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WHAT FUTURE FOR DEMOCRACY AND CIVIL SOCIETY INTERNATIONAL CONFERENCE

Yerevan · October 6-8, 2011

Conference Stimulates Dialogue on Pressing Issues Facing Civil Society Today



Hrayr Ghukasyan, Yervand Shirinyan, Merrill Sovner, and Alex Sardar giving opening remarks.

An international group of experts in human rights, transparency and accountability, and good governance met in Yerevan at the Ani Plaza Hotel from October 6 to 8 to take part in the *What Future for Democracy and Civil Society* conference. The event drew well over 100 participants, with roughly 80 international representatives hailing from 30 different countries, including the United Kingdom, the United States, Central and Eastern Europe and the CIS. Representatives of the Armenian government, international organizations operating in Armenia, the diplomatic corps and media also participated. This conference was organized by Open Society Foundations – Armenia, in cooperation with Counterpart International and USAID. It was a true success, spurring countless thought-provoking discussions and giving new energy to civil society representatives and groups advocating for human rights and accountability.

The conference was broken up into three themes: human rights, accountability and transparency, and

democratic institutions and good governance structures. Simultaneous sessions were held on specific topics in each of these themes. The format kept things interesting because while each session was focused on a given topic, a set of broader ideas was present throughout, keeping discussions cohesive and relevant.

During these three days, panelists and participants addressed global challenges and the future of democracy and civil society. They examined recent trends, civil society's capacity to monitor them, and its ability to formulate a capable advocacy agenda to bring about more democratic change, open and accountable institutions and better protection of rights and freedoms.

With such a diverse range of participants, discussions were lively and there were some truly stimulating debates. But all participants seemed bound by a common concern for the future of civil society in shaping the democracies of today, and a will to energize the democratization process. ■



Coffee breaks allowed for plenty of informal discussion between sessions.

Is Civil Society Suffering Democracy Promotion Fatigue?

Given the profound changes in the world and widespread skepticism about democracy promotion efforts, there have been a number of attempts in academic and policymaking circles to evaluate the current mismatch between intentions and reality, and to bring into question the central principles informing today's human rights and democracy strategies.

The uncertainty hanging over the democracy promotion agenda and the increasing fragility of the democratization process are what led OSF-Armenia, USAID and Counterpart International to organize the *What Future for Democracy and Civil Society* international conference. Our hope was to discuss today's policy challenges and yield valuable lessons for amending their development and governance support strategies.

The first three plenary sessions at the conference brought together policy analysts, human rights and democracy experts, civil society and international donor community representatives to re-examine long-standing assumptions and the core questions surrounding the process of democratic transition today, raising themes that recurred throughout the conference. ■

Session 1: The Nature of Democratic Governance Today

The panelists for this session were Alain Deletroz, Vice President (Europe) of the International Crisis Group; Gordana Jankovic, Director of the Media Program at OSF-London; Jeff Goldstein, Senior Policy Analyst for Eurasia at OSF-Washington, D.C.; and Rayna Gavrilova, Deputy Director of International Operations at OSF-New York.

The discussion focused on the dubious and hybrid nature of modern political regimes, the many shapes and shades democracies have adopted in the last two decades, and the effects of the global financial crisis on the democracy promotion agenda. The panelists agreed that democratic transitions often do not follow a natural and linear sequence, and that, against the background of the shifting world order, the democratic agenda has, in fact, moved down on the ladder of priorities. As Alain Deletroz put it, "While in the wake of the third wave of democratization, there was no doubt that democracy is the way to go. Recently with the economic crisis questioning the credibility of the Western model and with the rise of China, other development alternatives are being discussed."

Recognizing the different paces of political change and the variety of types of modern democratic regimes, the panelists explained what they felt makes democracy work. Rayna Gavrilova remarked that the most important element is not free and fair elections, but rather good governance, while Alain Deletroz emphasized that to him, democracy is about the state of law, power and counter-power.



