



(Over)Ambitious Democracy Support: The Council of Europe's Practices in the Eastern and Southern Neighbourhoods

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Abstract

The Council of Europe (CoE) is a pivotal regional organisation dedicated to promoting democracy, human rights, and the rule of law in Europe. Established post-World War II, the CoE has expanded to include 46 member states, encompassing many former Soviet republics. Its primary mechanisms for democracy support involve exporting norms through standard-setting and legal interpretations, rather than direct policy impact. The CoE's influence is particularly evident in its Eastern Neighbourhood, where member states are bound by treaty obligations, unlike the Southern Neighbourhood, where engagement is voluntary. The CoE's discursive practices vary significantly between the Eastern and Southern Neighbourhoods. In the East, the CoE frequently addresses democratic developments, as seen in responses to events in Armenia, Georgia, Ukraine, and Moldova. In contrast, the Southern Neighbourhood receives less attention, with notable engagement only during the Arab Spring and subsequent democratic backsliding in countries like Tunisia. The CoE's behavioural practices, such as National Action Plans and election observations, are more consistent across both regions, focusing on legal and policy expertise. The CoE's relationship with the EU is marked by extensive cooperation, particularly through joint programs like the Partnership for Good Governance and the Southern Programme. These initiatives aim to promote democratic values and human rights, with the EU providing significant financial support. However, the CoE's more inclusive approach sometimes leads to cooperation with non-democratic regimes, raising concerns about legitimising autocratic tendencies. In addressing cross-cutting issues like gender equality and digital transformations, the CoE's conventions, such as the Istanbul Convention on violence against women and the Budapest Convention on cybercrime, offer frameworks for legal and policy reforms. These conventions, while voluntary, become legally binding upon ratification and entry into force, influencing democratic practices in member states. Overall, the CoE plays a unique role in democracy support, leveraging its legal expertise and standard-setting capabilities. However, its cooperation with non-democratic states and the lack of clear distinctions from the EU's policies present challenges. The CoE's future direction, especially in the Southern Neighbourhood, remains uncertain, but its commitment to democracy support is evident in its ongoing efforts and the recent Reykjavik Summit.

Introduction¹

The Council of Europe (CoE) is the preeminent regional organisation dedicated to monitoring developments related to democracy, human rights, and rule of law in Europe, though its role and status in Europe are often overlooked when compared to the much more dynamic European Union (Brummer 2014). Yet the CoE is by no means a static organisation and has seen its size, scope and institutions greatly expanded since its founding. Founded after World War II, the organisation slowly grew to include 46-member states, including many of the former Soviet republics. Over the course of its expansion, the Council of Europe has worked to support its members in enacting reforms in the field of democracy (Gawrich 2015; Brummer 2014).

However, the CoE's forms of democracy support are perhaps best characterised as exporting norms through standard-setting and legal interpretations on the basis of its expertise rather than a robust external direct policy impact. Although the judgements of the European Court of Human Rights (ECtHR) are legally binding for its members, the case law of the Strasbourg Court

¹ Note: The content of this article was last updated on 2 February 2024.

has no immediate implications beyond the borders of Europe. And while institutions such as the Venice Commission, CoE Secretariat and experts within the executive arm of the Committee of Ministers can provide expert legal consultations, partner countries and member states are granted considerable leeway in the implementation of their opinions. Consequently, the CoE is traditionally seen as a more inclusive regional organisation with criteria much less stringent than the EU's *acquis communautaire* (Weiß 2017). Moreover, the European Union's Neighbourhood and Enlargement Policy features considerably more conditionality mechanisms than the Council of Europe (Klein 2017).

Due to the membership of nearly all Eastern Neighbourhood countries in the Council of Europe bar Belarus, the Strasbourg-based body's cooperation formats with the entire Eastern Neighbourhood are substantial, including SHAPEDEM-EU's case countries of Armenia, Georgia, and Ukraine. Nevertheless, the organisation has developed ad-hoc instruments for engagement with the Southern Neighbourhood as well (Greer 2007). Ultimately, the difference in the CoE's interactions with the two Neighbourhoods comes down to the binding nature of its treaty obligations for countries in the East and the voluntary participation of those in the South.

The Council of Europe was established through the Treaty of London in 1949 to defend the principles of democracy, human rights and the rule, which were later enshrined in the European Convention on Human Rights (ECHR) in 1950. Over the next 70 years of the CoE's existence, its institutional and normative range has been expanded upon through additional treaties and convention protocols. For the purpose of this report, the primary CoE bodies under investigation are the Committee of Ministers (CM), the Parliamentary Assembly of the Council of Europe (PACE), and the Secretary General (SG).

This report will first compare and contrast the Council of Europe's discursive and behavioural practices and engagement on the issue of democracy support in both the Eastern and Southern Neighbourhoods. In a second step, it will assess its relationship with the EU as they pursue joint strategies in the field of democracy support. Finally, the report will discuss SHAPEDEM-EU's cross-cutting challenges of gender equality and digital transformations to measure the CoE's contributions to these issues in the Neighbourhood.

1 Discursive and Behavioural Practices

The Council of Europe lacks the clear supranational quality of an international organisation such as the European Union (EU) and so the actions taken by the CM, which includes state representatives such as permanent ambassadors and foreign ministers, reflect the outcomes of intergovernmental deliberation typically on the basis of consensus. The Parliamentary Assembly, on the other hand, adopts recommendations or opinions with a two-thirds majority and resolutions with a simple majority. In practice, the behaviours and discourses pursued by the CoE reflect the positions of a majority of its members.

1.1 Discursive Practices

The Eastern and Southern Neighbourhoods present two distinct approaches to regional democracy support practices. On the surface, the reason for this discrepancy is obvious: the countries of the EU's Eastern Neighbourhood are in fact members of the Council of Europe, whereas those of the Southern Neighbourhood are not. However, in practice, the quality of belonging to the Neighbourhood is expressed in both cases. That is to say, references to the Eastern Neighbourhood or the EU's Eastern Partnership are frequently mentioned in official CoE

documentation. Similar language is used to refer to countries along the Southern Mediterranean and North Africa, which the CoE also refers to as its Southern Neighbourhood. The significant overlap between the Strasbourg body's more EU-inclined actors may offer a convincing explanation for the mirrored language. When observing the Council of Europe's discursive practices towards the individual countries of both Neighbourhoods, a more diverse picture emerges. The following section will highlight the Council of Europe's responses to moments of intense democratic upheaval in the Eastern and Southern Neighbourhood by focusing on statements and visits made by the SG, CM and Parliamentary Assembly.

