

Anchors of Democracy

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Significant progress has been made in democracy with respect to election processes, multi-party systems and the rule of law in the Black Sea region. Here we find young democracies and a civil society growing in strength and scope combined with a lack of administrative efficiency, and a parliamentary culture in need of further development. An understanding of the parliamentary rules of procedure, the role of opposition or the “spirit” of the constitution, necessary prerequisites for a functioning parliamentary democracy need further consolidation.

Another weakness of the Black Sea region is a lack of homogeneity (cultural, linguistic, ethnic, political, religious etc) combined with high political insecurity and a visa regime holding back cross-border communication.

Despite these weaknesses and shortcomings, the parliaments of the region are linked by representation eg in the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC) and the Council of Europe. According to a recommendation of PABSEC (2003), “in truly democratic societies governance as a process of decision-making and decision implementation has to be efficient and accountable encouraging formation of the rules and institutions which provide a predictable and transparent framework for cooperation and development. Therefore good governance fosters benefits of regional cooperation, promotes prosperity through economic development and streamlines

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the legislative framework for a more vigorous interaction and improvement of the living standards of the Black Sea peoples”³.

The authors who have contributed to the core of this book come from the following littoral countries on the Black Sea which have been especially shaped by the history of the former Soviet Union:

- *Russia* which has so massively shaped the contemporary history and politics of the region

- Two countries with so-called “coloured revolutions” - *Ukraine* and *Georgia*.

and

- EU members *Bulgaria* and *Romania*.

Turkey for the purposes of this brief study has therefore not been directly included although it is discussed by these authors where relevant. Similarly countries in the “Wider Black Sea Region” cannot for lack of space be discussed in detail. The book concludes therefore with a piece by Emmanuel *Dupuy* from France who takes an overview of the Black Sea region discussing general security issues important to democracy.

The core authors from the countries taken here (the Russian Federation, Ukraine, Georgia, Bulgaria and Romania) are conditioned by the legacy of communist experience. Their countries all lacked a democratic culture and consensus on basic constitutional and parliamentary norms as understood by the more mature democracies of the “West”.

The themes of this book revolve around the anchors of democracy - civil society, parliamentarism and good governance. These are the cornerstones of political stability which is a necessary foundation for a flourishing economy in the region. Without a viable functioning parliament, legislation cannot be passed eg to modernise a country or stamp out corruption where necessary⁴.

Interestingly some of the authors here, living and working in the Black Sea countries, have a very pronounced idea of “East” and “West”. They see the region as somewhere in between, not sure of its identity and trying to function as some kind of

³ See also on this topic, M.Sully, “The Black Sea Region – a strategic region of first priority”, Foreign Affairs Association, Munich, 2009 and M. Sully “Das Schwarze Meer”, *Europäische Rundschau*, 1/2009.

⁴ See also „The Functioning of Democratic Institutions in Ukraine“, Council of Europe, Parliamentary Assembly, Strasbourg, 20.9. 2010.

bridge. The “East” is often perceived as a synonym for Russia which for some of the authors has recently strengthened its hand in the region and has influence on a group of NGOs and elements of civil society. This reflects to a large extent the complicated relations between Ukraine and Russia which is a theme of this book.

The first contribution comes from an experienced Russian diplomat Evgeny *Kutovoy* who served under, amongst others, Foreign Minister Andrei Gromyko⁵. He was in diplomatic service in the United States, the United Nations and Vienna and is now a professor at the Diplomatic Academy in Moscow. Kutovoy was also actively involved in the BSEC and here he outlines the contribution of such a multi-lateral cooperation in the realm of parliamentary democracy. As Kutovoy says, closer economic cooperation needs “necessary changes and adjustments in national legislatures” on the basis of mutual understanding between national parliaments. The parliamentary dimension is important for energy security in the Black Sea region but also for other issues such as protecting women from violence, protection of the environment and water resources. The parliaments of the member states in the BSEC come together twice a year and the work is based in the respective legislatures so it can in no way be compared with the workings of the EU’s European Parliament. Nevertheless the parliamentary dimension of the BSEC can help to forge a regional identity. Good governance can also, according to the author, help the integration of the littoral states within the new European architecture. Parliamentarians of PABSEC share the view that an increased involvement of civil society is of vital importance in finding common solutions to common problems. Kutovoy also stresses the contribution that can be made by local authorities in consolidating such multi-lateral initiatives to anchor democracy⁶.

