regions is carried out by the local bodies entrusted with executive power, the heads of which are appointed and dismissed by the President, who also can limit the authority of local executive power.
The current system pertaining to administrative-territorial units in Azerbaijan are inherited from the former USSR. Thus, the local government model known as the “area (village, settlement or city) councils” of the Soviet period was substituted by the “area (village, settlement or city) executive powers” organized on administrative-area units of that period.

In rayons, cities and districts, local government status belongs to the heads of executive committees appointed directly by the President. Moreover, the heads of Rayon Executive Committees are in charge of appointing their representatives for settlements and villages under their jurisdiction, upon agreement with the Presidential Administration.

In accordance with the “Statute on Local Executive Powers” approved by the Presidential Decree of 6.6. 2012, heads of local executive powers are responsible to the President for fulfilling the duties granted to them and enjoy wide executive authority in the area assigned to them. In essence, local Executive Committees are given responsibility for implementing instructions received from the Presidential Office and for supervising general management of local structures of the central executive power organs functioning in the relevant territory.

**Local Self-governance in Azerbaijan: challenges in motion**

The fourth part of the Constitution of Azerbaijan Republic pertains to local self-government. It refers to municipalities formed by elections as local self-government bodies. Though it seems that municipalities are independent and can carry out their responsibilities autonomously, in reality, the government keeps a close eye on their activities. However, the status and competences of the municipalities in the Constitution remains uncertain.

of citizens’ activities that grants to its citizens an ability to resolve important local issues independently and freely and to implement a part of state issues in accordance with the Constitution. However, this definition does not allow municipalities to be identified as the structures with real authority within the general state governance.

In 1999, the first municipal elections were held and 2735 municipalities were set up.\(^2\) In December of 2001 Azerbaijan adhered to the European Charter on Local Self-Government (Azerbaijan signed 25 items of 30 in the first part of the Charter) and accepted a number of commitments with regard to the development of local self-government. The document states that the right of citizens to participate in state governance is guaranteed under democratic principles, which are common for Council of Europe member states. It is envisaged in the Charter that “the existence of local authorities with real responsibilities can provide effective and citizen-oriented governance”; however, “this entails the existence of local authorities endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for their fulfilment”. Item 3 of Article 4 of the Charter says that “public responsibilities shall generally be exercised, in preference, by those authorities which are close to the citizen.”

Since 1999, some 30 legal-normative acts regulating the activity of local self-government in the country have been adopted. Given that there are a number of legal-normative documents related to the activity of local self-government, it could be assumed that the requirements of the Charter were sufficiently implemented and the status and responsibilities of municipalities clearly defined.

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\(^2\) So far, in Azerbaijan, three municipal elections were held at five-year intervals. In 2004, there were 2800 municipalities due to the establishment of new ones. However, in 2009, as result of merging some municipalities, their number declined to 1750.
In paragraph 8.2.2 of Recommendation 126 (2003) on local and regional democracy in Azerbaijan adopted by the European Congress of Local and Regional Authorities of the Council of Europe, it is noted that the powers and responsibilities of Azerbaijan’s municipalities are very limited, as they lacked a substantial share of authority over public affairs, as stipulated in the European Charter of Local Self-Government. Moreover, these powers are neither full nor exclusive. In fact, all municipal duties are discharged merely as a back-up to, or under the supervision of, the devolved authorities. During the past nine years, no amendment has been made to the legislation in force, as in February, 2005, the only amendments introduced pertained to the Law on the “Status of Municipalities”. However, this change was not followed up with a definition of the framework of their responsibilities.

Clearly, there is a problem of duplication of parallel responsibilities in local-self government in Azerbaijan. Legislation grants the same responsibility to other government structures as it does to municipalities.

In Azerbaijan, the state government is still fully under the central government and highly centralized. Not only are the responsibilities centralised and the management of public service monopolised, but financial resources needed for realisation of these services are also centralised. In general, strong centralisation of state functions, on one hand, results in governance of society by a limited number of individuals; removal of public from government, and on the other hand, leads to the formation of closed environment, resulting in ineffective and non-transparent use of financial resources needed for the realisation of those functions.

Finally, the relations between local self-government and local executive powers are based on the principles of “domination” and “dependence”. Today, even in the smallest administrative territorial units, municipalities and local executive offices operate in tandem. This arrangement reduces effectiveness of
governance, and also creates favourable conditions for local executive powers to keep municipalities under non-formal control.

Consequently, local executives appointed by high governmental bodies have much greater power and enjoy higher status than local self-government structures formed by elections. This, on the one hand, limits the participation of people in the solution of local problems and, on the other hand, results in the division of responsibilities for the solution of common community problems among a number of governance structures that do not have a “public mandate”. Thus, all these processes provide favourable conditions for high-level centralisation and are a significant barrier to governance reforms.

