

# **Proposals from the Non Governmental Process of the Community of Democracies**

**in preparation for the  
III Ministerial Conference  
of the Community of Democracies  
in Santiago de Chile**

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### **Project Recommendations and Proposals by The Non-Governmental Process of the Community of Democracies**

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# Introduction

After the second Ministerial Meeting in Seoul, November 2002, there was a consensus among Non-Governmental actors that there was a need to (i) implement a follow-up process from the meeting in Seoul to the third meeting in Santiago and beyond, (ii) involve different social and political actors in the process and, (iii) significantly increase government implementation of commitments.

With these needs in mind, an Executive Secretariat (ES)<sup>1</sup> was created in order to work with other significant partners to start preparing for the third Ministerial meeting, to be held in Santiago, Chile. The President of the Secretariat is Genaro Arriagada and Andrea Sanhueza is its Executive Secretary. Throughout 2003, 2004, and 2005, several national, regional, and global meetings and conferences about the Community of Democracies have taken place. Specifically, seven regional workshops were held in Asia, Europe, Russia and the CIS, Latin America and the Caribbean, Middle East and North Africa, North America and Sub-Saharan Africa. Around 200 people participated in these workshops. Furthermore, in March 2005, a Final Meeting of this preparatory process was organized in Santiago. It convened 90 participants from 35 different countries from all the regions.

The main objectives of these regional workshops, which have been adapted in response to regional priorities and needs, were:

- To evaluate the progress and the setbacks of democracy in its political, economic, and social dimensions, discussing main challenges to democratic governance and development
- To make proposals related to the strengthening of democracy that can then be presented to governments of the Community of Democracies at the Santiago Ministerial Meeting
- To encourage a substantive dialogue among NGOs, political parties, political foundations, and think tanks to promote a greater mutual understanding for collaborative work on democracy building.

The proposals that came out of the workshops were discussed and finalized at the Final Meeting in Santiago.

This document contains:

- the **Global Proposals**, which address the proposals about the CoD itself, and other common democratic issues that emerged in the regional workshops:

1. International Cooperation to Promote Democracy
2. Political Systems
3. Corruption, Transparency and Accountability
4. Civil Society
5. Human Security

- and the **regional proposals**, which are the results of the discussions at the Final Meeting and the recommendations from the regional workshops that have been held over the last year.

This document compiles what was discussed in a participatory process in which the proposals were initially formulated by the regional participants, circulated among them again for revisions and

systematization, and then discussed and finalized in the discussions that took place during the Final Meeting of the Non-Governmental Process of the CoD at Santiago de Chile March 3<sup>rd</sup> and 4<sup>th</sup>, 2005.

We submit this document to the Governments of the Community of Democracies for their consideration during the elaboration of the Santiago Declaration. We urge governments to also incorporate these recommendations as priorities in their democracy strengthening plans at the national level as well as in their foreign policies.

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for the Community of Democracies

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Non-Governmental Process  
for the Community of Democracies

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FORUM 2000 (Czech Republic), Electoral Institute of Southern Africa (South Africa), International IDEA (Sweden), PARTICIPA (Chile), MÁS VOCES (Chile), Organization of American States (USA), Taiwan Foundation for Democracy (Taiwan), PANORAMA Centre (Palestine), North-South Centre of the Council of Europe (Portugal), Arab Institute for Human Rights (Tunisia), Middle East Citizens Assembly (Tunisia), Qatari National Committee on Human Rights (Qatar), Freedom House (USA), The Yemeni Human Rights Information and Training Center (Yemen), AISHA Network on Women's Rights, and the Arab NGO Network for Development (Lebanon), the Center for Democracy and Election Management/American University (USA), Council for a Community of Democracies (USA), Center for American Progress (USA), Democracy Coalition Project (USA), Elections Canada (Canada), Rights and Democracy/Droits et Democratie (Canada), and Alianza Cívica (México).

We also want to recognize the work of hundreds of participants of this Non-Governmental process, for their commitment with democratic governance and human rights.

This process could not be sustainable without the valuable help of those who have financially supported the Non-Governmental Process:

- Council for the Community of Democracies
- Democracy Coalition Project
- Freedom House
- Government of Chile
- Government of the Czech Republic
- International IDEA
- Open Society Institute
- Organization of American States
- Qatari National Committee on Human Rights
- Taiwan Foundation for Democracy
- U.S. State Department
- United States Agency for International Development (USAID)
- Westminster Foundation for Democracy

The proposals outlined are based in our recognition that in this new era fundamental human rights are not an internal issue for respective states but an issue of concern for all states and all people in the international community.

We the participants of the Non Governmental Process of the Community of Democracies representing Civil Society and Non State actors from the six global regions of the Community, unanimously call upon the Foreign Ministers and Governments participating in the Ministerial meeting of the Community of Democracies to institute within each of the common themes we have identified the following recommendations:

## **A. International Cooperation to Promote Democracy**

The Community of Democracies, the only global association of democratic and democratizing governments, has agreed to work together to strengthen and promote democratic governance at the national and international levels. To fulfill this commitment, its members should carry out the following actions:

### **1. The UN Democracy Caucus**

- 1.1 The UN Democracy Caucus should become the key forum for governments which qualify as full participants of the Community of Democracies to coordinate common positions on democracy and human rights issues before UN bodies.
- 1.2 CoD governments should mobilize under the auspices of the UN Democracy Caucus to support country specific resolutions on the most urgent cases of gross human rights violations.
- 1.3 CoD governments should support each other as candidates for the UN Commission on Human Rights (UNCHR), the UN Economic and Social Council and any other UN body responsible for monitoring respect for democracy and human rights.
- 1.4 CoD governments should work for approval of the UN Secretary-General's proposals to reform the UN human rights system, specifically to replace the Human Rights Commission with a smaller Human Rights Council composed of states which "undertake to abide by the highest human rights standards." Toward that end, CoD governments should support criteria for membership on the main UN human rights bodies. Governments responsible for gross human rights violations should be excluded from participation on such bodies until the violations have been remedied."
- 1.5 Membership of the UN Democracy Caucus should be limited to governments invited as full participants to the CoD.
- 1.6 Civil society should be invited regularly to meet with the UN Democracy Caucus. In addition, CoD governments should support extending NGO consultative status with ECOSOC to the new Human Rights Council.

## 2. Transitions to Democracy

- 2.1 Defenders of human rights and democratic governance are under continuous attack and harassment by authoritarian regimes as they pursue their non-violent campaigns for transitions to democracy. There is an urgent need for the Community of Democracies to speak out collectively on their behalf and to support politically and financially those working toward fulfillment of democratic and human rights norms.
- 2.2 CoD governments should endorse Hungary's establishment of a Democracy Transition Centre with a commitment by the CoD governments to support, fund and lend expertise to the Centre. The Centre will be an important international vehicle to satisfy the demand for expertise in transitions to democracy, as well as helping the CoD implement its mission of promoting peaceful transitions to democracy.
- 2.3 CoD governments, with civil society participation, should create ongoing working groups to exchange information and coordinate common approaches regarding countries of concern which are undergoing a transition to democracy, backsliding away from democratic norms or governed by non-democratic regimes.

## 3. The Invitation Process

- 3.1 The Community of Democracies, in its Seoul Plan of Action, has adopted criteria for participation that excludes those countries "where there is currently a disruption of constitutional rule or severe persistent erosion of or lack of essential elements of representative democracy." We urge CoD governments to reaffirm this criteria, especially the Seoul Plan of Action's comprehensive definition of "the essential elements of representative democracy."
- 3.2 The Convening Group has applied the criteria for participation in the CoD selectively to include governments which do not meet the criteria for participation. It has also failed to explain the rationale for its decisions, thereby undermining the credibility of the intergovernmental process.
- 3.3. In order to overcome the deficiencies of the invitation process, the Community of Democracies should adopt an independent transparent mechanism to monitor and assess on an ongoing basis which governments meet the democratic standards set forth in the Warsaw Declaration, the Seoul Plan of Action and the Convening Group's Criteria for Participation.
- 3.4 Such a mechanism should be headed by independent experts and individuals of stature and integrity from civil society including former heads of state and government and other leaders of good democratic standing. This independent body would be responsible for reviewing the performance of governments according to the Criteria for Participation in order to determine eligibility for continued CoD participation.
- 3.5 Governments participating in the Community of Democracies have committed themselves to promote democracy domestically and at the regional and international levels. Therefore, governments have a responsibility to conform their behavior outside their borders to international standards of democracy, human rights and the rule of law. The Community of Democracies, in collaboration with civil society, should establish standards for international behavior of democratic states that reflect their obligations to promote and defend democracy. Such standards should become part of the criteria for participation in the CoD process.

- 3.6 The meetings of the Community of Democracies should include not only government officials, but also representatives of opposition parties, civil society, foundations and the private sector as part of a multi-stakeholder approach, particularly those from countries experiencing deterioration of democratic standards.
- 3.7 Participation in the Community of Democracies should not be limited to UN member states but should also include political entities meeting the democratic standards of the Community of Democracies.

#### **4. Strengthening the Community of Democracies Process**

- 4.1 The Community of Democracies process should be institutionalized by:
- Establishing a permanent Community of Democracies secretariat.
  - Expanding and formalizing the rotation of the members of the Convening Group taking into account a government's demonstrated commitment to the objectives and standards of the CoD process.
  - Providing adequate funding for the Community of Democracies and its activities.
  - Institutionalizing regular consultations with civil society organizations interested in monitoring governmental commitments and exchanging views with the Convening Group and other CoD governments.
- 4.2 In order to make the Community of Democracies more transparent and accountable, the participation of nongovernmental actors should be institutionalized through an independent, international non governmental secretariat, which is adequately funded by democracy foundations and other donors. The expertise gained by the current Executive Secretariat of the Non-Governmental Process for the Community of Democracies, the members of the Global Issues Group and the regional coordinators participating in the meetings of the Community of Democracies should be shared with new groups interested in participating in the process with the hope that these organizations can become more involved in the future.
- 4.3 The international non governmental secretariat should be responsible, inter alia, for serving as a clearinghouse for information about the Community of Democracies; monitoring implementation of the commitments made at the Warsaw, Seoul and Santiago ministerial meetings; designing and implementing an independent review mechanism for evaluating participation in the CoD process; coordinating civil society participation in CoD activities; and generating proposals for future ministerial meetings and activities.
- 4.4 Initiatives and activities sponsored or endorsed by the Community of Democracies should always include non governmental actors as active participants. These include, inter alia, regular Convening Group meetings, the proposed UN Global Democracy Fund, the Hungarian Democracy Transition Center, and the UN Democracy Caucus.
- 4.5 EU member states must take a more active role in the CoD process in order to strengthen this multilateral process.
- 4.6 The CoD should also work closely with the International Civil Society Forum for Democracy (ICSFD), which is the civil society partner of the International Conference of New or Restored Democracies (ICNRD). We also encourage governments to take the opportunity to work with UN-supported ICNRD in preparation for the next ICNRD Conference that will be held in 2006 in Doha, Qatar.

## 5. Democracy and Development Assistance

- 5.1 Recognizing the positive correlation between democracy and development, CoD governments and international donors should preferentially reward with debt relief, trade and aid, those developing democratic governments effectively investing in poverty reduction, education and health care, judicial reform and anti-corruption reforms. In addition, they should fulfill the commitments made in the *Millennium Declaration* and the *Monterrey Consensus* on financing for development. Governments which systematically abuse the rights of their citizens should not qualify for increased assistance until such violations have been remedied.
- 5.2 CoD governments should coordinate and expand democracy assistance funding to support democracy-building efforts around the world, including through the proposed UN Global Democracy Fund, the UN Development Program and the UN Electoral Assistance Division.
- 5.3 In development assistance programs, bilateral and multilateral donors should provide increased support to strengthen democratic political parties and party systems. These international efforts should directly engage, rather than exclude, political parties in the design, debate, and implementation of assistance and reform.

## 6. Responding to Threats to Democracy

- 6.1 In line with the Seoul Plan of Action, each regional governmental organization should establish and apply mechanisms to respond quickly to threats to democratic governance.
- 6.2 Regional governmental organizations should consider a menu of options in this area, including creation of advisory bodies composed of recognized leaders of established integrity including former heads of state and government, statesmen and non-governmental leaders, who can offer good offices to facilitate diplomatic resolution of political crises.
- 6.3 The Community of Democracies should coordinate common diplomatic strategies by working with regional organizations to oppose and counteract threats to democracy and to facilitate the establishment of democratic governance. A special effort should be made to intensify bilateral and multilateral efforts to reach peaceful resolution of violent and "frozen" conflicts around the world.

## B. Political Systems

### 1. Political Parties

Governments should:

- 1.1 Allow and encourage political parties to undertake capacity and leadership training programmes internationally and locally, upon registration.
- 1.2 Recognize the important role of opposition parties for strengthening democracy, and therefore guarantee their freedom of expression.
- 1.3 Review the legal and regulatory framework for party financing. Special attention should be paid to the regulation of private funding.
- 1.4 Examine the systems of public financing of political parties to guarantee a level playing field for the competitors in the elections. We recommend the adoption of a mixed system of financing in which public financing is used specifically to give political parties the possibility to reach out to the citizens, instead of becoming a permanent and exclusive source of funding.
- 1.5 Create the necessary environment for strengthening political parties, both those in power and those in the opposition through capacity building focused on agenda building.