1.1.1 Eastern Neighbourhood

Armenia's experience with democracy went through a dramatic change in 2018's so-called Velvet Revolution, which was met with a muted response from the CM, PACE and the Venice Commission (VC). As Nikol Pashinyan led widespread societal protests against newly elected Prime Minister Serzh Sargsyan, statements were not issued through official CoE channels. After Sargsyan's resignation and Pashinyan was elected as the new Prime Minister, SG Thorbjørn Jagland announced that the Council of Europe had "followed closely the implementation of the constitutional reform it helped to put in place. [Jagland] particularly underlined that the letter and the spirit of the Constitution should be respected, [confirming the Council of Europe's] readiness to further assist Armenia with its continued reform efforts, based on our values of human rights, democracy and the rule of law." He also congratulated Pashinyan following his election in 2018 (Council of Europe 5/4/2018, 5/8/2018).

Georgia's most recent political deadlock in 2019-2020 coincided with its own Chairmanship of the Committee of Ministers. As a result, the CM did not make an official statement regarding the developments. The CM's bi-monthly deputy meetings regularly discuss the conflict in Georgia, however, these discussions are limited to the territorial conflict in Abkhazia and South Ossetia with less emphasis placed on developments in Tbilisi. The SG and PACE, however, were more vocal during this period with PACE rapporteurs conducting a monitoring visit criticising the slow pace of constitutional reforms at the time (Parliamentary Assembly of the Council of Europe 11/14/2019). Given European Council President Charles Michel's outsized role in mediating the conflict, PACE and SG spokesperson only released statements welcoming the political agreement (Parliamentary Assembly of the Council of Europe 3/17/2020; Spokesperson of the Secretary General 3/9/2020). Georgia's draft law proposing limits on foreign-funded civil society organisations was met with swift and universal concern from the SG and PACE, which even conducted a fact-finding visit to monitor the situation (Council of Europe 3/8/2023; Parliamentary Assembly of the Council of Europe 3/8/2023, 3/24/2023). The CM, however, made no official statements at this time.

Towards **Ukraine**, the Council of Europe has made a major departure from its previous discursive practices, especially following Russia's 2022 full-scale invasion. The CM, PACE, and SG have regularly made statements regarding the Russia's infringement of Ukrainian sovereignty and repeatedly supported Ukrainian democratic institutions. While this support was present prior to 2022, the CoE institutions have focused even more of their attention on Ukraine since the war's escalation. Most notably, the heads of state of the CoE's members met in Reykjavik in May 2023 for its first summit since 2005. At the summit, European leaders announced their "resolve to unite around our values and against Russia's war of aggression against Ukraine, a flagrant violation of international law and everything we stand for. We have a common responsibility to fight autocratic tendencies and growing threats to human rights, democracy and the rule of law"

(Council of Europe 2023). The Reykjavik Declaration thus inexorably ties together Ukrainian democracy with the Council of Europe.

In **Moldova**, the 2019 constitutional and parliamentary crisis was met with similar reactions from PACE (Council of Europe 6/11/2019). Former Secretary General Jaglund's spokesperson issued a statement expressing his extreme concern and even requested the Venice Commission issue an opinion on the dissolution of the Moldovan Parliament (Council of Europe 6/9/2019). Although the recent pro-Russian protests in Moldova in February 2023 were debated in the Parliamentary Assembly (Committee of Ministers 4/27/2023), the SG and CM made no such official statements.

The case of **Azerbaijan** also represents a different variety in the CoE's approach to democracy support. The European Convention on Human Rights provides for a unique yet seldomly used enforcement mechanism within Article 46 on infringement proceedings. This instrument would, in theory, empower the CoE's Committee of Ministers to enact punitive measures to compel a state to enact a judgement of the European Court of Human Rights. The mere initiation of these infringement proceedings was endorsed by the CM regarding the illegal detention of civil society activist and politician Ilgar Mammadov, among others in 2019. Mammadov's case and the proposed infringement proceedings were frequently addressed by the SG, CM and bodies of PACE (Secretary General Thorbjørn Jagland 2018, p. 20; Parliamentary Assembly of the Council of Europe 10/13/2017; Council of Europe 12/5/2017).

Later, when Azerbaijan and Armenia fought a 44-day war over the Nagorno-Karabakh region (2020), the Standing Committee of PACE and Secretary General Marija Pejčinović Burić repeatedly called for an end to hostilities, though two consecutive Committee of Minister Chairpersons from Greece and Germany did not release official statements (Parliamentary Assembly of the Council of Europe 1/10/2023; Council of Europe 10/1/2020). Secretary General Buric would later call for "calm, restraint and responsibility" in light of the ensuing protests against the Pashinyan government's concessions to Azerbaijan, stressing it would continue to support Armenia and its civil society (Council of Europe 2/26/2021).

Belarus represents a unique case. Although not an official member of the CoE, the Council of Europe's bodies have frequently addressed political developments in Belarus, at times commending it for the progress of reforms or chiding its failure to safeguard the civil and political rights of its citizens. More recently and in light of the state security forces' crack down on its population since 2020, the Council of Europe has consistently condemned Belarusian authorities' brutality and increasingly entrenched autocracy. The CM, PACE and SG have all articulated their support for Sviatlana Tsikhanouskaya and criticised the Lukashenko regime on a number of occasions (Council of Europe 11/7/2022, 3/7/2023, 6/20/2023).

Clearly, the Council of Europe does not shy away from discursively addressing developments in the Eastern Neighbourhood. Although there is some variation across how it comments upon the six states, the Strasbourg body frequently does not mince its word when it comes to democracy. The 4th Summit of the Heads of State in Reykjavik made a clear statement on how the regional organisation views its role in the supporting democratic politics of its members.

1.1.2 Southern Neighbourhood

As previously stated, the CoE's activities in the EU's Southern Neighbourhood are differentiated by the dissimilar membership conditions. In practice, however, this has not entirely blocked any statements and discourses pursued by the Strasbourg-based organisation. The important contrast regarding the CoE's responses to democratic practices in the the Middle East and North

Africa (MENA), particularly compared to the EU's Eastern Neighbourhood, is the relative cooling down of discourse since the end of the 2010s. Still, the CoE's interactions with non-member states to the South reveal a variation across the Middle East and North Africa.

