AMERICAN UNIVERSITY OF ARMENIA

IMPACT OF THE CIVIL SOCIETY ON THE LEGISLATIVE PROCESS

IN THE REPUBLIC OF ARMENIA: AVAILABLE TOOLS AND

PROBLEMS OF THEIR UTILIZATION

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Abstract

Civil Society, as a manifestation of non-formal and self-organized associational life, has been an essential element of the Armenian nation throughout the centuries. Its formation as such, is however, considered to be at the end of the 1980s and the beginning of 1990s, and is connected with such developments as the earthquake, Karabakh conflict and of course, the independence of the Republic of Armenia. It was during those years that many unions, funds and organizations were formed.

The purpose of this paper is to analyze how successful Armenian Civil Society (defined as only non-governmental organizations) is in using tools to influence national legislative decision-making and promoting its transparency. The main concentration will be on analyzing transparency of parliamentary institutions from constituency outreach perspective.

The paper first discusses Important Factors or Necessary Conditions for the Transparent and Accountable Parliamentary Institution. Then it suggests and discusses available tools to the Civil Society for influencing legislative decision- making.

Finally the paper discusses what tools Armenian Civil Society generally uses to participate in legislative decision-making and which of those tools are more effective. Based on the analysis of the conducted interviews and secondary data, conclusions are made and recommendations are given to the Civil Society for strengthening their influence in the decision-making process of the National Assembly of the Republic of Armenia.

TABLE OF CONTENTS

Introduction

The aim of the following policy internship project is to analyze how successful and effective Armenian Civil Society is in using tools to influence national legislative decision-making and promoting its transparency. The main concentration will be on analyzing transparency of parliamentary institutions from constituency outreach perspective. Analysis will be done to see if there is success in the role of Armenian Civil Society in this regard during the recent years and which are the tools contributing to the progress.

The following policy internship paper, thus, is devoted to parliamentary transparency, encouraging participation and promoting constituency outreach. As representatives, MPs require a system that allows concerns and aspirations of their constituents to be reflected in decision-making and laws governing the country. The paper looks at some of the suggested processes for achieving transparency, promoting participation and expanding outreach through partnerships with civil society, especially referring to the tools Civil Society should use in this regard.

For the purposes of the study Civil Society will be defined as only including a narrow group, particularly only non-governmental organizations of Armenia, as collective actors, groups or bodies of active citizens, working together in many different ways to solve their common problems and to promote and defend their interests.

The paper will stress the importance of sustaining cooperation between the National Assembly and NGOs, and to increase NGOs' role in the legislative decision making process.

The paper consists of Introduction, Literature Review, Methodology, 2 chapters, findings and analysis, conclusion and recommendations.

In the literature review there will be general overview and discussion of what has been done in regard of parliamentary transparency and the role of Civil Society in this process. Various reports and products of scientific research will be referred to in this part.

Four following research questions will be answered:

First: Is Armenian Civil Society successful in using available tools to influence national legislative decision-making and promote parliamentary transparency?

Second: Is there a link between the level of trust in the parliamentary institution and the accountability and transparency mechanisms towards constituency?

Third: Can using certain influence tools by Civil Society improve and promote transparent legislative decision-making in the NA?

Fourth: How effectively is used mass media to influence national legislative decision-making?

. Chapter 1 will discuss in general what factors are important or necessary conditions for the transparent and accountable parliamentary institution, such as access to information, media coverage and the importance of Civil Society participation.

 Chapter 2 will describe the main tools used by CS to affect democratic legislative decision making on national level. It will discuss how successful Armenian Civil Society is in utilizing those tools for this specific aim. From the list of various tools we will try to see which are actually present in the cooperation of Armenian Civil Society and National Assembly. Special attention will be drawn on media as an important tool for Civil Society in influencing legislative decision-making and promoting transparency. The chapter will discuss how effectively Armenian Civil Society utilizes this tool.

In the section of findings and analysis the results of the research done with the help of primary and secondary sources will be presented and analyzed. This will include the analysis of the in-depth interviews conducted with the NA committee staff members, MPs and NGO representatives.

Conclusions will be drawn and some policy recommendations will be given on how to strengthen civil society in Armenia to be more effective in using tools for promoting transparent parliamentary system and governance.

Literature Review

There are various definitions of Civil Society and its role in the whole system of governance.

Civil society index, for example, defines civil society as an arena, outside of the family, the state, and the market – which is created by individual and collective actions, organizations and institutions to advance shared interests (Civil Society Index, 2010). However this is a rather broad definition and the word "arena" is meant to describe the particular space in a society where people come together to debate, discuss, associate and seek to influence broader society, as distinct from other arenas in society, such as the market, state or family.

For the purposes of this policy internship paper, civil society is defined in a more narrow way, particularly including only non-governmental organizations of Armenia, as collective actors, groups or bodies of active citizens, working together in many different ways to solve their common problems and to promote and defend their interests.

Civil society's history in Armenia can be considered a long one if we look at it from associational, communal life perspective, outside of the state. However, if it is looked at it as a modern agent of democratization, it is quite a young phenomenon. In this form, civil society gained importance in Armenia only in the late 1980s. Beginning from the 1990s, civil society was mostly constructed by means of foreign aid, mainly from financial aid by international donors and private foundations (primarily from Diaspora groups). However, civil society still is weak in terms of its influence on policy and important social issues because it is mostly dependent only on a small segment of Armenian population. They did not succeed to extend their outreach, having low level of citizen participation in their activities, conditioning low membership and volunteering levels with Armenian CSOs (Civil Society Index, 2010).