### 2. Electoral Systems and Electoral Processes

Governments should:

- 2.1 Endorse the principle of “one person one vote” as a fundamental prerequisite of democratic governance.
- 2.2 Institutionalize regular multiparty elections and set fixed term limits for heads of state and those in political office.
- 2.3 Implement electoral and constitutional reforms in order to broaden representation of key and minority political stakeholders and ensure political stability.
- 2.4 Encourage election observation and utilize local and international election monitors. Governments should ensure that the recommendations issued by election monitoring teams are duly and promptly enforced.
- 2.5 Guarantee that Electoral Management Bodies (EMBs) are sufficiently resourced, broad based, independent and transparent. The management and administration of elections should be the sole mandate of EMBs.
- 2.6 Institute electoral finance reform and discourage the growing spending in electoral propaganda, financial dependency, lack of transparency. Oversee the management of party resources to create fair conditions for electoral races, both at the inter-partisan level and the intra-partisan level.
- 2.7 Assure parties’ equal access to low cost media, especially television, one of the main sources of propaganda expenditure for electoral races.
- 2.8 Take measures to ensure ballot secrecy and also to promote voter education programmes to foster confidence in the electoral system.

- 2.9 Ensure the centralization and regularity of the national electoral calendar.
- 2.10 Release detailed information about campaign expenditures before elections take place.
- 2.11 Where necessary, create mechanisms to limit the number of existing political parties, without excessively closing the system and losing representatives.
- 2.12 Endorse parliamentary systems rather than semi presidential systems, as the most effective means of democratic governance, as academic studies show that semi presidential systems can relapse or become ineffective in developing democracies.
- 2.13 Ensure gender equality in the democratic process, if need be, through affirmative action where historically there have been gender imbalances.

### **3. Transitions to Democracy**

Governments should:

- 3.1. Build capacity for participation in public sphere through training sessions for citizens about elections, civil and political rights, dialogue and negotiation techniques, and peaceful conflict resolution.
- 3.2 Establish awareness raising programmes for the youth to increase their involvement and responsibilities in networks, associations and organizations; with a goal of widening grassroots participation and reinforcing democracy and the culture of dialogue.
- 3.3 Empower the media to uncover corruption and look for the truth.
- 3.4 Spread knowledge through training and publications by reinforcing the national, regional and international experiences of *transitional justice*.
- 3.5 In their engagement with less democratic countries, continuously strive to promote respect for basic human rights and democratic principles. Non-interference cannot be used by governments as a shield to prevent scrutiny of a State's failure to uphold universally accepted norms, such as those enumerated in the Universal Declaration of Human Rights.
- 3.6 Together with donors, sponsor capacity-building programmes for exiled and refugee communities, above and beyond humanitarian assistance and protection, so that they will be better equipped to develop democratic institutions when they return to their home countries.
- 3.7 Launch initiatives to ensure that, during transitional periods, political elites stay responsive to the needs of the people.

# C. Corruption, Transparency and Accountability

## 1. Corruption and Transparency

Governments should:

- 1.1 Enact public service reforms to streamline procedures, improve efficiency, ensure access to public information and effective delivery of services, in order to reduce both the opportunities and incentives for corruption.
- 1.2 Create systems to protect whistleblowers who bring to light corrupt practices of the government.
- 1.3 Examine and improve the mechanisms of accountability regarding international development assistance which is often a “black box” that leaves both donors and recipients exposed to corruption. In particular, aid money to third world countries should be based on transparency of decision making, flow of funds, review of the anti-corruption programmes and anti-corruption performance.
- 1.4 Social public policies should be protected from clientelistic manipulation and corruption. Given that the most vulnerable sectors of society are often the most affected by corruption, social public policy should be formulated to give those sectors additional protection.
- 1.5 Along with other political leaders, hold themselves to a high standard of integrity and responsibility, in order to encourage and foster a culture of accountability and transparency among the people.
- 1.6 Make a commitment to fully implement anti-money laundering measures to inhibit the corrupt individuals and organizations from transferring their assets.
- 1.7 Tackle corruption both in the public and the private sectors. Special attention must be given to public contracting review and oversight.
- 1.8 Review rules of lobbying, conflict of interest and disclosure.
- 1.9 Finance anti-corruption research.
- 1.10 Safeguard the independence and autonomy of judiciaries.
- 1.11 Ensure oversight mechanisms of the legislative branch as a means of combating corruption.

## 2. Access to Public Information

Governments should:

- 2.1 Guarantee the permanent release of information which is relevant for civic participation and monitoring, such as: existing institutional channels for participation in public sphere or adequate ways that citizens can access public information.
- 2.2 Enact freedom of information laws, that meet international standards, which are a critical tool to enable civil society to play a constructive role in public affairs.
- 2.3 Where freedom of information laws already exist, governments should ensure that they carry out their obligations under such laws in a timely and affordable manner for the interested public.

- 2.4 Train public servants in rules and procedures of freedom of information.
- 2.5 Provide adequate resources for the implementation and maintenance of freedom of information norms.
- 2.6 Institute and maintain transparency in the budgetary debates and implementation process.

### **3. Freedom of Expression and Media**

Governments should:

- 3.1 Reform laws and practices to eliminate the abuse of sedition and defamation laws that stifle democratic debate. Governments must also refrain from using financial pressures (e.g. tax inspections, public advertising, subsidies) as means of interfering with media independence.
- 3.2 Guarantee and protect the rights and freedoms of independent media, since it has a critical role in increasing public awareness about corruption.
- 3.3 Promote self-regulation of the media and, in particular, work with the media sector to enhance editorial independence, transparency of media ownership and journalists' labor rights.
- 3.4 Act to end impunity for physical attacks and intimidation of journalists, by vigorously investigating such incidents and bringing their perpetrators to justice.
- 3.5 Commit to promoting or defending the existence of at least one public and non-governmental television channel.
- 3.6 Enforce or approve legislation that impedes monopolies in the ownership of media.
- 3.7 Assure universal access to public media irrespective of region or location, and make sure that public strategies of programming respect regional diversity.
- 3.8 Take into account the best practices of international standards when guiding the functioning of public channels.
- 3.9 Refrain from obstructing -through any medium- civil society organizations to express and enhance their solidarity in support of their peers in other countries where they are being persecuted or under threat.

## D. Civil Society

### 1. Civil Society and Public Affairs

Governments should:

- 1.1 Ensure a favorable framework for the healthy development of civil society beyond fully realizing the right to freedom of association. In particular, the regulatory regime should encourage private philanthropy for promotion of democracy and abstain from interfering unnecessarily.
- 1.2 Guarantee rights of freedom of expression and freedom of assembly.
- 1.3 Take concrete steps to ensure equality for women in law and practice, and full representation and participation of women in political decision making processes.
- 1.4 Ensure that access to funding for NGOs remains unimpeded and the existing restrictions by governments on access to foreign funds are crafted in line with internationally recognized standards.
- 1.5 Promote, increase, and institutionalize citizens' participation in the phases of public policy, specifically: definition, decision-making and implementation.
- 1.6 Consider ways to create equivalent civil society mechanisms like the CoD Non Governmental process at the regional and national levels
- 1.7 Allow the establishment of a regular monitoring mechanism to track the development of the relationship between the civil society and authorities; and to publish periodic study reports on the same subject.
- 1.8 Ensure civil society institutions are represented in official regional institutions and organizations.

### 2. Democratic Culture/Education for Democracy

Governments should:

- 2.1 Promote increased participation of citizens in political and social affairs by incorporating education for democracy and social responsibility in the education system and by supporting NGOs' public awareness-raising activities.
- 2.2 Incorporate the concepts of "culture of democracy" and "human rights" in school curricula.
- 2.3 Ensure that gender equality is part of governmental programmes and strategies.
- 2.4 Foster a culture of democracy and human rights and allow dialogues and cooperative relationships between actors such as parliamentarians, media personalities, local and international unions and religious organizations.
- 2.5 Cooperate with civil society organizations in civic education programmes to combat public disillusionment with politics, as reflected for example in declining voter turnouts in many countries.
- 2.6 Recognize non violent opposition activities as a legitimate part of political life.

## E. Human Security

Governments should:

- 1.1 Govern according to the principle of civilian supremacy over the military and all other security agencies. It is important that there is effective civilian oversight of the military and other security forces, specifically through parliamentary procedures.
- 1.2 Take responsibility and recognize that the people within their state borders and the issue of fundamental human rights protection is relevant to all the human beings and not an internal state matter.
- 1.3 Be careful of using the threat of global terrorism as a way to justify undemocratic changes in their laws, policies and violations of human rights.
- 1.4 Review internal security and anti-terrorism legislation to ensure compliance with international human rights law.
- 1.5 Promote a more pro-active role for continental and sub-regional bodies in the prevention and management of conflicts.
- 1.6 Allow civil society organizations to play a more effective role in conflict management and human security interventions.
- 1.7 Recognize *poverty, disease and environmental degradation* as critical human security issues and take action accordingly.
- 1.8 Clearly communicate issues of national security to the public, so that civil society can voice their concerns properly. National security policy should be based on a broad public consensus, enabling mutual trust between the government and the public.
- 1.9 Enable both ruling and opposition parties to participate in control mechanisms to oversee National Security agencies.
- 1.10 Cease providing military equipment and expertise to those governments that are likely to use them to suppress democracy and human rights.
- 1.11 Support the creation of research centers that would study the links between fundamentalism, extremism and terrorism.
- 1.12 Endorse the High Level Panel Report on 'Threats Challenges and Change' and work in cooperative mechanisms to address common security concerns outlined in the report.

# Regional Proposals

## Asia

Governments should:

1. Ensure that any policy, legislative, judicial or institutional barriers or other measures that undermine the rule of law and civil liberties, be reviewed and, if necessary, amended or abolished. This matter is particularly significant in Asia and, as such, it is proposed that the CD organize a conference in the region to highlight the situation. An objective of the conference would be to formulate a program for the CD to work with governments that have authoritarian tendencies to adhere to democratic principles and practices.
2. Urge countries to refrain from any threat or use of force vis-a-vis peaceful democratic movements. In addition, they should bring to attention (or raise voices of concern) in bilateral consultations or in regional fora with regard to societies where persistent and systematic human rights violations or political oppressions take place, beginning with problem areas highlighted in the country-specific statements (please see below).
3. Provide direct assistance, financial or otherwise, to civil society in non-democratic countries. It is proposed that CD governments contribute to setting up a mechanism to promote democracy in the region by working with civil society groups, including existing regional NGOs.

### Country-specific statements:

#### I. Nepal.

We are highly alarmed by the rapid reversal of democracy in Nepal since the beginning of this year. Recognizing the deep-seated roots of the conflict in Nepal we:

1. Condemn the continuing acts of violence by both the Maoist rebels and the security forces,
2. Call for an immediate ceasefire and resumption of dialogue,
3. Reject the 1 February proclamation by King Gyanendra suspending the civilian government and the "non-suspendable" fundamental rights in the Constitution,
4. Call for the immediate and unconditional restoration of the Constitution, the reconvening of the legally elected parliament, and commencement of preparations for genuinely free and fair elections.

#### II. Singapore.

We are deeply concerned about the continued suppression of democracy in Singapore and urge the Community of Democracies to actively work to ensure that the Singapore Government:

1. Respects Singaporeans' rights to freedom of speech, assembly and association by removing laws and policies that ban peaceful protests and demonstrations,
2. Looks into the reform of election laws and regulations, including the setting up of an independent elections body, that will ensure that elections in Singapore are genuinely free and fair,

3. Reviews the Newspaper Printing and Presses Act to allow private ownership of newspaper and broadcasting companies, and renounce the monopoly of the domestic media in Singapore,
4. Upholds the independence of the judiciary especially in cases involving defamation suits taken by ruling party officials against opposition leaders,
5. Relinquishes its hold on the National Trades Union Congress and allows the formation of free and independent unions.

### **III. Taiwan.**

We are gravely concerned about China's promulgation of the Anti-Secession Law on March 15, 2005. The enactment of this Law not only completely disregards the fact that the people on both sides of the Taiwan Strait have been administered by separate governments since 1949, but also the rights and wishes of the Taiwanese people to determine their political future through an open, democratic, and peaceful process. Mindful of the lack of democratic process and legitimacy of the Anti-Secession Law vis-a-vis the people of Taiwan, and disturbed by the Law's negative implications for Taiwan's human rights and democratic future, we call upon members of the Community of Democracies to:

1. Express concern about the Law, and insist on the unacceptability of any threat or use of force in the Taiwan Strait,
2. Refrain from arms sales to China until China's human rights conditions are significantly improved, since building democracy requires a strong human rights base,
3. Encourage China to engage in peaceful and constructive dialogue with Taiwan to resolve their differences and promote mutual understanding,
4. Urge China to halt military assistance to non-democratic regimes in Asia.

### **IV. Vietnam.**

We are deeply concerned by the grave violations of freedom of religion, expression, the press, peaceful assembly and association in the Socialist Republic of Vietnam, and call upon the members and observers in the Community of Democracies to urge the Vietnamese government to:

1. Release all prisoners of conscience, notably Buddhist dissidents Thich Huyen Quang and Thich Quang Do, detained for over 23 years for their non-violent advocacy of democracy and human rights, and cyber-dissidents Pham Hong Son, Nguyen Khac Toan and Nguyen Vu Bin,
2. Repeal all legislation restricting the right to freedom of expression and the press, rights enshrined in the Vietnamese Constitution, and allow the establishment of privately-run newspapers and media as a forum for democratic debate; repeal Decree 31/CP on administrative detention which is routinely invoked to detain democracy advocates and critics without trial; incorporate the recommendations of the UN Human Rights Committee into Vietnam's 10-year Legal Reform Strategy, so that Vietnamese citizens may enjoy the effective exercise of the freedoms embodied in the UN International Covenant on Civil and Political Rights,
3. Re-establish the legitimate status of the Unified Buddhist Church of Vietnam (UBCV) and all independent, non-State-sponsored religious bodies, and guarantee their full freedom of religious activity; cease repression against Buddhists, Christians and all peaceful religious followers. In the absence of opposition political parties and independent NGOs, religious movements have emerged as vital actors in civil society for voicing the democratic aspirations of the people of Vietnam.