The Council of Europe's discursive practices towards **Tunisia** indicate the CoE's most outspoken engagement. The organisation's reactions to the 2010-2011 protests at the Avenue Habib Bourguiba were quick and consistent with the CM, PACE, SG and Venice Commission making repeated references to Tunisian reforms in connection with larger Mediterranean developments. Former Deputy Secretary General Gabriella Battaini Dragoni stated at the time that "The Council of Europe has always played a crucial role for democracies in transition [and that] as Europeans, we have the responsibility to support this process". Moreover, Tunisian representatives were invited to speak in Strasbourg at the Parliamentary Assembly (Council of Europe 6/10/2011). As SG Jagland welcomed Mustapha Ben Jaafar, speaker of Tunisia's National Constituent Assembly, he stated that "I am sure that Tunisia will also set an example to nations in the region for human rights, particularly with regard to gender equality and freedom of expression" (Council of Europe 6/28/2012). Discursive responses from the Council of Europe since President Saïed's coup d'état via a suspension of parliament in 2021 and a constitutional referendum stand in stark contrast with the frequent commendation for the country's democratic reforms in the previous decade. Whereas the CoE was eager to present Tunisia as a model for democratic transformation in the region starting in 2011, Saïed's efforts to construct a new authoritarian regime have not received similar levels of attention from Strasbourg apart from PACE President Tiny Kox expresses worry about the political situation in Tunisia in 2022, almost full year after the suspension of the Tunisian parliament (PACE President 4/1/2023).

While the protests in **Lebanon** in October 2019 and the dramatic 2020 explosion in the Port of Beirut bore considerable consequences for the functioning of Lebanese democratic politics, these were not commented upon by the SG, CM or PACE.

In **Palestine**, President Mahmoud Abbas' decision to indefinitely postpone elections for the Palestinian Legislative Council on 29 April 2021 received no official comment from institutions in Strasbourg. However, the Parliamentary Assembly did comment upon certain events in Palestinian politics in its reviews of its Partnership for Democracy (see more in the ensuing section, Parliamentary Assembly of the Council of Europe 2016).

Morocco and **Jordan** saw frequent commentary from PACE, also as it related to periodic evaluations of their Partnerships for Democracy (see more in the section below). In the case of Morocco, PACE first recommended bold reforms in 2014, yet had ample praise for the country's judiciary by 2018 (Council of Europe 7/11/2014, 2/15/2018). Commentary on Jordanian democracy was initially positive, however the persistence of the death penalty as a form of punishment saw this praise abate in 2017-2019 (Council of Europe 9/6/2017, 3/4/2017, 2/21/2019).

When compared to the Council of Europe's discursive practices in the Eastern Neighbourhood, its practices in the Southern Neighbourhood are substantially more limited. Yet its practices even within this region are varied, with states like Tunisia receiving an overwhelming amount of attention while Lebanese democracy was ignored entirely. What is more, positive democratic developments received quick and resounding discursive engagement during the so-called Arab Spring, while back sliding in Tunisia was only commented upon after the outcome of Saïed's authoritarian consolidation was well under way.

1.2 Behavioural Practices

In contrast to the CoE's differentiated discursive practices towards the Eastern and Southern Neighbourhoods, its behavioural practices are perhaps more similar if observed below the surface of regular CM and PACE activities. As full members in the Council of Europe, the Strasbourg body has extensive dealings with all countries of the EU's Eastern Neighbourhood, including with Belarus until 2020 and with its democratic representatives since then. As previously stated, the Eastern Neighbourhood countries' relationship with the Strasbourg body does revolve considerably around the cases brought before the ECtHR. Thus, the Council of Europe behavioural practices towards countries such as Armenia, Georgia and Ukraine are deeply embedded in a rich tradition of convention interpretation, legal review and ECtHR judgement compliance.

As the countries of the Southern Neighbourhood are neither signatories of the European Convention on Human Rights nor parties to the Treaty of London, their governments are not obliged to uphold the ECHR and cannot regularly participate in CoE meetings. However, as a reaction to the so-called Arab Spring, the CoE established its "Istanbul parameters" in 2011 to determine how its bodies can cooperate not only with countries in the Middle East and North Africa, but also Central Asia. The guidelines detail three main objectives including facilitating democratic political transitions, the promotion of good governance in line with CoE standards, and reinforcing and enlarging "the Council of Europe regional action in combating trans-border and global threats such as trafficking in human beings, cybercrime, organised crime, terrorism, etc." (Secretary General 4/19/2011). The key modalities and instruments of co-operation between the CoE and the Southern Neighbourhood are legal advisement and expert-to-expert collaboration, election observation, partnerships for democracy, participation in certain CoE structures, and accession to CoE Conventions.

Within the Council of Europe's mechanisms of democracy support for its own members, individual countries may draft three-year National Action Plans (AP) for planned reforms in the sectors of democracy, human rights, and the rule of law. These APs are drafted by the governments in consultation with the CoE and draw upon Strasbourg's legal and policy expertise. The APs outline how national government representatives and legal professionals can draw on the expertise of the Council of Europe in the form of workshops, conferences, and high-level exchanges on planned reforms. In addition to planned reforms and the CoE's expertise in standard setting and technical expertise, the APs outline steps for monitoring progress. The contributors to the Action Plan draft as well as their motivations for doing so vary according to the individual state, often leading to varying emphases on the field of democracy itself. Some states, especially those with EU membership aspirations use the APs to accelerate their own legal approximation with EU standards as stipulated by their Association Agreements with the EU. In such cases, representatives of the EU participate in the drafting process alongside the CoE. Nevertheless, even for countries without defined integration agendas, the APs form the fundamental cooperation format that ground how a state interacts with CoE experts.

APs have been consistently drafted for all Eastern Neighbourhood members of the Council of Europe from 2012-13. Each of these APs details programmes for planned democratic reforms and define how an individual state intends to implement executive, judicial, and legislative changes. The APs are commonly organised into human rights, democracy, and rule of law reforms, defining priorities in these sectors and listing programmes and policies to meet these objectives. The APs also provide for modest overviews of how such projects will be financed, whether via the CoE's

regular budget or via additional contributions from the EU. Although it is not a member of the Council of Europe, Belarus also concluded its own Action Plans which included democracy reform programmes for three-year periods between 2012 and 2021. However, following the falsified 2020 elections in Belarus, the CoE has held official meetings with the Contract Group on Belarus together with representatives of the Belarusian democratic opposition rather than the Lukashenko government (Council of Europe 11/7/2022). The Contact Group and CoE have since agreed upon a new Action Plan to support Belarusian democratic forces and civil society (Council of Europe 2/1/2023).

The table below presents an overview of the Council of Europe's National Action Plans prepared with states of the EU's Eastern Neighbourhood. While each of these Action Plans outlines priorities related democratic reforms, the context of the Council of Europe foresees much greater detail related to human rights and the rule of law. References to EU policy frameworks such as the Eastern Partnership and its bilateral agreements with individual countries (e.g., Association Agreements) have been noted to indicate the countries' explicit linking of democratic reforms with the stated EU instruments.

Table 1: Council of Europe National Action Plans for countries in the EU's Eastern Neighbourhood.

