



ORIGINAL PAPER

Democracy Assistance - Bulgaria and the Council of Europe (1989-2007)

Teodora Kaleynska*

Abstract

The process of democratization in Bulgaria, started November 10th 1989, ended with the Bulgaria accession at EU in 2007. The paper analyses the dynamics of the process of Europeanisation in the country and its influence of the main political actors (political parties, formation and development of the institutions and the civil society). The paper presents the international support for the process of democratization and democratic consolidation, mainly of the Council of Europe. The main questions seeking answers are: What are the characteristics and levels of development of the political system in its transition from authoritarianism to a stable democracy? To what extent is the process of democratization in Eastern Europe and especially Bulgaria influenced by international factors and international organizations? To what extent do international organizations hold roles as creators of stability in the region? The role of the Council of Europe in Bulgaria's road to democratization is summarized.

Keywords: *Council of Europe, Bulgaria, democracy assistance, institutions*

* Associate Professor, PhD, Veliko Turnovo University, Faculty of Philosophy, Department of Political Sciences, Phone: +359888338908; Email: kaleynska@abv.bg

Introduction

The process of democratization in Bulgaria, started November 10th 1989, ended with the Bulgaria accession at EU in 2007. The key questions that need to be addressed are to what extent the democratization in Bulgaria has been under the influence of international factors. It has been mainly noted how the Council of Europe as an active international organization and the Bulgarian application for membership played a crucial role in creating sustainable democratic institutions, promoted the development and strengthening of civil society and formed conditions for democratic development institutions, expanding their capacity conditions existence and stability. What effect does the Council of Europe have on Bulgarian fledgling democracies and developing democratic institutions, the introduction and promotion of democratic forms of decision-making and the functioning of a democratic political system? How is the civil society developing in Bulgaria, what stages is it at and how is a sustainable network of NGOs that protect, safeguard and develop democratic values created? Does civil society participate through its projects in the decision making process and what kind of a mechanism role for information and education in democratic values does it play?

Methodology

It is important and accurate before analyzing the Bulgarian case and the elements and techniques of democracy assistance of the Council of Europe, to define the actual approaches (academic and institutional) and explain the concepts on the assistance of the international organizations towards democracy. In academic debate the topic of the impact of international organizations on the democratization process is well defined. A number of authors such as Whitehead (1996), Levitsky (2005), Way (2005), examined the influence of international organizations on the democratization effect mechanisms between external and internal factors through various stages, the dynamics of democratization in the target countries and the change of international organizations' strategies. There have been numerous research studies conducted on the influence of the process of democratization by individual international organizations as the European Union (EU), United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), the US Agency for International Development (USAID), the European Bank for Reconstruction and development (EBRD), International Monetary Fund (IMF), North Atlantic Treaty Organisation (NATO), the World Bank (WB) – (Grabbe (1999), De Senarchens (2001), Woods and Narlikar (2001), Azpuru, Finkel, Linan, Selingson (2008).

Among the numerous studies on the assistance for new democracies offered by the EU, the UN, the international financial institutions and USAID, those dedicated to the Council of Europe, are relatively few. They primarily explore mechanisms of internal interaction of the Member States, the functioning of the institutions of control and balance of membership, the interaction of the Council with other international organizations. However, the impact of the Council on the process of democratization is not among the studied subjects (Konstantinov, 1997; Romer and Klebes, 2007). For example, Filipova and Gizinska (2007) propose to examine the impact of the Committee of Ministers on the Council of Europe. But this topic is focused on functional characteristics and the international support for democratization is paid little to no attention. The limited number of research studies defines the innovation of the selected topic here. The subject of this

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paper is the impact of the Council of Europe to bring an institutional culture in democratising societies, including in the Bulgarian political and civil society; the impact of the Council of Europe to democratize the institutions and intermediary organizations in Bulgaria; its contribution in creating a legal framework of the Bulgarian transition based on basic democratic values and the consolidation of the party system and the nascent civil society.