## Europe, Russia and the New Independent States (NIS)

1. Considering the invitation of Russia as full participant in the CoD process, we call on the democratic nations and intergovernmental organizations to recognize the democratic and human rights crisis as one of the most serious problems of international development. We urge them to engage in frank and open dialogue with governments in the region using various political and economical tools to prevent the erosion of democracy and restore democratic governance.
2. We call on the members of CoD to provide support to pro-democracy forces in Russia, including independent media, democratic politicians and NGOs.
3. We recommend the CoD members to intensify bilateral and multilateral efforts to reach peaceful resolution of violent and "frozen" conflicts in the region.
4. EU member states must take a more active role in the CoD process in order to strengthen this multilateral process.
5. Governments should make democratic assistance a key part of their foreign policy.
6. EU member states should reform their policies on foreign aid to direct funds specifically towards democracy assistance such as to the political parties.
7. EU member states should refuse funding to non democratic governments. They are urged to develop mechanisms for preventing corruption and the embezzlement of assistance funds.

## Latin America & the Caribbean

Governments should:

1. View democracy as a framework to stimulate development and socio-economical well-being of all citizens that allows the exercise of their political rights, by fighting against unequal access to opportunities and uneven distribution of wealth.
2. Ensure democratization of public decisions by developing programs and policies to strengthen civil society and political parties' critical role in building democracy.
3. Coordinate with non governmental organizations regional and national mechanisms to measure progress of democracy in each in each country, for example, by analyzing the existence and/or absence of constitutional reforms, the relationship between minorities and majorities, and an adequate allocation of resources to implement legislation and strengthen democratic institutions.
4. Design and implement democratic mechanisms to ensure human security in the solution of terrorist threats, violence, post conflict situations, transitional justice and persecutions due to political reasons.

## Middle East & North Africa (MENA)

1. There is a need to use democratic mechanisms to solve terrorist threats, violence, post conflict situations and political persecution.
2. Out of the MENA countries that have been selected as full participants, despite some steps forward, none have fully met the standards of the Warsaw Declaration and all need significant reform to become genuine democracies.

3. For those on the observer list, the Community of Democracies should expect continued meaningful forward progress before they are considered to be eligible for full participant status.
4. The CoD should not be satisfied with cosmetic actions by the governments of the Middle East that do not result in a sustained, genuine political transformation in the region. The process of reform will not succeed if it is a top down process, there must be meaningful opportunities for engagement of society in that process.
5. Fundamental rights are still not fully respected in any country in the MENA region and the threat of extremism and terrorism has been used by those in power to restrict all forms of democratic action.
6. Any meaningful reform process should include:
  - A political system based on multipartism and opportunities for a genuine alternation of power, based on democratic popular participation.
  - Reform of current associative laws to guarantee associative rights and not restrict independent associations from obtaining funding from local, regional or international sources.
7. Governments should guarantee freedom of expression, including ending censorship and all other restrictions that prevent a free media.
8. To promote regional democratic transformation and to counter extremism, governments should undertake national action plans on human rights education, based on universal human rights standards.

## North America

Governments should:

1. Support and expand civic education in the school systems and at the adult level in North America and worldwide in order to better prepare citizens for participation in the democratic process as called for in the Warsaw Declaration, the Seoul Plan of Action, the "Global Strategic Plan for Democracy Education" of the first Pocantico Conference on Democracy Education ([www.ccd21.org](http://www.ccd21.org)), June 2003, and in the Statement of the second Pocantico Conference, March 2005, submitted to the Third Biennial Ministerial in Santiago, entitled, "Recommendations from the European-American Pocantico Conference on Democracy Education in the Middle East and Muslim Africa".
2. Call for general electoral reform in the North American region and in the member states of the Community of Democracies by capitalizing on the recent establishment of the Carter-Baker Commission on Federal Election Reform managed by The Center for Democracy and Election Management at American University and charged with assessing "issues of inclusion and integrity" and "defining an electoral system for the 21<sup>st</sup> century"—and other electoral reform efforts underway in Canada and Mexico. Relate these efforts to the need for national legislation authorizing nonpartisan and independent election administration. In addition, all governments should provide a legal framework, which would allow for unrestricted access to the entire electoral process for domestic and international observers in accordance with guidelines in the Copenhagen Declaration.
3. Equate advocacy of "democracy abroad" with the practice of "democracy at home," which in

the case of North America translates into the need for election reform, education in the culture of democracy and compliance domestically with international legal standards, especially regarding established international norms and conventions forbidding torture and inhumane and cruel treatment of prisoners of war.

4. Combat, in collaboration with other nations, international criminal networks involved in drug and people trafficking, which undermine governance systems and corrupt the political process. Reform criminal justice systems in North America, which have a discriminatory effect on minorities and the poor and undermine the civil and human rights progress of the past fifty years.

## **Sub Saharan Africa**

1. Continental / regional election observation should be encouraged in line with the African Union declarations and protocols, in addition to the regional protocols, local and international election monitors should be utilized.
2. The practice of constitutional manipulation and opportunistic constitutional amendments should be discontinued by states and be discouraged by regional organizations.
3. HIV /AIDS is a concern for African security and governance and should be acknowledged as such and acted upon accordingly by governments.
4. Desist from the practice of politization of military and security forces and take measures to constitutionally limit the mandates of these forces to defense by outlawing the practice of armies being used as agents of political control.

# **Annex 1**

## **Workshops' Regional Proposals from Asia**

**Non-governmental Process for the  
Community of Democracies  
Asia Regional Workshop**

**FINAL PROPOSALS**

**Taipei, Taiwan  
October 5-6, 2004**



## FINAL CONSENSUS PROPOSALS

This document contains a summary of the main comments and proposals made by the participants of each of the workshop's panels.

### SESSION 1: Fighting Corruption to Promote Democracy

Corruption can be defined as "the abuse of power for illegal economic, social, and political gains." The bursting of the bubble economies in East and South-East Asia in 1997 revealed that corruption had a significant impact on the affected countries' democratic processes. Corruption inhibits democratic development and erodes the sustainability of democratic gains, and until this deficiency is seriously addressed, democratic growth in the region will be severely inhibited. Corruption not only compounds a nation's institutional problems, but it also affects its people's human rights. People are often denied the right to education and healthcare caused by governmental and bureaucratic ineptitude due to corruption, and the rights of activists and journalists are often trampled on when they attempt to speak up. The effects of corruption may be perceived in several areas: government institutions, elections and society.

### PROPOSALS

#### 1. Political corruption

- 1.1 Governments should prioritize reforms related to elections and political party funding to lessen incentives for corruption in conjunction with the watchdog activities of civil society, which includes non-governmental organizations and the mass media.
- 1.2 In particular, governments should enact political campaign finance reform, including consideration of campaign financing systems, as well as better enforcement and compliance of rules pertaining to election campaign funding.
- 1.3 Secrecy of the ballot is an important safeguard against corrupt electoral practices such as vote-buying. Therefore, governments must take measures to ensure ballot secrecy, and also to promote related voter education programs to foster confidence in it.
- 1.4 All states must create and support truly independent election commissions to oversee the process, enhance transparency, and ensure justice in the election process.

#### 2. Bureaucratic corruption

- 2.1 In order to reduce both the opportunities for corruption as well as the incentives for citizens and businesses to employ it, governments should enact public service reforms to streamline procedures, improve efficiency, ensure access to public information and effective delivery of services.

- 2.2 Governments must strictly enforce anti-corruption rules in the public service, which could be combined with improvements in compensation to reduce the incentives for corruption.
- 2.3 The independence and autonomy of the judiciary must be safeguarded.
- 2.4 States should create systems to protect whistleblowers who bring to light corrupt practices of the government.
- 2.5 Governments need to examine and improve the mechanisms of accountability regarding international development assistance, which is often a “black box” which creates opportunities for corruption of both donors and recipients.

### **3. The social environment of corruption**

- 3.1 Corruption is a primary cause of violations of human rights, notably economic and social rights; therefore, public policy should be framed to protect the most vulnerable sectors in society.
- 3.2 Governments should recognize that strong, viable opposition parties are necessary to encourage mutual scrutiny to guard against corruption, notably through the oversight mechanisms of the legislative branch.
- 3.3 Civil society plays an important role in reducing corruption by acting as advocates and watchdogs. Civil society organizations need to take a pro-active role in educating the people, to promote the idea that democracy involves a widening sphere of public responsibility.
- 3.4 The media has a critical role in increasing public awareness about corruption, and their rights and freedoms have to be guaranteed and protected by the government. However, media are sometimes also parties to corruption, or captured by vested interests. Therefore, ensuring a diversity of media, including wide use of new technologies, is essential.
- 3.5 In order to encourage and foster a culture of accountability and transparency among the people, strong moral leadership by government leaders as well as inculcation of these values through the education system is necessary.
- 3.6 Governments should commit themselves more fully to implement anti-money laundering measures to inhibit the capacity of corrupt individuals and organizations from transferring their assets.

## **Session 2: Governance systems and accountability in Asia**

Governments are meant to lead and protect, and thus they require structures, mechanisms and institutions. Importantly, these should be created by consensus coming from the ground, in a bottom-up process. Democracy needs to resonate with the people in the community, for example by building on indigenous methods of implementing democracy, in order to correct the misperception that democracy is a Western phenomenon imposed on Asia. Democratizing countries often need new institutions, such as independent election commissions, ombudsmen, human rights commissions, audit commissions, etc. Although many Asian countries do have good laws and a variety of institutions, we often fall short on implementation. Civil society needs to play a larger role in scrutinizing and complementing such institutions, as well as local governments and national security mechanisms.

## PROPOSALS

### 1. **Autonomy of institutions**

- 1.1 Election commissions, both national and local, must be independent, and governments must empower them by ensuring that they are allocated adequate resources, both in terms of funding as well as human resources.
- 1.2 When governments create new institutions, care needs to be taken to ensure that their functions do not unnecessarily overlap with existing ones. Civic education programs should clearly provide information as to their functions, so that citizens can make proper use of these mechanisms to protect their rights.
- 1.3 Governments need to ensure that civil society is able to effectively monitor public institutions, as a watchdog to ensure their proper functioning and support their autonomy. For example, election commissions need strong civil election monitoring organizations, human rights commissions need strong human rights organizations, and so on. Donor agencies need to recognize the value of these complementary roles, and civil society organizations need to upgrade their professional capacities in relevant areas.

### 2. **Local government**

- 2.1 Local governments are the backbone of democracy. Governments should make every effort to strengthen democratic local government systems, ensuring at a minimum that local authorities are democratically elected.
- 2.2 In order to function effectively, every State needs to establish legal frameworks which guarantee that local governments are granted adequate functions, funds, human resources, and autonomy.
- 2.3 While not immune from issues of corruption, local government often has higher accountability due to the closer interaction between officials and the public; therefore, national governments should support civic initiatives in which officials and members of the local community meet to discuss how public resources are spent at the local level.
- 2.4 It is important that governments foster the inclusion of excluded communities at the local level.

### 3. **National security**

- 3.1 The principle of civilian supremacy over the military and all other security agencies is paramount. Therefore, it is important that there is effective civilian oversight for the military, notably through parliamentary procedures. For example, all defense expenditures must be included in the official state budget and approved by the legislative branch. Public consensus on the balance between defense expenditures and social spending should be reached.
- 3.2 National security policy should be based on a broad public consensus, enabling mutual trust between the government and the public, including the media. It is important that the government clearly communicates issues of national security to the public, so that civil society can voice their concerns properly. Conversely, civil society should be urged to discuss issues of national security more vigorously and to be able when necessary to advocate reprioritization.
- 3.3 Governments should enable both ruling and opposition parties to participate in control mechanisms to oversee National Security agencies.

- 3.4 There has been a shift in paradigm on national security issues, moving from conflict resolution to conflict prevention. In ensuring the continuing of this trend, governments must work together with civil society and intergovernmental organizations.
- 3.5 Governments need to carefully review all national security, internal security, and anti-terrorism legislation to ensure compliance with international human rights law.
- 3.6 Governments are urged to cease providing military equipment and expertise to those governments that are likely to use them to suppress democracy and human rights.

### **Session 3: Civil Society and Public Affairs**

Civil society has been described as a “transmission belt” as it represents the interests of the people. In fact, civil society initiatives can often complement government programs and policies, as well as create inclusiveness for marginalized groups. Civil society needs to strengthen its capacity in a number of areas. Notably, a flourishing local civil society, including local media as well as local political party organizations, is necessary to ensure that information and participation are not over-concentrated at the national level. In addition, civil society and political parties need to work together to strengthen democratic principles and maximize inclusiveness at both the regional and national levels.

The Community of Democracies Non-Governmental process has brought together a coalition of diverse non-governmental actors to reiterate the important role played by the “third sector” in the democratic process and to network amongst each other. Many issues remain, however, as to how civil society can enhance its credibility vis-a-vis both the government and the people. As the CD non-governmental coalition is itself evolving, strategic planning is crucial for it to successfully carry out projects and realize its goals; the more precise and defined its objectives are, the higher its chances for achieving them.

#### **PROPOSALS**

##### **1. Institutionalizing civil society in the Community of Democracies**

- 1.1 The fact that civil society will be able to participate directly in the Santiago Ministerial Meeting of the Community of Democracies represents a significant breakthrough. Governments should cooperate with civil society organizations to replicate this breakthrough in other international fora.
- 1.2 The CD Non-Governmental Process should continue to be strengthened and upgraded. In addition, governments should consider ways to create equivalent civil society mechanisms at the regional and national levels.

