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Smart Policy Making: Citizens' Voice, Sustainable Choice

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Abstract. The *CIVICUS Civil Society Index* (CSI), which was implemented by Counterpart International in Armenia in 2008 found that civil society organizations (CSOs) are reactive in the policy process and should implement proactive strategies in this arena. To address this key issue, Counterpart designed the *Legislative Agenda Advocacy Days* (LAAD) initiative, which focuses on expanding the footprint of Armenian CSOs' in the formation of a national legislative agenda. Working to build advocacy capacity, Counterpart has facilitated grassroots consultations and policy discussions for a wide array of CSOs and citizens throughout Armenia. Based on these consultations, national working groups develop sets of legislative recommendations for each of the standing committees of the National Assembly (NA) and lobby for their inclusion in the national legislature's agenda. Since 2011, two rounds of LAAD have brought together more than 300 individuals, 200 CSOs and representatives from 70 communities, who collectively have submitted 198 legislative recommendations. The ultimate objective of LAAD is to strengthen the role and impact of CSOs' in decision-making processes at the national and local levels in a sustainable manner.

This article provides an overview of the design and implementation of LAAD. It highlights practical lessons in fostering dialogue at a local level and linking the results to efforts for reform at the national level.

Keywords. Democratic governance, CSO support, Local advocacy, Armenia, Legislative process

1. Background

Since it gained independence from the Soviet Union, the Republic of Armenia has been transitioning structurally, albeit incrementally, into a participatory society, particularly in matters of governance and decision making. Citizen engagement and input have been encouraged during the last two decades in policy making at the national and municipal levels by a variety of mechanisms. These include ministry-affiliated non-governmental organizations (NGO) advisory boards, municipal working groups, networks

that are affiliated with parliament and national platforms. However, in most instances, citizen input, whether direct or through organized methods (i.e., NGOs, working groups), has been in reaction to existing, proposed or newly approved legislation and policies. Furthermore, citizen engagement generally has been defined and facilitated by the ability and desire of policymakers to solicit input from constituents. It has been driven less frequently by constituents and their representative NGOs and CSOs in pursuit of reforms and change from their elected political figures.

Although a United States Agency for International Development (USAID)-funded sector assessment noted in 2004 that "... advocacy is still mainly based on personal access and influence of well-known NGO leaders to legislators and Ministers,"¹ the landscape has progressed since then to a more structured and organized approach to policy development. Nevertheless, citizen engagement has remained largely reactionary. Non-governmental opinion makers have failed to effectively create a policy agenda that reflects the interests of broad constituencies. From 2007 to 2009, *USAID NGO Sustainability Index* publications accorded higher marks to Armenian NGOs' advocacy capacity and impact than in the preceding three years. At the same time, the Index concluded that, although NGOs are more formal in their interactions in most cases, they still were reactive to legislation and policies.²

Against this backdrop, the National Assembly (NA), the largest representative policy-making institution in the country, initiated its own second generation reform process. This occurred after the 2005 constitutional amendments, which took effect after the 2007 parliamentary elections with the swearing in of the Fourth Convocation of the NA. These amendments to the constitution laid the groundwork for greater parliamentary authority, formally weakening the presidency. Simultaneously, the number of standing committees in the NA doubled from six to twelve. This provided greater depth and organized debate on a variety of issues, including human rights, European integration and financial oversight. The NA also continued efforts to create greater transparency through its website and other information channels. Despite these reforms, the NA continued to be a largely reactive policy-making body in contrast to the executive branch. Essentially, the legislature was taking its cues from a coalition government's executive branch, as it passed 80-85% of the legislation that was proposed by government ministries.

2. Legislative Agenda Advocacy Days: From Reactive to Proactive—A Shift In Smart Policy Making

The recommendations of *The 2010 CIVICUS CSI Index Policy Action Brief* focused on a range of issues surrounding the lopsided policy process in regards to the relationships among the various branches of government, and between the government and the non-governmental sector. A core recommendation was that CSOs should engage in "... proactive, rather than reactive, measures [which] will help to render the whole process of change more strategic. CSOs should not

¹ Blue, Richard and Ghazaryan, Yulia, G. (2004), *The Armenia NGO Sector Assessment: A Comparative Study 2004*, World Learning for Internal Development/NGO Strengthening Program, Yerevan, pp. 97.