Alain Deletroz, Yervand Shirinyan, Jeff Goldstein, Gordana Jankovic, and Rayna Gavrilova.

The discussion naturally progressed towards a strategically important question: what needs to change in the democracy promotion agenda? Jeff Goldstein argued that the democracy promotion community needs to figure out how to combine economic development assistance and support for reform in governing institutions. Mr. Deletroz added that the donor community should localize its strategies, making them more pragmatic and using a case-by-case approach. ■

Session 2: Civil Society's Role in Advancing Public Interest

Are civil society organizations seen as agents of change in the process of democratic transition? What kind of support do they need from the international donor community? Is civil society failing to adapt to new realities? These were the questions asked during the second plenary session. The panelists were Alex Sardar, Chief of Party of Counterpart International Armenia; Goran Buldioski, Program Director of the Think Tank Fund, OSF-Budapest; Krassimir Kanev, Chairman of the Bulgarian Helsinki Committee; and Larisa Minasyan, Executive Director of OSF-Armenia.

Goran Buldioski began by questioning the idea of measuring the impact of civil society's work. He said that by imposing managerial concepts on NGOs, the donor community forces them to try to quantify change, which



Goran Buldioski, Alex Sardar, Jacqueline Hale, Krassimir Kanev, and Larisa Minasyan.

in reality is unquantifiable. Along the same lines, Alex Sardar emphasized that impact is a process and that the indicators of impact should be self-defined and perpetual. The panelists agreed that both the donor community and civil society institutions are responsible for failing to make the connection between those who advocate for policies and those who have to live with them. ■

Session 3: European Integration and the Democratization Agenda

The third plenary session highlighted pronounced setbacks of the democratization policies of Western governments, focusing on the example of EU strategies towards neighboring countries. This session brought together Dace Akule of the Providus Center for Public Policy in Riga; Jacqueline Hale, Senior Policy Analyst, EU External Relations, OSF-Brussels; Ambassador

Raul de Luzenberger, Head of the European Commission Delegation to Armenia; and Srdjan Djurovic, Director of the Center for Applied European Studies.

Jacqueline Hale began by discussing the contentious post- Arab Spring debates that have been taking place in Brussels, which are mainly focused on the lack of foreign policy vision. She advanced the argument that politics needs to be put back into neighborhood relationships and precise benchmarks, and that conditionality is necessary at this point. Raul Luzenberger disagreed, stressing that conditionality appears to be a problem for political relationships and that EU policies aim to provide countries acceding to the EU the opportunity to do a lot of work. Other panelists emphasized the need for EU integration policies to focus on civil society, to which Ambassador Luzenberger responded that the EU is already thinking about ways to engage with civil society more effectively. ■



Srdjan Djurovic, Raul de Luzenberger, Alain Deletroz, Jacqueline Hale, and Dace Akule.

HUMAN RIGHTS

Thoughtful Exchanges on Human Rights

There were four sessions during the conference devoted to the theme of human rights, each dealing with a specific topic: the role of the international community in promoting HR (divided between two sessions); lessons learnt from over a decade of HR monitoring; and challenges to exercising fundamental rights and freedoms. Presenting OSCE’s position on human rights, Carel Hofstra, Deputy Head of the OSCE office in Yerevan, noted that the organization faces difficult choices when developing and implementing its policies. OSCE usually prefers the way of silent diplomacy, opting to maintain good relations with governments in order to work with them as partners in implementing various programs. According to Mr. Hofstra, OSCE must therefore have a mixed policy, finding a middle road and cooperating with civil society institutions.

Dirk Boberg, Deputy Resident Coordinator of UN Development Programs, and Vladimir Shkolnikov, Senior UN Human Rights Advisor for the South Caucasus, OHCHR, presented the stances of different UN agencies. Mr. Boberg mentioned that a human rights-based approach is a conceptual framework for the UN in the process of human development based on international human rights standards. On a different note, Vladimir Shkolnikov pointed out that, like any international organization, the UN is as strong as its members. UN member states lack the desire to be leaders, which negatively affects the organization’s reputation, role and potential influence.