As a part of this discussion, we should take into consideration the fact that the administrative-territorial division in the old Soviet period was a political-ideological issue. Thus, by dividing the country into many small, territorial units, the government has restored its power in each, and ensured that people were kept under its control. Today, that principle prevails, as the government has its officials even in the smallest territorial units. The existence of executive power offices, even in the smallest villages, prevents the development of trust in local self-government bodies. There is currently little or no trust in the ability of municipalities formed by elected and appointed persons to provide a solution to even small local problems let alone governance issues. Under such conditions, human and financial resources are used inefficiently and the state budget allocation does not reach the poor in the regions.

Moreover, the lack of clear legal mechanisms regulating the relations between municipalities and state bodies leads to a violation of the right of local self-government. This provision was enshrined in paragraph 8.2,3 of Recommendation 126 (2003) on local and regional democracy in Azerbaijan adopted by the European Congress of Local and Regional Authorities. Under that recommendation, there is a need to adopt separate legislative acts regulating relations between municipalities and state bodies in Azerbaijan. However, no
change has taken place in this regard since the adoption of that Recommendation.

**Conclusion**

The future perspectives of local self-government reforms in Azerbaijan depend on the initiatives and attempts of the government, municipal associations, civil society institutes and international organizations. There are already signs of the government intending to make reforms. For example, in the 2008-2015 State Programme on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan, increasing the financial and personnel capacity of municipalities, improving mechanisms of public control over municipalities and granting a status of municipality to big cities etc, are considered as key aspects of the reforms.

Parliament is expected to initiate discussion on a number of issues regarding changes to the legislation of local self-government and the transfer of responsibilities from the existing executive committees to municipalities. Recent political statements at high level about the importance of stronger municipalities and an increased amount of state budget transfers to municipalities in 2012 and other similar initiatives are the basis of hope for the development of municipalities.

However, the status of municipalities still remains unclear and presents a major loophole in the development of decentralised governance. Legislation must provide clear norms defining the status of municipalities and transforming their roles for better provision of services. This move should ideally go in conformity with subsequent state budget transfers for proper functioning. Municipalities must be provided with sustainable financial sources so that they can carry out their responsibilities independently, and possibilities of the application of shared-taxes system must be considered by making changes to the legislation. Current mechanisms of transfers from the state budget to municipalities must be
improved, conditional transfers along with unconditional ones must be provided and the amount of transfers should be increased considerably. It is our hope that with the support of civil society and good governance in Azerbaijan it will possible to see improvements in municipal legislation. In this dialogue with civil society organizations, municipalities and relevant state bodies, it could be possible to find a consensus on many challenges and ultimately, strengthen the municipalities in the country.
GEORGIA’S BUMPY ROAD TO DEMOCRACY:
A DIALOGUE OF OPPOSITES

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Associate Professor, Department of Political Science at Tbilisi State University
and Director of Tbilisi-based think tank Georgian Institute of Politics

For nearly two decades, more than any other country in the post-Soviet space bar the Baltic States, Georgia has been struggling to develop stable political institutions and a functioning democratic system. Since coming to power in the 2003 Rose Revolution, President Mikheil Saakashvili and a small circle of young reformers have dominated political life in this post-Soviet country, while aggressively seeking to integrate Georgia into Western institutions like NATO and the European Union. Nine years later the country has been transformed beyond recognition from the broken wreck of a former Soviet republic that it was then. Few give Saakashvili and his modernizing team any credit for the changes that Georgia has undergone. The bureaucracy is streamlined, governance is much stronger and market reforms have advanced. Petty corruption was tackled principally by firing en masse the corrupt traffic police. A price, however was paid as Georgia was at risk of becoming a one-party state with United National Movement (UNM) control of the executive branch, parliament, and judiciary. Complaints were rife that modernization was being directed by a small, increasingly isolated group of leaders and that democratic processes were secondary. In addition to that the police, media and many sectors of business have maintained close ties with the UNM. Georgian society has shown increasing signs of fatigue with the government’s high-handed policies.

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This was manifest in the parliamentary election (1.10. 2012) when a record number of voters\textsuperscript{2} broke the UNM monopoly\textsuperscript{3} by overwhelmingly choosing the Georgian Dream (GD) coalition, headed by billionaire Bidzina Ivanishvili.\textsuperscript{4} Despite the climate of polarization that preceded the election, the results came without violence, which was indeed unprecedented for Georgia. The election ended de facto one-party rule in Georgia and the worrying authoritarian inclinations of the Saakashvili era. Moreover, these elections sent an important signal for elsewhere in the post-Soviet space and were greeted with satisfaction by international organizations promoting democratic standards. However, promising social justice and better living standards, the new Prime Minister Ivanishvili faced huge expectations from voters, and a wave of strikes and regional protests took place in the weeks after his government took office, highlighting public impatience for change. While the West wants Ivanishvili to keep his promises to develop democracy, Georgians are hoping he fulfills his pre-election pledge to tackle unemployment, poverty and deprivation. This election result could shape Georgia’s path for many years; it remains to be seen whether the recent political shuffle will propel Georgia towards a Western-style liberal democracy or plunge it into violent political turmoil.