² The advocacy score for Armenian NGOs improved from 3.7 in 2007 to 3.4 in 2009 and 2010. United States Agency for International Development (USAID) (2012), *The 2011 CSO Sustainability Index for Central and Eastern Europe and Eurasia 15th Anniversary Edition*, pp. 22-29, Washington, DC. See also: Counterpart International (2010), *Armenian Civil Society: from Transition to Consolidation*. Analytical Country Report, CIVICUS Civil Society Index, Yerevan, 2010.

only attempt to redress dangerous policies and practices, but also anticipate their initiations, engaging in all stages of the policy process and development arena."³

With this in mind, Counterpart International in Armenia as part of its *Civil Society and Local Government Support Program (CSLGSP)* designed the *Legislative Agenda Advocacy Days (LAAD)* initiative in mid-2010. It is intended to address three key factors in the policy process and focusses especially on stakeholder input:

- Facilitate timely and diverse input for the public policy agenda from communities across Armenia,
- Strengthen a proactive process by which the non-government sector can shape the public policy agenda and;
- Provide sufficient advance notice to experts and policy makers they can prepare and deploy policy initiatives that will address so the long-term needs of social reform.

The LAAD's cornerstone is to continue the policy process by ongoing monitoring, feedback, and modifying policies in their implementation phase (see Figure 1). Its high degree of participation and organization is intended to ensure that it is inclusive, but structured, while maintaining the primary objective of formulating a public policy agenda that responds to citizens' needs rather than reacting to government initiatives.



Figure 1. Shaping the policy agenda.

In response to the CSI recommendation, Counterpart designed LAAD as a participatory and grassroots-driven platform. Its objective was to enable Armenian CSOs to influence the national legislative and policy agenda at the start of each annual legislative cycle (September). LAAD was developed as a nimble and responsive process-focused approach, instead of a static and didactic blueprint. It was intended to create a platform to ensure stakeholder participation and ownership. The underlying reason for a small launch during the first LAAD cycle in 2011 was to aid an initial assessment of key steps at the national level before moving forward with a multi-level implementation in 2012.

2.1 Working Groups: The Clearinghouse Methodology

In 2011, Counterpart began to construct the initiative's support skeleton by forming national Working Groups (WGs),

³ Counterpart International (2010), *Armenian Civil Society: from Transition to Consolidation. Policy Action Brief CIVICUS Civil Society Index*, Yerevan, pp. 12.

each of which would complement a corresponding NA standing committee. With the strengthening of the external stakeholder aspect of policy making (e.g., the third sector), the WGs would also serve as absorption mechanisms for community-level input. Most importantly, they would function as filters and communication nodes for the decision making bodies. Therefore, the function of the WGs was not only to provide forums for broader discussion of policy matters, but also to develop and present policy recommendations for inclusion in the NA agenda.

Given their participatory character, the next step for each WG was to identify a lead facilitator for the following tasks:

- Arrange, moderate and administer WG meetings,
- Document the process and issues raised by participants,
- Serve as the point of contact with the NA standing committees and;
- Finalize the legislative products to submit to the NA.

With sustainability in mind, the LAAD concept initially included volunteer facilitators who were genuinely interested in influencing the legislative agenda in line with their organization's goals. Interested candidates were selected on the basis of their experience in policy advocacy in the given thematic areas.

However, the selection process highlighted challenges encountered during implementation. A number of experts⁴, who were chosen to assume the role of facilitator, cited a lack of CSO financial resources, as well as the demanding nature of the work, as reasons for not participating. At the same time, several applicants who expressed interest demonstrated key weaknesses, particularly in facilitating and drafting of legislation. In addition to these obstacles, an unexpected trend arose in the preparation process when some key CSO representatives made their participation and engagement conditional on becoming the lead in the WGs. This clashed with the LAAD design, whereby facilitating consultations in a participatory manner was intended to be a cornerstone for broad ownership of the process and related actions by a broad group of CSOs.

Counterpart addressed these initial challenges by mobilizing international NGOs and those operating throughout Armenia, such as the International Foundation for Electoral Systems (IFES), the Organization for Security and Cooperation in Europe and the Open Society Foundation (OSF), to support financially the WGs as facilitator organizations.⁵ In cooperation with other international organizations and CSOs, Counterpart organized CSOs into WGs, mirroring the twelve NA standing committees. Supporting three of these twelve committees into fruition was a challenge for several reasons. Finding a local or international facilitator organization for the WG on Finance and Budgetary Affairs proved to

be difficult. Therefore, Counterpart secured an independent expert. In addition, neither the WG on External Relations, nor the WG on European Integration, was established.⁶ Consequently, ten WGs were established.