During the session about lessons learned from more than a decade of human rights monitoring, Avetik Ishkhanyan, President of the Armenian Helsinki Committee stressed the critical importance of following through with monitoring results and taking action. “In

many cases, the failure to implement reports is our fault as well,” he said. “We are not persistent enough to ensure that monitoring results are implemented.” This led to a general discussion about the fact that far too often, monitoring results remain on the shelves, while states are becoming less and less interested in their international reputations. Many could identify with the statement by Rachel Denber, Deputy Director of Human Rights Watch Europe and Central Asia, who said that human rights organizations must be more creative, persistent and alert in identifying violations of rights.

Moving along to the topic of challenges to exercising fundamental rights and freedoms, Stepan Danielyan, President of Collaboration for Democracy NGO, raised the issue of the recent Armenian National Security Council statement, which contained several elements that go against fundamental human rights principles. In the statement, Arthur Baghdasaryan, Head of the National Security Council, had said that the Council will fight against destructive sects threatening the country’s national security. “There are no destructive sects operating extensively in our country,” said Mr. Danielyan, who felt that this was an attempt by the government to create enemies within the country into order to have a new card to play during elections.

Avetik Ishkhanyan, President of the Armenian Helsinki



Krassimir Kanev, Nino Gobronidze, Avetik Ishkhanyan, Rachel Denber, Michael Hall, and Emily Martinez.

Committee agreed, and added that there seems to be a consensus between the government, the opposition, the media and the general public on the issue of religious minorities. The sad thing, according to Mr. Ishkhanyan, is that the government will not face any opposition on this issue. If the fight against religious minorities is a campaign card, then the opposition will be more than happy to use it as well.

Overall, the sessions on human rights proved to be a unique and enriching experience for participants, allowing them to take part in thoughtful exchanges that gave a realistic overview of human rights within the context of today’s political reality, while reflecting upon crucial theoretical and practical issues. ■

Local NGOs Discuss Challenges in Protecting Women’s Rights with Maryam Elahi

During the session on challenges to exercising fundamental rights and freedoms, one of the main topics discussed was the nature of relationship between the human rights regime and women’s rights. Maryam Elahi, Director of the OSF International Women’s Program, argued that international human rights law, and particularly CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women) serve as common ground for women’s rights. She shared the experience of her organization in preventing violence, pursuing justice and achieving leadership across countries.

Capitalizing on the expertise that Ms. Elahi offers, OSF-Armenia organized a series of side meetings with NGOs that are active in defending women’s rights. The issues of gender-based violence, gender education, and civil and political rights of women in Armenia were discussed. Participants presented the initiatives they have been implementing in these areas with the support of OSF-Armenia.

The theme that seemed to dominate these meetings was the need for active advocacy against domestic violence in Armenia. As participants described, this problem is growing day by day. Several participants brought up the fact that sufficient help is not available to victims of domestic violence and that the problems faced by the women of this country are not properly addressed in the public sphere.

Ms. Elahi expressed her commitment to supporting programs that address these issues. She encouraged follow-up steps to bring ideas to life through concrete projects. “I admire the committed work of NGOs, which put their strongest efforts to protecting women in their communities with the limited capacities they have,” she said. “Although Armenia is out of the International Women’s Program regional scope, I acknowledge the importance of the work that has been carried out and am ready to bring the resources of our program to benefit the women of Armenia.” ■

Points of View on Good Governance

Some of the most lively and thought-provoking discussions in the conference took place during the sessions that revolved around good governance and the integrity and effectiveness of judicial systems. Within this theme, we would like to present three interesting viewpoints from three distinguished panelists.