Key questions that arise in the analysis of Bulgaria's membership in the Council of Europe are related to the extent to which: The Council of Europe has clear specificity of impact unlike other International organizations, which it administers through an innovative approach of influence in the country; The Council of Europe has a visible impact on the democratization processes in Bulgaria; The Council of Europe as a democratic assistance to Bulgaria, applies atypical mechanisms and creates new forms of influence; When supporting the Bulgarian nongovernmental sector, the Council of Europe recreates the key priorities and areas of its activity by stimulating the creation of new organizational units that are not typical for the NGO sector. At various times it creates an opportunity for them to act as an intermediary on the one hand between itself and the third sector and on the other – between itself and the citizens; The Council of Europe creates a unique feedback mechanism with the nongovernmental sector which allows it to analyze and evaluate the ways in which the policies of the Council of the Bulgarian government are carried out.

The impact of the Council of Europe has been accomplished in many ways. The organization itself, understanding the changing European realities especially since the enlargement of the European Union, analyzed the impact and influence on the member states and within the integrated project “Making democratic institutions work” (2002-2004) created the so-called “Green Paper” (Green Paper 2004: 3). Modern democracy must react, adapt and actively intervene in the development of the socio-political, cultural and economic existence and welfare of its citizens. Governments worked in an altered liberal environment in Europe. The organization conducted an important analysis of its influence in the period between 2002 and 2004 when it accepted the thesis that democracy had reached a significant and important point in the development of Europe. The outcomes of the analysis have been implemented and multiplied in the decade followed in the new member states. The concluded five main areas of influence of the Council of Europe on European democratization processes identified as its five “basic principles” are the foundation upon which the impact of CE on democratic process in Bulgaria has been analyzed. The first principle is related to the *existence and function of a parliamentary democracy*, the main topics considered are the existing formal structures of separation of powers and the various mechanisms through which the process of collecting civil opinion can be implemented. The second basic principle is *the principle of representation*, the implementation of which is an essential part of the policy of the international organization to its member states. To keep the elective procedure, elective bodies must actually represent the community they serve. For the principle of representation to be possible, a state of pluralism is assumed of effective political parties that act democratically, transparently and with clear standards to prevent corruption in their financing and defend the public interest before the private one in their operations, actions and activities. The defining of standards is pointed out as an element of the principle of proportionality, standards that concern the proportion of various ethnic minorities, the promotion of gender equality as an essential element of modern democracy.

The third basic principle concerning the assessment of the Council of Europe for its own international influence and support for democratization is its *transparency, accountability and trust of citizens and civil society to the institutions of democracy*. The main areas of manifestation and work presented to civil society are the need to establish ethical standards of civil servants that oblige them to act in the public interest; the need to develop a whole series of instruments to tackle and fight corruption at all levels, directly affecting the modern European citizen; the support of free and active media as guarantors for the preservation of freedom of expression and free civil opinion.

With the pan-European context of development of civil society is linked the *fourth key principle – the principle of subsidiarity* displayed as part of the impact of the Council of Europe. The principle of subsidiarity implies and imposes decisions be made at the level closest to citizens. The fifth basic principle that the researchers Pratchett and Lund (2005) conclude in support of the impact of the Council of Europe for the democratic development of its member countries, refers to *the participation of the citizens in the decision-making process and civil society*.

The Council of Europe' democracy assistance to Bulgaria – the study

In the context of the approved principles, the impact of the Council of Europe on the political processes in Bulgaria is very strong and important in the first phase – in the process of political liberalization and democratization, which is the time span before Bulgaria's accession to the Council and in the first years after its accession. During this period, the impact is carried out through the policy of conditionality as policy conditions and it's focused exclusively on Bulgaria's government and fell under the influence of nation-building (Schmitter, 1999: 44). Meanwhile, short-term and medium-term efforts to promote democracy are highly dependent on international impact, they are brightly highlighted and with a significant degree of efficiency – the changes and preparation of the new Constitution, the synchronization of the Bulgarian legal framework with the European one, especially in the field of human rights protection, the establishment of functioning institutions, the conduct of democratic elections were just pillars with a significant presence in the new Bulgarian history after 1989. It is important to note that the impact of the Council of Europe to promote and consolidate democracy in Bulgaria has been presented in multiple time periods. The author defines *three main periods of impact and democracy assistance to Bulgaria* (Kaleynska, 2011: 94).

