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Report

Forum VI
Good Governance and civil society:
Perspectives for a new relationship

by Rinze Broekema
ProDemos – House for Democracy and the Rule of Law
The Netherlands

Inputs:

Tobias Theiler, University College Dublin (Ireland)
Anis Somai, R'NAC - Réseau National Anti Corruption (Tunisia)

Moderation

Mateusz Fałkowski, Collegium Civitas (Poland).

Introduction:

The title of the Forum was 'Good Governance and civil society: Perspectives for a new relationship'. The speakers were Tobias Theiler, University College Dublin (Ireland) and Anis Somai from Réseau National Anti Corruption in Tunisia. Mateusz Fałkowski from the Collegium Civitas in Poland moderated the forum. The first and second session both had 12 participants.

A personal statement of the rapporteur on the sessions: "In the first sessions the participants from Northern Africa were in the majority and very enthusiastic. There wasn't really a debate. It was more a question session and an agreed sharing of the fact that there is a lot of work ahead for the builders of Civil Society in Tunisia and Egypt. In the second session there was more room for a talk on the subject of the forum."

Content:

The targets the moderator Mateusz Fałkowski indicated for both sessions were to understand the connection and differences between Good Governance and civil society and to understand the role of the State in this discussion.

The central and guiding question that was put central to start working with was that the state maybe does not deliver. How can civil society organization compensate for this

lack or failure of state? How does it deliver instruments? How much State do we need to deliver this Good Governance? What does it mean – is Good Governance a camouflage for democratization? What do external factors support?

First session:

The first speaker Tobias Theiler from the University College Dublin in Ireland provided input for the forum when he started by giving a definition for both Good Governance and civil society. He defined *Good Governance* as follows: political institutions and processes that reflect the democratically expressed will of the governed, are accountable, efficient, transparent, equitable, subject to the rule of law, and respectful of fundamental human rights and freedoms (making some allowance for culturally shaped differences in the interpretation of these terms). His definition of *civil society*: the sum of all fields of social interaction that are partially autonomous from the state and its affiliated agencies that are not aimed at economic profit. This includes social, religious, cultural and educational associations of all kinds, such as interest groups, neighbourhood associations, consumer initiatives, amateur sports clubs, the voluntary sector, women groups, and so forth. Not all such associations have “content” that is “good:” The Ku Klux Klan is part of civil society in the American South, as are many extremist groups in Western democracies and beyond.

Then he continued by explaining the link between civil society and Good Governance. Empirically, Good Governance and civil society strongly correlate. States with high civil society ratings also achieve better-than-average quality of governance scores. This includes most Western democracies and many democratic societies elsewhere. Theoretically, however, the direction of causality between Good Governance and civil society is ambiguous. However, well-functioning democratic institutions embedded in the rule of law form the political and legal backdrop against which civil society can flourish in the first place. Central to this are liberal core rights such as freedom of expression, assembly and association and obligations imposed upon the state to tolerate “competitors” in the provision of some social, cultural and educational services.

Therefore, according to Tobias Theiler, Good Governance, democratic development and civil society relate in a manner that is dialectical and mutually reinforcing. Civil society contributes to democratic institutions and the rule of law, but the latter constitute an indispensable political and legal scaffold on which civil society and free associational life can grow. Successful transitions to democratic governance require this mutually reinforcing relationship progressing to the point of becoming partially self-sustaining and ever more difficult to reverse.

Tobias Theiler also spoke about the role of external actors. Democracy, Good Governance and civil society evolved endogenously in every society and could not be “imported” from abroad. Even so, especially during their early phases outside actors could support these processes several ways. To illustrate this, it would be helpful to draw some parallels between democratization in Europe and in the Middle East.

Within the last two generations several EU member states have undergone democratic transitions, most recently in Central and Eastern Europe in the 1980s and 1990s. Civil society actors, too, often propelled these transformations “from below”. Shaped by their experience of oppression during the dictatorship, these groups were attuned to the need of enshrining strong legal and institutional safeguards to protect civil society structures early and quickly during the transition process. In this they received strong support from outside actors such as the EU, the Council of Europe and the OSCE. The result was a reciprocal process of democratization, constitutionalization and entrenchment of civil society that in many countries had become irreversible by the mid-1990s.

Despite obvious differences, the situation in several Middle Eastern transition countries is comparable in that there, too, recent political change has been driven or at least critically supported by grassroots popular movements, leaving in place a (depending on the country in question more or less extensive and diversified) legacy of civil society-based actors and activism. If one accepts the earlier argument that democratic development, Good Governance and civil society can reinforce one another, strengthening the conditions for these actors to survive and flourish promises to feed into a transformative cycle that ultimately reinforces the quality democratic governance itself.

At the *bi- and multilateral* level external actors can support this through various kinds of encouragement and incentives and the “socialisation” of transition states in international institutions committed to democracy, Good Governance and the rule of law. An example is the – still little-known – Community of Democracies and its various associated forums and working groups, some of which are explicitly concerned with civil society issues. At the *transnational* level it involves fostering relationships between local NGOs and civil society actors and their counterparts in more mature democracies. During these relatively early stages of democratic reform the focus should be on those civil society actors that are directly concerned with improving the conditions for civil society itself. Examples include legal advocacy movements, citizens’ initiatives promoting governmental transparency and accountability, as well as groups supporting freedom of the press and of political and artistic expression and uncensored access to the Internet and other forms of electronic communication.

Such external support may be material and it may involve the sharing of expertise. To this end, civil society actors from Central and Eastern Europe with roots in the transition years would be especially useful given their experience in engaging with semi-reformed state institutions, bureaucracies and legal systems, and of operating in social and cultural environments marked by decades of repression. Finally, many civil society actors in Middle Eastern transition states do not resemble their typical counterparts in the West. Many are religiously based and some are explicitly anti-liberal, anti-pluralist and anti-Western. Yet this should give little cause for concern and it should not be accepted as a pretext for governmental repression of these groups.