Philip Leach on the Advantages and Shortcomings of the European Court of Human Rights



Philip Leach, Professor of Human Rights, Director of the Human Rights and Social Justice Research Institute, and Director of the European Human Rights Advocacy Centre at London Metropolitan University.

Professor Philip Leach stated that the European Court of Human Rights (ECHR) plays a much greater role in good governance than other international organizations, because it is able to make non-political decisions and eventually hand down a verdict. Professor Leach also noted that ECHR is often overloaded with cases, which means that it needs to make some changes to the way it works. According to him, one of the reasons for such a backlog is that thousands of similar cases keep coming to the court. “When it notices the same type of problem, the state must see its mistake and correct it. However, this is not done,” he said.

He went on to note a positive change in the practices of the European Court of Human Rights. Starting recently, the Court does not only point out violations,

but requires that the country amend the relevant legislation within a strict timeframe. He expressed hope that this development will ensure that such a high volume of similar cases will not end up in the Court and the backlog will ease.

The third issue Professor Leach touched upon was the enforcement of the decisions made by ECHR. “The European Court is considered to be the best environment for human rights protection. We must make good use of the new mechanisms so that Court decisions have a real impact domestically,” he said. “NGOs know about it and they should contribute to the process.”

Hrayr Ghukasyan on the Importance of Independent Judges

During the session on democratic institutions and good governance structures, Hrayr Ghukasyan, OSF-Armenia Board Chair and Associate Professor of Law at Yerevan State University, emphasized the importance of having independent judges. He noted that in Armenia, the Council of Justice (a body with a number of powers, including approval of lists of judges, appointment of judges, and initiation of disciplinary proceedings against judges) does not serve as an independent judicial body, because the President of the Republic of Armenia makes all final decisions on the aforementioned issues.

“The executive branch of power has real levers to initiate disciplinary proceedings against judges and to guide the process, whereas judges do not have the right to appeal decisions about disciplinary sanctions imposed on them,” said Hrayr Ghukasyan. “A judge who is subjected to disciplinary proceedings cannot appeal, and this is one of the main issues that need to be resolved as quickly as possible.”

He went on to talk about the internal independence of judges, noting that lower court judges often have to turn to higher court judges for advice or guidance. “In some cases, it has to do with the low level of professionalism... In other cases, judges want to get their decisions approved to feel safe, to make sure their decisions are right,” he stated, adding that judges also have a problem of internal independence from the prosecutor’s office. The high number of detentions and the low number of acquittals in recent years have demonstrated that prosecutors have a dominant place in the criminal justice system. ■

Natalia Taubina on Hindrances to Fair Trial and Violations of Rights by Authorities



Natalia Taubina, Director of the Public Verdict Foundation (Russia), and Hrayr Ghukasyan, OSF-Armenia Board Chair, Associate Professor of Law at Yerevan State University.

Natalia Taubina, Director of the Public Verdict Foundation of Russia, said that the problem of judges receiving instructions from “above” is a major threat to fair trial in Russia. “There have been no cases of examining unlawful police actions when arresting various opposition members. We have come to a conclusion that judges base their work on guidance provided by officials,” remarked Ms. Taubina. She went on to say that the fairness of trials is also hindered because the courts are overburdened, which contributes to the abuse of power.

Ms. Taubina went on to give one positive and one negative example from the Russian courts. The first was the

case of Alexei Kozlov, a businessman who was recently acquitted after three years in prison because his wife was able to prove to the Supreme Court that his case was built on false evidence. The second was the case of Vasily Aleksanyan, the former vice president of Yukos oil company, who died recently at the age of 39 as a result of the complete neglect of his medical condition while he was in prison serving a sentence for tax evasion and money laundering. Although he was released on a bond in 2009 following a decision of the European Court of Human Rights, Mr. Aleksanyan’s condition had deteriorated so much while in prison that his life was drastically shortened as a result.