Most agree that civil society contributes towards both the substance and process of democracy. It promotes better process particularly through its watchdog function, for example in monitoring electoral and parliamentary procedures: voter registration, campaign financing, voter education and review of the parliamentary budget can all be significantly improved as a result of civil society action (Report on Wilton Park Conference , 2006).

Civil society conveys the image of grass-roots activism and the voice of the people in global governance. Political discourse and also normative theories of democracy attribute civil society a key role in promoting and forming democracy. The findings document the varieties of concepts and support the hypothesis that the option to civil society is more often than not a response to deep legitimacy crisis while also having an instrumental value (Kohler-Koch, 2007).

Parliamentary processes must be not only transparent but also participatory. Participation starts with the right to form democratic political parties, and entails the need for transparency and fairness in the electoral process, including through appropriate access to funds and free, independent and pluralistic media. Transparent decision-making and law-making processes create ownership in governance by the public, which is necessary in a democratic society. The Parliament should implement efficient mechanisms to allow and encourage public participation in the different stages of the law-making process. From the moment that Parliament receives a bill from the Executive or from the moment a bill is drafted by a committee, civil society representatives should have a voice and be consulted. Civil society participation will add a new look and guarantee a better response to community needs. Legislators will benefit from input and the resulting laws will better reflect real needs and local buy-in. Committees meetings and parliamentary sessions should be usually open to the public. Information on meetings and final decisions should be broadly spread. Legislators, as well as the general public, must have access to accurate, timely information and data,

including legislation, parliamentary procedures, governmental data, and relevant research data. The free flow of information is essential in a democratic society. Access to information should not only be viewed in relation to the media and civil society's right to access governmental documents, but also in relation to the legislators' right to access relevant research and information from the government and other sources. Access to information can be facilitated by the use of databases, networks and information technology in general (IFES, 2005).

The media should be free to report on the activities of Parliament, and the public should be able to attend parliamentary meetings and Committee sittings where appropriate. The environment should be made favorable for civil society organizations, the public and multiple stakeholders to exchange information with legislators to enable Parliament to effectively fulfill its duties of oversight, policy making, law making, representation and recruitment. This could be achieved through the establishment of a public information office within Parliament (IFES, 2005).

Some steps and initiatives however have been taken to strengthen the role of civil society and create a bridge of cooperation and communication between civil society and parliamentary institution.

Due to the development of NGO-government interactions, in 2008, NGOs created the Public Network – the first ever institutional forum connecting over seventy NGOs to the National Assembly. This network was created as a result of a conference held at the American University in April 2007, discussing NGOs' role in the process of public policy formation. The Public Network is a forum that represents NGOs, their suggestions, and concerns (regarding draft laws and reforms) to the National Assembly, and it disseminates information to NGOs regarding public policy, legal reforms, and public hearings occurring

during National Assembly sessions. The Public Network is open to all registered NGOs (Tamara Abrahamyan, president of Araza NGO, personal communication, May 18, 2010).

The Public Network is an "institutional forum" composed of twelve corresponding standing committees of the National Assembly. NGOs can participate in any of these committees based on their fields. The Public Network holds an annual general meeting headed by the coordinating committee. The general meeting can only be held if fifty-percent quorum is met. During this meeting, each NGO has one vote and can discuss its concerns as well as make suggestions for legal reforms. The purpose of the Public Network is to promote civil society by sustaining cooperation between the National Assembly and NGOs, and to increase NGOs' role in the government's decision making process. The Public Network's coordinating board functions as an intermediary board between the National Assembly and NGOs. It facilitates the flow of information between these sectors by acting as the main channel between NGOs and the government. Overall, the main functions of the coordinating board are to provide expert advice and to draft recommendations on legislation; to participate in public hearings and discussions; to gather public opinion and to present them to the National Assembly; to lobby, to organize seminars with parliamentary members; to find and disseminate information on laws to NGOs; and, to monitor public supervision over the government or the government's accountability to the public suggestions for legal reforms.[1]

Cooperation between the National Assembly and the Public Network is implemented through research consultancy, permanent consultancy, special sessions, parliamentary hearings, public hearings, and annual conferences.

The Public Network is the first formal mechanism of cooperation between NGOs and the National Assembly. Before 2008, the National Assembly was very cautious and secretive; but according to the "Public Letter," in 2008, seventy NGOs participated in the Public

Network. Today, there are over a hundred NGOs, demonstrating greater NGO knowledge about NGO-government communication channels. The Public Network has provided the first step for cooperation – the National Assembly has gradually welcomed pro-active NGO participation.

In 2009, Counterpart International worked with the National Assembly to improve public relations through their website. Counterpart provided a website expert to train National Assembly members on public outreach. They also provided English classes and capacity building (Lusine Hakobyan, Senior Program Coordinator of Counterpart International Armenia, personal communication, May 13, 2010.) Moreover, the National Assembly has begun inviting NGOs such as Center for Community Dialogue and Initiatives (CCDI) to provide their expertise on pension funds (Rouzanna Sedrakyan, president of Center for Community Dialogue and Initatives, personal communication, May 17, 2010). But perhaps the greatest example of civil society's value to the National Assembly has been the "Parliamentary Cooperation in support for Consumer Rights Protection" (Economic Caucus).