The Parliamentary Elections: a “litmus test” for Georgian Democracy

A difficult co-habitation process has just started, marking an important point in Georgia’s political history with the first ever peaceful transfer of power. This reflects positively on the consolidation of the country’s democratic transition. During the most competitive elections Georgia had ever experienced, 14

\textsuperscript{2} Detailed information regarding voter turnout is available: http://results.cec.gov.ge/


\textsuperscript{4} According to the 2012 list compiled by Forbes, an American weekly magazine, Mr Ivanishvili who made his fortune in Russia, is the world’s 153rd richest man and has a fortune of $6.4 billion. He is worth just under half of Georgia’s GDP, which in 2011 was $14.37 billion. http://www.forbes.com/profile/boris-ivanishvili/
political parties and two blocks participated. As was expected the major battle was between the ruling United National Movement (UNM) and the opposition Georgian Dream (GD) coalition. It should be pointed out that just before the election all sorts of dire predictions were made about likely impending instability in the country because of the possible refusal of the losing side to admit defeat. Prior to the “prison scandal”\(^5\), the general expectation was that the opposition stood little chance of winning. Most polling supported this expectation. According to a June US based National Democratic Institute (NDI) poll,\(^6\) the National Movement maintained a double-digit lead over Ivanishvili’s Georgian Dream. This was attributed both to the use of administrative resources by the ruling party and to ideological splits within the opposition bloc headed by Ivanishvili. Understanding these challenges, there was extensive Western pressure on the Georgian government to hold fair elections. Given the importance of elections to Georgia’s democratic future and its stability, the government was at pains to emphasize that the elections would be free and fair. As a result of international pressure, the government enacted a law offering the opposition greater media access prior to the elections.

At first, the expectation was that the “Georgian Dream” would secure sufficient votes to avoid yet another revolution but insufficient votes to give it a defining role in the formation of a government. However, a record turn-out for the new 150-member Parliament, overwhelmingly chose the opposition Georgian Dream coalition, headed by Bidzina Ivanishvili. The final figures gave the UNM 40.3% \(^5\)A sensational scandal about torture in state prisons, broken a few weeks before the election by an Ivanishvili controlled television station, reduced the government’s lead in its own polls from more than 20 points to single digits. Polls showed a strong decline in support for the movement in the weeks before the election. See more: Simon Shuster. Inside the Prison That Beat a President: How Georgia’s Saakashvili Lost His Election. Time. 2.10. 2012 Available at: http://world.time.com/2012/10/02/inside-the-prison-that-beat-a-president-how-georgias-saakashvili-lost-his-election/

\(^6\)Public attitudes in Georgia: Results of a June 2012 survey carried out for NDI by CRRC. Research funded by the Swedish International Development Cooperation Agency (SIDA). Available at: http://www.civil.ge/files/files/2012/NDI-August2012-Survey.pdf
compared to the GD’s 54.9%. The battle between the two major political forces left no room for smaller political entities. So third parties like the Christian Democrats, New Rights, Labor and others who had modest ambitions to overcome the 5% barrier, did not qualify at all.8

**Parliamentary Seats (CEC Data), Georgia October 2012**

<table>
<thead>
<tr>
<th>Party Bloc</th>
<th>Majoritarian Seats</th>
<th>Proportional</th>
<th>Total</th>
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<tr>
<td>Georgian Dream</td>
<td>41</td>
<td>44</td>
<td>85</td>
</tr>
<tr>
<td>UNM</td>
<td>32</td>
<td>33</td>
<td>65</td>
</tr>
</tbody>
</table>

**Source:** Civil Georgia. Parliamentary elections 2012

Even as results were still coming in, in a rare gesture in the post-Soviet world, President Mikheil Saakashvili accepted his party's defeat and announced the appointment of a government formed by the new parliamentary majority. Saakashvili added that though the ideas and goals of the Georgian Dream were completely unacceptable for his party, he respected the will of the Georgian people. It was his aim, he said, to ensure that all the achievements brought about by the Rose Revolution would be protected in the future and that nothing would stand in the way of the development of the country.

NATO, European, and American official communities were all clearly unprepared for this result. Much of their efforts had focused on convincing the opposition to settle quietly into its role, rather than hitting the streets in the event of defeat.9 As Saakashvili conceded defeat, international observers acknowledged that Georgian elections were competitive, with active citizen

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7Civil Georgia. Parliament seats by current CEC data: http://www.civil.ge/eng/category.php?id=32
8 Georgia has a mixed electoral system in which 73 lawmakers out of 150 are elected in 73 majoritarian, single-mandate constituencies and the remaining 77 seats are allocated proportionally under the party-list contest among political parties and election blocs, which clear a 5% threshold.
9 Neil MacFarlane. Georgia’s Election: Georgian Dream won a shock victory, but we should have seen this coming. Available at: http://politicsinspires.org/2012/10/georgias-election-georgian-dream-won-a-shock-victory-but-perhaps-we-should-have-seen-this-coming/
participation through the campaign. However, the elections did not come without irregularities and money played a critical role. The substantial flow of money in the campaign set the scene for unfair competition on the side of the opposition. In turn, the governing party effectively used state resources against the newly-united opposition. But generally this did not diminish the political choice by voters in what was by all accounts a free and fair election.\[^{10}\] A political campaign independently funded by wealth outside the country was the only way any political change could have happened as domestic political contributions were methodically punished in Georgia – by blackmail, tax inspections and frozen bank accounts. Many Georgia watchers also noted that civil society and NGOs played a key role in this election by serving as advocates for and monitors of a credible process and by shedding light on concerns about the fairness of the pre-election environment. However, while praising the election environment, the OSCE/ODIHR election observation mission’s preliminary assessment noted that “the campaign environment was polarized and tense, with some instances of violence.”\[^{11}\] The observers also underscored that the campaign often centered on the advantages of incumbency and private financial assets rather than on concrete political platforms and programmes. Nevertheless, many observers indicated that Georgia has successfully passed what many considered to be its democratic "litmus test" by holding elections in which the outcome cannot be determined in advance.