##### **2. Civil society development**

- 2.1 In addition to fully realizing the right to freedom of association, governments need to ensure a favorable framework for the healthy development of civil society. In particular, the regulatory regime should encourage private philanthropy for promotion of democracy.
- 2.2 Civil society is deeply connected to issues of development and the concerns of the people, and governments should recognize that it is an important source of knowledge and a useful partner to develop public policies.

- 2.3 Governments should not obstruct civil society organizations to express and enhance their solidarity in support of their peers in other countries where they are being persecuted or under threat.
- 2.4 Governments should enact freedom of information laws, which are a critical tool to enable civil society to play a constructive role in public affairs.
- 2.5 Governments should cooperate with civil society organizations in civic education programs to combat public disillusionment with politics, as reflected for example in declining voter turnouts in many countries.

## **Session 4: Developing Democracy in Closed Societies**

Democracy is a basic right of all peoples, and there is no culture that is inherently incompatible with democratic values. By its very nature, democracy cannot be imposed by force, but must be freely chosen. Each specific situation may lead to a different approach or pace of development. Currently, among countries whose governments do not participate in the Community of Democracies, there are countries under totalitarian regimes, countries with relatively open economies but closed societies, and countries in which democratic movements have begun. While continuously working to improve the quality of their own democracies, members of the Community of Democracies have a special responsibility to support the expansion of democracy around the world. This can be carried out on the one hand by encouraging non-democratic governments to undertake reforms to empower people, and on the other hand by supporting civil society actors who are working to bring democracy to their countries.

### **PROPOSALS**

1. In their engagement with less-democratic countries, governments should continuously strive to promote respect for basic human rights and democratic principles. Non-interference cannot be used as a shield to prevent scrutiny of a State's failure to uphold universally accepted norms, such as those enumerated in the Universal Declaration of Human Rights.
2. In countries which lack press freedoms, governments and donors should support independent media, including publishing, broadcasting, the internet, and other information distributing measures that bring knowledge of political development and analysis to the people. In addition, efforts should be made to encourage informal education processes to promote empowerment, such as study groups, for example through supplying necessary materials and resources.
3. Governments and donors should sponsor capacity-building programs for exile and refugee communities, above and beyond humanitarian assistance and protections, so that they will be better equipped to develop democratic institutions when they return to their home countries.
4. Governments should look for opportunities to demonstrate international solidarity with human rights defenders and victims and their families, including raising their cases in bilateral consultations and in international fora, to sustain their morale to continue to struggle for democracy.
5. Governments must fund and support activities and not just discuss principles. The Community of Democracies is the right forum for the international community to take concrete action to support democratization worldwide.



## **Annex 2**

### **Workshops' Regional Proposals from Europe, Russia and the NIS**

**EUROPE, RUSSIA, AND THE NIS  
Regional Workshop for the Non-Governmental Process for the  
Community of Democracies**

#### **PROPOSALS**

**Prague, Czech Republic  
October 18<sup>th</sup> and 19<sup>th</sup>, 2004**



NON-GOVERNMENTAL PROCESS FOR THE COMMUNITY OF DEMOCRACIES  
EUROPE, RUSSIA, AND THE NIS  
PRAGUE, CZECH REPUBLIC, 18-19 OCTOBER 2004

## PROPOSALS

This document contains a summary of the main comments and proposals made by the participants of each of the workshop's panels.

### **Preamble:**

Keeping in mind that most of the countries in Central and Eastern Europe are member states of the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE), we call on all states to live up the commitments made within these organizations. The recommendations made in this report focus on issues, which are neither new nor exceptional to the Community of Democracies process. Many of the recommendations reflect existing commitments made by member states of the CoE and the OSCE.

While not all states have signed and ratified all CoE conventions or treaties, all CoE member states have signed **The Convention for the Protection of Human Rights and Fundamental Freedoms** which, among other things, commits member states to guarantee freedom of expression, freedom of assembly and association and, the right to free elections. In addition to conventions and treaties, we call on all states to respect the principles articulated in resolutions of the parliamentary assemblies of the CoE and the OSCE.

Finally, we call on the governing bodies of the OSCE and the CoE to effectively monitor the implementation of member states' commitments and to hold accountable those states which fail in their obligations.

### **1. DEMOCRATIC CRISIS IN RUSSIA AND OTHER NEW INDEPENDENT STATES**

We express our strong concern about evolving democratic crisis in Russia and other New Independent States. We witness consistent backslide in and erosion of democracy in these countries manifested by systematic dismantling of democratic institutions, building of highly centralised authoritarian regimes (in some cases – dictatorial regimes of personal power backed up by anti-democratic constitutional changes), manipulation of elections in favour of the ruling regime's candidates, subordination of the parliaments and the judiciary to the executive authority, politically motivated selective use of the law against political opponents, repressions against political opposition and critics of the government, stifling independent political parties, curtailing of human rights and freedoms, suppressing independence of the media, pressure on and harassment of human rights and other NGOs, etc. Violations of international human rights obligations and standards in these countries are often accompanied by an obsolete argument of cultural specificity in application of universally recognised norms, statements that human rights are an internal matter of the state, and criticism of international organizations for their monitoring of human rights and democratic institutions. Of our special concern

is that a real problem of combating the threat of terrorism and providing public security is misused by many governments in the region to justify undemocratic changes in legislation, limiting freedom of speech, the right to association and peaceful assembly, repressions against political opposition, abuse by law enforcement bodies, undermining access to justice and toughening of passport and registration policies. Finally, erosion of democracy and strengthening of authoritarian regimes in these countries is directly responsible for absence of progress in peaceful resolution of violent and “frozen” conflicts in this region, including conflicts in Chechnya, Transdnestria, Abkhazia, South Ossetia and Nagorno-Karabakh. Continuation of these conflicts leads to widespread violations of human rights and humanitarian law, human suffering, massive corruption, lack of democratic institutions and the rule of law in these zones. Unresolved conflicts, in turn, contribute to instability and lack of democratic development in the whole region.

### **Proposals:**

1. We call on the democratic nations and intergovernmental organizations to recognize democratic crisis in Russia and other New Independent States as one of the most serious problems of international development and engage in frank and open dialogue with governments of this region, using various political and economic tools to promote reversal of the erosion of democracy and restoration of democratic governance.
2. We call on the international community to recognize that the threat of global terrorism is misused by many governments in New Independent States to justify undemocratic changes in their laws and policies and violations of human rights. Partnership between nations on security issues should not lead to exclusion of human rights and democracy, as true security measures cannot be enacted without respect for both human rights and democracy. True international partnership cannot be one-sided. It is absolutely necessary that democracy and human rights again figure prominently on the agenda of bilateral and multilateral relations of democratic nations with Russia and other New Independent States.
3. We call on the democratic nations and intergovernmental organizations to provide support to pro-democracy forces in Russia and other New Independent States, including independent media, democratic politicians, and non-governmental organizations.
4. We call on the international community to reinforce and protect a fundamental principle of international relations: internationally recognized human rights standards are universal and can be neither subject to cultural specificity nor solely a matter of national internal policy.
5. We recommend intensifying bilateral and multilateral efforts to reach peaceful resolution of violent and “frozen” conflicts in the region, including, where necessary and possible, the use of the United Nations forces.

## **2. DEMOCRATIC CULTURE AND LACK OF DEMOCRATIC EDUCATION**

NGOs and civic initiatives play a key role in the process of democratisation, peace-building, promotion and protection of human rights, as well as the development of regional co-operation. Taking into consideration that, by supporting and representing diverse individuals and groups and by strengthening communities, many independent, not-for profit organisations in Europe bring enormous value to society and fulfil a role complementing the state and the market. Recognising that voluntary and community activity is fundamental to the development of a democratic, socially inclusive society,

### **Proposals:**

We, the Non-Governmental Process for the Community of Democracies, propose the Governments to:

1. Facilitate and promote the free development of NGOs and other civic initiatives and ensure that civic involvement in society remains unrestricted and is encouraged.
2. Support the adoption, amendment and implementation of legislation with a view to establish a receptive environment for NGOs, allowing them to be created without obstacles and to operate freely,
3. Promote an increased participation of citizens in political and social affairs by incorporating education for democracy and social responsibility in the education system and by supporting NGOs' public awareness-raising activities.
4. Encourage the involvement of NGOs in activities aimed at promoting transparency and dialogue, inter-religious and interethnic harmony and the values of tolerance and multiculturalism.
5. Facilitate NGOs' direct and indirect (inter alia through tax benefits) access to funds, whether from private or state sources.
6. Ensure that access to funding for NGOs remains unimpeded and the existing restrictions by governments on access to foreign funds are crafted in line with internationally recognised standards.
7. Improve communication between public administration and NGOs to ensure transparency of the administration and the legislative process, as a means to increase citizens' confidence in the activities of public institutions and to eliminate bureaucratic sources of corruption.
8. Support the creation of NGO networks in Europe and promote a regional approach to civic action, thus fostering communication, co-operation and the exchange of best practices between the countries of the region.
9. Promote state-NGO partnerships and develop mechanisms for the engagement and consultation of NGOs on a sustained and systematic basis, in areas where NGOs have experience and which directly affect their work and constituencies. Such mechanisms will respect the diversity of opinions on both sides, ensure openness of communication, and be based on agreed ground rules of engagement.

### **3. LACK OF EUROPEAN INVOLVEMENT IN DEMOCRACY PROMOTION AND ASSISTANCE**

Participants concurred that both the Convening Group and EU member states must recognize that European nation states must take a more active role in the Community of Democracies process in order for the process to be effective. (Participants agreed that these proposals should refer directly to the sentiments expressed in the Seoul Appeal.)

### **Proposals:**

1. Governments should make democratic assistance a key part of foreign policy.
2. EU member states should reform their policies on foreign aid to direct funds specifically towards democracy assistance, such as funding programs to strengthen political parties.
3. EU member states should correctly implement international cooperation agreements and refuse

funding to non-democratic governments. Instead, they should develop mechanisms for working non-state actors at a national level.

#### **4. WEAK OR NON-REPRESENTATIVE POLITICAL PARTIES**

##### **Proposals:**

1. In order to guarantee free and fair elections, Governments should facilitate access of national and international monitoring teams on the occasion of elections, such as the one organized by OSCE. Furthermore, Governments should ensure that the recommendations issued by election monitoring teams are duly and promptly enforced.
2. Governments and judicial institutions should always guarantee the respect of international standards that allow the existence of a pluralistic party system, ensuring that excessive and prohibitive limitations to the creation of new parties are reformed.
3. Governments are invited to examine their systems of public financing of political parties to guarantee a level playing field for the competitors in the elections. Participants recommended the adoption of a mixed system of financing in which public financing is used specifically to give political parties the possibility to reach out to the citizens, instead of becoming a permanent and exclusive source of funding.
4. In order to strengthen the direct involvement and participation of political parties in the CD process, participants recommended that government delegations should include in their delegations to the Ministerial Conference Members of Parliament belonging to different political parties, including the opposition.

#### **5. LACK OF MEDIA FREEDOM AND INDEPENDENCE**

Participants noted that governments should implement in full their commitments under the universal and continental human rights accords to uphold and promote media freedom and independence.

##### **Proposals:**

1. Governments must reform their laws and practices to eliminate the abuse of sedition and defamation laws that stifle democratic debate. They must also refrain from using financial pressures, such as tax inspections, public advertising or subsidies, as means of interfering with media independence.
2. Governments should promote self-regulation of the media and, in particular, should work with the media sector to enhance editorial independence, transparency of media ownership and journalists' labour rights.
3. Governments should act to end impunity for physical attacks and intimidation of journalists, including by vigorously investigating such incidents and bringing their perpetrators to justice.
4. Governments should review and reform broadcast licensing procedures to ensure that they are fair, transparent and pluralistic.

## 6. DISCRIMINATION AND EXCLUSION

In many areas of the world, large groups of people are excluded from democratic processes due to their ethnicity, race, nationality or religion. Of particular concern is the fate of forced migrants or IDPs in 'frozen conflicts' such as in Abkhazia, South Ossetia, Nagorno-Karabakh, Chechnya and Transnistria. People in these regions are often without documents, or registration, and are often the subject of harassment by local authorities. International organizations (e.g. UNHCR) work in these areas, but activities are limited to humanitarian aid. Organizations working in these regions, together with NGOs, must protect voting rights of forced migrants and IDPs.

1. The right of IDPs and refugees to vote must be considered a basic right, along with the right to food, accommodation and other basic and vital needs.
2. The proper registration of all refugees and IDPs is crucial. Governments must be encouraged to be responsible for the accurate registration of refugees for future elections, in addition to the distribution of food and other aid.
3. The role of international organizations like IOM and UNHCR must be enhanced, as migrants and IDPs are often treated unfavorably by local authorities. The mandates of these organizations should be broadened to include a political dimension.
4. In the specific case of Transnistria, pressure must be put on separatist authorities in order to allow persons with double citizenship to vote in Moldova. The same principle should be introduced in regions like South Ossetia and Abkhazia.
5. In regions of continuing fighting, IDPs must not be brought to the zone of conflict under the pretext of elections – as is the case in Chechnya. International organizations, together with local authorities, must secure free and democratic elections in areas where migrants and IDPs currently live.

## 7. CORRUPTION AND LACK OF ACCOUNTABILITY

Despite the vast diversity of Europe and Russia and New Independent States, there are several common tasks for all the countries of the region regarding anti-corruption policies. But there are also different priorities correlated with overall democratization of each particular country.

Proposals are based on the understanding that corruption as a phenomena of public life (including state, private and not-for profit players) can be divided into two levels, which according to the World Bank research are as follows:

- administrative corruption
- state capture (political corruption)<sup>2</sup>.

While societies and their governments of the New Independent States and the South East Europe should work on wide program to address both levels of corruption, the Western and Eastern and Central Europe and the Baltic States should primarily form policies and execute programs to curb political corruption and its effects in society.

