Institutionalization of Cooperation Between Inter-Governmental Organisations and NGOs: The BSEC Experience

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Abstract. The paper addresses the issue of the establishment of formal relations between the inter-governmental Organisation of the Black Sea Economic Cooperation (BSEC) and NGOs. After a brief presentation of the objectives, functions and structure of the BSEC, the paper undertakes to situate the phenomenon of cooperation between inter-governmental organizations and NGOs in the broader framework of the role of non-state entities in the international community. The presentation continues by focusing on the discussion in the BSEC concerning the establishment of criteria for institutionalising the Organisation’s relations with NGOs. This paper moreover analyses the BSEC–NGOs cooperation as it has evolved in practice, with the various forms that such interaction can take, and it reflects on the lessons learned and the prospects of such cooperation.

Keywords: Organisation of the Black Sea Economic Cooperation (BSEC), WTO, WHO, transparency, legitimacy

1. Introduction

The year 2002 marked the ten-year anniversary of the Black Sea Economic Cooperation (BSEC), an initiative taken in the aftermath of the end of the Cold War and the division of Europe by eleven States in the wider region around the Black Sea. At the same time, this year marked the closing stage of the first two-year tentative period of institutionalised relations between the inter-governmental Organisation of the BSEC and a number of NGOs, which were granted a “sectoral dialogue partnership” status by the Council of Ministers of Foreign Affairs of the Organisation in April 2000. Presently the second term of cooperation between the BSEC and NGOs is drawing to its close and the decision-making instances of the Organisation will have to deliberate on the continuation or not as well as the expansion or limitation of formal relations with NGOs that manifest interest in the BSEC activity. At this juncture, an evaluation of the so far interaction between BSEC and non-government actors as well as a discussion on the prospects of such interaction and on its impact on the functioning of these dissimilar agencies are in order.

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1 Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey, Ukraine. In April 2004, Serbia and Montenegro adhered to the BSEC bringing to twelve the number of its members.

1.1. A brief insight into the BSEC

Before addressing the main issue of this paper, a short, general presentation of the Organisation of the BSEC is required in order to facilitate understanding the functioning of this inter-governmental institution as well as the scope and implications of its cooperation with non-governmental actors.

The BSEC was initiated in 1992 as an informal forum of dialogue and cooperation with the lofty aim to transform the wider Black Sea area into an area of peace stability and prosperity. This diplomatic initiative started its operation through periodic meetings at different levels of experts, senior officials and ministers. This web of encounters strengthened the cooperation spirit and led to the decision of the heads of state or government of the participating states to transform the BSEC initiative to an international organisation of regional cooperation upholding the initial aim of bringing peace, economic development and prosperity in the Black Sea region and affording a legally binding framework for realizing this objective. An international treaty, the Charter of the Organisation of the Black Sea Economic Cooperation, was negotiated and signed to this effect in Yalta, on 5 June 1998. The BSEC Charter was subsequently ratified by the parliaments of the signatory states and entered into force on 1 May 1999. The diplomatic dialogue forum was vested thus with international legal personality and the cooperation acquired a binding framework. The latter is composed by resolutions, which are approved by consensus and are mandatory for all the BSEC member states, and decisions, adopted by qualified majority and binding for the member states that have voted in favour of them.

The Organisation of the BSEC as emerged from its Charter is an inter-governmental mechanism of cooperation, encompassing principal and subsidiary organs. The structure is headed by the Council of Ministers of Foreign Affairs, which is the regular decision-making BSEC organ, adopting the resolutions and decisions. The Council meets regularly every six months and its sessions are prepared by the Committee of Senior Officials, which represents the Council and acts on its behalf. The Committee, which meets frequently, is the organ where all BSEC issues are discussed and the relevant recommendations are submitted to the Council for final approval. The top structure of the Organization is completed by the Chairman-in-Office, which rotates every six months, and is entrusted with the implementation of the resolutions and decisions adopted by the Council. The bulk of the groundwork of the BSEC is laid by the subsidiary organs, mainly Working Groups and Group of Experts. There are Working Groups for each area of cooperation provided for in the BSEC Charter. Expert Groups are constituted on an ad hoc basis whenever the need arises for studying specific issues. The subsidiary organs function in accordance with their mandate adopted by the Council, develop joint programmes and projects, submit recommendations and pursue their implementation following approval by the Council. The secretarial services for the BSEC are secured by the Permanent International Secretariat (PERMIS), which is the coordinating centre in the horizontal flow of information and for the work pursued in the BSEC process.

The inter-governmental structure of the BSEC is round off by four dimensions, i.e. a parliamentary, a business, a financial and an academic one. These dimensions are