**A Simple Question and Complex Answer: Why did Saakashvili lose?**

According to many analysts the race was about two different personalities and two divergent views of Georgia. On the one hand there was President Mikheil

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\[^{11}\]OSCE Press Release. Georgia takes important step in consolidating conduct of democratic elections, but some key issues remain, election observers say. Available at: [http://www.osce.org/odihr/elections/94597](http://www.osce.org/odihr/elections/94597)
Saakashvili and his pro-western, pro-business United National Movement that has transformed the country from a failed state to a dynamic, secure and well-run one. Opposing him was Bidzina Ivanishvili, a shadowy oligarch, who was never seen in public until last year, whose wealth is more than the state budget and whose alleged ties to the Kremlin could endanger the very independence of Georgia’s foreign policy choices.\textsuperscript{12} Saakashvili used the defence of the nation as his main argument. Ivanishvili preferred to speak about democracy and justice. But the situation is more complex and there are many reasons for Saakashvili’s losses.

While analyzing the reasons for UNM’s defeat, many experts highlighted several factors\textsuperscript{13}. Scholars from the Johns Hopkins University, Niklas Nillson and Svante Cornell, identified two major reasons: 1) “the ruling party has been in power for nine consecutive years, and a large part of the Georgian population ostensibly developed a certain fatigue, making many willing to consider a credible alternative. President Saakashvili’s often non-deliberative style of governance may have contributed to this trend. 2) while the UNM’s time in government has provided for significant improvements of Georgian state functions as well as important aspects of the country’s economy, such progress has failed to translate into jobs and improved living standards for large parts of the population – unemployment and poverty remain among the chief concerns among Georgian voters”.\textsuperscript{14}

However, these were not the only reasons for UNM defeat. Poor human rights conditions and a desire for justice were decisive with over 250,000 people left

\textsuperscript{12}William Dunbar. Mikheil Saakashvili, Bidzina Ivanishvili, and why whoever wins in Georgia it's time to stop dreaming. The Independent, 1.10. 2012
http://georgiaonline.ge/interviews/1350951592.php
\textsuperscript{14}Niklas Nilsson and Svante E. Cornell. Prospects and Pitfalls after Georgia’s elections. CACI Analyst. 4.10. 2012. Available at: http://cacianalyst.org/?q=node%2F5849
jobless as a result of Saakashvili’s reforms, including elderly non-English-speaking university professors and thousands of corrupt policeman and politicians. Moreover, as a result of a zero tolerance policy on crime, which brought the conviction rate in Georgian courts to 98%, there are now close to 25,000 prisoners in Georgia, more per capita than in any other country in Europe and four times more than when Saakashvili first became President in 2004. The government also underestimated the level of dissatisfaction in the electorate. As MacFarlane observed “they failed to deal effectively with the emergence of a powerful unified opposition, because they had never had to do so before. And their responses to events immediately prior to the elections were dysfunctional.” Furthermore, Saakashvili and his young followers saw themselves as having infallible insight into the country’s problems and rode roughshod over those who questioned or criticized them. Saakashvili and his ruling party have yet to learn that opposition is not treason, and that opponents are not enemies.

They have not learnt from their mistakes and have not seen the error of their ways. In the end the biggest casualty in all this was the judicial system. The abuse of power resulted in the most sensational event leading up to the October election: the release on YouTube and subsequent television broadcast of a video of Georgian prisoners being abused, including one male prisoner being raped with a broom handle. The release of the video was clearly part of tough, if not dirty politics by political operatives acting against Saakashvili, but his government could not deny the authenticity of at least some of the videos, and the damage was done. A storm of protest broke out in Georgia, led by students who suddenly came out on