International conventions (such as the UN Anticorruption convention, the OECD convention, and the Council of Europe (GRECO) conventions) are an important practical political step to be taken by any government that has signed, but not ratified any of those. Implementation of the conventions is not of a least importance.

The proposal does not specify all the different institutions the governments need to reform to curb administrative corruption, because the proposal takes a stand that the National Integrity System created by Transparency International should be used as a diagnostic tool to start this work. However, some are given special attention due to their importance in the current political situation.

### **Role of civil society in Europe:**

- Initiate monitoring of the spheres exposed to political corruption (election and its financing, public contracting), engaging in dialogue with politicians
- Establish working relationships with institutions able to promote structural reforms
- Serving as a watch dog and media partner (where appropriate) to corrupt deals and reforms of politicians
- Educate public about expenses of corruption and neglecting it.

### **Priorities for Western Europe and Central and Eastern Europe**

#### **• Political corruption**

- Review rules of lobbying, conflict of interest and disclosure
- Political party finance review and reforms
- Public contracting review and oversight
- Transparency in the budgetary procedures

#### **• Special issues**

- E U anti-corruption policies, transparency of the governance structures of EU
- European parliament, European Commission etc.
- Aid money to the third world countries – transparency of decision making, flow of funds, review of the anti-corruption programs; aid conditionality based on anti-corruption performance
- Financing of anti-corruption research

#### **• Central and Eastern Europe in particular**

- Implementation of anti-corruption programs
- Establishing efficient politically independent anti-corruption bodies that are ensured enough funding
- Review of rules and regulations particularly with regards to permits issued both to individuals and companies.
- Improvement of review and complaint mechanisms in the public sector
- Transparency of the government decisions/documents
- Reforms of the sectors exposed to corruption risks, such as police, customs, license issues
- Special attention to corruption in education and health care

### **Priorities for Russia, NIS and South East Europe**

- Independent election commissions
- Review of political party finance
- Diminishing role of use administrative resource (through office, control of media and other spheres of public life) for election purposes

- Creation and implementation of anti-corruption programs
- Establishing efficient politically independent anti-corruption bodies that are ensured enough funding
- Review of rules and regulations particularly with regards to permits issued both to individuals and companies.
- Improvement of review and complaint mechanisms in the public sector
- Transparency of the budgetary procedures and expenditures
- Transparency of the government decisions/documents
- Reforms of the sectors exposed to corruption risks, such as police, customs, license issues
- Special attention to corruption in education and health care



## **Annex 3**

### **Workshops' Regional Proposals from Latin America and the Caribbean**

**"EVALUATION OF 25 YEARS OF DEMOCRACY IN LATIN AMERICA:  
SITUATION AND PERSPECTIVES ON DEMOCRATIC GOVERNANCE AND  
DEVELOPMENT"**

**Latin American Regional Workshop  
Non-Governmental Process by the Community of Democracies**

January 2004



LATIN AMERICAN REGIONAL WORKSHOP  
NON-GOVERNMENTAL PROCESS BY THE COMMUNITY OF DEMOCRACIES

JANUARY 2004

*Co-Organized by the Executive Secretariat of the Non-Governmental Process of the Community of Democracies, IDEA International, and the Organization of American States*

This document contains a summary of the main points of discussion in each of the panels of the Latin American Regional Workshop for the Non-Governmental Process for the Community of Democracies, held in Santiago, Chile, on December 13<sup>th</sup> and 14<sup>th</sup>, 2004. The proposals that participants generated on each issue are included at the close of each discussion.

## **Evaluation of the 25 years of Democracy in Latin America**

Over the last 25 years, the Latin American democracies have made considerable advancements in electoral matters. There are, with few exceptions, transparent and periodic elections in most of our countries. Nevertheless, this achievement is undermined by some of the greater challenges that our countries are still facing, such as the need to improve governance and guaranteeing economic growth with equality.

Improving governance in Latin America is a challenge that requires strengthening states, political parties, and improving the quality and effectiveness of public policies. There seems to be a consensus that in Latin America there are "first and second-class citizens"; with the latter "not having the right to have rights", and that it is still a challenge in this region to acknowledge and respect the diverse character of our societies. One of the most pressing problems we seem to be facing is that citizens do not perceive democracy as an opportunity to achieve development and equality.

It is important to redefine politics and "re-politicize" democracy in the region. Furthermore, some participants think that the economic and social problems that plague democracies in the region are political in nature due to the fact that political actors in Latin America are not processing or responding to citizens' demands.

Participants in the Latin American Workshop suggested that the best way of confronting the serious democratic deficits in the region is to begin by formulating an agenda for the next 20 years that helps prioritize efforts to improve the quality of democracy. This document represents an initial sketch of such an agenda.

### **Panel 1: "Economic aspects of democracy and development"**

Analyzing the relationship between the market and the State, it is seemingly clear that globalization has exposed both some of the most vulnerable aspects of the regional economies and also some the weaknesses of certain economic directives established by the Washington Consensus.

Inequality has not decreased in recent years, and while the new projections on poverty and unemployment show a small improvement during 2004, even this improvement fell short of what was expected and failed to compensate for the increases that had occurred during 2000-2003. It is interesting to note, moreover, that countries that registered growth in their GDPs and reduction in their poverty levels still present serious inequalities in their wealth distribution indicators. There are countries in the region with similar growth rates but only some have been able to lower poverty rates while others have not. Some participants felt that social cohesion is not only necessary for the society, but also necessary for growth. Since the year 2000, when countries committed to the Millennium Declaration, the number of poor has increased at a faster rate than the total population, even while people seem to have greater per capita incomes.<sup>3</sup>

The presentations and comments of the participants made it clear that planning, implementing and a coordinating a region-wide agenda for Latin American integration with the global economy and society is an urgent necessity.

The relationship between politics, economics, and the type of state necessary to guarantee development in democracy became evident in this discussion. The concern, for example, over how to distribute the benefits of growth is not simply an economic issue, but is also a political one. During the debate, participants referred to the declining rates of approval and legitimacy of various political leaders because of disappointing performances with national economies. The central role that political parties played in this subject was also emphasized, and some participants expressed the need for “the parties to wake up” and get further involved in matters beyond their own narrow interests.

In the final presentation, it was stressed that governments must pay attention to the potential negative effects that sub-regional agreements, more than regional ones, may present, and must consider the toll that bilateral agreements take on the possibilities of success of multilateral agreements. It explained the need for governments to understand that there are many possible models for economic integration and that it is also necessary to develop both the service industry and strategies for production.

In summary, the main deficits and problems of the region are identified as:

- the persistence of inequality: the inadequate distribution of income and the concentration of income
- poverty and unemployment
- weak states, with few resources, lacking in transparency, and incapable of acting efficiently.

### **Proposals:**

- Governments must commit themselves to encourage growth that guarantees an improvement in the conditions faced by small and medium businesses.
- The governments must guarantee the necessary conditions for social policies to achieve the following requirements: decentralization, representation, transparency, and regulation.
- It is crucial that governments generate the necessary conditions to create a Fiscal Pact, based on a broad political consensus that will guarantee its sustainability.
- It is important to create institutions that reduce the impact of financial crises that increase the number of outsiders (or new poor) and that protect those who are left out of the formal economic system.
- By some accounts, Latin America passed through a period of “*flex-insecurity*” and must now pass through a period of *flex-security*, with labor markets which are both more secure and more

flexible. In order for this to happen, women must be guaranteed access to work by means of implementing flexible hours (part time jobs) or providing childcare for small children (0-3 years).

- Governments must promote corporate social responsibility.
- Governments must take into account the transfer of remittances, given their increasing importance on the economies of the region.
- In order achieve these goals; it is critical that governments commit themselves to state reforms aimed at managing the size of the state, increasing the transparency behind state actions, and increasing state efficiency.

## Panel on “Social aspects of democracy and development”

Concerning the social aspects of democracy and development, one of the most important both ideas in the presentations and in the discussion that followed is that Latin America is experiencing of increasing “informality” that is manifested in different arenas.

One of the most important challenges in the region is balancing equality with diversity. This implies a redefinition of which aspects we desire to be “equal”, and the amount of difference we are willing to tolerate and where. This equilibrium must be reached—where possible—through broad social and political consensus, in a determined society at a given moment. On the other hand, ensuring that these agreements are upheld in concrete policies and actions is a serious challenge.

Some participants also argued that the “informal” sectors of society are not institutionalized enough to transmit and backup their demands and they also lack the political weight that would reflect to their demographic weight. The “informals in the workplace” are correlated to the “urban marginalized”.

Moreover, the present asymmetries are reinforced by current “communication societies”, where there is an important concentration of media ownership (“one of the real powers”<sup>4</sup>). One of the main problems stemming from this is that “the real powers” may have more power than the “representative powers”.

Another relevant aspect is that the societies have become “societies of networks”, and in this context being or not being “connected” acquires a critical importance. In this scope, social capital constitutes an important bridge between democracy and social democracy.

With respect to young people, it is important to analyze the effect that their expectations of achieving personal autonomy have on democracy given the few economic opportunities they have for effective autonomy. This dynamic is also reflected in the increasing access to information and the decreasing access to spaces of power, which generates a feeling of impotence that manifests itself in disappointment or detachment from politics.

Given these problems with exclusion of different groups in society, the main challenges concerning the social aspects of democracy identified are:

- The unequal distribution of wealth
- The tension between de facto powers and democratic powers
- The regressive nature of the tax system
- The precariousness of labor— the market cannot regulate everything, and in this context, negotiation between diverse social actors is needed.

In summary, the main problem consists of how to create more equal and fair societies in a democratic environment.

During the debate there was a general disagreement with respect to what democracy is and what it is not, and in this sense, what can be asked of it. "There are *bad democratic governments*, but this doesn't mean democracy itself is bad". In this sense, the relevant issue is the way in which governments are formed, given that it is a key factor in whether an administration can achieve its goals. By some accounts, democracy is an effective mechanism for the distribution of power and preferences of its citizens. Others expressed their disagreement with this procedural vision and suggested that democracy must also guarantee certain achievements in social affairs. "If democracy makes it possible for different social actors to negotiate, then these actors should have similar bargaining power, otherwise they will only experience a *negotiation exercise*. Nevertheless, participants agree that "citizen's allegiance to democracy and its legitimacy is associated with societies' capacity to integrate their citizens in a more equal and just manner, while reducing the insecurities and risks which grow with the lack of social cohesion"<sup>5</sup>.

### **Proposals**

- Governments must guarantee institutional mechanisms for the access of public information which facilitate and allow citizens to effectively and opportunely participate in public affairs.
- Governments should democratize public decisions, especially those linked with programmatic social priorities and national budgets. They should also democratize decisions that have to do with the general fiscal debate through the implementation of: participative budgets, audiences, public debates, popular law initiatives, popular referendums, observatories for citizens, social defenses, etc.
- Governments must design and implement new public policies that profoundly incorporate not only equal opportunity or access policies, but also some equalities in achievements, or equalities in the protections against risks.
- Governments must promote a new generation of reforms based on the requirements of social integration and cohesion, which is to say, an agenda for social equality and protection.
- Governments must guarantee social rights through alternative sources of tributary incomes.
- Governments should create an institutional actor in the social arena that would have equal weight to the economic authority, and would examine all the economic decisions to determine the social costs and impact of the economic policies, deciding what the economic authority should internalize, and ensuring that the correct compensative or corrective measures are implemented, or if the social cost of the policy is simply too high in some cases, that they are rejected.

### **Panel on "Institutional aspects of democracy and development"**

Latin America presents a paradox. On one hand, this is the region's longest period of elected governments. But on the other hand, the region is facing an escalating political, economic, and social crisis which is generating serious problems in governance as well as for governments themselves, and ultimately, for democracy. In the last 25 years, a "democracy of minimums" has been built, and it has survived for a quarter of a century. For the first time in our history, the challenge now is to construct a democracy of quality. "We have returned to democracy but not to politics".

The countries of Latin America are similar, but there are important differences in the level of democratic development among the 18 countries of the region. The consolidation of democracy is a long process that takes time. Hence, it is prudent to distinguish between those countries that are “re-democratizing” themselves after a period of authoritarian rule, and those which are starting their democratic journey.

In analyzing the situation, the following problems were mentioned: the representation and participation problem, the problem of capacity of state agencies, the government problem—or the performance of democratic governments—and the problems of governance where institutional design is a key factor.

As mentioned above, participants alluded to the clear progress in electoral issues. Another important, if insufficient, achievement is the opening of political spaces for women through openings or quotas in the political parties’ lists. However, the representation of indigenous peoples and afro-descendants in Parliament is generally still very low. Citizens, in political, social, and civil arenas, present unequal levels of achievement. Currently, it is in the political sector where the most important advancements have been made. In the civil sector, there have been significant advances but there are still important challenges that must be faced. One of the most important achievements in this field is the reduction in the systematic violations to Human Rights, and the end of policies promoting state terrorism which characterized the years of dictatorships. It was observed that the lack of economic and human resources weakens the administrative systems of justice. In various countries the Executive Power is still able to interfere with the activities and decisions of the Supreme Court, despite achievements in the constitutional reforms to strengthen the independence and professionalism of the Judicial Power. But, as was mentioned in previous panel discussions, it is in the social arena where tendencies have become worrying, constituting the main challenge to Latin American democracies. Support for Democracy has maintained itself in a situation of “stagnation” or in a “low level equilibrium”. A process of “political decapitalization”, characterized by low levels of confidence in public institutions and in policies which must be imperiously reversed, is being experienced. What seems to be at risk in many countries (and in many social systems) is not good government but governance itself. The risk now is not bad government, but is instead “non-governance”<sup>6</sup> and the threat of severe resentment against social norms and social disintegration.