2.2 LAAD 2011: Piloting the Unknown

As a result of the lengthy ramp up of the WGs, discussions launched in July 2011, later than initially anticipated. Against this background, the WG members were challenged right from the start by having only one month in which to develop their legislative recommendations. Throughout this process, Counterpart assisted the WGs closely during the discussion process to ensure a successful implementation that conformed to the LAAD design concept. Additionally, Counterpart assisted each WG to ensure uniformity in format and legislative language of all recommendations that were formulated.

Despite initial challenges, all ten established WGs successfully drafted a legislative agenda list by the end of September, including all issues and recommendations that had been provided by WG members. In total, 52 recommendations from the ten WGs were mostly focused on amending existing laws and legal acts.⁷ To gain access to the NA standing committees, Counterpart cooperated with the Public Network (PN) - an umbrella organization for a variety of CSOs. PN signed a Memorandum of Understanding with the NA to facilitate the participation of CSOs in the legislative process. Counterpart and PN approached ten NA standing committees to arrange LAAD meetings. Seven of these committees⁸ agreed to a meeting, but three⁹ requested written recommendations in place of a meeting. Overall, 85 people participated in the meetings and presented 38 legislative initiatives. Another 14 recommendations were submitted in written form. Surprisingly, only the Chair of the committee participated in most of the meetings. The lack of participation by members of parliament was justified by a high workload and the Chairman's key role in the decision making process. Nevertheless, the first series of meetings with the seven NA standing committees generated a positive opinion of the WGs. The committees not only expressed interest in conducting regularly meetings with CSOs, but also agreed to consider their suggestions and recommendations. Moreover, three CSO representatives were invited separately

⁶ In regards to the WG on external relations, CSOs involved were not interested in addressing any issues to this committee. Due to disagreements between CSOs that were focused on the EU's Eastern Partnership project, the WG on European Integration also was not formed.

⁷ All numbers have been obtained from Counterpart International's internal Management Information System. The same applies to other numbers that appear below.

⁸ These seven NA standing committees were as follows: Social Affairs; Finance and Budgetary Affairs; Health, Maternity and Child Issues; Human Rights and Public Affairs; Defense and National Security; Environment and Agricultural Issues and Local Self Government and Territorial Administration.

⁹ This includes the WGs on Economic Affairs, on Education and Science and State and Legal Affairs. The NA standing committees on Economic Affairs and Education and Sciences both declined to meet in 2012, making it clear that they were not interested in CSO cooperation.

⁴ Many of the experts were representatives of leading CSOs.

⁵ During extensive negotiations with these international development partners most of the latter expressed doubts that LAAD would have much of an impact on policy making and citizen engagement.

to the NA to participate in more in-depth discussions on the initiatives that they had presented.

2.3 Back to the Drawing Board: Lessons from 2011

During the meetings, Counterpart urged all WG facilitators and members to monitor the progress of the recommendations that they submitted and to continue to lobby for their adoption by the NA. This continued to be a challenge primarily because of the weakness of CSOs in targeted and effective lobbying. Also, the CSOs lacked tracking mechanisms to monitor and evaluate the process and impact. In Counterpart's own evaluation of the process, a surprisingly high number of stakeholder responses revealed their limited expectations of the process. They believed that the objective of submitting recommendations, rather than securing their actual passage/approval was misdirected.

Addressing these and other challenges, Counterpart facilitated a follow-up meeting with all WG members and facilitators by the end of 2011 to reflect on the first cycle and determine what had been learned that was applicable to the upcoming, second LAAD cycle. The first cycle highlighted the importance of including *Armenian Voices Regional Forums* - LAAD's grassroots component that promotes a culture of participation in policy-making that requires a high degree of ownership and participation. This also was influenced by the fact that the vast majority of CSOs are based in Armenia's capital of Yerevan and do not have a broadly-based membership. Taking this into account, the regional forums were designed to connect the issues and voices of communities across Armenia with these CSOs and to promote their joint participation in policy making. With this in mind, Counterpart refined the initial LAAD concept and decided to select WG facilitators for the second cycle from local CSOs.

The first cycle provided an ideal opportunity to identify ways to improve the LAAD initiative. Counterpart presented the idea of LAAD as a process aimed at changing the culture of participation in Armenia and as an opportunity for interested citizens and CSOs to proactively engage in policy making.

3. Armenian Voices Regional Forums: Truth-Grounding Policies in Communities



Figure 2. Armenian voices 2012.