From 2003 to 2007, the Consumer Rights' Protection NGO created an Economic Caucus with the National Assembly, composed of fourteen parliamentary members from various political parties. The committee worked as a lobbying group in the Parliament to pressure legislative reform concerning consumer rights. The Caucus effectively pushed through legislation because the Consumer Rights' Protection provided research and studies concerning issues such as water supply, increasing type of telecommunication, and food safety. For instance, CRP conducted tests investigating food safety; it announced results through press release, and reported the destructive effects of food additives to the committee. The Committee used this research to lobby for food safety regulation, and regulations were implemented by the National Assembly. This lobbying group has currently been dismantled due to the 2008 elections; however, the National Assembly and CRP are working side by side

to reinstate the committee (Abkar Yeghoyan, president of Consumer Rights' Protection NGO, personal communication, June 1, 2010).

In addition to initiating cooperation and strengthening the NGO sector, the Public Network has laid the groundwork for transparency, publicity, accountability, and trust between NGOs and the National Assembly. The National Assembly has become more transparent and cooperative as a result of the Public Network. In 2007, of the 948 NGO survey participants, only 28% interacted with the National Assembly. Based on the interview results with NGOs, more NGOs seem to communicate with the National Assembly through the Public Network. Cooperation between the National Assembly and NGOs exists because of the Public Network – currently, it is the most essential formal mechanism of communication. However, cooperation between these two entities is flawed and dysfunctional because this mechanism is new – both sectors are adapting to cooperation. Both sectors need to consistently practice cooperation to bolster this formal mechanism (Simonyan, 2010).

Methodology

The methodology of this paper is based on three data-gathering techniques: primary research, conducted via in-depth interviews (semi-structured), primary data interpretation (legal documents, i.e. the laws of the NA) and secondary data review, including reports, books, guidelines, conferences, etc.).

The list of tools and activities was selected by means of using reports and legal documents selected. The legal documents used included the following ones:

a) Rules of procedure of the NA (adopted in February 2002)

b) RA Law on NGOs (adopted in December 2001)

c) RA law on free access to information (adopted in September 2003)

After the selection of the main tools of influence defined by the above mentioned legislation, as well as mentioned in various reports and studies, the questionnaires for the interviews were designed to see how those tools are used by Armenian civil society and what influence they can or cannot have on national legislative decision-making processes.

The following questionnaires were used during interviews (See Appendix A, B, and C).Three separate questionnaires were prepared for the three target groups of interviewees. Space was provided for additional questions and responses when topics required further discussion.

The methodology of selection of the interviewees was the following:

a) Two MPs were initially chosen using the statistics of the website of parliament monitoring. The MPs were chosen from the statistics of top 10 MPs who were the first in the lists of most-frequently voting MPs in the course of all the sessions and those having had most speeches and questions at the sessions.

 (Source: www.parliamentmonitoring.am, since 2010 autumn sessions)

b) Two other MPs were accordingly chosen as the one having most legislative initiatives (source: NA website department) and the other was chosen to be the MP having most friends in the Facebook social network.(I have searched one by one in the FB, and did not count those being registered as public figures just having likes).

c) The leaders of NGOs were chosen by means of snowballing method. The MPs gave the information about most active types of NGOs; the ones they contacted most (or the last one if cannot say exactly which was the most contacted one) in working with them and the NA.

d) One member of the Committee stuff was purposefully chosen from the standing committee on human rights and public affairs, as directly involved body in NA-society relations.

e) The second member was chosen to be from the committee of state legal issues, as the most active since the beginning of the year in terms of holding public hearings and giving conclusions on legislative initiatives.

Responses were recorded during the interview and later transcribed. Transcriptions were later analyzed for predetermined hypothesis and research questions respectfully.

Chapter 1

Important Factors or Necessary Conditions for the Transparent and Accountable Parliamentary Institution

Transparency may have different definitions; however the base line and the main principles and ideas do not differ much from one another.

Transparency is not the ultimate value of governance: it is rather an instrument for the achievement of more accountable, effective and efficient government. It is also a tool, which is designed to enhance the quality of democracy (Smilov, 2010).

"Transparency of the parliamentary procedure is functionally serving the inter-dependency of the relatively autonomous spheres of political communication, which is a basic requirement of democracy." (*Oberreuter*)

Several instruments of parliamentary transparency can be mentioned. Some of those instruments that first come into one's mind when thinking on this topic include the following:

- Public access to parliamentary proceedings- live audio/video streaming

- Written documentation of parliamentary proceedings-available online

- Mass media coverage of parliamentary proceedings-available online

- Public meetings aimed to raise awareness and understanding of what the Parliament is and how it works, etc.

International Parliamentary Union, as an international organization of Parliaments, was established in 1889. This Union fosters contacts, co-ordination, and the exchange of experience among parliaments and parliamentarians of all countries. This institution Contributes to better knowledge of the working of representative institutions and to the strengthening and development of their means of action. The IPU in its guide mentions the main necessary conditions for transparent, accountable, effective and accessible parliament.

Transparency here is defined as being open to the nation through different media, and transparent in the conduct of its business, and accountability is meant to involve members of parliament being accountable to the electorate for their performance in office and integrity of conduct (IPU, 2006).

To be transparent and accountable, parliament is automatically required to be accessible, because through this means the constituency can reach the required information and assess whether the parliament is transparent and accountable or not.

Accessible parliament by the definition of IPU is the one that involves the public, including the associations and movements of civil society, in the work of parliament. After these three conditions are in place, only then we can talk about and assess the effectiveness of a parliamentary institution in terms of effective organization of its work in accordance with these democratic values, and the performance of parliament's legislative and oversight functions in a way that serves the needs of the whole population.