In order to avoid this situation, one of the necessary tasks is to strengthen and modernize the Legislative Powers: this will contribute to democratic governance, while establishing balanced and constructive relationships with the Executive Power while helping to mitigate the cases of hyper-presidentialism.

With respect to Latin American political parties, these face challenges of heterogenic character and varied intensity. Parts of the most recent literature have pointed out the existence of at least six groups of problems<sup>7</sup>, which are linked with the negative image the parties have in society: the first one refers to the financing of policies, the second to internal democracy, the third to the professionalism of politics, the fourth to the relationship between the party, parliamentary group, and in some cases, the party in power, the fifth to the relationship between the political parties and the media, and the sixth to the relationship between the party and the civil society.

Hence, three of the main areas of reforms which should be considered are<sup>8</sup>:

- (i) In the *political regime* (fundamentally trying to re-equilibrate the relationship between the executive and the parliament);

- (ii) In *electoral systems* (trying to reconcile better representation with better government); and
- (iii) The reforms linked to the strengthening of the political parties.

Following this topic, the debate broadened to discuss the nature of different political regimes. “The logic of parliamentarianism is to create coalitions, but they only survive because of the will of the majority who do not take part in elections. This is impossible in the presidential system.” The issue, according to some participants is the fact that fragmented political parties and clientelists, are promoted by the presidential system. If one is looking to reform the political parties, then one has to have other institutional systems so that those reforms are effective.

Lastly, facing the question of what the relationship is between institutional engineering and “the contents” that democracy promotes or “its ends”, some participants argued that “the instances for translating the will of the people into the decision-making spheres and to concrete public policies is a matter of institutional design. The content of these wills is relevant to the people’s will”. In other opinions, the institutional designs “must be oriented to facilitate determined and desired social results”.

## Proposals

1. The governments must promote and facilitate reforms in the *political parties* that aim to:
  - a. Strengthen the parties beyond the electoral races, with the purpose of generating quality political capital (through formation and training)
  - b. Urgently move forward in the development of norms and practices that increase the degree of internal democracy,
  - c. Promote leadership among women and the young,
  - d. Promote formalization and encourage consensus-building to avoid the emergence of “personal leadership”.
  - e. Stimulate the discussion on the role of the opposition in Democratic systems
  - f. Discourage the growing spending in electoral propaganda, the financial dependency of political parties on public funds, the lack of transparency; the mismanagement of party resources, and—lastly—discourage the consideration of voters as consumers that have to be seduced and not as citizens that have to be convinced.
  - g. Governments must rethink second generation political-electoral reforms, so that the political and state reforms are interrelated.
  - h. Where necessary, mechanisms must be created to limit the number of existing political parties, but without committing the error of excessively closing the system and losing representatives. Extreme multi-partisanship has the potential to have negative effects on governance.
  - i. Governments must promote norms (and enforce them) with the aim of increasing the transparency in the money-politics relationship and generating more just conditions for electoral races, both at the inter-partisan level and the intra-partisan level. The issue of how to assure parties’ equal access to low cost media, especially television, one of the main sources of propaganda expenditure for electoral races in our countries, is of paramount importance.
2. In order to grapple with some of the limitations of the Legislative Powers, governments can continue to modernize and strengthen the Legislative Power by making progress on specific and technical issues such as:
  - a. The development of *new techniques, manuals, and parliamentary methodologies* for the

- formulation of laws, for the parliamentary investigation, political control, for the auditing of other powers, for the relations with the press and the citizenship, for the efficient use of new technologies, for ethics and legislative transparency.
- b. The development or institutionalizing of systems and equipments of specialized advice; so that expertise is included in the formulation of laws, their enforcement, and political representation, among others;
  - c. The establishing of *training and updating programs* for new lawmakers, officials and parliamentary advisors; and
  - d. The adequate development and maintenance of *parliamentary documentation centers*, specific information systems and access to international information networks.
3. Governments should seriously study and analyze the long-term effects of the political reforms, in order to be able to make adequate decisions with qualified public information.
  4. It is necessary that governments commit to plan and carry out a second generation of political reforms that improve the real balance between political representation and governance.
  5. It is desirable that governments develop concerted mechanisms for collaboration between civil society and governments, with a special focus on social policies. This would strengthen levels of transparency and efficiency in public policies.
  6. It is necessary to develop public programs that strengthen the democratic principles of the different political cultures of the region and the quality of political leadership.

## Panel on “Democracy and Citizenship”

One of the main points of consensus was that *there is no single definition of civil society*, and therefore, when people refer to civil society it is possible that some groups and people are not fully represented by it in a determined “sample”.

The debate continued addressing the issue of disappointment or dissatisfaction that seems to be plaguing the citizens of the region. According to some participants, the “disaffection” of citizens is not only with political parties but with political life in general. In explaining citizen’s attitudes, participants mentioned the following ideas:

- a) The disappointment is not with democracy, but with the economic and social results that it has produced and is capable of producing.
- b) The disappointment is also with the “state of politics,” which is being affected by “the demolition process of anything public by the media,” in a context in which the *reflectors are aimed at the politicians, even though the problems of corruption are as equally present in the private sector*.

In the open discussion from the previous panel it was explained that whatever parameters we use to define democracy, it is clear that its minimum requirements are being threatened. “The policies become irrelevant and transform into fiction when the candidates are interested in how they are portrayed on T.V. rather than in the policy discussion. Ideally, both should matter to them.”

It was also mentioned that the presidential system weakens development in the political party system, which affects citizens’ participation.

Furthermore, it was stated that the citizens’ demand for more and better democracy *still exists in Chile*, where there is economic growth, where poverty is being reduced in absolute terms, and where

"It's *not* the economy, stupid"<sup>9</sup>. The democratic base decreases given the electoral abstinence of young voters. By some accounts, one of Latin America's problems today is that "there is no polis, no community of ethics," given the high levels of social inequality and the low levels of political participation. Worse yet, levels of cooperation between social organizations are still very weak.

With respect to political parties and civil society: it is observed that their ability to act as intermediaries between citizens and government is becoming more precarious with time. There is also the challenge how to include the interests of a civil society with more specific demands. One of the consequences of the new character of civil society is the establishment of an instrumental relationship with the political parties. During the debate, the need for escaping the trap of an antagonistic political party- civil society relationship was repeatedly mentioned, and there was a clear agreement that democracy cannot be built with that antagonism. How is it possible to reconnect politics with the people and vice-versa?

Lastly, the panel warned of a low level of knowledge on behalf of the citizens over which institutional channels for public/political participation exist.

During the debate, certain relevant concerns were expressed: "where is public deliberation formed? How can we rethink or recreate public spaces and public opinion? How can communities of ethics be built?"

## **Proposals**

1. Governments must promote, increase, and institutionalize citizens' participation in the phases of definition, decision, and implementation of public policies.
2. Governments must honor international commitments assumed by their States and promote a harmonization of national legislation with the principles of international treaties concerning Human Rights.
3. Governments must develop public policies that foment respect and not discrimination in the treatment of people by public employees.
4. Governments must incorporate greater mechanisms of direct democracy through the presentation of new law projects concerning the creation or status of constitutional reforms.
5. Governments must guarantee the constant dissemination of information relevant to citizen participation and control, and they must also serve as existing channels of participation in public life or as an adequate mechanism for the access of public information.

## **Panel on "Communication Media and Democracy"**

During the final panel, the discussion began with the challenge that is presented by the political manipulation of advertisements in media. Governments currently use financing advertisements in the media to "reward" those mediums that are friendly to the administration and "punish" those who are not. Based on this, the difficulties that a concentration of massive media ownership presents for the consolidation of a quality democracy were discussed.

Some suggested, as an example of how these difficulties emerge in practice, that some of the world's biggest newspapers aggravate the situation by selling their rights to national newspapers, who buy them with the goal of impeding other local newspapers from publishing them. According to some

participants, the problem lies not in the judicial sense but in the sense of an absence of an ethical framework, an absence that permits a medium to destroy a political system.

Other participants commented on the responsibility of the media concerning their control on the government's actions, as well as their potential for influencing public policies when they are allied with civil society organizations to promote causes of public interest.

During the discussion of possible proposals to strengthen media independence and plurality it was stated that it is necessary to distinguish between radio, T.V., and printed press. Which measures can be and should be taken by democratic States to promote more plurality in the media?

## **Proposals**

1. Governments must commit to promoting or defending the existence of at least one state and one non-governmental television channel.
2. They should also guarantee the existence of a space for private TV and a space for university TV, which should not compete against the other two channels.
3. Governments must enforce or approve legislation that impedes monopolies in the ownership of media.
4. It is fundamental, with respect to the media and democracy, that governments guarantee and promote alternative spaces for communication as a "base"; meaning, to facilitate the existence of spaces and alternatives of minority channels of expression. An example of these are community radios and local newspapers.
5. It is desirable that governments support the development of alternative sources of information, which is a necessary and favourable action for the smaller mediums.
6. Governments must assure universality in the access of state mediums. This does not preclude, however, the strategies for state programming which must respect regional diversity in programming issues.
7. It is fundamental that governments approve or take into effect the norms concerning the regulation of the operation, objectives, duties, and directives that must guide the functioning of public channels, based on the principles of an independent and quality state system.
8. New laws that regulate the advertisements/propaganda made by Governments need to be formulated or enforced.



## **Annex 4**

### **Workshops' Regional Proposals from Middle East and North Africa**

**Middle East and North Africa Regional Workshop for the Non-  
Governmental Process for the Community of the Democracies**

**"Workshop on the role of the civil society development strategies in  
the democratization of Arab countries"**

#### **PROPOSALS**

**Qatar, Doha  
January 4<sup>th</sup> and 5<sup>th</sup>, 2005**



“WORKSHOP ON THE ROLE OF THE CIVIL SOCIETY DEVELOPMENT STRATEGIES IN THE DEMOCRATIZATION OF  
ARAB COUNTRIES”

QATAR, DOHA: JANUARY 4<sup>TH</sup> AND 5<sup>TH</sup>, 2005

## Doha Document

As part of the work of the Arab committee for the Non Governmental Process of the Community of Democracies, the Arab Institute for Human Rights, in collaboration with Freedom House, the national Qatari Commission for Human Rights, the Arab non - governmental organizations network, the Aïcha network for Arab women organizations and the center for information and rehabilitation on Human Rights in Yemen, have organized a workshop about the “role of the civil society development strategies in the democratization of Arab countries” in Doha.

This workshop comes within the framework of the preparation for the final meeting of the Non Governmental Process held in Chile, in March, and the Ministerial Meeting to be held in April 2005.

A large number of representatives of organizations, civil society, national, regional and international Human Rights centers, women, development and democracy organizations along with representatives of the Arab non governmental organizations network coming from 16 Arab countries were gathered.

This workshop was also attended by a number of experts, researchers, parliamentarians, media personalities, along with representatives from the League of Arab States (High commissioner for the civil society), the GCC, and the EU.

The workshop activities were divided into plenary and workshop sessions. Participations were very productive, wide, frank and objective. Many issues pertaining to democratization and the responsibility of the civil society were tackled from both a theoretical and practical aspect.

### Recommendations:

#### **The relation between authorities and the civil society:**

Participants (from both genders) insisted on the need to open and develop dialogue between the authorities and civil society institutions. They considered this as a primary condition for the Arab countries democratization. This dialogue should go hand in hand with the establishment of the judicial and political framework, which would allow the civil society to play its role with full independence and freedom, to guarantee safety for all its workers, to root in the universal reference to culture and national legislations and to adapt national documents to international principles and standards pertaining to Human Rights.

In this regard, the following recommendations were made:

- To establish observatories to follow the development of the relation between the civil society and authorities and to elaborate periodic study reports on that same subject.
- To organize fora for a structured dialogue between civil society institutions and state departments.
- To launch institutions or specialized action programs for democratization; they would ensure the required expertise and build the civil society negotiating capacities. This can be achieved

through specialized training sessions in the following fields:

- Localization and documentation
  - Dialogue and speech
  - Negotiation techniques
  - Peaceful conflict resolution
- To build democratization capacities within the civil society.
  - To empower the civil society media, emphasizing on the way how to deal with the latter in order to establish dialogue between the multiple components of democratization.
  - To document national, regional and international experience of dialogue, negotiations and training, then publish and spread them.
  - To gain experience in coordinating and networking between civil society institutions and to build experience cells (COP) in order to lobby and organize campaigns.
  - To have civil society institutions in any Arab country grant support to their colleagues in any other Arab country.
  - To have Arab civil society institutions represented in official regional institutions and organizations such as the GCC, the Arab Maghreb Union, and the official national institutions, such as the League of Arab States and its institutions.

### **Peaceful power handing over:**

Participants reasserted the need to guarantee democratization in Arab countries, based on the principles of plurality, wide participation and the guarantee of peaceful dealing with the authorities; in this regard, they made the following recommendations:

- To develop political participation capacities through training sessions about elections, observing the latter and achieving political participation equality.
- To establish awareness raising programs for the youth in order for them to be trained to bear responsibilities in networks, associations and organizations, thus widening grassroots participation.
- To develop programs aiming at reinforcing democracy and the culture of dialogue for a better responsibility and good administration inside civil society institutions (training sessions in strategic planning and responsibility bearing within organizations)
- To establish programs for civil society organizations in order to guarantee economic, political and social transparency along with public welfare, especially considering the fact that corruption has become a basic structural obstacle to democratization and peaceful relations with authorities.
- To empower the media to uncover corruption and train journalists to look for the truth.
- To spread knowledge through training and publications by enforcing the philosophy and mechanisms of transitional justice and by learning more about national, regional and international experience in this regard (e.g. the Moroccan experience).