15 See: Prison Population Rates per 100,000 of the national population where Georgia stands on 6th position http://www.prisonstudies.org/info/worldbrief/wpb_stats.php?area=all&category=wb_poprate
the streets in numbers not seen in many years.\textsuperscript{17} Although the election was a remarkable upset for Saakashvilis team, a competitive election produced an outcome that represents an important milestone on Georgia’s democratic development path. But the next phase will be quintessential to understand what type of co-habitation will develop between Saakashvili, who under the constitution has to remain in his post up to the presidential elections in October, 2013 and the new Prime-Minister Ivanishvili, seeking rapprochement with Russia. Any tensions in the working relationship between the two men could increase policy uncertainty. Civil society activists and political scientists believe that, despite Georgia’s much-hailed democratic-reform drive, the answer to how the country’s new leaders will cope with the cohabitation process still lies in the future. Further complicating matters, over the next year, Georgia’s political system will transform from a presidential to a parliamentary one, thus stripping the office of president of most its powers, transferring them to the prime minister\textsuperscript{18}. Parliament is thus slated to play a more vigorous role than it has in the past. So far it seems that the prospects for an easy stabilization of political life in Georgia are limited, as both sides are reluctant to cooperate with each other. A difficult relationship between the President and the Prime-Minister will endanger the opportunity for Georgia to enter a phase of democratic transition, using Juan Linz and Alfred Stepan’s analysis “a democratic transition is complete when sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government de facto has the authority to generate new policies\textsuperscript{19}.

\textsuperscript{17} James V. Wertsch. Can Georgia Avoid the Traps of the Past? Democracy & Freedom Watch. November 19,2012 Available at: http://dfwatch.net/can-georgia-avoid-the-traps-of-the-past-70230


Ivanishvili’s Political Platform and his “Georgian Dream”

Bidzina Ivanishvili entered Georgian politics in October 2011, fashioned an opposition coalition of parties and brought his considerable financial resources to challenge President Saakashvili. His involvement in party politics galvanized Georgians and inspired opposition-minded segments of society. Ivanishvili brought back the idea that the state should not only create opportunities for their citizens, but should also take care of them. He promised, if elected, to pour one billion laris ($600 million) into agriculture, an economic sector that employs over 55% of Georgia’s workforce and also pledged to continue reforms such as constitutional amendments on taxation policy. Ivanishvili also vowed to improve relations with Russia while maintaining strong ties with the United States, an agenda that has so far proven impossible for every Georgian leader since independence. Shortly after announcing his intention to form a political party to challenge the ruling party, Ivanishvili was stripped of his Georgian citizenship (which he received in 2004), on a debatable technicality, even though he was born in Georgia and had lived there most of his life; he had acquired Russian citizenship in the 1990s, working in Russia when the Soviet Union collapsed. Polling data suggested that the vast majority of Georgians wanted Ivanishvili’s citizenship restored. During the uneven election campaign, Ivanishvili was repeatedly provoked and his businesses and supporters were subject to police harassment, surveillance, and arrests on trumped-up charges. The Georgian government and pro-government media quickly shifted attention to Ivanishvili’s property, which they claimed he acquired mostly through business in Russia, hinting at his pro-Kremlin bias. The government maintained that the “Russian-influenced opposition” could subvert Georgia’s parliamentary elections and that Ivanishvili posed a challenge to the pro-Western course that Saakashvili had taken. However, despite the fact that the authorities reacted with a series of repressive measures, Ivanishvili proved to be a credible
candidate for many Georgians. He also managed to stay calm in the face of such challenges and kept his reputation as a moderate politician. As Ivanishvili entered Georgian politics, he formed the Georgian Dream party and drew a number of opposition parties into an eclectic coalition of six parties\textsuperscript{20} so they would not split votes. The parties have nothing in common except being recipients of his largess and sharing a hatred of UNM and President Saakashvili. Ivanishvili’s Coalition lacks ideological unity and consists of figures ranging from a Georgian ex-soccer star, Kakha Kaladze, to officials from former president Eduard Shevardnadze’s time who still believe that there is a deal to be had with Russia. Many of the party leaders, who include Western-leaning liberals as well as nationalist xenophobes, hate each other and at least some of them do not care too much for Ivanishvili either. Coalition supporters also include liberal voters, mostly grouped around the Free Democrat and Republican parties, who were fed up with the ruling party and/or disillusioned by Saakashvili’s semi authoritarian regime. In addition, the Georgian Dream made many promises during the campaign but the new coalition government does not seem to have a coherent economic programme. According to regional observers, Ivanishvili may invest his own money to deliver a quick result, but that would be a one-off that would not restart the economy.\textsuperscript{21}

As Georgia faces economic challenges, including a high 15\% jobless rate and economic output per head that, at $5,600 last year, was lower than many post-Soviet countries it seems that Ivanishvili’s main task consists of making the Georgian political system more democratic, without forfeiting the achievements of recent years. For example, UNM has reorganised the work of the state apparatus which is now far more efficient than before. Whether this can be

\begin{footnotesize}
\begin{itemize}
\item[20] Georgian Dream is a coalition of six parties: Georgian Dream-Democratic Georgia; Republican Party; Our Georgia-Free Democrats; Conservative Party; National Forum and Industry Will Save Georgia.
\end{itemize}
\end{footnotesize}
preserved without resorting to repression is unclear. Some criticize Ivanishvili for not having a clear political philosophy, as he shifts between moderate-leftist to extreme neo-communist ideas. In addition to domestic challenges, the coalition has set to work on establishing constructive relations with Russia, crucial for managing the conflicts in Abkhazia and South Ossetia. And although Ivanishvili has said that there is no alternative to Georgia’s Euro-Atlantic orientation, he seems ambivalent on this point, and his foreign policy orientation is generally uncertain. Unlike Saakashvili, Ivanishvili believes that foreign policy should be determined by, and be subservient to, domestic policy.