State	1 st AP	2 nd AP	3 rd AP	4 th AP	EU Framework
Armenia (AR)	2012 – 2014	2015 – 2018	2019 – 2022	2023 – 2026	EaP mentioned in 1 st ; ENP in 2 nd ; EU's Comprehensive and Enhanced Partnership Agreement (CEPA) in 3 rd & 4 th
Azerbaijan (AZ)	2014 – 2016	2018 – 2021	2022 – 2025		No mention of EU frameworks
Belarus (BY)²	2012 – 2013 (“CoE Activities for Belarus”)	2016 – 2018	2019 – 2021		No mention of EU specific frameworks
Georgia (GE)	2013 – 2015	2016 – 2019	2020 – 2023		AA mentioned in 2 nd & 3 rd
Moldova (MD)	2013 – 2016 (“to support democratic reforms”)	2017 – 2020	2021 – 2024		AA mentioned in 2 nd & 3 rd
Ukraine (UA)	2011 – 2014	2015 – 2017	2018 – 2022 (with priority Adjustments)	2023 – 2026 (“Resilience, Recovery and Reconstruction”)	EaP mentioned in 1 st ; AA in 3 rd , candidacy in 4 th

Source: author's own elaboration.

² The CoE Action Plans for Belarus have been removed from the Office of the Directorate General of Programmes' main page for national action plans.

In terms of the substance of these Action Plans, the examples of Armenia, Azerbaijan and Belarus have been highlighted in Table 2. The contents of the following table include the priority areas for cooperation, which include explicit references to democracy. Whereas the first two cycles of Action Plans have large and expansive areas of cooperation that are registered under democracy support, the APs from 2019 onward are much narrower in scope. Importantly, these priority areas should not be perceived as equal in terms of investment as certain sectoral programmes feature a modest commitment of resources. Nevertheless, it remains insightful to view the progression of democracy support over the four phases. The CoE not only assisting in drafting these Action Plans, but provides guidance in their implementation.

Table 2: Explicitly democracy-related priority areas outlined in CoE National Action Plans for Armenia, Azerbaijan and Belarus.

State	1 st AP	2 nd AP	3 rd AP	4 th AP
AR	<p>2012-2014</p> <p><u>DEMOCRATIC GOVERNANCE</u></p> <ul style="list-style-type: none"> - Support to Local Government - Reform <p>Capacity building of local authorities</p> <ul style="list-style-type: none"> - Strengthening leadership by local elected representatives - Support free and fair elections in Armenia - Support free and fair elections in the Eastern Partnership countries <p><u>SUSTAINABLE DEMOCRATIC SOCIETIES</u></p> <ul style="list-style-type: none"> - Supporting higher education reform - Combating Corruption in Higher Education <p><u>BUILDING A DEMOCRATIC CULTURE</u></p> <ul style="list-style-type: none"> - Implementing the Revised Core Curriculum Based on the Modern Languages Common European Framework of Reference for Languages (CEFR) 	<p>2015 – 2018</p> <p><u>PROMOTING DEMOCRATIC GOVERNANCE</u></p> <p><u>General Objectives:</u></p> <ul style="list-style-type: none"> - Co-operation on electoral matters - Strengthening local democracy by supporting territorial administrative reform and promoting democratic standards and culture at local level - Capacity-building of local authorities, strengthening leadership of elected local representatives; reinforcing dialogue and consultation practices - Enhancing capacity-building of civil society institutions and ensuring their participation in decision making processes - Spreading a culture of democracy among young local leaders in the country. <p><u>Specific Objectives:</u></p> <ul style="list-style-type: none"> - Free and fair elections - Local Democracy 	<p>2019 – 2022</p> <p><u>DEMOCRACY</u></p> <p><u>Strengthening Democratic Governance and Fostering Innovation</u></p> <ul style="list-style-type: none"> - Elections - Local Democracy <p><u>Promoting Participation and Diversity</u></p> <ul style="list-style-type: none"> - Education for Democracy - Youth for Democracy 	<p>2023 – 2026</p> <p><u>DEMOCRACY</u></p> <p><u>Democratic Governance</u></p> <ul style="list-style-type: none"> - Promoting good governance and local government reforms - Elections
AZ	<p>2014 – 2016³</p> <ul style="list-style-type: none"> - Freedom of assembly - Freedom of expression and association, media freedom - Freedom of expression and media freedom 	<p>2018 – 2021</p> <p><u>DEMOCRACY</u></p> <p><u>Strengthening Democratic Governance and Fostering Innovation</u></p> <ul style="list-style-type: none"> - Elections <p><u>Promoting Participation and Diversity</u></p>	<p>2022 – 2025</p> <p><u>DEMOCRACY</u></p> <p><u>Democratic Governance</u></p> <ul style="list-style-type: none"> - Electoral issues <p><u>Democratic Participation</u></p> <ul style="list-style-type: none"> - Civil society 	

³ Azerbaijan's first AP is not divided into the CoE's three policy areas of human rights, democracy and the rule of law. This entry includes reform priorities with explicit mentions of democracy.

	<ul style="list-style-type: none"> - Strengthening the regulatory framework and operational capacities for the effective enjoyment of the freedom of association - Civil society dialogue - Good governance and the fight against corruption - Free and fair elections, functioning of political parties - Local democracy - Intercultural Dialogue - World Forum on Intercultural Dialogue - Human rights education and democratic youth participation 	<ul style="list-style-type: none"> - Civil society - Education for democracy - Youth for democracy - Intercultural dialogue 	<ul style="list-style-type: none"> - Education for democracy - Youth for democracy - Intercultural dialogue 	
BY	<p>2012 – 2013 (“CoE Activities for Belarus”)</p> <p><u>DEMOCRACY</u></p> <p><u>Statutory and Convention-Based Activities</u></p> <p>Participation of Belarus in the European Cultural Convention-based Activities</p> <p><u>Cooperation Activities</u></p> <ul style="list-style-type: none"> - Participation of education professionals from Belarus in the training activities offered by the Pestalozzi Programme - Participation of representatives of Belarus in the activities related to the implementation of the Council of Europe Charter on education for democratic citizenship and human rights education (Recommendation CM/Rec(2010)7) - Compendium Cultural Policy Information and Monitoring System 	<p>2016 – 2018</p> <p><u>PROMOTING DEMOCRATIC GOVERNANCE</u></p> <p><u>Sector Overview and Priorities:</u></p> <ul style="list-style-type: none"> - Co-operation in the field of culture, education, youth and sports - Bern Convention-based activities - Civil society - Local governance <p><u>Specific Objectives and Expected Results:</u></p> <ul style="list-style-type: none"> - Democratic governance and higher education reforms - Culture - Youth - Sports - Bern Convention-based activities - Civil society - Local democracy - Electoral Issues 	<p>2019 – 2021</p> <p><u>DEMOCRACY</u></p> <p><u>Strengthening Democratic Governance and Fostering Innovation</u></p> <ul style="list-style-type: none"> - Parliamentary Assembly - Congress of Local and Regional Authorities - Good governance - Civil society <p><u>Promoting Participation and Diversity</u></p> <ul style="list-style-type: none"> - Education for democracy - Youth for democracy - Culture, nature and heritage 	