### **The culture of democracy and human rights:**

Participants reasserted that the culture of democracy and human rights is an instrument for democratization and for widening the basis of dialogue between democracy stakeholders. It also empowers in negotiations, lobbying and peaceful dealing with authorities, and faces all forms of obstacles to democratization.

The culture of democracy is based on the global reference in terms of human rights and democracy, as emphasized in the multiple documents and efforts of the international organization for Human Rights and democracy. It is necessary to work to deeply root this culture within the Arab countries.

Participants made the following recommendations:

- To empower civil society so that it implements democratization and human rights and to adopt modern school curricula and cultural projects whose inspiration can be drawn from the problems of everyday life.
- To raise civil society awareness regarding democratization in its relation to justice through popular awareness raising campaigns and the spreading of legal culture in terms of human rights and democratization.
- To conduct studies and field research about the relationship between stakeholders interested in democratization in order to define their needs.
- To insert practically the concepts of "culture of democracy" and "human rights" in school curricula.
- To insert the gender issue in both government and civil society programs and strategies.
- To establish programs to exchange experience and expertise among states in terms of democracy and human rights.
- To instate an instrument of cooperation between governmental and non governmental organizations along with all other parties involved in the spreading of the culture of democracy.
- To launch dialogue, exchange and culture projects in order to promote human rights culture and democracy among religious institutions and within cult houses.
- To improve coordination between civil society organizations in Arab countries and regional and international institutions - e.g. the UNHCHR (United Nations High Commission for Human Rights) and UNESCO - to develop Arab experience and expertise in this field.
- To adopt the culture of democracy and human rights in order to launch dialogue and develop cooperative relations between special factions or groups such as parliamentarians, media personalities, local and international unions, religious organizations
- To conduct critical assessing reviews of Arab common civil work which would help accumulating experience, unifying and networking on the basis of democratic relations, with the prevailing of the common good over private interests.

## **Terrorism**

Participants reasserted that extremism, racism and terrorism were essential obstacles to every democratization operation. Eliminating them should not be restricted to security measures but rather treat the cultural, economic, social and political roots of the problem. Participants warned that fighting against terrorism should not become an excuse for committing violations: it should be legal in a state of law. Participants also reasserted that uprooting the wide popular participation, forbidding dialogue and peaceful talks with the government, poverty, the lack of development and the absence of good governance are fertile soil to the birth and spreading of fundamentalism, extremism and terrorism. Participants also warned against the danger of mixing between terrorism and the right of a people to self determination and to fight occupation which have been clearly defined in the UN charter, Human Rights principles and International humanitarian law.

Participants made the following recommendations:

- To launch programs aiming at purging the educational system and media from every form of fundamentalism and violence and from every kind of discrimination (based on gender, religion, race, color)
- To launch unofficial education programs (popular education) targeting every faction of the society in order to deepen the culture of dialogue, tolerance and respect.
- To raise awareness among families for them to build their children's personalities through dialogue, exchange and respect for others' opinions.
- To develop the work of civil society organizations so that they reach a definition of terrorism and clearly make the difference between terrorism and the rights of peoples, especially the right to self - determination and to fight against occupation.
- To cooperate with audio visual and written media in order to have spaces dedicated to talking about tolerance education, accepting the others and denying violence and terrorism.
- To incite governments to start human development programs; sustainable human development should be their primary objective. To have all parts of society participate to this development process as actors and beneficiaries. To work on the implementation of human rights on all levels: political, civil, cultural, social and economic.
- To incite governments to ensure fair trials for war criminals.
- To incite governments to implement good governance principles.
- To encourage the creation of research centers that would collect the symptoms of fundamentalism, extremism and terrorism; they would define the causes and would be an early warning system upon the emergence of fundamentalism, extremism, and terrorism.
- To call upon western states to enjoy relations based on respect with the Arab countries and civil society organizations, far from pressures and tutorship.

# **Annex 5**

## **Workshops' Regional Proposals from North America**

**Non-Governmental Process for the Community of Democracies  
North American Regional Workshop**

**THE NORTH AMERICAN PERSPECTIVE:  
Democracy Deficits at Home and Abroad**

**PROPOSALS**

**Washington, DC, USA  
January 26, 2005**



# THE NORTH AMERICAN PERSPECTIVE: Democracy Deficits at Home and Abroad

The North American Workshop was organized into four panels – one panel for each of the three countries of North America (Mexico, Canada, and the United States), and the fourth to summarize the proposals and offer ideas to strengthen democracy world-wide.

Each of the country panels was to examine the democratic performance of their home country with reference to three criteria: **democratic engagement** (elections, participation), **inclusion** (minority rights), and **transparency** (of governance and enforcement against corruption). The fourth panel was to discuss its recommendations in light of the critique of each country panel with respect to these criteria.

## Preface

A sign of a vibrant democracy is the intensity of the criticism. Sometimes, that can be confused with the seriousness of the problem. In North America, two countries are long-standing and deeply consolidated democracies and the third, Mexico, has undergone in the last decade a remarkable transformation toward democracy. The participants in the conference were all determined to use their voices to improve their systems; that is the strength of democracy. If the judgments of the quality of democracy or of its flaws seem extreme, that is because they are the voices of advocates not of dispassionate scholars. We do not view the three governments' democracies as threatened in large part because their citizens are deeply engaged in addressing the problems at stake.

## Key Issues Discussed: Recommendations & Comments:

1. Some of the participants argued that the **criminal justice system** discriminates against minorities thereby undermining equal treatment under the law. Furthermore, in Mexico, the criminal justice system has been inadequate to the task of prosecuting a drug oligarchy, which in many communities has become "the law," replacing the national system of law and justice.

In the U.S., some of the participants argued that the criminal justice system victimizes Black and Latino Americans and other minority groups through the **biased enforcement of criminal laws. After fifty years of civil rights progress, the uneven application of the laws could undermine that progress.** For instance the benefit of the 1964 *Civil Rights Act* prohibiting discrimination in employment and 1965 *Voting Rights Act* have been undermined for minority groups due to the disproportionately high rates of incarceration, which deprives 1.4 million black men of the right to vote due to felony disenfranchisement laws. Some feel that minority groups are victimized by: disproportionate targeting and unfair treatment by some police and other front-line law enforcement officials; racially skewed charging and plea bargaining by some prosecutors; discriminatory sentencing practices; and by the failure of some judges, elected officials and other criminal justice policy makers to redress these inequities. Presently, African American men in the U.S. are incarcerated for crimes at a rate five times

higher than Blacks under apartheid South Africa. This sends an unfair signal as the majority of crimes are not committed by minorities and most minorities are not criminals. Yet the unequal targeting and treatment of minorities at every stage of the criminal justice process – from arrest to sentencing – reinforces the perception of inequality.

In Mexico, entire states are **under the sway of drug lords** who carry on their drug-trafficking with impunity and gain public support by running health clinics, schools, and job training programs, funded by their illicit operations. Many of these activities have replaced the normal functions of the state and its legal governing structure.

2. Discussion at the workshop about the respective **election systems in North America** indicated that each faces a set of daunting challenges.

The principle of one person-one vote is undermined by the Electoral College system in the United States. As occurred in 2000, the winner of the presidency can lose the nation-wide popular vote, but still win the office because of a system, which gives disproportionate power to states with lower populations. The highly decentralized election system in the U.S. often impedes the development of fair and uniform national electoral standards. Also, while the United States has sent observers to monitor elections throughout the world, most states and counties in the United States do not permit qualified election observers unrestricted access to election sites.

Common Cause, a nonprofit “watchdog” organization in the U.S., evaluated these conditions and received over 200,000 complaints of **voter fraud** during the last U.S. Presidential election. These were believed to represent only the “tip of the iceberg”. A study undertaken by American University’s Center for Democracy and Election Management, on the quality of the election systems used by North American countries, ranked the U.S. third behind Canada and Mexico. Among recommendations for **reform of the U.S. system**, were the following:

- a. switch to a nonpartisan election management system, including an independent electoral commission
- b. establish inter-operable, integrated, and interactive state-wide electronic registration lists
- c. hire and train more election workers
- d. use electronic machines with a voter verifiable ballot and a code that is transparent and certified by nonpartisan election authorities
- e. standardize “provisional voter” procedures in all states
- f. finance civic education (\$232 million more spent abroad than at home)
- g. abolish the “18<sup>th</sup> century” Electoral College system so all votes count equally
- h. grant Washington, D.C. residents full voting representation in Congress
- i. provide open access by observers to all polling stations as other countries do

With respect to Mexico, a number of reform proposals were put forward including: the need for second generation electoral reforms to reach the state level; greater regulation of pre-campaign party finances and advertising in the media; centralizing the electoral calendar; and permitting the re-election of officeholders to increase the levels of accountability.

The study concluded with a question: What are the reasons for this poor U.S. standing, relative to Canada and Mexico? First, the study found that the effectiveness of the **U.S. election system** has been **taken for granted** in the U.S. and is assumed to be superior, despite evidence to the contrary.

Second, the **decentralized nature** of the electoral administration (there are 13,000, locally controlled election authorities, which are quite independent) creates a dysfunctional system that by inadvertence disenfranchises many eligible U.S. voters and hampers US voter registration and participation. Furthermore, the **system is under-funded and inadequately staffed.**

A **Canadian panelist called for reform of the election system** there, which, the person argued, does not serve adequately the needs of the public and does not reflect the “modern face of Canada” — a diverse society of many ethnic groups with differing viewpoints on politics and culture. Proposals included: (a) that Canadian history be a required course and include “on-site” instruction in ethnic areas and involvement with “activist” groups; (b) that citizen involvement be based on “real roles, not manipulation;” (c) “that links be established between elected representatives and their constituents, not only with lobbyists; and (d) that “Oprah Winfrey type democracy” where everyone talks but there is no direct impact on policy-making, should be replaced with real dialogue between people and their representatives in government.

Another Canadian panelist described a **“democracy audit” project in New Brunswick** designed to overcome a general “malaise” among voters young and old caused by the absence of political education and the prevalence of “misinformation” on the issues, by increasing “participation, inclusiveness and responsiveness” among the electorate. Another participant noted that apathy amongst voters, especially the youth, was prevalent; however, it was more a case “of them tuning out rather than turning off. A similar effort to the one in New Brunswick is taking place in “**Quebec** with respect to elections to Quebec’s legislative body, called the **National Assembly**. Participation by the female population is the highest in Canada and thus representation is also higher.

The concept of a **“democracy audit”** employed in Canada is an example of an innovative, transferable idea. These audits are **“being expanded nationally” by Elections Canada**, the country’s electoral commission. The “audit” has been used to good effect in Costa Rica where it focused a public spotlight on previously intractable problems, enabling the government to employ new approaches utilizing the national consensus the audit created. In similar fashion, state-by-state audits could be employed in the United States as a means of raising the level of citizen participation in government. A participant also noted that in order to increase participation by women and minority candidates, greater incentives are needed to assist minority groups in overcoming financial barriers to their involvement.

3. Advocacy of **“democracy abroad”** is enhanced by the quality of **“democracy at home.”** This is a serious problem for the U.S., since its position as a world leader in the promotion of democracy could be impugned by electoral flaws, a lack of civic education in schools, and — until this past election — declining voter participation. The conclusion reached was that consolidated democracies in North America should not be complacent; democracy requires constant engagement and monitoring.

One panelist dramatized this linkage by stating that if the chief U.S. law enforcement officer believes the President can authorize **torture** in violation of internationally accepted norms, that undermines the moral credibility of U.S. efforts abroad. More generally, the failure to abide by international legal standards, weakens the United States. For instance, opposition by the U.S. to binding provisions in the United Nations anti-corruption treaty undermines its ability to advocate for adherence to these international standards by other countries.

There is a need for **education in the culture of democracy** and better understanding of the public's responsibilities, based on fact not propaganda and on the role individual citizens play in ensuring that institutions work on behalf of the general public. While "institutional reform" was a common theme of this workshop, its limitations also were recognized. The sine qua non of true, lasting reform is societal change, i.e., maintaining a democratic ethos, something, which all three countries in North America, as well as all democracies, need to constantly seek. Democracy education must extend beyond "institutions" and deal with the realities of democratic politics and its "'non-institutional" principles. The belief that "'all politicians are liars" and can't be trusted to carry out their campaign promises is not a sign of healthy democratic skepticism, but an attitude that fuels cynicism—an unfortunate condition reflected by some North Americans. This disposition poses a danger for democratic governance. It poses a basic challenge to citizenship education and offers a necessary reminder of the importance of "ethics in politics."

4. The "democracy deficit" in North America takes several forms: (a) disproportionate influence by the wealthy through their ability to finance campaigns; (b) the corrupting influence of drug trafficking money; (c) an increasingly closed system run by insiders because of a lack of competitiveness in elections for the U.S. Congress due to a combination of redistricting and campaign finance.

On the first point that "money is the milk of politics," while disproportionate control of it by the wealthy lessens the key role the public must play in the political process, recent "**campaign reform in the U.S.**" has opened the way for an imaginative use of the new technology of "internet contributing," which has greatly expanded the political base of campaign funding and individual citizen and activist organizational control of its use.

Regarding the second point, **drug trafficking**, the tremendous amount of money generated worldwide by this illicit trade (estimated at \$150 billion) cannot help but corrupt the political process. As stated in a previous section, drug lords are setting up "fiefdoms" in several Mexican states.

Third, "**insider control**": There is a smaller turnover in the U.S. Congress than there is in Communist China's legislative body. To open up the system, states like Maine and Arizona have introduced new policies for public funding. In Arizona "\$5 campaign parties" are proliferating as a way of generating a support base for matching public funds. According to Sweden's Institute for Democracy and Electoral Assistance 63% of democracies provide free access to media. In Brazil, there are no paid television broadcasts, only free public time slots. Participants were concerned that in Mexico the lack of regulation for pre-campaign expenses and bank secrecy laws hampered the system's electoral transparency. However, recent transparency laws providing access to government documents has increased the effectiveness of Mexico's civic reform organizations favoring. Also, there are many efforts to change the redistricting process and rules in the United States – still one more example of how problems often elicit reforms in a democracy.