The need for transparent and accountable government goes in line with the one of having active and participatory civil society, using all the possible tools to participate and influence legislative decision-making processes. Weak level of communication and the absence of this bridge leave great space for lack of public awareness and as a result lack of trust towards the parliamentary institution and their elected representatives.

Chapter 2

The Main Tools Used by CS to Affect Legislative Decision Making at National

Level

Civil society groups must understand the legislature in order to influence it. Unfortunately, very often civil society organizations tend to lack knowledge of legislative processes even though they may be well organized around a particular issue and/or at implementing programs to address their particular concerns. However, in legislative systems, civil society organizations have a critical role to play whether in lobbying legislators for policy change or in representing the aspirations of their constituents at public hearings.

For this process to be successfully carried out, civil society should not only be aware of the legislative process, but also actively use all the possible tools to participate in it.

Public image of the parliament is formed by the perception about its members and the parliamentary process, which determines the level of trust. Issues listed below form the basis of the democratic legislative process:

- Degree of interaction between Parliament and society through the existence of an institutional public relations office, a periodic publication to inform regarding parliamentary issues, a parliamentary TV channel, etc.;
- Citizens' capacity to have a tool for impacting or fostering initiation of the bills;
- Openness of parliamentary meetings and committee hearings;
- (share) of meetings commonly open to the public;
- Turnout of public attendance of parliamentary meetings;
- Media coverage of parliamentary issues; and
- Reaction of the Parliament to public perception

There are various necessary steps to enhance legislative-constituency relations, during which various tools may be consequently used. The first step may be to reform the electoral system to better link legislators and constituents, as well as open legislature to the public. Inadequate, inaccessible meeting facilities and insufficient time for legislators to meet with the public constraint relations between legislators and their constituencies. Legislative buildings may be inaccessible to constituents. In many nations citizens must pass guards armed with machine guns to enter the national legislature, and may not enter without an appointment. On the other hand, in many western democracies, legislative buildings are open to the public, there are public galleries in the legislature so that any citizen can observe parliamentary proceedings, and parliamentary debates are broadcast and/or televised to the general public. School children often make visits to legislatures, meet legislative members and observe legislative proceedings. These are some of the important means of promoting the role of the parliament and the work that it does, while also ensuring that citizens feel ownership of the parliament and its activities. At last, it is also important to have adequate physical space and conditions as well as resources for meeting with the constituents (UNDP, 2005).

Legislative-Constituency relations require a reciprocal system of communication. On one end, it is incumbent upon the legislature and legislators, as representatives of the people, to communicate their deliberations and decisions with the public. Such communication is essential for strengthening public appreciation for the work undertaken by the legislature, which is instrumental in ensuring its legitimacy. On the other hand, it is important that mechanisms are introduced to enable and encourage constituents and civil society groups to contact and influence their legislative representatives. The following are examples of traditional and innovative means and tools for enhancing legislative-constituency communication:

A. Publication and Broadcast of Legislative Proceedings, Committee Deliberations and Hearing Deliberations. In nearly all democracies, some mechanisms exist for transcribing legislative proceedings and committee deliberations. One of the main problems facing developing democracies is the need for more accurate and timely coverage of parliamentary and committee deliberation. In some cases, this is due to a lack of trained transcribers, or, in some, it is a lack of recognition of the importance of transcription. And, in many nations, though proceedings may be recorded, they are not published routinely and are not widely disseminated outside of the parliament.

More common in wealthier nations, is the radio and television broadcast of legislative sessions, committee meetings, panel hearings and other activities of parliament. Increasingly, developing countries are making the investment to broadcast legislative sessions as well.

B. Independent Journalistic Coverage. Citizen understanding and impressions of legislatures are, to a great degree, shaped by media coverage given the legislature. The viewpoint of the media (government controlled, opposition controlled or independent), the style of political reporting (skeptical, sensational), and the level of knowledge and professionalism of reporters largely affect legislative coverage. In many developing countries, legislative coverage, where available, is provided by state run media. And in most new democracies, where independent journalists do exist, they often lack the skills to professionally report on parliamentary or legislative affairs.

C. Parliamentary Newsletters. Legislators in many nations produce regular newsletters informing constituents of their activities and their positions on issues. Some newsletters include questionnaires to help members gauge public opinion. While individual member newsletters might not be feasible in very poor nations, general newsletters informing constituents about legislative activities might be an option.

D. Legislative Web Sites. It is becoming more and more difficult to find a corner of the world without access to the Internet, and a growing number of legislatures worldwide are using it to transmit information to citizens about the legislature. It is important to use all the opportunities of latest technologies, like social networks, web-voting, web-streaming, etc.

E. Legislative Directories. Legislatures and outside groups publish legislative directories, which explain the structure, membership, and responsibilities of the legislature and legislators. These are important tools that enable civil society groups and individuals to understand who to contact in order to have their particular concerns addressed.

F. Public Hearings. The main purpose of public hearings is to provide an opportunity for legislators to hear the views of experts and citizens on public policy issues, and to express and promote their agenda. Public hearings are often held in hearing rooms in the legislature, but they can also be held in district centers or community halls. More informal town hall meetings may be organized in community centers to solicit the perspective of citizens on a particular issue. In such a forum, individuals will be asked to present their views to the public officials usually on a first come, first serve basis (UNDP, 2005).