<ul style="list-style-type: none"> - Completing the constitution of the Emerald Network under the Bern Convention - Civil society capacity building through small grants and technical advice - Training Course for Trainers and Multipliers in Human Rights Education with young people - Publication and launching of the Compass Manual in Belarusian language - Human rights course for students of the European Humanities University (EHU), Vilnius - Meetings of the Civil Society Communication Platform on "The state of Civil Society in Belarus" - Developing a democratic political culture through seminars, conferences and the alumni network of the East European School of Political Studies - Participation of Belarusian civil society representatives at the PACE and INGO sessions, and major Council of Europe events - Local Democracy in Belarus - <u>Council of Europe Eastern Partnership Facility</u> - Support free and fair elections 			
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Source: See <https://www.coe.int/en/web/programmes/documents> for further information.

The Council of Europe's pattern of behavioural practices in the Eastern Neighbourhood depicts a rather consistent actor. At the outset of the decade, the CoE was more varied in its engagement with the individual countries. As the organisation's programmes became more embedded in how it works with states as well as grew to include regional formats, the structure of practices became increasingly uniform. Those states in the Eastern Neighbourhood with clear interests in EU membership also saw this arena as an avenue for meeting the objectives of the EU's Association Agenda. The remaining countries, however, still frequently connected their cooperation with the CoE with the larger framework of European organisational relations.

Countries from the EU's Southern Neighbourhood have similar strategic co-operation documents to the Eastern Neighbourhood's National Action Plans, though for different periods and under slightly different names. In the Southern Neighbourhood, Tunisia and Morocco have been the most active in agreeing to Neighbourhood Co-Operation Priorities as this format was known until 2015/16, after which it was converted to a "Neighbourhood Partnership". Jordan and Palestine, on the other hand, did not pursue an extension of the format beyond 2017 and 2019 respectively. In the case of Palestine, practical security-related constraints were cited as an impediment to activities, although organising events outside Palestine was constructive. Jordan demonstrated an interest in drafting the preparation of the document; however, no concrete developments had taken place by 2017 to create a common legal space. Furthermore, while all Eastern Neighbourhood members have repeatedly drafted CoE APs, the regional coverage for the Southern Neighbourhood is more limited with no such frameworks agreed upon with Algeria, Egypt, or Lebanon.

Table 3: Council of Europe National Action Plans for countries in the EU's Southern Neighbourhood.

State	2012 – 2014	2015 – 2017	2018 – 2021	2022 – 2025	Evaluation
Jordan	yes	yes			<ul style="list-style-type: none"> • "The results of the co-operation with Jordan are positive but limited." • "However, despite the interest shown by Jordan during the preparation of this Neighbourhood Partnership, regarding the creation of a common legal space, no concrete development has taken place in this area." • Stated priority of accession to VC not realised.
Morocco	yes	yes	yes	yes	
Palestine	no	2016 – 2018*			<ul style="list-style-type: none"> • "The results of the co-operation with Palestine* are limited. The difficult context in which the Co-operation Priorities are being implemented, including practical security-related constraints affecting the delivery of technical co-operation in the field, has hampered progress."
Tunisia	yes	yes	yes	yes	<ul style="list-style-type: none"> • 11/2021 CM Document: "Committee of Ministers, while approving this Neighbourhood Partnership, calls on the Tunisian authorities to respect and guarantee democracy, fundamental rights and the rule of law in Tunisia. The Committee of Ministers will monitor the implementation of the Neighbourhood Partnership and take relevant decisions."

Source: See <https://www.coe.int/en/web/programmes/documents> for further information.

The table below presents the co-operation areas related to Tunisia, which are identical with slight exceptions for the years 2012-2014. In comparison to the Action Plans for in the East, these show little variance across the three-year periods.

Table 4: Explicitly democracy-related priority areas outlined in CoE National Action Plans for Tunisia.

State	2012 -2014	2015 – 2017	2018 – 2021	2022 – 2025
Tunisia	<u>DEMOCRACY</u> <u>Democratic Governance</u> - Co-operation with the Parliamentary Assembly of the CoE (PACE) - Democratic governance at local and regional level - Elections - Training in democratic standards of good governance - Democratic governance through education - Democratic governance through culture <u>Sustainable democratic societies</u> - Investing in young people - Co-operation with the North-South Centre - Sports and ethics	<u>DEMOCRACY</u> - Inter-parliamentary co-operation - Democratic governance at local and regional level - Strengthening participatory democracy and civil society stakeholders - Training in Democratic governance and human rights education	<u>DEMOCRACY</u> - Strengthening democratic governance and fostering innovation - Local and regional democracy - Promoting participation and diversity - Education for democracy – North-South Centre	<u>DEMOCRACY</u> - Local and regional democracy - Democratic Governance - Democratic Participation

Source: See <https://www.coe.int/en/web/programmes/documents> for further information.

In addition to these state-initiated formats, there are two further frameworks for CoE support in the area of democracy support. This first is election observations; for official CoE members, election observations are a mechanism enacted by the Parliamentary Assembly and embedded within the monitoring and post-monitoring process of CoE accession, typically conducted together with other IOs such as the EU and OSCE. The countries of the Eastern Neighbourhood have consistently hosted members of PACE, including non-member Belarus in 2015, 2016, and 2019 (Denemeç, Reha 2015; Wurm, Gisela 2016; Blencathra, David 2019). These election monitoring visits occur in conjunction with other IO-monitoring missions such as the OSCE-Parliamentary Assembly and the EU Parliament, forming a key instrument in the CoE's support for democratic politics. In addition to these election-focused visits, PACE rapporteurs also conduct regular monitoring visits to observe other human rights, rule of law and democracy-related conditions.

In the case of the Southern Neighbourhood, PACE sent monitors to Morocco's elections in 2011 and 2016 (Jirsa 2012; Liddell-Grainger 2016). PACE parliamentarians also visited the country in 2018, when it lauded the dialogues between Strasbourg and Morocco (Parliamentary Assembly of the Council of Europe 2/15/2018). Another rapporteur was sent to visit Morocco in 2019, which resulted in a renewed call to end the death penalty with little commentary on democratic practices (Parliamentary Assembly of the Council of Europe 7/24/2019).

PACE election observers were also sent to Tunisia in 2011 as well as two in 2014 (Gross 2011, 2014; Bockel 2015). A rapporteur was also sent to Tunisia in 2017 and conveyed positive remarks regarding the country's democratic transition (Parliamentary Assembly of the Council of Europe 4/5/2017). Visits and reports on the country have come to a standstill since the Saïed regime's coup.

