



What should the Community of Democratic Choice do?

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In August 2005, President Saakashvili of Georgia and President Yushchenko of Ukraine met at Borjomi, Georgia, and decided to launch an initiative to promote democracy among a community of like-minded states of Central and Eastern Europe. This led to a meeting in Kyiv on 2 December 2005, of a wider group of countries of the Baltic-Black-Caspian Sea region, which adopted a declaration announcing the creation of a Community of Democratic Choice (CDC) as a governmental and non-governmental forum to promote the strengthening of democracy, human rights and civil society. The next meeting of the CDC will take place as a Baltic and Black Sea Summit in Vilnius in May 2006.

It is still unclear, however, what precisely the CDC will do. Its objectives are clear enough, but the mechanisms of its future actions are not yet defined.

The following is an idea that could become a tangible core project of the CDC.

Our assumption is that the CDC should have a core activity precisely related to its declared objective of achieving and sustaining high-quality democracy in those post-Soviet states that have the political will to do so.

The proposal is for a process of *peer review* of the performance of the states concerned across the broad field of democratic governance, including the functioning of democratic institutions and electoral democracy, the rule of law, media freedoms, human rights and correct (de-corrupted) economic governance.

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Mechanism

Sessions of the Democracy Review Process. Each year there would be a session of the CDC Democracy Review Process devoted to reviewing the democracy of each of the CDC states. The session would consist of a day-long meeting in the capital city of the CDC state in question.

The sessions could be open to the media.

Chairperson. The session would be presided over by an prominent personality, for example a former prime minister with a strong academic background in political science or law. The Chairperson would be appointed for a period of several years to preside over all the Democracy Review Process sessions. The Chairperson would have the responsibility to designate independent scholars who would prepare analytical documents. The Chairperson would have access to the secretariat of the CDC in order to prepare the sessions and contract analytical work.

Review document. Each session would be based on an analytical document, produced by independent scholars (headed by a national of another state, but including a national from the subject state). The review document would be quite thorough, ±60 pages length, reviewing all the main headings:

- Functioning of the democratic institutions (parliament, government & presidency, constitutional court)
- Evaluation of elections
- Rule of law, judiciary, police, penal establishments
- Human rights
- Media freedoms
- Rights of minority communities, anti-discrimination
- Economic governance, with special reference to conflicts of interest, anti-corruption policy.

The Review Document would end with a series of questions, which the representatives of the subject state would be invited to reply in the session.

The Review Document would be published after the session on the responsibility of the Chairperson and the

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authors in two languages, that of the subject state and English.

A substantial reference volume, whose content is along these lines of the above, is the annual *'Nations in Transit'* book published by Freedom House, Budapest. The methodology and content of this work would be undoubtedly useful, but a CDC Democracy Review Process would want to establish its own output and ownership.

Participation in the sessions. The subject state would be represented by a full delegation, including for example the speaker of the parliament, a senior representative of the president and/or prime minister, the ministers of justice and interior affairs, and the president of the constitutional court.

Other CDC states would be represented by one or more persons, for example the speaker of the parliament, a senior official and an independent scholar or NGO personality.

Representatives of another one or two CDC states would be designated as 'examiners' of the subject state, and lead the assessments and questioning of the subject state.

Independent scholars and/or NGO representatives of the subject state would also be present, with the right to put questions.

While the CDC process should be clearly owned by the states in question, it could usefully be connected to main Western institutions and governments. For example the sessions might be attended by a number of *observers* such as from the European Commission, the Council of Europe secretariat, a few EU member states that are most strongly committed to democracy promotion efforts, and the US (including for example quasi-official agencies such as National Endowment for Democracy and Freedom House).

Which states? The CDC is understood to be an open process, initiated by Georgia and Ukraine, and which could include other European post-Soviet states that wish to be part of the process, and to subject themselves to this rigorous democracy review process. Interested parties also include recently acceding member states of the EU (in Baltic and Visegrad groups) and the next new member states (Bulgaria and Romania).

A question would be whether the Democracy Review Process should address only the post-Soviet CDC states, or also the new EU member states or candidate states. As a first priority each of the post-Soviet CDC states would be reviewed once a year, given the urgency of their political reform agendas. But in addition it might be a good formula to address each year an equal number of other CDC states. While the new EU member states are meant to have graduated into high-quality democracies, there are outstanding issues that will continue to merit critical review in most of these states, while the EU itself stops its own monitoring upon accession. In addition the

recent transformational experience of the new EU member states is worth analyzing in order to enrich understanding of the democratization process.

