

Abstract of Dissertation by Michèle Roth

The Influence of the Council of Europe on Democratic and Human Rights Transformation in the Baltic States

From the end of the East-West conflict to April 2003, the Council of Europe admitted 22 new Member States, virtually doubling its membership. Although the accession of many Central and Eastern European states has been – and remains – contentious, no comprehensive academic study has been undertaken to investigate the Council of Europe's influence on transition processes in these countries. Due to the lack of independent analyses, the debate – in politics and the media, but also in academia – generally centres on individual events and examples, and is therefore vulnerable to biased interpretation.

The present study helps to close this research gap by exploring the Council of Europe's influence on democratic and human rights transformation in the Baltic states. It is generally assumed that this transition process has been successfully completed, as indicated, not least, by the inclusion of these three countries in the first group of Central and Eastern European countries to join the EU. However, there has been criticism of the accession of Estonia and Latvia in particular to the Council of Europe due to the unresolved minority rights issues in these countries.

After summarising the various aspects of transition theory relevant to the subject, the study reviews the instruments adopted by the Council of Europe to promote and safeguard democracy, the rule of law and human rights. This reveals that although the Council of Europe possessed various high-quality instruments at the start of the 1990s, they were inadequate to master the new type of challenges arising. As a result, additional instruments and mechanisms were developed (such as the European Commission for Democracy through Law [Venice Commission] or the Framework Convention for the Protection of National Minorities). Admission procedures were continually improved and monitoring procedures were introduced.

The main part of the study explores the effectiveness of these instruments. Various examples are reviewed, showing that the Council of Europe has clearly influenced constitutional and legislative development in the Baltic states. The key instruments through which the Council of Europe exerts influence are its various conventions, its admission and monitoring procedures – combined with consultations with delegations from the Parliamentary Assembly of the Council of Europe (PACE) and with other experts from the organisation – and in particular the Venice Commission.

At the same time, the Council of Europe recognised early on that although constitutions and legislation are the essential basis for the development of democracy and human rights, they are inadequate as a means of achieving Western European standards in practice. It therefore launched various programmes aimed at promoting democracy, the rule of law and human rights on a practical basis. As no evaluation of these programmes is currently available, it is difficult to determine their effectiveness with any accuracy.

However, stakeholders generally view them very positively. Nonetheless, it is apparent that mainly due to financial constraints, their impact has been intermittent at best. An exception is the joint programmes with the European Commission, which have a far sounder financial basis.

Although the Council of Europe has emerged as the most competent and influential external actor in some fields, its work in other areas must be evaluated in the context of the activities undertaken by other external actors, notably the OSCE and the EU. As the issue of minority rights demonstrates, the Council of Europe's main strengths lie in the formulation of legislative frameworks; this is also in the interests of an effective division of responsibilities.

Perhaps this study's most important finding for theory and practice is that it identifies two further types of external action – “consultation” (which should ideally be open-ended) and “dialogue through partnership” – in addition to the four types which have hitherto predominated in the academic debate, namely “contagion”, “consent”, “conditionality” and “control”. Although international pressure is sometimes indispensable (for the abolition of the death penalty, for example), it is clear that especially on issues which affect society as a whole, permanent change can only be effected in practice if the requisite understanding of the need for such change is created. For this reason, the study concludes by formulating various principles to govern action by the Council of Europe and other external actors. In particular, it highlights consultation and dialogue as central to all areas of activity. The recommendations on more intensive training and inclusion of local experts and civil society actors also play a role here. To safeguard credibility as partners in this dialogue, double standards should also be avoided as far as possible. If this initially proves difficult due to the constraints of *realpolitik*, the study recommends that the resulting double standards should not be ignored but identified, and that proactive measures should be taken to address them, e.g. through periodic monitoring in all Member States based on a uniform catalogue of criteria. Relevant proposals are already being debated in PACE, the Council of Europe's most pro-active body.

Author's details

Michèle Roth was born in Scherzingen (Switzerland) in 1973. From 1993 to 1998, she studied Political Science, Medieval and Modern History, and Modern German Literature at the Universities of Constance and Bonn. She completed her doctoral studies at the University of Bonn in 2003. She has worked for the Development and Peace Foundation since 1998.

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