The second of the CoE's state-requested mechanisms are opinions of the European Commission for Democracy through Law, otherwise known as the Venice Commission (VC). As a prestigious body of experts on constitutional law, these individuals represent the foremost interpreters of constitutional law. As ordinary members of the Council of Europe, state authorities of the Eastern Neighbourhood frequently request the VC provide its expertise. Members of the Parliamentary Assembly, however, can also request the VC to deliver its opinion on a country's developments and so Belarus has also intermittently been the subject of debate. The Southern Neighbourhood, on the other hand, presents a more limited area for the Venice Commission's engagement. The Venice Commission has indeed published expert opinions on Egypt, Jordan, Lebanon, Morocco, Palestine, and Tunisia. However, the timing of these opinions indicated two discernible trends: firstly, a flurry of requests was received following the initial waves of the Arab Spring in 2011. Secondly, a more recent trend of requests from Tunisia (2018-2022) and Lebanon (2022) have been submitted as both countries grapple with political party turmoil, corruption, and constitutional reform. Finally, membership in the VC is more expansive when compared to regular members of the Council of Europe. Thus, the VC includes constitutional court judges from states in both the Eastern and Southern Neighbourhood, including Algeria, Armenia, Azerbaijan, Georgia, Moldova, Morocco, Tunisia, Ukraine, and Palestine.

In addition to these cooperation frameworks, the CoE also offers non-member states additional partnerships in the meetings of the Parliamentary Assembly on an ad hoc basis. These partnerships are first submitted by the state for review by PACE. From the Southern Neighbourhood, three countries have signed Partnership agreements with PACE. The Parliament of Morocco was the first parliament ever to apply for this status in February 2010. Morocco's request was reviewed and approved of in June 2011. The status of this continued partnership has been subjected to periodic reviews in 2013, 2015 and 2019. The Palestinian National Council (PNC) requested its own partnership in October 2010 with approval granted in October 2011. The PNC's active participation in the format has been reviewed in 2014 and 2016. However, in 2016, the PACE rapporteur noted that while the PNC "would like to comply with the commitments it had undertaken when signing the partnership, it had become increasingly difficult, or even impossible, to meet some of them given the circumstances on the ground related to the Israeli occupation." The Parliament of Jordan made its request for partner for democracy status in 2013, which was granted in January 2016 after two fact-finding missions. PACE's evaluation of Jordan's partnership in 2017 was somewhat more critical noting that "Jordan was moving in the right direction, even though the reforms were advancing more slowly than planned, [regretting], in particular, that Jordan had not become party to any of the Council of Europe Conventions or

partial agreements.” Moreover, the evaluation welcomed certain developments related to democratic reforms, however, regretting executions carried out by Jordan between 2014 and 2017” (Oomen-Ruijten 2023).

Observing the CoE’s behavioural practices in the matter of Southern Neighbourhood democracy support presents a similar picture to its discursive practices. The so-called Arab Spring unleashed a fever of new formats for collaboration which slowly petered out by the end of the decade. The initial activities were well-received by most MENA countries, yet interest only remained for one or two states. Moreover, these activities were continued with countries not necessarily continuing to exhibit the same democratic politics as at the start of the decade with the CoE slower to react. Finally, certain states did not show themselves as eager to engage with the CoE’s offerings at all.

2 Relation with EU strategies in the field of democracy support

The CoE’s Action Plans demonstrate a unique avenue for CoE-EU cooperation (see Table 1 above). As previously stated, these APs and Neighbourhood Partnerships are jointly drafted by the CoE and Neighbourhood countries. However, the EU also plays in a key role in advising this drafting process. Moreover, the strategic documents are often explicitly created, in part, to meet the goals set out within the EU’s own Neighbourhood Policy. In the case of Georgia, Moldova, and Ukraine this means the APs have the stated goal of meeting the objectives of the EU’s Association Agreements (AA) and the priorities identified in the EU’s association agenda. In Armenia’s case, its AP makes explicit mention of the EU’s Comprehensive and Enhanced Partnership Agreement (CEPA). Although Azerbaijan and Belarus have no such formal arrangement with the EU, their national plans are drafted with the explicit consultation of the EU.

The Council of Europe and European Union have cooperated extensively to support human rights, democracy and rule of law reforms in the European Neighbourhood. The two organisations signed a Statement of Intent for Cooperation in the EU Enlargement Region and the Eastern Partnership and Southern Mediterranean Countries in 2014 with an ambition to establish “law-based resilient democratic societies, fostering democratic governance, human rights, democracy and rule of law in the most effective and efficient way, and in accordance with their respective mandate and expertise.” The agreement detailed a structured “Programmatic Cooperation Framework” (PCF) for a multi-faceted support for democracy, human rights and rule of law reforms in all countries of the ENP, consisting of “predefined and jointly agreed result framework and successive annual programmes of activities. Adjustment of the PCF and its programmes of activities should be ensured through the implementation of the PCF in two phases and via an independent mid-term evaluation which should recommend any necessary amendment of the PCF for the second phase (Council of Europe; European Commission 4/1/2014).”

In the Eastern Neighbourhood, the PCF was renamed the “Partnership for Good Governance” in 2015. The PGG, currently in its third three-year phase, implements joint programmes of the EU and CoE with different thematic focuses in each phase. The PGG is designed to make use of the EU and CoE’s technical expertise on these issues with significant financial contributions made by the EU and its member states, accounting for around 80-90% of the programme’s budget. At present, the PGG is in its third phase.

Table 5: CoE/EU Partnership for Good Governance in Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

Phase	Duration	Thematic Focus	Budget
PGG I	2015-2017, extended to 2018	<ul style="list-style-type: none"> Protecting and promoting human rights, Ensuring justice, Combatting threats to the rule of law, Addressing challenges of the information society, Promoting democratic governance 	€36 million (Council of Europe 2015)
PGG II	2019-2022	<ul style="list-style-type: none"> strengthening justice, countering economic crime, promoting equality and non-discrimination, advancing women's access to justice and combat violence against women in line with European standards. 	€17.5 million (Council of Europe 2019)
PGG III	2023 - 2027	<i>Funding and themes not identifiable at this time due to the 4th Summit of Heads of State</i>	

Source: author's own elaboration.

The Council of Europe maintains a similar regional format for the Southern Neighbourhood. The South Programme was first implemented in January 2012, immediately after the Arab Spring, which according to the CoE “revealed the full relevance of a Council of Europe’s policy towards its neighbours, since developments in Tunisia and other countries of the region raised the fundamental issues of the respect of human rights, the rule of law and democracy, which lie at the heart of the Council of Europe’s mandate”. It is in this context that several countries of the Southern neighbourhood have manifested their interest in strengthening co-operation with the Council of Europe, by identifying priority lines of co-operation. These initiatives have reinforced the need for a review of existing Council of Europe relations and policies with its neighbours – and for the definition of clear strategic priorities about how these relations should develop in the future. Both the Council of Europe and the European Union share the same objective, namely to “promote democratic values and principles, as well as the respect for human dignity in the region” (Council of Europe 2012).