There are some specific tools in the international practice that can be useful for Armenia as well. One of them are so called "Policy Dialogs", organized by parliament or by civil society, which provide an opportunity for different stakeholders to express their opinions on emerging policy issues in the presence of members of parliament. In Australia and the U.S. Congress, for example, these are organized by the Research Services of the parliament. In other houses, a committee may organize a policy dialog either within the house or in an external location. Another example may be "Inter-Party groups", one of the most powerful forces in a parliament, which helps members to unite behind a cause and go beyond the party loyalties. An excellent example of an inter-party group is the Armenian Caucus in the U.S. Congress, which includes more than 100 members from both parties. It provides

support for issues raised by Armenian advocacy groups, including sponsorship of legislative initiatives. And last, but not least, "Westminster Debates" are an example of how members of the British parliament work towards getting an alternative forum to provide backbenchers a voice. Any member may submit topics for debates, usually one which has been brought to their attention by constituents or constituency groups and activists. The meetings are presided over by a Deputy Speaker and there are no votes. The Westminster Debates are an excellent forum for members to raise awareness among the general population by championing a cause (Conference on The Role of NGOs in the Public Policy Process, 2007).

Thus, there are various tools in place that can be used by civil society in strengthening its influence on the legislative decision-making. Those tools may vary from country to country in terms of practical use, but the general principles are the same. There may be difference in the degree of civil society using different tools, concentrating on some of them more than on others in terms of their effectiveness.

Media as a Tool for Civil Society in Influencing Legislative Decision-Making.

It has already been mentioned that media plays a key role both as an independent factor in democratic governance and as one of the tools for civil society in trying to participate and influence national legislative decision-making process. Citizen opinions of legislatures greatly depend on media coverage given to the legislature.

First of all, there should be healthy and cooperative relationship between media and parliament. A good cooperative relationship between the two can only come from responsible and fair behavior in their dealings with each other and serve the public in their own ways.

Regardless of its identity, media represents one of the most important stakeholders in the creation and maintenance of a functioning, vibrant civil society. Media sways public opinion. It helps influence and even creates the direction of social change. It serves as a tool that can help in putting civil society principles into action. Access to accurate and timely

information enables more effective participation of people with whom you work in decisions that affect their lives. Responsible journalism helps reinforce accountable behavior in society. The media can drive public perception – coverage can either create or erode support for the work of governments, civic organizations and businesses. A well-run public information campaign works with the media to raise public awareness of any number of issues from human rights to current social concerns (Civil Society Newsletter, 2003).

Media can manifest itself in many ways – print, radio, television, the Internet. Civil society should understand which form of media is most effective in reach out to their aim of affecting legislative decision-making.

Thus, the role of media as an active stakeholder or an implementing partner can open the door to new opportunity and improved impact and can really serve as a good bridge between civil society and the parliament. This is what both media and civil society should understand and cooperate actively rather than work separately to impact democratic governance.

Findings and Analysis

The research is aimed to discuss and analyze the problem from a more general view of civil society in democratic decision-making and parliamentary transparency, concentrating then specifically on the civil society activism in using certain tools to influence legislative decision-making processes.

This section will analyze all the findings on the discussed issue in terms of Armenian civil society and National Assembly. The analysis will try to find out by means of the used methodology, what actually trust or distrust towards NA is connected with, whether Armenian civil society is really using the necessary tools for influence and participation and how useful this practice may be, as well as assessing media as one of the important tools forming a bridge between NA and civil society organizations.

According to the RA law on NGOs (article 5.3) they have right to participate in various activities of state institutions and local self-government bodies. However, to be able to participate or to utilize available tools, the NGOs should be aware of the activities they would like to take part; this means that there is a need for information access, publicity and availability.

Law on free access to information was adopted in September 2003, providing that each person has a right to receive information of his/her interest or apply for it in a way prescribed by law to the owner of that information, unless it contradicts the RA Constitution and other cases prescribed by the law (Article 6). Article 7 of the same law tells about the access and publicity of information. However, very often the NGOs do not participate in various discussions just because of not having information or access to it.

As a result of analyzing legal documents, and especially rules of procedure of the NA (source: www.parliament.am), several tools of participation have been listed out. To have a better understanding and to be clearer, the tools have been classified into 3 groups:

- Tools promoting participation,

- Process management tools

- Tools providing information access and awareness (see, Appendix D).

It should be noticed, however, that provided with those tools, Armenian civil society is not very successful in using them practically. The communication line through these tools between NA and civil society is rather blurred.

Of course opinions on this issue differ among the MPs, NA Committee staff, and civil society organization representatives.

What concerns general accountability and transparency of NA, there is an opinion among the MPs that this is not something that can be assessed. The answer is that when talking about the transparency and accountability of the NA, we should take into consideration that NA is not a separate entity, but a collective body of 131 MPs, each of whom has his/her "own button to push", as an independent individual and at the same time it is defined in the rules of procedure of the NA, that MP is a part of the NA. So, the concept of transparency in general is very relative, as there are different MPs, members of different parties, representatives of different political forces ,non –partisan MPs, and each of them has his/her individual opinion. NA, thus, is the place where these opinions clash. That is why it's difficult to talk about NA transparency, because there is no collective concept of NA accountability, each MP and each political force is responsible for his actions. As a result we should first have a concept of transparency and accountability of each MP, which will form the general atmosphere in the NA. On the other hand, NA cannot avoid providing publicity and that publicity in its turn provides accountability, as it makes vivid the activities of

political forces and separate MPs in the NA. However, in both cases it is that although being a system, NA is composed of different MPs and political forces; some fraction, for example, have websites where they make public their activities and this is a way to provide accountability mechanisms. Thus its accountability is dependent on the publicity of activities of the separate political forces and MPs in the system. Although in this regard it is very important not to ignore the three main functions of the NA-legislature, representativeness, and also monitoring function; this three together also predetermine the accountability of the NA as a system. Lack of accountability is also linked to the lack of mechanisms providing necessary contact between the representatives and the electorate; there is no certain mechanism providing feedback, to see the activities of their elected representatives, to be aware of the issues they raise in the committees, how many letters he received, how many of them answered, and what percent of them really found a solution. These are all issues that can be essential in forming accountable legislative system, and at last, the system "suffers" from not having a mechanism of calling back the representative by his electorate- a fact, that could highly contribute the accountability of each member, hence the system as a whole.