Sergii *Glebov*, of Odessa University on the Black Sea and television compère sees Ukraine as a huge country dependent on outside actors caught between East and West and attempting to play a balancing act between big players on its doorstep. He examines the shifts in policy resulting from the election as President of Victor

⁵ See also А.А. Громыко, Человек, Дипломат, Политик. Ministry of Foreign Affairs, Diplomatic Academy, Moscow 2010. Kutovoy also served under three other foreign ministers: Eduard Shevardnadze, Andrey Kozyrev and Igor Ivanov.

⁶ See also Regina Wiala-Zimm, International Relations of the City of Vienna, “Was Städtekooperationen leisten können: Wiener Kooperationsprojekte mit Städten im Osten Europas“, IDM, Info 5/2010 and „Eurocities Working Group“, Melanie Sully www.parlamentarismus.at

Yanukovich with a more Russian-centred policy albeit still clinging to the notion of neighbourly relations with the EU. The prolongation of the Russian Black Sea Fleet on the Crimea until 2042 Glebov sees as a major change in the balance of international relations in the region which has largely gone unnoticed in the West. Even so the author regards the elites in the Ukraine like the country itself to be more passive in the big power game. European values such as good governance and civil society can contribute to stabilise the country.

Ukraine's democratic and parliamentary culture is inherently weak as periodic fights between lawmakers demonstrate. In December 2010, Ukrainian television showed chaotic scenes in parliament in Kiev leading to six parliamentarians being taken to hospital "with concussion, a fractured jaw and multiple bruises"⁷. Months before the Parliament Speaker used an umbrella to shield himself from eggs and smoke bombs during a session. Television footage in December 2010 showed iron bars and chains that parliamentarians bring with them to debates and there was even talk of using guns. Clearly until there is a greater understanding and respect for the basics of dialogue and debate, Ukraine's new democracy will not be securely anchored.

Oleg *Smirnov* is director of a Ukrainian NGO (Integration and Development Centre for Information and Research IDC) on the Crimea which won a prize from the OSCE for contributing to civil society in the Crimea. The NGO established in 1997 works to make the Crimea a home for all communities whether ethnic Ukrainians, Russians or Crimean Tatars. According to the OSCE "the relationship between ethnic groups in Crimea is fraught with stereotypes, prejudices and historical woes. Furthering tolerant inter-ethnic coexistence on the peninsula is therefore a priority. The IDC does precisely that – it is a builder of bridges in a divided society". The NGO has been particularly successful in the field of education introducing courses such as the "Culture of Good Neighbourhood"⁸.

The peninsula Smirnov sees as the weakest link in the regions of the Ukraine. Progress has been made but the potential for conflict remains. The Crimea has a special status in Ukraine with its own parliament and cabinet and its own constitution. The largest ethnic group, almost 60 percent, are Russian. The Crimean Tatar peoples have their own Council of Representatives but are not really involved in the

⁷ Associated Press, „Fierce Fight in Ukraine Parliament Injures Six“, 16.12. 2010

⁸ See Press Release, OSCE, the Hague, 14.10. 2009 and www.ciet.org.ua

decision-making process. There are around 5,000 NGOs registered and external donors are an important factor in helping their work and in overcoming the Soviet heritage. Nevertheless intolerance and xenophobia are real problems and the media help reinforce negative stereotypes. Underlying inter-ethnic tension is a potential source of unrest. The NGOs according to Smirnov, “still face institutional and capacity restraints in implementing their role in regard to minority rights”. They have to deal with restrictive NGO legislation and are dependent on foreign funding for their work. Civil society he says, is characterised by disconnection and isolation. In addition there is an absence of a basic knowledge about what NGOs do. This analysis provides an insight into the challenges as seen by someone working on the ground in an especially difficult part of the Black Sea.

Sergiy *Gerasymchuk* from Kiev describes the evolution of civil society and efforts to overcome the legacy of Soviet rule. Originally civil society had to develop different values from the old Communist Party and it was assisted by external financial support. Civil society played a part in the so-called Orange Revolution although it did not possess the characteristics of civil society in the West. Gerasymchuk describes what he calls the dual identity of experts and NGOs and the subsequent splits in civil society organisations. NGOs from the Commonwealth of Independent States (CIS), more pro-Russian, also started up work in the country.