With one cycle of LAAD under its belt, Counterpart embarked on the 2012 LAAD initiative and invited CSO and community-level participation at a much earlier stage. Counterpart brought to bear its extensive network of community development participants in all of Armenia's provinces, as well as informal citizen groups such as Youth/Community Action Centers (Y/CACs). For the second round

of LAAD, Counterpart's outreach to individual citizens and particularly to informal citizen groups was an important departure from the first round. Intending to implement a truly nationwide process that is based on the participation of regional groups (i.e., outside of Yerevan, the capital), Counterpart launched the *Armenian Voices Regional Forums*¹⁰ (see Figure 2).

3.1 From Grassroots to Grasstops: Guiding Each Voice Through the Process

To maximize resources, while covering as much of the country as possible, Counterpart created the following three geographic zones (see the political map in Figure 2):

- Northern, covering the three most northern provinces,
- Central, covering Yerevan and four other provinces, and;
- Southern, covering southern provinces, which have a complex topography.

The regional forums were designed as engines of the larger LAAD process and as a training opportunity. Each forum included a training component that covered the legislative process to create an understanding of the policy cycle. It also provided extensive maps of access points within the process.



Figure 3. Working groups 2012.

Participants were then separated into groups according to the focus area of each WG. Facilitators led structured and focused discussions of key topics, leading the participants toward creation of a vetted list of issues suggested for policy response. Although the lists of topics were not exhaustive, they were extensive. The facilitator was then tasked with maintaining contact and providing on-going feedback to all WG members (see Figure 3).

After discussing the thematic issues raised at the local level in each of the three regions, facilitators fed this information into the Yerevan based WGs. This generated further discussion. The Yerevan-based WGs outlined the problems of greatest concern in their regions and recommended solutions. In addition, each WG member was able to raise additional thematic issues. After reviewing the list of issues and recommendations, the WG filtered them according to their importance and urgency (see Figures 4 and 5). Each WG created a list of the recommended legislative solutions for each issue,

¹⁰ In the following sections referred to as *regional forums*.

as well as a policy brief.

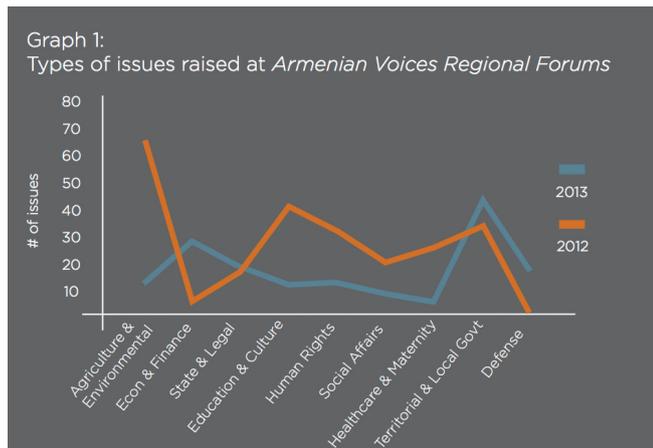


Figure 4. Types of issues raised at Armenian voices regional forums.

Each WG received interim feedback from the facilitators before presenting its issues and recommendations to the NA standing committees. This enabled the participants to see which issues were selected for presentation at committees and to provide them with another opportunity for input/comments. Then, facilitators prepared brief (up to three minutes) video presentations for the regional participants that outlined the major issues that their WG members had identified. These videos, which were designed as cost-efficient feedback tools, were posted on a dedicated *YouTube* channel and sent to participants who could provide their last minute comments. By substituting face-to-face meetings with virtual ones, Counterpart laid the building blocks for an alternative and innovative approach Yerevan-based NGOs and regional groups can engage with each other.

3.2 Redesign: Lessons from 2012

Meetings with NA standing committees took place at the start of the legislative cycle in late September of 2012. In contrast to 2011, NA standing committee representatives demonstrated greater receptivity, but also were more astute in holding meetings on dates more in keeping with their own schedules and legislation-specific agendas.