As for civil society participation, it is stated that unfortunately, in Armenia the civil society is not completely formed as such and there is no complete link between NA and civil society. The citizens do not try to communicate with NA through civil society institutions and the participation of civil society organizations in legislative process is only episodic. Lack of this practice in its turn has negative effect on the quality of laws adopted. It is not to say, that civil society organizations are not active at all, each of them is active in its field, however there is no harmony of actions between NA and civil society. When this cooperation is achieved the legislative process and political reforms will highly benefit from it. However, trends are positive; many MPs and fractions now cooperate with CS, and it is thought to be a partner and co-author of legislative initiatives. Civil Society is a source for impartial assessment and especially can play a great

role in monitoring activities of the political forces in the NA. This will greatly contribute the development of the system and the state as a hole.

Unfortunately Civil Society itself does not utilize all the effective tools to influence the legislative process. CS representatives work separately, there is a sense of separatism among them; as a result there is no cooperation, instead, everyone is busy with his special issue of concern. But it should be noted that there are system problems which require systematic approach to solutions(For example, if there is an environmental issue, human rights NGOs should also be there, and vice versa, like there was a unity in case of the law on language in 2010).

Civil Society can participate in the legislative decision-making through two actors, who are vested with the right of legislative initiative by the Constitution of the RA; members of parliament and the government. CS can participate either by presenting them their initiatives on laws or expressing their views on already existing ones through discussions. Many civil society actors today use individual meetings and lobbying to have a reach to the legislative processes in the NA. However, there are still tools that are not addressed by civil society in an effective way, for example media or committee hearings. NGOs assure that they often do not participate in committee hearings, because of lack of information and publicity; they do not know that there is going to be a hearing on a certain issue. On the other hand, committee staff assures that even if not all NGOs have access to the Internet (quite strange for our days) to be able to be active and to visit the website at parliament.am to keep themselves Informed, this is still not the problem; very often, newspapers publish announcements about upcoming public hearings one month in advance, specifying which committee is planning to hold public hearings on what subject. This is a challenge for NGOs to be more pro-active in taking steps.

NGOs have the right to collect information on the state level (RA law on free access to information, Article 7), but they complain that this doesn't work and they use the information gathered by the state or other organizations.

To the question what different mechanisms parliament has to communicate with NGOs, how they meet with and what mechanisms they use to get access to their representatives, the answer was the following "we collect comments and we give information to our representative in the form of offers." Later questions were asked to assess NGO activism in terms of their using standing committees as a chain of information, their practice in publishing newsletters and sending them to their parliamentarians and it was found out that Armenian NGOs are not very successful in using those tools. NGOs were proved to be passive also in initiating public hearings on the issues of concern (Conference, 2007). This situation still continues to prevail.

There are diverging opinions concerning the role of media as a bridge between the MP and civil society. Some even think that it is better and more effective to work directly without media intervention. As for media and NGO sector cooperation, it is still on a low level of development, although positive trends can be noticed in terms of wide use of electronic media by civil society as a carrier of their message to the society and the authorities. However, this is not considered enough, taking into consideration some technical (available electronic media for all), ideological and institutional (no link between decision-makers, civil society and individual citizens), problems present in this field. There are of course still present mutual distrust and stereotypes (of media being too politicized and NGOs being just "grant eaters") of a few years ago, maybe to lesser extent. But what is mostly stated today is that the greatest impediment is the fact that there are very few if any media that are impartial, neutral and objective, doing serious analysis, instead of performing primitive orders of some political force. Media is concentrating more on sensations just to provide good sales rather

than on qualitative, analytical, and objective information. NGOs in their turn lack the ability to draw media's attention towards the issues of their interest. The problem is that each of these two actors just raises a problem but do not give a solution to them. Even if they try to organize something on a given issue that is usually a one-time event, a press conference, instead of providing a process, which will be of much more interest to professional media representatives and open floor for a long-term cooperation. If NGOs and the mass media work together on issues of shared interest, it will be possible to find out, for example, when a given deputy has been absent and hence somebody else has voted instead of him. There is a strong need of cooperation as a community of NGOs and as a community of mass media to expose these cases and to prevent them.

Concerning trust towards parliamentary institution, it is usually stressed that there is a deficit of trust and that deficit depends on the failure and weak system of the most important key to democracy: the electoral system. People have no trust towards this system, as there are various frauds taking place; people see corruption, "voting of non-existent" people, etc., and lose trust. As a result, there is no trust towards the process of the formation of this body, and consequently towards the system, the institution itself. People see how laws are adopted which come only from interest of certain political forces (like certain business interests) and not for the sake and well-being of the society. Thus, there can be publicity and accountability to some extent, but that does not guarantee trust, because the system cannot serve the demands of the society, as it is not formed through ***free, fair, and competitive election and representativeness*** as such is not provided. The electorate even has no chance to assess the work of the representative, like to call him back from the office. The system just represents political and economic interests of a narrow political circle. It should be noted, however, that political forces separately have good resources, many members of parliament, taken individually are highly trusted, but the system as a whole has an institutional problem-NA

seems to solve nothing, but adopt initiatives of government or initiate laws coming from interests of certain business elites. In any case the main impediments remain *weak electoral system and lack of political will.* Trust can only be grown by raising legitimacy and providing the balance of forces within the society, in case if each Member of Parliament carries the visions of the constituents, not just his own ones.