The *first time period* covers the process of political liberalization and democratization in Bulgaria from November 10, 1989 to Bulgaria's accession to the Council of Europe on May 5th, 1992. This period is characterized by exceptional impact intensity on political processes. It is related to the mechanisms of preparation of the new Constitution, democratic elections as the system's functioning mechanism, laying the foundations of democratic institutions, support for the nascent civil society, support for the development and democratization of the political parties. The period is associated with laying down conditions when Bulgaria as a precondition for its membership, held the first democratic and free elections in the presence of broad political pluralism, prepared and adopted a new Constitution, reformed and introduced new institutions for its democratic development. During this period the Council of Europe played a crucial role in the implementation of existing international and European standards in legislation related to human rights, social and political rights and the rule of law. The impact of the Council of Europe was the most pronounced in the field of jurisprudence and the preparation of the new legal framework of the Bulgarian democracy.

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A fundamental element of impact is the fact that any country wishing to join the Council of Europe must accept and ratify the European Convention on Human Rights (ECHR). In the main articles of the Convention on civil, political and social rights of modern Europeans are clearly laid out; its accompanying protocols define how they are used. In this way this legal document became a prerequisite for membership but also an obligatory legal text for forced synchronization of the internal legal heritage with current European standards and the implementation of EU standards in the field of human rights protection and fundamental freedoms and basic European values. Thus, the Council of Europe applied an original “legal intervention” in membership candidate countries and the observance for fundamental democratic European values. A classic example is the visit of Catherine Lalumiere, former Secretary General of the Council of Europe and her meeting with the then President of Bulgaria Zhelyu Zhelev on the occasion of the application of the decision of the European Court of Human Rights for allowing MRF (Movement for Rights and Freedoms) to the political scene of the country.

The *second period* includes the period of the accession of Bulgaria as a member state of the Council of Europe to the accession of Bulgaria as a member state of the European Union, namely from May 1992 until December 2006. On May 5th, 1992 Bulgaria became a full member of the Council of Europe. In accordance with the adoption of the Statute of the Council of Europe, Bulgaria's participation in the long-term various activities of the Council of Europe became a priority for the Bulgarian government and at the same time a long-term guarantee for extension, deepening and adding sustainability to the democratization process. The Council of Europe carried out a basic form of monitoring and control over the implementation of democratic values in order to strengthen democracy. The democratic institutions in Bulgaria strengthened their position during this period, a comprehensive mechanism to protect human rights was developed and applied, the democratic start was affirmed at national and local level, institutions began to work, a comprehensive police reform was carried out, civilian control was accomplished and the legal system was executed according to European standards and regulations. There is continued support for political parties and their full democratization. The Council of Europe had a significant impact on the institutions in the country that we could examine as long-term and short-term impact. In the long run, of special concern are the political parties and structures of the judiciary and law enforcement. The political parties are intermediaries between society and the authorities but their role in the democratization process is crucial, because in practice they determine the democratic order of the system and it directly affects all levels of functioning – elections, participation in the judiciary power or opposition activities, campaigns, legislation. With a view to creating a stable and consolidated democracy in member states and build democratic political elites in 1992, the Council of Europe created a network of political schools that are active in 16 countries of the 47 member states of the Council towards today. The Bulgarian School of Politics (www.schoolofpolitics.org) was founded in 2001 with the mission to develop a community of young political and civic leaders and modern political and civic culture in Bulgaria based on the values of pluralism, tolerance and open dialogue.

Since 2001 more than 300 Bulgarian and 100 foreign MPs, leaders of political parties, senior government officials and leaders of civil society organizations have participated in the two main training school Programs – the national and regional program. The national program is aimed at politicians from parliamentary parties in Bulgaria, civic leaders, mayors, municipal officials, local and regional administration

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officials, journalists and through it the mutual assistance and political impact of the political society of the Council of Europe is direct. The regional program provides knowledge of young political and civic leaders from the Western Balkans by creating a regional network of a political democratic society. The politicians who've passed training courses are introduced in detail to issues such as development of political processes, implementation of policies at local and national level, European integration, political communication, institutional development and media relations. In addition to the regional network, the School of Politics maintains an active national network of alumni, thereby allowing a broad exchange of ideas and working partnerships.

The interaction of the Council of Europe through existing political school networks is significant and has a strong long-term effect in creating guarantees for a European policy based on democratic values and standards. The European Association of the Schools of Political Studies was established in Strasbourg in 2008. The new network brings together 14 schools of political studies from the new democracies. A long-term policy to promote dialogue between the present and future political leaders and civil society leaders in Europe is the functioning Summer University for Democracy that annually brings together the graduates of the national schools of political studies.