With the Orange Revolution some civil society leaders suddenly found themselves in government and with this according to Gerasymchuk, came a fall off in interest on the part of western donors towards Ukraine. Civil society stagnated as a result and at the same time the Russian support for “their” NGOs increased. The presidential election of 2010 resulted in a pro-Russian president and many traditional NGOs are disorientated. EU integration has lost momentum and seems a far off goal and anyway the US is keen to “reload” its relationship with Moscow. Civil society according to the author is not homogenous in Ukraine and is vulnerable and underdeveloped. The author believes that the West should understand this before supporting one group or the other to see where it fits into the whole picture.

Olga *Kamenchuk* is director on international and public affairs of the famous Russian Public Opinion Research Center in Moscow and a Professor at the Moscow State University of International Relations. As a graduate of the Diplomatic Academy in

Vienna, she has an understanding and knowledge of Austria and European affairs as well as CIS countries. Dr Kamenchuk provides empirical material on how Russians view themselves and their immediate neighbours including Black Sea countries such as Ukraine and Georgia. This is important in order to understand how Russia will interact on the Black Sea and especially eg on the Crimea. Through her contribution we gain a better insight into the parameters of the Russian foreign policy agenda and see how democracy and civil society topics could play a role in the future. Without such a mutual understanding of what is going on in individual countries, it will be difficult to build bridges or a dialogue which can work for the benefit of all citizens. An appreciation of what Russians are thinking is crucial for a successful Black Sea policy.

Political scientist, Kornely *Kakachia* provides an insider view of modern Georgia and its evolution since the collapse of communism. Kakachia has worked as an analyst for the office of the Special Representative of the UN Secretary-General for Georgia at the United Nations Observer Mission in Georgia. From 2003-6 he was Vice-Chairman of the Democrat Youth Community of Europe and from 2003-7 Vice-Chairman of the International Young Democrat Union.

Kakachia believes that good governance is desirable since it is a precondition for successful economic performance and gives legitimacy to a political system. Civil society, he notes, was seen as a model in post-Soviet states lacking a democratic tradition. Kakachia sees some progress in Georgia that inherited from Soviet times a corrupt and inefficient bureaucracy. Unlike Ukraine, Georgia has gone a long way in combating everyday corruption but still lags behind in democratisation. As Kakachia remarks, "Georgia is neither the authoritarian state it once was, nor the fully-fledged democracy it promised to become". It is as he says, stuck somewhere in between where democratic institutions (the media, an independent judiciary, electoral system and political parties) are "dysfunctional and fragile".

The author looks at the balance between the Presidency and Parliament, a relationship which dominates other post-Soviet countries (eg Moldova, Ukraine). Georgia has to date a presidential system with the opposition and some civil society groups pressing for a more parliamentary system. Currently parliament is rather weak and most members as Kakachia says, "consist of representatives from pro-Governmental groups who avoid raising awkward questions" and so there is no real

parliamentary control. Kakachia says there is no clear dividing line between the state and the party as foreseen in OSCE commitments.

A constitutional amendment of 2010 would take power away from the president transferring it to the prime minister. Coincidentally though this only comes into force with the inauguration of the new president in 2013 just in time for Saakashvili to “do a Putin”. According to the constitution Saakashvili cannot stand for a third term as president but could become prime minister⁹.

Civil society in Georgia exists under difficult conditions and is dependent on outside support. Kakachia particularly bemoans the lack of pluralism in television. Although much progress has been made, the author concludes that the values of democracy have not yet taken root and that Georgia is “an aspiring democracy not a consolidated one”. Whether it stays on a democratic course is left open. As the International Crisis Group concludes, “The next two years will go a long way in determining whether the country progresses toward a truly stable, modern democracy, or deteriorates into a fragile, pseudo-pluralistic and stagnating regime. The government and political opposition movement need to use that crucial period to create public trust in democratic institutions”¹⁰. This timeframe and analysis is also important for European countries to understand, so that they may make an appropriate contribution to the democratic consolidation process.