This low level of trust is a complex problem and is indicative of the low level of democracy in the country. It is also determined by weak political will of the authorities (especially when organizing elections), lack of culture of relations between the authorities and the opposition, and, what is particularly important, and problems with the implementation of the laws. The problem is not often with having bad laws, but there is a problem of implementation, expressed in the drawbacks of legal and political aspects, corruption. So, all in all, the lack of democratic tradition brings to the deficit of trust. Individual MPs can raise trust of their constituency towards them by different methods: records and audios of records of their speeches broadcasted in the electoral district of their election after the four-day sessions .Thus, the people can see what their MP is doing, and this was assessed by one of the MPS as the most effective tool. There can, of course be receptions, answering letters, providing feedback to the electorate, etc.

Ways of working with CSOs also vary. For example, the MP having the most legislative initiatives in the history of NA, Mr. Viktor Dallaqyan, has mentioned that he cooperates with NGOs having interesting ideas that can be turned into law, and the connection is two-way. He can answer the ones who have connected him, or he can himself find the CSOs of interest for him and try to connect with them. What is peculiar in the case of this MP is that most of that cooperation ended with a successful legislative initiative. Relatively active CSOs remain those concentrating on human rights, disabled people and environmental NGOs.

According to the MPs, NA today completely provides all the necessary information in terms of session's transcripts and stenography provided in the website, as well as TV broadcasts, like having

special program of "Parliamentary hour". Another point is how convenient and accessible the organization of the website is perceived by the civil society actors.

Thus, the main tools used frequently by the civil society to influence legislative processes include lobbying individual MPs, utilizing media in its different forms (print, broadcast, **electronic**), official letters and meetings with government officials and MPs, and organizing forums/discussions on legislative process. Certain tools, however, proved to be more successful, like networking with other organizations, commenting on draft policy documents, organizing policy seminars, publications on policy issues, closely working with the media, and of course, using insider lobbying (Civil Society Index, 2010).

Conclusion and Recommendations

Summing up the results of the research it may be concluded that Armenian civil society, although undergone considerable progress, still is not successful in using available tools to influence national legislative decision-making and promote parliamentary transparency. There are various factors on which the accountable and transparent parliamentary institution leans. Lack of these mechanisms brings to the failure of democratic tradition of governance and loss of trust of the constituency. However the major reasons for the loss of trust is not so much linked to the general presence or absence of the above mentioned mechanisms, but an essential part of them and democracy in general: the electoral system. There is a direct link between weak electoral system, as well as lack of political will and the low level of trust in the parliamentary institution .Of course, using certain influence tools by Civil Society in an effective way to improve and promote transparent legislative decision-making in the NA and promote the whole system of governance. And at last, but not least, mass media must be more effectively used as a very strong influence tool by civil society on the legislative decision-making processes. Today this cooperation still lacks harmony and efficiency. More developing is considered to be utilizing electronic media, but this is considered as a limited opportunity from its access point to larger scope of society. However, many ideas today can be easily spread through new Information Technologies and social networks.

All the above mentioned drawbacks are due to some major challenges that Armenian civil society faces today. First of all the fact is that civil society has limited skills and capacity in terms of policy research and analysis skills, management and organization (lack of strategic planning, taking more reactive measures than proactive) capacities, as well as insufficient legislative process knowledge. The second group of challenges includes lack of

publicity, communication and outreach. Armenian NGOs are not effective in presenting, "selling" and publicizing their activities. There is a law level of information flow between state and CS sector, as well as limited cooperation both within and outside the sector. And the third challenge is lack or gaps in funding, including high level of dependency on foreign donors. All of them hinder the development of capable and effective civil society as essential actors in decision-making processes.

To overcome those challenges and become influential decision-makers, the following recommendations are given to the Armenian civil society organization:

✓ Developing **institutional capacities** of NGOs (including trainings on using effective participation and influence tools).The trainings may also be conducted for improving strategic planning, project management, fundraising, public relations and communication, as well as organizational capacities .

✓ **Direct contact** with the society and raising their issues in legislative body through representatives. This assumes bridging diverse groups in society and creating an atmosphere of collaboration, confidence and mutual responsibility.

✓ Keeping **contact with the MPs** and discussing their legislative initiatives. NGOs need to lobby more intensely for a legislative environment.

➢ Active involvement in **committee hearings** is one of the effective tools of influence. Committees may be a good chain of contact between civil society sector and the legislative body.

➢ Performing a watchdog function and effective **monitoring of the NA** and individual MPs (for example, voting records).

➢ Organizing **systematic public meetings** on the current issues in legislative body and possible amendments. It is easier to be proactive and prevent something from happening, rather than trying to change it afterwards.

➤ Increasing unity and agreement inside NGO sector –**collaboration** rather than competition. To engage in policy processes more effectively, NGOs should create joint, rather than standalone initiatives, because joint efforts are always more influential.