Later, during a meeting with local human rights defenders, Natalia Taubina spoke in depth about human rights abuses by law enforcement officials. She shared her valuable experience in the fight against torture and described how Public Verdict provides legal assistance to the victims of unlawful actions by Russian law enforcement bodies. The organization seeks criminal investigation for torture and inhuman treatment. In many cases, their work leads directly to the conviction of perpetrators and compensation for victims.

Unfortunately, this is far from the reality in Armenia, where cases of authorities abusing their power, violating human rights and going unpunished are far too common. Considering the similar nature of offenses by authorities in our two countries, we should be able to deal with them using similar methods. In this regard, the conversation with Ms. Taubina gave local human rights defenders a great deal of insight and hope. ■

TRANSPARENCY AND ACCOUNTABILITY

Transparency and Accountability: More Than Just Buzzwords

Transparency and accountability have in a way become civil society’s new buzzwords, in light of the recent wave of transparency initiatives like the Open Government Partnership and Wikileaks, and such review mechanisms as the Global Right to Information Index and the Open Budget Survey. But does transparency automatically lead to accountability? How do international financial institutions (IFIs) create more (or even less) accountability for governments? Do IFIs have adequate procedures for their own transparency? Does conditionality work in development projects? Is the right to information a panacea or just one of the many tools that civil society can use? These questions were central to the heated debate within the sessions at the conference focused on transparency and accountability.

The title of the first session, “International Financial

Institutions: Friend or Foe?” provoked a heated debate on the role of IFIs in developing countries. Their transparency, accountability and consistency of engagement were central to the debate. Panelists discussed how IFIs are transitioning over time and questioned whether they are now sharing their documents more openly. Toby Mendel, Executive Director of the Center for Law and Democracy in Canada, pointed out that IFIs tend to adjust their behaviors according to the governments of the countries in which they operate. An open government in the country of operation leads to more openness within the IFI. Members of local organizations voiced concerns about lack of information from such institutions as the World Bank and IMF, which are sometimes more closed than the Armenian government.

The session on transparency and accountability of public spending focused on the need to monitor budget documents as the most important guiding documents of economic policy. Central to the discussion were ques-

tions about who should engage in such monitoring efforts, how citizens can participate in the process, and what skills are necessary. Although ultimately, the state budget affects all citizens, its review is generally done by professional organizations, through various indexes such as the Open Budget Index run by International Budget Partnership. At the end of the session, a general consensus was reached that while most budget transparency work is done by professional organizations, citizens must be empowered to take advantage of existing monitoring tools, particularly when it comes to public spending budgets.

Another topic that was debated was the need for greater donor transparency in the framework of development aid. Although donor transparency is not a new idea, the term is often taken to simply mean internal transparency. But the idea of transparency towards the beneficiaries of aid has been taking greater foothold recently. Participants highlighted the need for structuralized consultation with civil society and engagement with local population as an integral part of designing development projects. Toby Mendel mentioned that within the context of aid flow, the cost of consultation is very low. Jacqueline Hale, OSF-Brussels Senior Policy Analyst, and Levon Barseghyan, Chairman of Asparez Journalists' Club both stressed the importance of conditionality in development aid, in pushing for improved democratic performance by governments and increasing the impact of aid.



Levon Barseghyan, Jacqueline Hale, Stephen Brager, Goran Buldioski, and Toby Mendel.

During the session on freedom of information, the main topic of discussion was the roles and successes of civil society in making governments more transparent through the use of access to information legislation. Many of the speakers acknowledged the role that freedom of information laws have played in moving their societies and governments towards more openness. But despite these progressive legislative changes, panelists recognized the fact that not enough citizens know about or use these rights, and acknowledged this as a problem that civil society must address. ■

Juan Pablo Guerrero Leads Discussion on Budget Monitoring

Parallel to the conference, OSF-Armenia and Counterpart International organized a series of focused side-events to give local NGOs the opportunity to connect



Juan Pablo Guerrero, Program Manager, International Budget Partnership.

with international experts. During one of these meetings, Juan Pablo Guerrero of International Budget Partnership (IBP) presented the budget monitoring work of his organization and the tools they use to make budgets more transparent.