Alexandru *Coita* and Răzvan *Prisca* for Romania describe the role played by civil society in putting electoral reform on the agenda. It seems that Romanians have a passion for amending legislation on the electoral system and after each change are just as unhappy with the result. In many ways they seem like Ukrainians constitutional fidgets changing important aspects of legislation in an effort to get the right mix.

After the fall of communism, an old electoral system was hastily adopted which had preceded the authoritarian regime. As the authors point out, a system that might have worked in a mature democracy was not so fitting for a country lacking democratic experience such as Romania. Quite the opposite in Romania “it only served to aggravate a feeling of disconnection between constituents and members of parliament”.

⁹ See also Policy Briefing, 13.12. 2010 “Georgia: Securing a Stable Future”, International Crisis Group, Tbilisi/Brussels.

¹⁰ Ibid.

From 1990-2004 parliamentary and presidential elections were held simultaneously with a resulting lack of transparency and fuzz in the minds of voters. The role and importance of parliament was not clear and it received a bad press. Members of Parliament were criticised for absenteeism and disinterest and shown on television dozing or talking on their mobile phones during debates. They were further criticised for privileges, generous expenses and salaries and being out of touch with the needs of ordinary people.

Generally parliamentarism was popularly seen as a product of a dysfunctional political system, mostly corrupt and unaccountable. In the public view of the decision-making process, parliament was more often than not in the shadow of the Executive. Public trust in the institution of parliament even slumped below 10 percent. Adherents of electoral reform saw in this a chance to improve the communication with voters and their lawmakers. The proportional representation system with its closed system variant did not help the credibility gap of parliament. Electoral reform therefore was to restore the link between the citizens and elected representatives.

The way in which members of parliament are elected is a fundamental part of a democracy and intrinsically connected to that all important commodity, power. In Romania civil society was important in forming a consensus amongst political parties to pass laws changing the electoral system.

The authors believe that this example shows that Romanian democracy is in a learning process where it is necessary to understand democratic rules of debate and decision-making. Satisfaction in the electoral process in Romania seems elusive but civil society has generated a debate and increased an awareness of the basic rules of the game. This is a practical example of the work of civil society in enhancing democracy, elections and parliamentarism.

Neighbouring EU member Bulgaria and its priorities are described by former Deputy Prime Minister and Deputy Foreign Minister (2005-9), now member of the European Parliament, Ivailo *Kalfin*. He looks at the prospects for cooperation around the Black Sea between countries with mutual interests but also deep conflicts. In this the work of NGOs and civil society is important in promoting the values of democracy. From experience however the author notes that NGOs are not so developed in the region and that some governments are reluctant to work with civil society. They basically have a lack of interest in small scale projects and some officials are not so interested

in institution-building. Instead they prefer to send experts to other countries for training. The officials, comments Kalfin, are “always looking for large landmark projects, ignoring the importance of issues like civil society development or administrative capacity building”. In addition it is difficult to devise a single efficient model of governance that would work for enhanced cooperation in the Black Sea region. Too different are the interests and goals that the individual countries have. Thus there are many initiatives but no single structure governing the regional cooperation process.

Kalfin thinks that maybe something like the Nordic Council¹¹ could serve as a model which was copied in the Western Balkans for regional cooperation. In any case the region would still need help from outside but the EU has come up with in the past sometimes vague and overlapping offers¹². Kalfin’s contribution looks at other key issues in the region such as energy and economics and brings a realistic note into the discussion from the viewpoint of an active politician.

The contributions here represent an assessment of the current status and outlook in the Black Sea with regard to democracy and civil society. That there are problems to be overcome are clear. Many recommendations have yet to be realised and progress is slow. Yet in their own way all of the authors here are making a contribution to overcoming these problems and helping to push ahead the recommendation of PABSEC “to further enhance general awareness and understanding by the public at large of the importance of good governance and internalisation of such concepts as transparency, predictability, accountability, fairness and legal certainty to generate trust between the state and its people creating necessary preconditions for establishing a just and fair civil society”¹³. In this exercise elected representatives in different national legislatures have an important role to play but they too must anchor credibility with the people they seek to represent. This booklet is intended to be one step in exchanging views on the consolidation of democracy in the Black Sea by discussing practical solutions and providing scientific analysis.

¹¹ See www.norden.org

¹² Amongst these Kalfin cites the Eastern Partnership with its Civil Society Forum (see also www.eap-csf.eu).

¹³ See www.pabsec.org