➤ **Mass media-NGO collaboration** can be promoted through meetings, round tables, discussions, seminars. But first of all NGOs need to understand the power of media as a tool and to be able to draw its interest on the issues of their interest. It is not by chance that media is called the "fourth authority", because it really has a power to shape public opinion and influence the decision-makers. This is the reason that media can be a strong advocacy tool for NGOs if they know how to use it effectively. Utilizing this powerful tool NGOs can really go far in not only influencing the opinions of the decision-makers, but also subconsciously making them adopt the policies that they want.

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Appendix A

Questionnaire for the Members of Parliament

1. What do you think; on what factors depend the transparency and accountability of the NA?
2. What role does civil society have in the legislative decision-making?
3. Does civil society use all the available tools to participate in legislative decision-making process?
4. Do you think that more active participation of civil society in the legislative process will contribute to the improvement of the system?
5. What do you think is the level of trust of the society towards the NA? (If the answer is "low" go to the questions 6, 7, if "high"-go to question 8).
6. Do you think that the reason of low level of trust is the absence of the mechanisms of transparency and accountability? If no, what else?
7. If you think that the level of trust is low, what would you suggest to solve that problem and raise the trust of the electorate?
8. How do you, as an MP, ensure the trust of your electorate towards you?
9. What effective tools can civil society use to influence legislative decision-making?
10. Have you cooperated with any representative of civil society and by what means?
11. Based on your experience what kind of NGOs are more active in participating in the NA activities?
12. Is NA providing the availability of transcripts and stenography for the public and how?
13. How often do you have meetings with the representatives of the civil society and how effective are they/
14. Do you have special office provided for the meetings with the citizens and where is it?
15. How is CS integrated in the decision-making process and how do they contact you?
16. Which one of the above mentioned is more effective and used more by you?
17. Do you present yourself more as an individual MP or as a member of party during the decision-making and contact with the CS?
18. Do you organize public discussions on legislative initiatives? Is it an effective means?
19. Which type of media is more influential on the activities of MPs/
20. Does CS utilize mass media enough as a tool to influence legislative process?
21. By what types of media does CS usually contact you or stay aware of your activities?
22. Which of the above mentioned is more effective and what other means would you suggest?
23. Do you think that media coverage today is enough to provide transparency and awareness of the public?

Appendix B

Questionnaire for the Committee Staff

1. How do you, by your work provide transparency and accountability of the NA?

2. What place does CS have in the activities of the committee?

3. By what means does the committee ensure trust towards its activities?

4. To what extent is CS encouraged and active in participating in the open door sessions of the committee?

5. Do you think that open door sessions are enough for providing transparency? If not, what else?

6. How do you make CS aware of the upcoming sessions and what is the procedure of participation?

7. Are the discussions, proposals and information during the sessions publicized? If not, don't you think that it has a negative impact on the transparency and accountability?

8. Have you cooperated with any representative of civil society and by what means?

9. Based on your experience what kind of NGOs are more active in participating in the committee activities?

10. Do you organize public discussions on legislative initiatives? Is it an effective means?

11. What other effective monitoring tools would you suggest to the CS for the committee activities?

12. By what means do you integrate mass media in your activities?

13. How is the possibility of the media presence at your sessions? Are there any limitations?

14. Do you think that media coverage today is enough to provide transparency and awareness of the public?

15. By what types of media does CS usually contact you or stay aware of your activities?

Appendix C

Questionnaire for the NGO Representatives

1. What do you think; on what factors depend the transparency and accountability of the NA?

2. What role does civil society have in the legislative decision-making?

3. How accessible and available is the information on the NA activities for the public?

4. Do you have trust in the NA? (In case of answer "no", go to question 5, in case of "yes"- go to question 6).

5. What does it depend on?

6. Is NA transparent and accountable? (In case of answer "no", go to question 7, in case of "yes"- go to question 8).

7. What does it depend on and which are the main impediments?

8. What tools do you use to influence legislative decision-making? Which of them are more effective?

9. How effective do you think the website of the NA is and what it lacks?

10. How active are you in the legislative process and how is that expresses?

11. Do you cooperate with other NGOs for NA monitoring?

12. How interested are you in the activities of the individual MPs? What means do you use for that purpose?

13. How often and by what means do you contact the MPs and committees and on what kinds of issues?

14. Do you raise issues at the committee sessions and how often are your suggestions taken into account during the decision-making?

15. What effective accountability mechanisms would you suggest to the NA and what tools to the civil society representatives to have effective and influential participation in the legislative decision-making process?

Appendix D

Tools of Influence on the Legislative Process in the NA of Armenia

Tools promoting participation	Process management tools	Tools providing information access and awareness
Meetings and receptions with MPs	Holding press conferences and briefings in the NA	Easy access and openness of information
Discussing suggestions and requests with MPs	Experts' participation in sessions	Open door sessions of Committees
Open door sessions of Committees	Exchange of thoughts at sessions	Providing media with hearings' information
Experts' participation in sessions	Committee protocols	Committee protocols
Public opinion on hearings	Organizing hearing agenda	Media coverage on upcoming hearing
Referendum on constitutional amendment	Organizing seminars for MPs	Publicizing materials of hearings results
Including different representatives in the committee	Registration of MPs	Providing video recording of the sessions
Recommendations by NGOs for candidate	Preparing note papers of public hearings	Publicizing stenography (shorthand notes)
	Referendum on constitutional amendment	Putting records in the website
	Contest committee on vacant place of MP	Providing public information on the contest and selection
	Including different representatives in the committee	Publicizing questions and answers at sessions
	Recommendations by NGOs for candidate	Open sessions live
	Interviews and tests with candidates	Media coverage on activities of NA, committees, factions
	Contest for winner channel	