5. A few participants argued that self-serving broadcast and print media "playing" to a poorly educated and inadequately informed citizenry regarding the practice and culture of democracy reflects another part of the "democracy deficit." This not only works against "democracy education" efforts at all levels, but actually contributes to the problem of declining public

participation in the political process. "Concentration of ownership and control of the media complicates the problem further and reduces public leverage on the media to perform its "public service" obligation. Mexican participants were particularly concerned about Televisa's near monopoly of the country's television market (with 80% of the country's channels), and its collusion with the government to thwart reforms in the nation's outdated media regulatory framework.

The public's ownership of the airwaves, which it licenses to commercial and public broadcasters, constitutes an obvious means of influence over the use of this license. Devising means of linking citizen education to the legal obligation of the media to serve that interest is one key to solving this problem. Without an educated public, the present "dumbing down" and oversimplification of the real issues by the media is bound to continue.

**6. Political parties** are losing their credibility and impact on the political system in varying degrees in all three countries. While common to other regions of the world, this shortfall appears to have increased in the United States and Canada. This can only increase the low standing of politicians and political parties in the public's eye and increase the apathy of citizens.

In North America, this "democracy deficit" is related to the basic shortcomings in the election systems described in an earlier section of this report. The decline in competition for US congressional races has diminished the prospect for civic engagement in local party affairs. Citizens' disinformation and disinterest are fueling a similar trend in Canada. High levels of distrust among Mexicans towards their political institutions, and the failure of many reform initiatives under President Fox, has led large segments of the population to see the new regime as a replacement of one set of ruling elites for another. Another factor generating cynicism in Mexico is the inability of the political system to carry out economic reforms, that serve the interests of the majority. As one participant observed, political parties of different persuasions have continued the same policies, such as bailing out private banks and protecting powerful interests, perpetuating thereby, the monopoly of these interests over entire sectors of the economy.

Proposals to strengthen political parties include measures that would enhance electoral competition, fortify civic education, and reduce the role of money in shaping the outcomes of the democratic process.

**7.** Several key problems, which bear on "democracy deficits" and have their derivation in **U.S.-Mexican relations** were raised by the panelists from Mexico.

The first concerns the fact that **Mexican migrant workers** in the U.S. cannot **vote in Mexican elections unless they return to Mexico**.

Second, there is a need for **congruence of labor laws** in Mexico and the U.S., so that equal justice can be administered and racial discrimination policies eliminated.

**8.** The workshop received a **report on the state of democracy in North America** from the Executive Director of Freedom House, **Jennifer Windsor**. She reported that according to Freedom

House guidelines, Mexico has entered the “free” category and Canada has been judged a “top performer.” The U.S., despite the 2000 flawed Presidential election, the restrictions on freedom represented by the Patriot Act, the treatment of prisoners of war, immigrants denied asylum and growing income inequality has maintained its position as a consolidated democracy because of its free and vigorous media, its system of government “checks and balances” and the improved 2004 Presidential election process.

At the **conclusion** of the workshop, Robert **Pastor of American University**, which hosted the event, noted that Ms. Windsor’s report suggested that the problems we face in North America are not as bad as they may appear. To the contrary, the “democracy deficits” identified by this workshop convey a very real sense of democracy’s strengths. The groups represented at the conference, he said, are passionate in their devotion to improving the quality of democracy in each of the countries. That, the essence of democracy, offers promise for the future.

He cited the U.S. election in 2000 as a good example. It pointed out many flaws with the process. Some believe the U.S. Supreme Court acted unwisely to pre-empt the full vote recount in the state of Florida. Albert Gore, the Democratic Presidential candidate, said that he disagreed with the Supreme Court’s decision, but he respected it and would abide by it. By that statement, he showed the strength of American democracy. A second illustration was the appointment of private Commissions, including one chaired by former Presidents Jimmy Carter and Gerald Ford, which proposed numerous reforms. The Congress passed the first law in U.S. history on election administration, including many of the Carter-Ford recommendations. In brief, democracy’s strength lies in its self-correcting mechanism.

It was agreed that the workshop assembled by Canadians, Mexicans and Americans demonstrates that we in this region of the world face the same problems of democratic engagement (the election process), inclusion (minority rights) and transparency (of effective government vs. corrupt practices), as do our colleagues elsewhere.

## **Annex 6**

### **Workshops' Regional Proposals from Sub-Saharan Africa**

**Non Governmental Process for the Community of Democracies  
Sub-Saharan Africa Workshop**

**Political Transition and Challenges for  
Democratic Consolidation in Africa**

**FINAL PROPOSALS**

**Johannesburg, South Africa  
November 22-23, 2004**



NON GOVERNMENTAL PROCESS FOR THE COMMUNITY OF DEMOCRACIES  
SUB-SAHARAN AFRICA WORKSHOP

THEME: POLITICAL TRANSITION AND CHALLENGES  
FOR DEMOCRATIC CONSOLIDATION IN AFRICA  
*JOHANNESBURG, SOUTH AFRICA, NOVEMBER 22-23, 2004*

## Proposals

This document contains a summary of the main comments and proposals made by the participants of each of the workshop's panels.

### 1. General Statement

Building democracy is a shared responsibility among governments and communities. Therefore, participants in this Workshop strongly believe that these proposals should be implemented by various branches of governments in collaboration with other key stakeholders such as opposition parties, civil society, the donor community and the private sector. Governments should ratify and implement all the protocols, treaties and declarations related to democracy, governance and human rights.

### 2. Political Parties and Civil Society

There is a need to enhance institutional capacity of political parties for sustainable democratic governance. The four main challenges for political parties revolve around the improvement of their inner institutional structures, internal democracy, enhancement of their capacity and the nature of leadership for these institutions. Political parties and civil society organizations play a crucial role in the governance process. Ruling parties should not perceive opposition parties as 'enemies', but rather as partners in the governance process. Thus, inter-relationships between political parties and civil society actors should be steered towards a mutual inter-dependency. Governments, political parties and civil society organizations should empower citizens. The relationship between money and politics needs to be analyzed in order to impose effective limits by elaborating good incentives to strengthen compliance with law.

#### 2.1 Proposals

- 2.1.1 Regular multiparty elections should be institutionalized.
- 2.1.2 Governments need to recognize the important role of opposition parties for strengthening democracy, and therefore guarantee their freedom of expression.
- 2.1.3 Governments should review the legal and regulatory framework for party financing. Sustainable funding sources, as opposed to ad hoc sources, should be encouraged/created. Special attention should be paid to the regulation of private funding.
- 2.1.4 Governments should create the necessary environment for strengthening political parties, both those in power and the ones who are in the opposition through raising awareness and the provision of technical assistance on agenda building.

- 2.1.5 Governments should encourage political parties to strive towards creating/improving intra-party democracy for effective management of party affairs. For instance, gender equality ought to be enhanced and selection of leaders and election candidates be more democratized.
- 2.1.6 Codes of conduct for political parties should be enforced to regulate their role in the democratic process.
- 2.1.7 Governments should create an enabling environment for international and regional political party coalitions.

### **3. Electoral Systems and Electoral Processes**

Elections are a critical ingredient for democratic governance. However, on their own, elections do not amount to democracy. Financing of elections is the responsibility of governments. Elections must be conducted in a transparent, inclusive and fair manner. Electoral systems play an important role in the formation of parliaments. In a majority of African states, these electoral systems have been inherited from the European political experience as a result of colonialism. The three main forms of electoral systems that are operative in the African continent are (a) the majority-plurality system, (b) the proportional representation system and (c) a hybrid of the majority-plurality and proportional representation system. It is imperative that African countries strive towards regular review and reforms of their electoral systems to suit their specific political, socio-economic and historico-cultural conditions. The electoral reform agenda should also take into account the need to harmonise modern and traditional institutions of governance in Africa. This reform agenda ought to be accompanied by deliberate efforts towards improvement of the management and administration of elections with a view to ensure the credibility of the electoral process and the legitimacy of the election outcome. There is a strong perception that Electoral Management Bodies (EMBs) are not independent from ruling parties and this tends to taint the legitimacy of electoral process.

#### **3.1 Proposals**

- 3.1.1 Governments should implement electoral and constitutional reforms in order to guarantee broad representation of key political stakeholders, enhance accountability of elected representatives and ensure political stability.
- 3.1.2 Electoral and constitutional reform measures should ensure political participation of minority groups in society.
- 3.1.3 Governments should ensure gender equality in the democratic process in conformity with the African Union commitment.
- 3.1.4 Power-sharing should be used as one of the strategies for political inclusiveness especially in post-conflict societies.
- 3.1.5 Whereas continental/regional election observation should be encouraged in line with the African Union declarations and protocols, local election monitors should also be utilised.
- 3.1.6 The management and administration of elections should be the sole mandate of Electoral Management Bodies (EMBs) which should be sufficiently resourced and should be independent and sufficiently transparent.
- 3.1.7 EMBs should institutionalize regular auditing of the electoral process after each election in order to identify strengths and weaknesses and take appropriate corrective measures.

- 3.1.8 Governments should devote adequate resources (human, financial and technological) for elections and electoral reform purposes.
- 3.1.9 Electoral reform measures should also take into account the role of traditional institutions in the governance process.

## **4. Governance**

It is recognized that many African countries have experienced a political transition from authoritarian towards democratic forms of governance since the early 1990s. It is also accepted that various democratic deficits still confront the continent. In those countries that have not yet undergone democratic transition, governance challenges go beyond democratic deficits and relate to imperatives to transform autocratic rule. The three key conditions for democratic governance are (a) strong and responsive public institutions, (b) responsible private sector, and (c) vibrant civil society. Principles of transparency, accountability, public participation and rule of law should be ingrained in the governance process.

### **4.1 Proposals**

- 4.1.1 Governments should promote decentralization and devolution of development.
- 4.1.2 Governments should support the strengthening of civil society organizations by creating a legal framework that is enabling and conducive.
- 4.1.3 Governments should take the fight against corruption as a priority. Therefore, institutions tasked with fighting corruption should be strengthened.
- 4.1.4 Governments should tackle both political and economic corruption with the same vigor.
- 4.1.5 Proper functioning of mechanisms and institutions of checks and balances and separation of powers should be guaranteed/strengthened. There should be constitutional guarantees for separation of powers and the spirit of these guarantees should be translated into political practice and culture.
- 4.1.6 Governments should encourage an open debate for constitution building process that captures African realities and contexts.
- 4.1.7 Governments should facilitate capacity building initiatives that support governance institutions.
- 4.1.8 Governments must pass legislation aimed at securing access to public information
- 4.1.9 The principle of separation of powers should be institutionalized to improve the governance process.
- 4.1.10 Governments should ensure professionalisation and depositization of the security institutions.

## **5. Security and Democracy**

Security is crucial for both democracy and development in the African continent. Challenges for security in the continent transcend concerns for state security and encompass imperatives for human security. In this way, participants felt that a more holistic perspective and approach on this matter is needed. In other words, much as issues of state security are still important, governments ought to give equal attention to socio-economic and environmental security that addresses poverty, disease and environmental degradation. In order to address human security challenges of the continent, deliberate

policy interventions that address poverty should be devised. Without security, neither democratic governance nor development can be realized and sustained. It was felt that the security forces have historically been used by ruling parties to retain political power and intimidate opponents. Whereas national constitutions provide for civil control over the security forces, challenges for improved civil-military relations still remain. It was also felt that post-9/11, governments tend to use security as a pretext to impose authoritarian measures that undermine democratic procedures.

## **5.1 Proposals**

- 5.1.1 Management of the security establishment should be democratized to ensure civilian control of the security forces.
- 5.1.2 Constructive conflict management mechanisms should be put in place to deal with various types of conflict and redress political instability.
- 5.1.3 Continental and sub-regional bodies should play a more pro-active role in the prevention and management of Africa's conflicts. Efforts should be made towards regional integration of Africa's security.
- 5.1.4 Human security interventions have to inform conflict management strategies at national, regional and continental levels.
- 5.1.5 Power-sharing should be used as one of the mechanisms for peace-building, reconciliation and nation-building in post-conflict societies.
- 5.1.6 Governments should empower civil society organization to play a more effective role in conflict management and human security interventions.
- 5.1.7 The role of external actors in Africa's security affairs should be clarified by governments
- 5.1.8 Governments should desist from using national security as an excuse to abuse state power.
- 5.1.9 Governments should devise implementable strategies aimed at combating poverty, disease and environmental degradation.

## Footnotes

- <sup>1</sup> The Executive Secretariat is hosted in Participa, a Chilean NGO, [www.participa.cl](http://www.participa.cl)
- <sup>2</sup> Anticorruption in Transition: A Contribution to Policy Debate, World Bank, 2000
- <sup>3</sup> Data from the Secretary General of the ECLAC, Dr. José Luis Machinea
- <sup>4</sup> Editor's Note: this phrase is translated from the Spanish "poderes fácticos".
- <sup>5</sup> En base a la ponencia de Clarisa Hardy, Directora Ejecutiva de Fundación Chile 21.
- <sup>6</sup> Editor's note: this phrase is translated from the Spanish "ingobernabilidad".
- <sup>7</sup> Documento elaborado por el Parlatino, la Secretaría Pro TÈmpore del Grupo de Río, e Internacional IDEA (Buenos Aires, 2003)
- <sup>8</sup> Op. Cit.
- <sup>9</sup> En alusión a la frase ("It's the economy, stupid!") de uno de los principales asesores del ex-Presidente norteamericano Bill Clinton.