The Southern Programme has since gone through five phases, with a remarkable regional also includes the participation of autocracies such as Algeria and Egypt as well as civil war-stricken Libya. The activities of the Southern Programme include primarily expert exchanges, workshops and seminars that received considerably less funding than the PGG despite addressing a larger region.

Table 6: CoE/EU Southern Programme I-V4 in Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia

Phase	Duration	Thematic Focus	Budget
Southern Programme I	2012 - 2014	<ul style="list-style-type: none"> To enhance efficiency and independence of the judiciary To promote good governance through increased prevention of corruption and money laundering To strengthen and protect human rights To promote democratic values in the region 	€4.8 million

⁴ All Southern Programmes are defined as a joint EU and CoE initiative to provide support to democratic reforms in the Southern Mediterranean.

Southern Programme II	2015 2017	-	<ul style="list-style-type: none"> • Support constitutional processes in the Southern Mediterranean countries, the development of new legislation and the setting-up and functioning of human rights institutions and democratic governance structures. • Promote the creation and the consolidation of a common legal space between Europe and the Southern Mediterranean by raising awareness on key Council of Europe Conventions and other European and international standards as well as to strengthen human rights, good governance and democratic values in the Southern Mediterranean region. • Promote the exchange of best practices between Europe and countries of the Southern Mediterranean region and within the region with a view to supporting and consolidating on-going democratic reform processes 	€7.4 million
Southern Programme III	2018 2020	-	<ul style="list-style-type: none"> • Pursue the creation of a common legal space between Europe and the Southern Mediterranean region through the promotion of key Council of Europe Conventions, partial agreements and other European and international standards; • Provide continued institutional support to democratic governance and independent instances, legal expertise, networking and capacity building; • Promote the expansion of existing relevant networks between Europe and the Southern Mediterranean and support the creation of new inter and intraregional networks; • Contribute to combating of violence against women using relevant Council of Europe standards, tools and mechanisms, as a transversal priority. 	€3.3 million
Southern Programme IV	2020 2022	-	<ul style="list-style-type: none"> • Strengthening and pursuing efforts towards a common legal space between Europe and the Southern Mediterranean region; • Supporting the effective implementation of human rights, the respect of rule of law and improving democratic governance through improved institutional capacities; • Combating violence against women in the region; • Strengthening and expanding regional co-operation to address global challenges such as fighting economic crime and trafficking in human beings. 	€3.3 million
Southern Programme V	2022 2025	-	<ul style="list-style-type: none"> • It continues to support democratic reforms in the Southern Mediterranean with the aim to: • Further enlarge the common legal space between Europe and the Southern Mediterranean by aligning national legislations with international standards through accession to Council of Europe Conventions and provision of targeted legal advice with the Quick Response Mechanism (QRM). • Strengthen capacities to address global challenges through the development and use of common tools, strategies, and mechanisms in the region. • Reinforce co-operation and dialogue on human rights, rule of law and democracy through 	€5.6 million

		strengthened cooperation and peer-to-peer networking at regional level.	
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Source: Council of Europe 2022

As demonstrated in the tables above, the cooperation between the European Union and Council of Europe is extensive. At times, the policy names and reference points overlap entirely, which can lead to confusion when seeking to keep the two organisations distinct. Yet given the intense proliferation of EU policy formats and objectives in Council of Europe programmes, it can be questioned to what extent the Council of Europe is able to maintain a clear division from the European Union. The Council of Europe's programmes constantly go beyond its members and in both the EU's Eastern and Southern Neighbourhoods, regularly engaging with clearly non-democratic countries in the East and South. As stated in the introduction, the Council of Europe is certainly a more inclusive organisation than the European Union. However, many smaller member countries do not have the necessary foreign ministry staff to accommodate intense contributions to both organisations (MacMullen 2004).

Finally, in 2022 the European External Action Service through the EU Delegation in Tunisia requested urgent opinions from the VC on constitutional reforms proposed by the Saied administration (Venice Commission 2022a, 2022b). A more systematic analysis of VC opinions and the requests of the EEAS may shed more light on the insights to the VC's precise contributions to the EU's ENP.

3 Cross-Cutting Issues

Finally, the Council of Europe's Conventions offer a colourful insight into how the Council of Europe engages with countries from the EU's Eastern and Southern Neighbourhoods in SHAPEDEM-EU's identified cross-cutting challenges of gender equality and digital transformations. The signature, ratification and entry into force of these Conventions is voluntary. However, upon its entry into force, the treaty obligations become legally binding. Thus, if the ECtHR finds a violation of the Convention to be demonstratable, the state is required to remedy the infraction. This tool has clear implications for compliance in countries in the Eastern Neighbourhood. MENA countries are not CoE members, hence the Conventions cannot enter into force in the same manner as those in the East with the same legal obligations before the European Court of Human Rights. Despite this, there are three relevant CoE Conventions to highlight.

Firstly, the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210), otherwise referred to as the Istanbul Convention, is seen as the European standard for criminal justice reforms related to violence against women. The text of the Convention does not explicitly tie a link between the prevention of violence against women and democratic practices. But the Convention's Explanatory Note does state that violence against women and domestic violence underline the core values of the Council of Europe (Council of Europe 2011).

The phases of the Istanbul Convention's signature, ratification, and entry into force across both Neighbourhoods present an illustrative example of the Council of Europe's support for the Eastern and Southern Neighbourhoods. While Armenia's signature of the Istanbul has not been ratified by its Parliament, Azerbaijan has yet to even sign the Convention. Tunisia, on the other hand, ratified the Convention as the solitary Southern Neighbourhood party and prior to any of its Eastern European counterparts. Implementing the components of the Istanbul Convention

requires considerable legislative and judicial changes, which take time for national parliaments and local authorities to put into action. Multi-year gaps between signature and ratification of the Istanbul Convention are even common among EU member states. Countries such as Bulgaria, Hungary, Czechia and the Slovak Republic have also not ratified the Convention in their parliaments. Still, the absence of signatures among certain Eastern and Southern Neighbourhood states represents a roadblock to cooperation with the CoE in the area of gender equality-related issues.