Against this backdrop, the overall effort produced a number of noteworthy successes (see Figures 5 and 6). One of the most justifiably shielded standing committees - the standing committee on Defense and National Security, considered three recommendations from the LAAD process (see Figure 6). This committee was interested in a recommendation to amend the procedure for granting disability status and allowance to soldiers who were injured during their military service. In addition, the committee expressed great interest in working with CSO representatives and, since the meeting in October, has invited the WG members to all committee sessions. To follow up, WG members presented two more recommendations, one of which was discussed during a committee sitting and was incorporated into the NA Agenda. The WG members were also invited to report at a public hearing that was organized by the committee on Traffic Regulation. The standing committee on Territorial Administration and

Local Self-Governance took an unprecedented ten recommendations under consideration. Two of the ten are being actively considered for inclusion on the NA's agenda. Also, following the initial meeting with the committee, WG members participated in a public discussion that was initiated by the committee on the Concept on Strategic Approaches for the Further Development of Local Self-Government and Decentralization of Power. The concept was jointly developed by WG members and will be circulated further for comments and recommendations (see Figure 6).

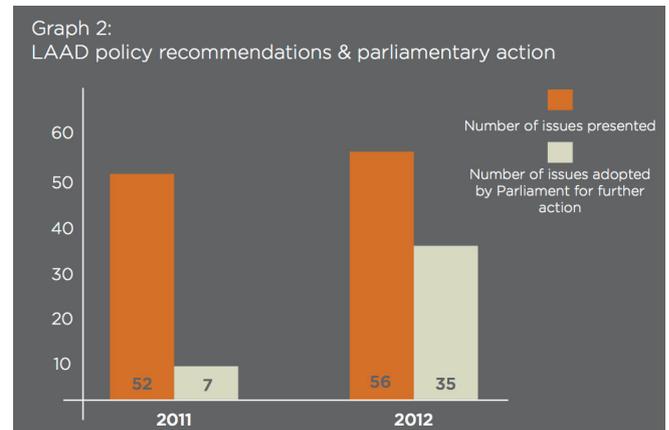


Figure 5. LAAD policy recommendations and parliamentary action

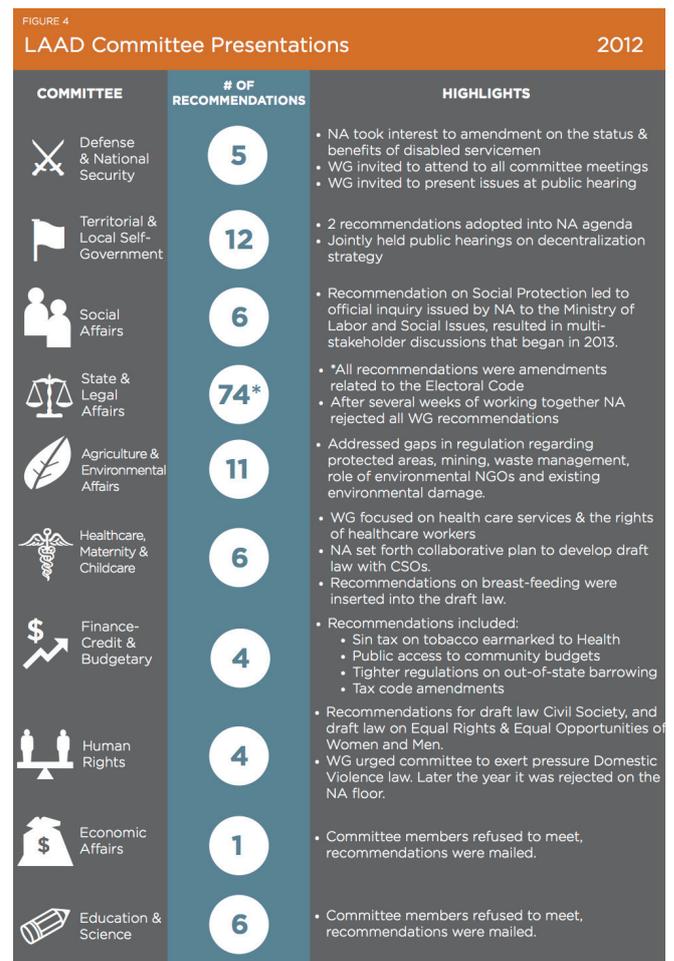


Figure 6. LAADS Committee presentations, 2012.

Other committees used the LAAD engagement process as a starting point for outreach on broader policy processes. The NA standing committee on Social Affairs used the six recommendations from the WG to reform the Law on Social Protection, began exercising its parliamentary oversight function and making inquiries to the Ministry of Labor and Social Affairs to initiate a multi-stakeholder approach in early 2013. Although the standing committee of State and Legal Affairs took under consideration 74 recommendations on the Electoral Code of Armenia, it informed the WG that the Electoral Code would remain unchanged until after Presidential Elections that were scheduled for February 18, 2013. Finally, the standing committee on Health began to discuss six LAAD recommendations. One such recommendation, which was related to legal protection for people who have mental disabilities that is provided in the Republic of Armenia Law on Psychiatric Care, was confirmed by the members and sent to the Ministry of Health for review. Also, an updated draft of the Law on Encouraging Breast Feeding and Children's Food Circulation was prepared, incorporating new recommendations, and sent to the Government (see Figure 6).