Linked benefits. The Review Process would draw attention to specific issues that needed support in the form of Western technical assistance, and the participation of observers would facilitate identification of these needs and donor coordination.

Budget. Funding for the office of Chairperson and contracted analytical documents would be solicited from governments and foundations interested in promoting democracy.

Other institutional arrangements. There would exist a number of related activities based in established institutions.

The first among these is the Council of Europe, of which all CDC states are members. The Council of Europe's Parliamentary Assembly is an active body, and is continuously putting on its agenda issues arising from the democratic processes of individual member states. Occasionally it can activate a Monitoring Process, where it is deemed that a member state is departing too significantly from the Council of Europe's norms of democracy and human rights. The Monitoring reports can be quite substantial documents, such as for Armenia a few years ago, and can lead to significant dialogue between the state and the Council of Europe, and between the state and its own civil society. However, compared to this proposed CDC Democracy Review Process, the Council of Europe's Monitoring actions are rather exceptional, and lack regularity and continuity with respect to the CDC states.

In addition the Council of Europe hosts the European Court of Human Rights, which is a fully operational pan-European supreme court in its field of jurisdiction.

Might the CDC be subsumed into the work of the Council of Europe? While the objectives of the CDC and Council of Europe are fully in line with each other, there are two distinctive characteristics of the CDC that might be lost if it were subsumed into the Council of Europe. The Council of Europe has 48 member states, which are all equal parties. It is therefore difficult to envisage activity for just a sub-group, without raising diplomatically tricky issues of ownership and leadership. A more plausible idea would be for the CDC to make a cooperation agreement with the Council of Europe, with a memorandum of understanding to facilitate the availability of Council of Europe expertise for the work of the CDC.

There is the Black Sea Parliamentary Assembly, which concerns all the post-Soviet CDC states, and which meets regularly, but whose sessions are more in the nature of general political debates.

An example of a well established *peer review* process in the economic policy field is provided by OECD (see

Box), and this model has been drawn upon in the present proposal. It is perhaps surprising that a political equivalent of this economic policy review process has not until now come into existence. This seems to be because the advanced economies have considered their political systems to be adequate in quality, or not to represent a legitimate matter for international scrutiny.

An example of a peer review process

The OECD has for many years conducted annual reviews of the economic policies of its member states through the sessions of its Economic Development Review Committee (EDRC). The OECD secretariat produces a substantial analytical document, supplemented by questions. There is a single Chairperson appointed for several years, who is an eminent academic economist with considerable policy experience. The subject state is represented by senior officials of economic and finance ministries and the central bank. The analytical documents are published after any necessary amendment in the light of the review sessions, and have become respected reference documents for government officials, the financial media and academic research centres.

In recent years, this work has been extended to non-member states, notably European transition economies.

However the processes of EU enlargement and the post-communist transition have changed that state of affairs. On the one hand the EU has insisted on high democratic standards as a formal pre-condition for membership, and this has led to regular monitoring and conditionality in the pre-accession period. On the other hand economists analysing the post-communist transition have come to realize that after the early privatisation stage the major impediments to economic growth are found to be in defective governance structures, with extensive implications for many aspects of democracy. While the World Bank and EBRD have been giving increasing attention to these governance issues, their perspective is still basically economics-driven, rather than driven by democratic values.

Conclusion

The time seems to have come for a regular democracy review process, especially with regard to the post-Soviet states seriously committed to achieving high democratic standards, but which are still struggling to find the path out of the defective political systems that emerged after the first few years of transition. It is somewhat surprising that the international institutions have not devised more systematic mechanisms for doing this, since there are ample examples in the economic policy field of how this can be done in a manner that can be respected by all participants. A democracy review process, as here proposed, could help define more thoroughly notions of 'best international practice', which are still consistent with the recognition that democracy comes in many different forms as regards its constitutional organisation. The new member states of the EU are motivated to contribute their recent experiences of the transition to democracy in a dialogue with the nearby post-Soviet states. The CDC could provide the framework for such a democracy review process.

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