Being a pragmatic businessman, he also understands that Georgia needs better relations with Russia but has so far refrained from stating the price Georgia should be willing to pay. His unanswered questions confuse the electorate as most Georgians, who would like to see a better relationship with Russia, still do not want it to come at the expense of irrevocably losing Georgia’s occupied territories. Although Ivanishvili had the advantage of not being hated by Putin like Saakashvili, it will be very difficult to maintain Georgia’s application to NATO and to improve at the same time relations with Moscow. At some point Ivanishvili may be prompted to choose. Only time will tell how the multi-faceted Georgian Dream coalition will handle Georgia’s complex environment and whether it will eventually implode.

**Conclusion**

With the triumph of the “Georgian Dream” alliance, led by the Ivanishvili, in the Georgian parliamentary elections and a crucial, civil acknowledgment of this defeat by President Saakashvili, democracy in Georgia has made one giant leap forward. Although Georgia’s new government has an opportunity to build on the success of the country’s first constitutional transfer of power and the October elections may yet serve as a model of peaceful democratization for other hybrid
regimes, according to pundits much work remains to be done. While the election was neither perfect nor pretty, the fact that a newly unified opposition had overcome the powerful and well entrenched UNM in a competitive political contest was significant. In theory, this could be a great chance for Georgia – as it potentially could bring real checks and balances on a government where it is so much needed. Since Georgia will have to live with a strong opposition in parliament and a year of cohabitation between a president and prime minister who agree on little if anything, stability and with it, Georgia’s image of being a reliable partner is at stake. The new government is under tough scrutiny to not only demonstrate that it can build on Georgia’s first peaceful transfer of power, but that it will remain a reliable Western partner and a genuine candidate for further Euro-Atlantic integration. The democratic choice made by the Georgian people was met with overwhelmingly positive responses from the international community. Influential western media publications frequently referred to Georgia as the only country in the post-Soviet space, where a leader transferred power peacefully following an election. However, the latest steps taken by the new democratically elected government have not been received with much fanfare. Early indicators suggest that Ivanishvili’s government is continuing arbitrary practices, rather than rectifying problems. As the list of former Georgian state officials targeted by prosecutors grows longer by the day, questions are being asked about the Ivanishvili’s government’s understanding of the concept of rule of law. The answer to this dilemma will test Georgia’s political maturity and may certainly influence Georgia’s chances for membership in both the North Atlantic Treaty Organization and the European Union.

Meanwhile, to boost Georgia’s successful transformation, its policymakers need to bring the country’s style of governance closer to a more vibrant functional system of checks and balances in which more power resides with parliament. All parties across the political spectrum need to demonstrate how, by behaving like
responsible actors, they can lead the country towards a more stable and peaceful transition aiming at consolidating its infant democratic governance. These aspects are especially important because they will set the stage for a political transformation that will follow the presidential election when Saakashvili’s term limit expires and a new constitution will transfer some presidential powers to the prime minister. With a host of challenges ahead, the European Union can and should leverage its strategic partnership with Georgia to help advance the country’s Euro-Atlantic aspirations, consolidate democratic institutions and practices, and support an inclusive economic development strategy. Continued Western dialogue from a position of friendship can help ensure that Georgia stays on a democratic track.

**Parties/Blocs**

14 parties and two election blocs participated in the 2012 parliamentary elections in Georgia.

<table>
<thead>
<tr>
<th>List of parties:</th>
<th>List of Blocs:</th>
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<tbody>
<tr>
<td>1. Free Georgia;</td>
<td>Christian-Democratic Union, which unites</td>
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<tr>
<td>2. National-Democratic Party;</td>
<td>Christian-Democratic Movement and Georgia’s</td>
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<td>4. For Fair Georgia;</td>
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<td>5. People’s Movement;</td>
<td>Georgian Dream – a coalition of six parties:</td>
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<tr>
<td>6. Freedom – Path of Zviad</td>
<td>Georgian Dream-Democratic Georgia; Republican</td>
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<tr>
<td>Gamsakhuridia;</td>
<td>Party; Our Georgia-Free Democrats; Conservative</td>
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<td>7. Kartuli Dasi</td>
<td>Party; National Forum and Industry Will Save</td>
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<td>8. New Rights;</td>
<td>Georgia;</td>
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<td>9. People’s Party;</td>
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<td>10. Merab Kostava Society;</td>
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<td>11. Future Georgia;</td>
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<tr>
<td>12.</td>
<td>Workers’ Council of Georgia;</td>
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<td>13.</td>
<td>Labor Party;</td>
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<td>14.</td>
<td>Union of Georgian Sportsmen;</td>
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MOBILE GOVERNANCE: TECHNOLOGY TO PROMOTE GOOD GOVERNANCE

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Governments worldwide are attempting to harness the potential of information and communication technologies (ICT), to implement the principles of good governance and to create new dimensions of economic and social progress.

