

A critical glance at the cooperation experience of the civil society organizations in Armenia



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Wrapping up a two-year experience at the threshold of 2012

On September 23, 2009 the Government of the Republic of Armenia (RA) approved the draft proposal of amendments to the law on non-governmental organizations. This resolution triggered an unprecedented cooperation of civil society organizations (CSO) in the country. The common effort had one goal: to cancel the further ratification of the bill and any changes in the law. An Armenian Civil Society Initiative Group was formed, comprising more than 300 CSOs, and their attitude towards the proposed amendments was framed rather curtly: "The bill is a potential source of government oppression and increased corruption risks.¹" To revoke this potential, the CSOs joined their resources and in the result, the bill was not ratified at the two parliamentary hearings where it was discussed.

However, these facts fail to accurately describe all the changes resultant from this collaboration of nearly two years. This was acknowledged at the end-of-the year meeting of the Civic Development and Partnership Foundation (CDPF) on December 27, where the RA Deputy Minister of Justice Aram Orbelyan and the Chair of the Standing Committee on Protection of Human Rights and Public Affairs of the National Assembly Aram Safaryan were the guest speakers. There were two goals at this meeting: first, to sum up the achievements of the civil society over 2011 in their attempt to improve the legal environment of the non-governmental sector, and second, to outline the future steps.

Looking back at the uneven road the Civil Society Initiative Group has traveled two distinct changes can be recorded on the threshold of 2012. These changes have significantly transformed the nature of the process. First, one should remember that the process started as an "against" movement, being very critical in its nature. Its goal was unambiguous: retain the status quo in the legislation regulating the NGO sector. Today this goal has transformed into a long-term constructive mission: to improve the legislation in a way that will allow the development of the sector without having to struggle against serious obstacles and to defend the public interest in line with the mission each NGO has adopted.

Second, the initial process cannot be described as "participatory" at all, whereas today all the stakeholders emphasize the need for a participatory process, which though may slow down the achievement of results, is still more preferable, as it will generate ownership and commitment. These changes have changed the way the stakeholders participate in the process. If initially the CSOs were ready to cancel the ratification of amendments by all means, now they feel compelled to put on the table some constructive alternatives which elaborate the details of the development

¹ <http://www.ngo.am/arm/index.asp?page=News>



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environment they envision. Today not only do they have all the power to shape the desirable environment, they also have a powerful ally: the Ministry of Justice.

One of the interesting developments throughout this time was the changes in the MoJ staff, which triggered tangible transformations in the process. If initially the communication between the CSOs and the government agencies reminded of separate monologues addressed to parties on the “other side”, currently the change of the players has turned the communication into a dialogue. It should be noted that this transformation should be attributed to the change of individuals, rather than one in the system or the culture of communication. Perhaps a viable implication might be to regard this as a marginal development. However, it will be a mistake to belittle the significance of this resource. Ignoring the potential that inheres within this development as a precedent is a waste of invaluable resource in the Armenian social and political reality where one of the major challenges is the cultivation of a participatory culture of decision making where negotiations play a key role. The present situation should be considered as a seed of this desirable culture, which needs to be watered with care to grow sustainable roots.

Things to do

To sustain the tendency of following a constructive and long-term goal further it is necessary for all the involved stakeholders – the Armenian Civil Society Initiative Group, MoJ and the National Assembly - to clearly understand their roles in the reform process. MoJ publicly encourages the participatory though consequently slow reform process, and clearly defines its approaches and positions regarding the reform in the non-governmental sector. Those are five: a) a clear division of roles of commercial and non-commercial organizations; b) definition of the concept “public benefit” and regulation of CSOs engaged in providing public benefit projects according to the new definition; c) necessity of transparent mechanisms of accountability, including a clause on privileges and subsequent additional accountability; d) regulation of the practice of volunteerism through accountability mechanisms and e) re-delegation of certain service provision to CSOs. The clarity of positions makes the MoJ accountable. Similarly, it allows the others to avoid volatile interpretations of the rules of the game. The National Assembly shares these positions as well.

If the CSOs insist that the key to the success of the legal reforms of the non-governmental sector is the participatory process, the state agencies ensure that their expectations are quite similar. Participation implies distribution of roles and responsibilities, as well as taking commitments, and therefore, there is a lot to do: the Civil Society Initiative Group and CSOs should be responsible for the development of a concept paper on the CSO development in cooperation with the MoJ and NA. The Ministry and the legislative agency are to ensure the necessary expert resource required for the development of legal acts in line with the new concept paper. Meanwhile, all the parties involved need to continue supporting the constructive environment that has developed for the recent two years. Otherwise, it is quite probable to reappear in the trap of mutual accusations and once again put off the solution of the issue for an indefinite time.

The paper is elaborated based on the opinions passed by the participants of the discussion “Cooperation experience of the civil society organizations in Armenia”, which took place on December 23rd, 2011. The roundtable discussion was attended by independent analysts, government officials, and representatives of the international organizations.