The Council of Europe pays particular attention to the implementation of the rule of law after the reforms in the judiciary and law enforcement in Bulgaria by enforcing a direct long-term interest and impact. The National Institute of Justice was established in 2004 where magistrates, judges and investigators are trained. Key themes and areas of training are learning the practice of the European Court of Human Rights in Strasbourg and the provisions of the European Convention for the Protection of Human Rights and fundamental freedoms such as freedom of thought, conscience and religion, freedom of speech, freedom of assembly and association or the prohibition of discrimination, practically the matter in criminal and civil processes, in contractual, labor and administrative law. The training program "Police 2000" and "Police 2000+" have included more than 1,200 Bulgarian police officers in various forms of training on human rights, prevention of torture, working with high risk groups and working with victims of trafficking and domestic violence. In the short term, the Council of Europe's impact on government and political institutions manifests in the inclusion of Bulgaria in the campaigns of the Council of Europe, directly related to hot issues at European level and suggesting government intervention and enforcement of adopted European standards. Bulgaria as a member state has been actively involved in a series of campaigns which caused it to introduce changes in its legislation. The impact of the international organization on the NGO sector in Bulgaria can be viewed as two main stages outlining involvement in the process of doing politics (input policy) and output policy.

In the period of political liberalization and democratization and in the period of protection and sustainability of democracy, the Council of Europe has affected the development of NGOs as intermediary organizations in forming a system for connecting directly to the individual citizen. In the period of political liberalization and democratization, NGOs played an exceptional role in the transition to a democratic social and political system based on individual freedom and a functioning market economy because they had to work with the individual citizen to form a new sense of attitude toward the system and also to create new forms of organization and work in society.

The Council of Europe and the entire international community turned their utmost support to the NGO sector, because the instability of the political system in the early years of transition, the lack of stable democratic traditions and institutions, the

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difficulties with imposing political actors and their exceptional dynamism in the face of political parties, set significant problems in the emerging and outside stimulated civil society by tackling and coping with meaningful tasks for the entire Bulgarian society – tasks that were set in policy priorities, forms of execution for the active involvement of citizens in the process of policy development and to the overall formation of civic culture. The fact that NGO funding had been largely dependent on external financing during the analyzed period only reinforces the thesis based on the significant impact of the international community, including the Council of Europe, for the development of a democratic community in Bulgaria.

During this period, the shape and type of support towards civil society has been chiefly designed for creating functioning NGOs, funding and support for institutional development, training in organizational, financial and technical development, the development of experts and trainers working mainly in the field of human rights, civic education, and electoral behavior, decentralization, links between institutions at local, regional and national level; civilian control of the institutions. The main objective was to support the capacity building of NGOs in the form of organizational, technical, financial and expert support. By supporting organizations to organize civic activities and implement initiatives related to the development of communities, the Council of Europe on the one hand affected the process of building an active civil society and influenced the activist type of behavior on behalf of every individual citizen and on the other hand supported the process of channeling citizen participation.

The period between 1997 and 2006 until the accession of the country to the European Union allowed the Council of Europe to focus on its work in Bulgaria, reach levels of expertise, enhance capacity, network and expand the influence of Bulgarian organizations not only in the country but also through them, the “import of influence” in neighboring Balkan countries in transition. In this period to a certain degree have been established and profiled the organizations with which the Council of Europe works and supports in the country. The policy of the Council of Europe to support civil society in Bulgaria is not systematic and subjected to a clear strategy, but at the same time it is extremely flexible and dynamic to existing realities in the country and the civil sector. The Council of Europe adopted the agenda of the Bulgarian civil society with which it consulted the priority areas for project intervention and achieved efficiency through its implementation in the work of its organizational units – Information and Documentation Centres of the Council of Europe (IDC).

The *third period* of the impact and democracy assistance of the Council of Europe in Bulgaria identified in this paper is the period of the acceptance of the country to the European Union – January 2007. In this period, the Council of Europe carried out mainly monitoring activities, the implementation of European policies, compliance with human rights with an emphasis on minority groups, development of conservation activities of the cultural linguistic identity of minority groups. The Council of Europe directly influenced the lawmaking process in Bulgaria. With regard to the full application of the European standards in the field of legislation, Bulgaria is still under post-monitoring dialogue. There were a series of recommendations by the Parliamentary Assembly of the Council of Europe (PACE) chiefly related to judicial reforms, legal norms and practices to improve the situation of minorities, election legislature, anti-corruption practices and laws.