In September 2000, world leaders came together at the United Nations Headquarters in New York to adopt the United Nations Millennium Declaration, committing their nations to a new global partnership to reduce extreme poverty and setting out a series of time-bound targets, with a deadline of 2015. That has become known as the ‘Millennium Development Goals’ (MDGs). The MDGs commit both developed and developing countries, to do all they can to ‘eradicate poverty, promote human dignity and equality and achieve peace, democracy and environmental sustainability’. There is a growing consensus, that achieving the MDGs rests upon good governance and the realization of pro-poor policies by public administrations and civil society organizations, based upon accountability, transparency, rule of law and human rights.

Electronic Governance (e-Governance, EGOV) is increasingly adopted by governments in developing and developed countries alike. Mobile Governance (MGOV) represents the use of mobile technologies as part of the EGOV transformation. According to the 2011 ITU report “Measuring the Information

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Society”, about 80% of the world’s population should be mobile phone subscribers in 2012. Therefore, opportunities for pro-poor MGOV are compelling.⁴

Electronic Government

E-Government, EGOV refers to the use by government agencies of information technologies (such as Wide Area Networks, the Internet, and mobile computing) that have the ability to transform relations with citizens, businesses, and other arms of government. These technologies can serve a variety of different ends: better delivery of government services to citizens, improved interactions with business and industry, citizen empowerment through access to information, or more efficient government management. The resulting benefits can be less corruption, increased transparency, greater convenience, revenue growth, and/or cost reductions.⁵ Essentially, the EGOV delivery models can be briefly summed up as: G2C (Government to Citizens); G2B (Government to Businesses); G2E (Government to Employees); G2G (Government to Governments); C2G (Citizens to Governments).⁶

Mobile Government

M-Government, MGOV is the extension of EGOV to mobile platforms, as well as the strategic use of government services and applications, which are only possible using mobile devices, laptop computers, personal digital assistants (PDAs), Tablets and wireless internet infrastructure.⁷

Mobile Governance

M-Governance means a strategy and its implementation, to leverage available wireless- and new media technology platforms, mobile devices, PDAs, Tablets

and applications, for delivery of public information and services to citizens and businesses.\(^8\)

**User interface**

Misra\(^9\) distinguishes between web-based MGOV services and non-web-based MGOV services. Web-based services are already known from EGOV, where interaction between authorities and citizens usually occurs through a web browser. In consideration of the given limitations of mobile devices, many MGOV services forbear from relying on web technologies. Instead, these services make use of other mobile technologies being available on mobile devices. For instance, various MGOV services – especially in developing countries – currently rely on short text message service (SMS) only and can thus be classified as non-web-based MGOV services. Other examples for these kinds of services are those relying on voice-based input and output.

**Participants**

Another strategy to classify MGOV services is according to the participants being involved in the particular service or procedure. The matrix shown\(^10\) illustrates which types of participants basically exist in the MGOV ecosystem and indicates possible relations between the different parties:

<table>
<thead>
<tr>
<th></th>
<th>Government</th>
<th>Business</th>
<th>Citizen</th>
<th>Tourist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government</td>
<td>G2G</td>
<td>G2B</td>
<td>G2C</td>
<td>G2T</td>
</tr>
<tr>
<td>Citizen</td>
<td>C2G</td>
<td>C2B</td>
<td>C2C</td>
<td>C2T</td>
</tr>
</tbody>
</table>


Those relationships, for which the most significant potential for MGOV is expected, are highlighted.

**Type of transaction**

The type of transaction that is carried out within an MGOV process is another key property. According to Norris\(^\text{11}\) there are three different types of transactions:

- **Informational transactions** basically include the publishing and broadcasting of messages to end-users. In the context of MGOV, this includes, for instance, the sending of alert messages to citizens by governments in case of emergencies. Informational transactions are one-way, so there is no possibility to reply or to directly interact with the sender.

- **Transactional services** are usually bi-directional. Citizens are able to interact with the particular authority directly. Using this type of service, users are able to carry out governmental procedures completely online.

- **Operational services** refer to operations that take place within a governmental authority. An example in the field of MGOV could be a public official being equipped with a mobile device, which allows him or her to connect directly to central databases and services.

**Purpose**

Zálešák\(^\text{12}\) has identified four main purposes for MGOV in the public sector:

- **M-Communication** aims to improve the communication between governments and citizens. Reliable information and communication

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\(^1\)Donald F. Norris, M. Jae Moon: Advancing E-Government at the Grassroots: Tortoise or Hare?, Public Administration Review, Vol. 65, No. 1, pp. 64-75.

channels are key requirements for a functioning society. However, especially in developing countries, reaching citizens is often difficult for governments. Mobile devices and appropriate MGOV services allow governments to get in contact with their citizens easier.

- **M-Services** basically comprise m-Transactions and m-Payments. M-Services extend the scope of m-Communication and allow the processing of transactions between citizens and governments.

- **M-Democracy** comprises initiatives to improve the democratic participation of citizens using mobile devices. This includes, for instance, activities in the fields of m-Voting or political decision-making processes.\(^\text{13}\)

- **M-Administration** aims to improve internal governmental operations within and between public authorities and agencies.