To summarize, the 2012 LAAD process brought together 76 organizations in ten thematic working groups. This resulted in 56 legislative recommendations to the NA standing committees. Furthermore, 35 of these recommendations received commitments to action, of which 12 are currently in the process of becoming legislation (see Figure 6).

3.3 Moving Forward: Planning for 2013 LAAD

Examining the group evaluation/feedback on conducted activities is one of the most effective elements of the 2011 LAAD cycle. Counterpart held a session to evaluate feedback in December of 2012. All stakeholders were invited to participate and to reflect on their role and the structural design of LAAD, and also to understand collectively the progress status of the recommended initiatives. The latter includes the actual legislative status of the policy initiatives. However, the session was most useful in planning the 2013 LAAD cycle:¹¹

- **Recalibrating the time frame:** In order to meet the legislative calendar time frame (and perhaps to even influence it), recommendations were made to begin the regional forums in April-May. They would be followed up by WG discussions and activities in June-July and meetings with NA standing committees at the end of July or in early September. Based on the previous cycles, August was to remain a month of preparation for the WG, due primarily to the NA's scheduled vacation in August.
- **Increasing legislative literacy:** A one-time attempt to increase knowledge of the legislative pro-

cess has not proved to be ideal, particularly for regional participants in the Armenian Voices, as well as the WG processes. There must be more attempts and, perhaps, ongoing legislative literacy must be delivered to ensure a higher quality of exchanges and policy discussions.

- **Developing alternative policy advocacy:** Counterpart initiated an internal mechanism and process to review alternative access points for rejected or objectionable WG recommendations, which may prove to be unacceptable to a standing committee.
- **Broadening access:** In order for the WG products to be understood and truly promoted by larger constituencies, they must be publicized and distributed widely by a variety of outlets and media.

4. Conclusion

Counterpart designed the LAAD process with two very specific objectives in mind. The first objective was to strengthen the participatory decision-making process for better comprehension by decision makers (NA) and opinion makers (civil society) as one that includes a variety of voices, particularly those whose lives are affected by decisions and policies. The second objective was to change actionable concepts of advocacy within Armenia's non-governmental sector from being reactive to government action to become proactive, value-added policy undertakings. More specifically, LAAD intended to ground CSO initiatives in constituent need and demand, and to begin to change and form public opinion organically and integrate it in the advocacy process.

In line with its own development and programming philosophy, Counterpart led the initial design and start-up. However, it quickly began to relinquish implementation to Armenian CSOs. This included:

- Formation of the WGs;
- Outreach to the legislature and media partners and;
- Recruitment of facilitators and expert participants.

At every turn, the implementation cycle focused on facilitating greater ownership by Armenian CSOs not only of the action items of the process, but also effecting the change in the culture of participation. In other words, Counterpart's objective soon after the initial start of LAAD in 2011 was for the initiative to create a system of incentives for CSOs and the NA to change from *incidental participation to intentional and broad inclusion of ideas, voices, and resources*.

As explained in this text, CSOs and communities have had greater input with each year of implementation in the planned process and also in the planning itself.

In the course of this initiative, it is important to note that LAAD or similar efforts and approaches do not replace necessary and urgent watchdog advocacy or, in some cases, reactive stop-gap measures from civil society. They only complement and strengthen the ability of CSOs to better anticipate - and ideally reset- the policy agenda. Additionally, such efforts may not blur the distinction between government and

¹¹ According to one of these comments, the LAAD 2013 started earlier - in the spring of 2013 - to request that meetings with the NA standing committees be held early in the summer. The chance to influence the legislative agenda would be greater by submitting the issues prior to the beginning of the legislative cycle.

non-government, but they work to highlight each sector's value in creating a counter-balance that is necessary for smart policies and fair balance of power.

The common element in each year's LAAD process has been the need to ensure that participants never rely on and think of LAAD as being a project, organization, or as an end in itself. It is a living, breathing process that ideally would not have a formal name, but could be known simply as citizen-centered policy making. That is the sustainability quotient of LAAD.

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