In the three identified stages of the impact of the Council of Europe is outlined the specificity of the help of the organization to the processes of democratization, in

comparison with other international organizations. The effect of the impact that each organization has achieved in the target country is different. The Council of Europe has had an undeniable role in the democratization process in Europe. However, the organization remains in the shadow of other international organizations, especially the EU. As much as its leaders point out that it is the flagship of human rights protection, it remains dependent on the will of the big member states and the desire for EU partnership.

Main findings

An analysis of the democratization and consolidation of democracy of Bulgaria is of major importance for the future of Bulgarian democracy. Clear answers are needed to address questions such as the following. What are the characteristics and levels of development of the political system in its transition from authoritarianism to a stable democracy? To what extent is the process of democratization in Eastern Europe and especially Bulgaria influenced by international factors and international organizations? To what extent do international organizations hold roles as creators of stability in the region? These answers will allow current and future generations of Bulgarians to create a future that includes a sustained democracy.

The role of the Council of Europe in Bulgaria's road to democratization and its democracy assistance can be summarized as follows: The Council of Europe hastened the transition from authoritarian rule to democracy by providing legal consultation and guidance in changing all existing legal documents and all active laws; The organization influenced the process of rebuild of the party system; by proposing education and training to leaders and helping them to analyze the attitudes of the people in order to better plan and develop their political programs; the Council of Europe introduced policies for creating proactive attitudes in young people toward elections and the decision making process on all levels; the Council of Europe contributed heavily to the building of the non-profit sector in the country by implementing a different approach (IDC). The chosen methodology was based more on developing resources already in existence, rather than the forced introduction of new ones, and mainly on the creating of networks for the exchange of information rather than financing untested projects; the assistance of the Council of Europe in Bulgaria led to defining several successful practices that are helping to speed up the democratization process, and that could easily be adapted to different post authoritarian societies. The practices identified include: the reforms in education, including campaigns for the revision of textbooks at secondary schools, the adoption of strategies for teaching human rights at school and ministerial levels, and the introduction of constant monitors are steps made toward an improved respect for human rights in the country. The Bulgarian experiment was expanded to other member-states with huge minority groups (Macedonia, Albania, Georgia); the involvement of ethnic minority in the process of democratization by registration of a political party that represents and protects was identified later as a positive step for preventing ethnic conflict and as one of the possible measures that could have prevented the ethnic based violence on the Balkans in the late 90s; education and training of the political elite in a specially created School of Politics as a mechanism for introducing democratic values in decision-making. The policy was later introduced to all member-states from Southern Europe and the ex-Soviet world; creation of specialized non-profit bodies for the introduction of innovations and reforms in the local authorities in Bulgaria represented by the Foundation for Local Government Reform. The practice was later or in parallel adopted in Albania, Armenia,

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Bosnia and Herzegovina, Serbia, Montenegro, Georgia, Kosovo and Rumania; use of formal organized networks to transmit information and pilot initiatives for both the local authorities and the non-profit sector. The practice was later expanded to Russia, Romania, Slovakia and Poland; visible impact on the democratization processes is observed in the civil society sector towards which the Council of Europe implements a different and innovative approach of influence, which differs significantly compared to others international organizations. The Council implements untypical techniques and mechanisms for influence on the non-governmental sector and creates a micro-model for implementing its policies to Bulgaria through the support of the NGOs (two, hosting the Information and Documentation Centres). The successful experiment in Bulgaria of opening and supporting regional centres and regional networks was multiplied to other member states as Russia, Romania. In its support towards the Bulgarian non-governmental sector, the Council of Europe re-creates its main priorities and policies, fields of activities through stimulating the creation of new organizational units, not typical for the non-governmental sector. At the same time, the Council of Europe had imputed on them, in different periods of their functioning, the role of mediators between the Council and the non-governmental sector as well between the Council and the political sector and the Council and the citizens.

Conclusions

International organizations, the Council of Europe in particular, have had a significant impact on the democratic processes in Bulgaria. The Council of Europe applies a different and innovative approach of influence in the country unlike other international organizations by carrying out a consistent policy of support that switched to development policy. The main specific of the organization's approach is the institutionalized support by creating organizational units that encourage and promote the democracy's consolidation. Through the years of its membership, Bulgaria has been influenced and assisted in all public spheres in order to strengthen and sustain its democratic development.

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