### Phase of development

The development of MGOV services is classified according to two phases to which they belong.\(^\text{14}\)

- In the first phase, MGOV services are developed that *provide through mobile devices what is already available through a computer based application*. The goal of this phase is to make the usage of existing services independent from the citizen’s availability of a desktop computer, laptop, or similar device.

- In the second phase, MGOV services are developed, which *provide those services and services which are only possible through wireless and*
Potential for Good Governance

A promising strategy to promote good governance is harnessing the opportunities provided by the use of mobile devices. They are widely accessible to most segments in many societies, for delivering public information and services and for decision-making by government.\(^5\) To meet development and social inclusion outcomes, such as the MDGs, MGOV for development (MGOV4D) should not only provide mobile technology-based information- and services to vulnerable groups like typical Mobile ICT for Development (MICT4D) initiatives, but also support pro-poor policy implementation, decentralization, accountability, transparency, public administration and civil service reform, and other governance mechanisms. In order to propose an MGOV4D strategy framework, to support MICT4D initiatives, in meeting their development objectives, the first step was to determine, which among the governance mechanisms considered critical for achieving MDG, are important for implementing MICT4D initiatives. This step proceeded by examining, based on the set of MICT4D good practice cases, the governance mechanisms proposed by the 7th Global Forum on “Reinventing Government — Building Trust in Government” organized by UNDESA in 2007.\(^6\) The second step involved transforming MICT4D initiatives and their corresponding governance requirements into MGOV4D initiatives, aimed at satisfying citizen needs, or acquiring livelihood assets towards the attainment of development outcomes. The table below shows three related parts of the framework: seven mechanisms

critical for addressing MDG, ten categories of assets required by citizens\textsuperscript{17}, and eight MDGs treated as development and social inclusion outcomes.\textsuperscript{18}

<table>
<thead>
<tr>
<th>Governance Mechanisms</th>
<th>Citizen Assets</th>
<th>MDG</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Pro-poor policies</td>
<td>- Educational</td>
<td>- Poverty</td>
</tr>
<tr>
<td>- Public administration and civil service</td>
<td>- Psychological</td>
<td>- Education</td>
</tr>
<tr>
<td>- Decentralization and service delivery</td>
<td>- Information</td>
<td>- Gender balance</td>
</tr>
<tr>
<td>- Accountability and transparency</td>
<td>- Financial</td>
<td>- Reducing child mortality</td>
</tr>
<tr>
<td>- Rule of law</td>
<td>- Cultural</td>
<td>- Maternal health</td>
</tr>
<tr>
<td>- Human right</td>
<td>- Social</td>
<td>- Reducing HIV/AIDS</td>
</tr>
<tr>
<td>- Civil society</td>
<td>- Natural</td>
<td>- Environmental sustainability</td>
</tr>
<tr>
<td></td>
<td>- Material</td>
<td>- Partnership</td>
</tr>
<tr>
<td></td>
<td>- Geographic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Health</td>
<td></td>
</tr>
</tbody>
</table>

The following exemplarily case study of India provides an overview of the possibilities of MGOV4D:\textsuperscript{19}

The National EGOV Plan (NeGP) of the government of India takes a holistic view of EGOV initiatives across the country, integrating them into a collective vision. Around this idea, a massive countrywide infrastructure reaching down to the remotest of villages is being developed, and large-scale digitization of records is taking place to enable easy and reliable access over the internet. The ultimate objective is to bring public services closer home to the populace, as articulated in the Vision Statement of NeGP: "Make all government services accessible to the common man in his locality, through common service delivery

\textsuperscript{17}Klein, D. ICT4What? - Using The Choice Framework to Operationalize the Capability Approach to Development. In 3rd International Conference on Information and Communication Technologies and Development (Doha, Qatar April 2009), IEEE, 108-117.


outlets, and ensure efficiency, transparency, and reliability of such services at affordable costs to realize the basic needs of the common man”.

As an extension of this vision, and in cognizance of the vast mobile phone subscriber base of over 870 million in the country, the government has decided to provide access of public services through mobile devices also, thereby establishing mobile governance (MGOV) as a compelling new paradigm within the ethos of EGOV.

Globally, millions of less-privileged individuals without access to the Internet have no realistic chance of accessing government/public services. Additionally, the penetration of mobile devices in countries such as India was very low and the capabilities of the devices to carry out data transactions were minimal. But the scenario has changed completely during the last decade, both in terms of the penetration of mobile devices as well as their computing capabilities. Given the fact that majority of citizens in developing countries reside in rural areas, mobile devices are ideally suited as alternative access and delivery channels for public services in these areas.

This discourse shows the potential of mobile governance in promoting good governance in developing countries but also in the developed world. It can provide people with communication assets which would not easily be available and which can cross borders in troubled regions such as the Black Sea and south Caucasus. However much depends on the governments who can control the information highways and good governance in turn has to be promoted in order to realize this full potential. Thus the technology has the potential to develop good governance but in turn good governance, democracy and freedom is a precondition for the realization of this potential.