Table 7: European Neighbourhood signatories and ratifiers of the CoE Istanbul Convention

	Signature	Ratification	Into Force
Algeria	-	-	-
Armenia	18/01/2018	-	-
Azerbaijan	-	-	-
Belarus	-	-	-
Egypt	-	-	-
Georgia	19/06/2014	19/05/2017	01/09/2017
Jordan	-	-	-
Lebanon	-	-	-
Moldova	06/02/2017	31/01/2022	01/05/2022
Morocco	-	-	-
Palestine	-	-	-
Tunisia	11/05/2011	01/08/2014	-
Ukraine	07/11/2011	18/07/2022	01/11/2022

Source: author's own elaboration

SHAPEDEM-EU's second cross-cutting challenge of digital transformations presents an emerging field related to democratic politics, both inside Europe and its Neighbourhoods. The 2001 Budapest Convention Against Cybercrime is dedicated to a policy field not traditionally in the realm of democracy support, however, the Council of Europe does maintain that cybercrime "has evolved into a significant threat to human rights, democracy and the rule of law" (Council of Europe 2001). While the first Convention is dedicated to criminal justice harmonisation between judicial and investigative bodies, it has two additional protocols, the first related to the criminalisation of acts of a racist and xenophobic nature committed through computer systems and the second related to enhanced co-operation and disclosure of electronic evidence. In the matter of democracy support, the first Convention protocol has clear ties to reforms relate to cultures of democratic discussion, whereas the second provides certain safeguards against data privacy infringements, which can be used to suppress democratic rights.

Table 8: European Neighbourhood signatories and ratifiers of the CoE Budapest Convention

	Signature	Ratification	Into Force
Algeria	-	-	-
Armenia	23/11/2001	12/10/2006	01/02/2007
Azerbaijan	30/06/2008	15/03/2010	01/07/2010
Belarus	-	-	-
Egypt	-	-	-
Georgia	01/04/2008	06/06/2012	01/10/2012
Jordan	-	-	-
Lebanon	-	-	-
Moldova	23/11/2001	12/05/2009	01/09/2009
Morocco	29/06/2018	01/10/2018	-

Palestine	-	-	-
Tunisia	Invited to sign Convention on 13/02/2018, invitation extended on 08/02/2023		
Ukraine	23/11/2001	10/03/2006	01/07/2006

Source: author's own elaboration

Table 9 and 10: European Neighbourhood signatories and ratifiers of the CoE Budapest Convention, Protocols I (Protocol Concerning criminalisation of acts of a racist and xenophobic nature committed through computer systems) & II (Protocol Concerning enhanced co-operation and disclosure of electronic evidence)

	Signature	Ratification	Into Force		Signature	Ratification
Algeria	-	-	-	Algeria	-	-
Armenia	28/01/2003	12/10/2006	01/02/2007	Armenia	-	-
Azerbaijan	-	-	-	Azerbaijan	-	-
Belarus	-	-	-	Belarus	-	-
Egypt	-	-	-	Egypt	-	-
Georgia	-	-	-	Georgia	-	-
Jordan	-	-	-	Jordan	-	-
Lebanon	-	-	-	Lebanon	-	-
Moldova	25/04/2003	15/02/2017	01/06/2017	Moldova	30/11/2022	-
Morocco	29/06/2018	01/10/2018	-	Morocco	12/05/2022	-
Palestine	-	-	-	Palestine	-	-
Tunisia	Invited to sign Convention on 13/02/2018, invitation extended on 08/02/2023			Tunisia	-	-
Ukraine	08/04/2005	21/12/2006	01/04/2007	Ukraine	30/11/2022	-

Source: author's own elaboration

Council of Europe Conventions provide a good insight into how the body can play the role of standard setters for countries in the Eastern and Southern Neighbourhood. The Istanbul and Budapest Conventions outline requirements for meeting the objectives in the areas of women's rights and cybercrime with useful instruction as to aligning domestic legislation and executive and judicial practices. In these matters, the CoE is a useful resource, but its resources are entirely optional as states are not obliged to accede to these frameworks. Their legally binding quality only applies to member states who must execute ECtHR judgements if found in violation of a Convention. Moreover, the process of ratification and entry into force demonstrates an opportunity for states to draw out or even halt cementing the Convention into law.

4 Conclusion

The Council of Europe and European Union share a common history in their foundational narratives in the post-war era. This common bond defines the relationship today; the two organisations share near identical flags, hymns and even occupy the same buildings. European citizens frequently confuse the two organisations. Similarly, the Council of Europe's democracy support practices in the EU's Eastern and Southern Neighbourhoods can be difficult to entangle from the EU's. However, although there is significant overlap between the two organisations, their competencies and objectives are distinct. While the EU maintains institutions with a degree of autonomy from its member states, the CoE lacks a similar degree of independence. As a consequence, the CoE conducts its activities in the manner determined by its member states, including extensive cooperation with autocracies.

This does not mean one should discount it as the Council of Europe is a unique actor with near unrivalled legal expertise. The knowledge-sharing practiced in and with the Strasbourg-based body offers a useful resource for states with non-consolidated democratic institutions. Yet cooperation with states such as Belarus prior to 2020 or Tunisia following the 2021 coup can be seen to legitimise particularly undemocratic forces intent on dressing their regimes with a veneer of democracy and human rights.

On the one hand, these activities certainly offer a glimmer of hope given that these activities do not only reach out to state actors. The CoE's cooperation, for example, with human rights defenders and lawyers in these countries can provide them with strategies to overcome certain forms of repression. Nevertheless, it still can offer autocratic regimes with an excuse to crackdown on essential democratic institutions given their adherence to standards in other areas. Thus, while the CoE's assistance to regimes intent on making improvements to their democratic transition can be instrumental, its structural cooperation with non-democratic states in practice is a times detrimental. This pattern is only the more worrisome when it neglects to engage in certain discourses as a state descends into more autocratic behaviour or ignores other states entirely.

When juxtaposed with the European Union, the Council of Europe undoubtedly has fewer resources at its disposal. The lack of financial capabilities or a bureaucratic apparatus like the EU means the CoE must conserve its efforts in democracy support in the Eastern and Southern Neighbourhoods to focus on standard setting and expert exchanges. This makes the Council of Europe, however, no less an ambitious actor in the realm of democracy support. As is demonstrated in the Southern Neighbourhood, the Council of Europe has much to offer, even to non-members who are willing to convene with Strasbourg on a voluntary basis. Still, these fruitful joint undertakings are not always free of blemishes; the organisation's propensity to continue working with potentially back sliding and authoritarian regimes has a proven track record, not only in the Southern Neighbourhood, but even amongst its own member states such as Azerbaijan or Russia until 2022. On the one hand, the 4th Summit of the Heads of State at Reykjavik, Iceland in 2023 shows that this course will in all likelihood change for democracy support to member states in the Eastern Neighbourhood. However, the way forward for the CoE in the Southern Neighbourhood remains unclear at this time.

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