IBP's Open Budget Survey, which evaluates whether governments give the public access to budget information and opportunities to participate in the budget process, was the focus of Mr. Guerrero's presentation. The Open Budget Survey is unique in the sense that it provides a "citizens' budget" – budget information provided to the public in a simplified format so that citizens can get a broad picture of how money is allocated and where it comes from. IBP conducts the survey in 85 countries. Unfortunately, Armenia is not one of them because the organization has not found suitable partners to implement the survey.

The question and answer session following the presentation mainly revolved around the need for civil society to do more budget-related work, despite its initial reluctance to deal with finances and figures. Budget analyses can play a vital role in affecting policy change, especially considering the fact that governments are increasingly justifying non-action with the claim that they lack the financial resources. In this regard, independent budget review can reveal whether or not the government is putting money where it says it will. The event closed with a discussion about the possibility of Armenia's inclusion in the Open Budget Survey. ■

From Public Television to YouTube: A Look at the Shifting Roles of Media

The changing face of public television was one of many issues discussed at the session devoted to the role of mass media in shaping democratic processes. The session was moderated by Gordana Jankovic, Media Program Director, OSF-London. Panelists included Janis Juzefovics, an independent researcher on media issues in Latvia, and Remzi Lani, Executive Director of the Albanian Media Institute.

Mr. Juzefovics, who has focused his studies on the future of post-Soviet broadcasters, suggested that information of social importance should be more present on air, not necessarily through public broadcasters, but through commercial channels. In many post-Soviet countries, the transformation from state to public television has simply become a matter of using different words, where public television serves as a tool for state propaganda and tries to behave like a commercial entity. On the other hand, public broadcasters are behaving like commercial TV companies and taking the biggest share of the commercial market due to their privileged position – nationwide coverage and state funds. In doing so, they are greatly distorting the market.

“The most influential political debates in Latvia are broadcast by private television companies and in this situation, Latvian public television has been losing its audience to private companies that are producing more interesting and better quality content,” said Mr. Juzefovics. Meanwhile in Armenia, where “commercial content” typically translates to low-quality soap operas, the question is whether taxpayers’ money should go towards supporting the mouthpiece of the government on the one hand, and the generation of low-quality content on the other. The latter is usually justified by claiming that it is what the audience – the taxpaying public – demands.

There is a common assumption that young viewers do not want serious content, and Gordana Jankovic called this assumption a misperception. Youth are interested in serious information, but it should be provided in an interesting format. New media played a central role in this discussion. “YouTube is not about entertainment only,” said Ms. Jankovic, pointing out that young viewers use YouTube to watch very serious content. Programs of public importance can be broadcast not

only via commercial channels, but also via YouTube. Social media outlets today recognize importance of quality content, according to Ms. Jankovic.

Another interesting topic that generated lively discussion was sources of funding for media outlets. Remzi Lani of the Albanian Media Institute stated, “Free media is the most important achievement of the Balkan democracy.” He went on to say that while only a few years ago, there was no transparency of ownership and funding, ownership is not a secret anymore, but funding sources still are. Mr. Juzefovics emphasized the importance of legitimate and legal funding sources as well. Armenia, unfortunately, was mentioned among the countries with the greatest lack of transparency when it comes to ownership and sources of funding.

Do we really need public television, and if we do, what kind of programming should it offer? Are youth today really interested in serious content? Who are the real owners behind media and where is funding coming from? All of these questions



Gordana Jankovic, Janis Juzefovics, and Remzi Lani.

and the way they are addressed contribute to the public’s trust in the media, or lack thereof. The content of public television in Armenia, lack of serious and entertaining programs for youth and lack of transparency about ownership and funding lead us to conclude that at least in this country, the public has lost its trust towards traditional media. Our hopes are with new media, which has yet to prove that it can provide better quality content. ■



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