First, even civil society actors that are substantively non-liberal are typically interested in promoting conditions that allow civil society – and thus themselves – to survive. The role of the Catholic Church during Poland’s democratic transition is a good example, ultimately helping to strengthen liberal pluralist institutions despite the Church’s intrinsically non-liberal “content.” Second, provided the reciprocal process outlined earlier has acquired a certain momentum democratic political cultures tend to reproduce a balance of societal actors that favours the perpetuation of liberal democracy itself. As noted, even in established liberal democracies not all societal actors are liberal or “good” yet typically this poses no threat to the quality and stability of democratic governance.

Theiler concluded that the concern, in short, should be with engendering a political culture in which civil society in all its dimensions can flourish, not with the “content” of particular civil society actors that at any rate will become more multi-layered and diverse as the democratic systems that guarantee their existence solidify.

Second session:

The second speaker Anis Somai from the Réseau National Anti Corruption in Tunisia gave input to the forum from his personal experience. He said that they found out that their system was even more corrupt than they thought when their president left after the revolution. Corruption was a result of bad governance, not of bad people. Good Governance was applicable to many things. But it was a different thing every time. Since one and a half year, the Tunisians were learning how to work, how to fight corruption and how to end it. Good

Governance is one of the pillars that build a democracy. Tunisians needed to push the government to be accountable. Access to information was crucial. Tunisians had to ask for information as a citizen and use it. They had to ask the government to be transparent and they had to test this transparency. That is how the government could be accountable to their citizens. They had to ask the government to be accountable. Off course, some information would be confidential. But a lot of the information should be public. His NGO was part of Civil Society, but wouldn't represent the citizens. But they wanted to show them what is going on. They wanted to show them that it is wrong to pay a bit of money for some paper; for little corruption wasn't a normal part of the system. They focused on the young generation and started at the bottom; at the base.

Discussion:

Many questions and issues were discussed amended, expanded or modified by participants, not everything got a reply or an answer.

How do you manage against major aggressive organization (such as the catholic church)? Tobias Theiler answered that not every civil society is good but that it is strong. And it reminded us of what is liberal. "Just tolerate them; they are part of the system. Engage with them and get over it."

Another question was where to begin when building a civil society? Build institutions? Currently we (in North Africa) are working and learning at the same time.

Another question was if a NGO could replace the State where it fails?

A comment was made that civil society does not represent the citizens. Civil society could marginalize citizens as well. We needed to assure to give citizens a place in civil society. Anis Somai agreed with this comment. Civil society wouldn't represent citizens. "We work on revealing certain realities among citizens. Sometimes they don't know what their rights or their obligations are. The perception of citizens is that the administration is there to get a favour. We are working on changing that view. We are creating partnerships with other organizations to cover the country, but we do not represent citizens."

Then many comments on the build-up of the civil society in North Africa were made. The organisations that have access to the funding weren't (always) the same as citizens. "In North Africa we are fighting for a law of information indeed. Members of parliament do not help us."

"There is a big difference in our country between the law and the applicable law. What we get was from the first transitional government under pressure of international organization. What else is happening on this topic?"

"Freedom means different things to different people. The rest of the definition of Good Governance seems indeed absolute."

"We should talk about how to have Good Governance? What is Good Governance? How to deal with external actors? How to establish project that are beneficial for both sides?"

Civil society organizations should be a good example as well on topics they demand from their government.

Tobias Theiler responded on several of those remarks and questions. The big difference between Eastern Europe and North Africa is the perspective of the EU-membership. It was an incentive to reform for them. Adding that even in Europe the look of Good Governance

differs. What do you expect of the government? It reflects the democratically expressed will of the governed. But is sometimes contradicts with the second part of the definition of Good Governance.

One of the participants added that it is important to note that the government governs for the people, by the people. The last part would be crucial. Another thing that was crucial was being visible when one is checking his or her government. “Be public about what you think and what you do.”

Anis Somai amended by saying that E-administration could be of good help to create Good Governance. It prevented going from one administration to the other. Good Governance is measurable. It could be weighted. It was new. It was meant for banks and such. Good Governance would be a set of good practices.

The discussion in the second session was partly a copy of the first session. The part that was not covered in the first session is being discussed now.

The moderator Mateusz Fałkowski started by asking for examples of good or bad governance in the respective countries.

A woman from Egypt mentioned access to information, the lack of it, and the lack of transparency.

Another woman from Egypt added that you could find yourself arrested if you ask for information. It is a matter of poor government of access of information.

Another woman added that there is not only no access to information. It was also the incorrectness of the information that is there. A good government should have a plan for development without oppressing its citizens.

An Egyptian man said that the civil society is corrupt, such as the media. We needed to mobilize the people and educate them to prevent they become like their bad examples.

Anis Somai replied that information is power. The government knew that. “Keep asking for information, as long as necessary. It takes time.”

A participant asked what the way is to change towards Good Governance? Invest in Good Governance or in civil society? Anis Somai said both at the same time. A participant from Eastern Europe said that you have to do it in both at the same time, in cooperation.

Another participant asked the input providers Somai and Theiler about the corporates in the definition of the Civil Society? Anis Somai said that the private sector is a major part of the corruption. Also corporates should be held accountable, but if they wanted to help to fight corruption the help would be welcome.

Anis Somai concluded by saying; “Let’s put it this way; there is no good government. But there is bad governance and Good Governance.”

The main points of the debate, as summarized by the participants

- Definition of Good Governance & bad one.
- The indicators of each.
- Having an overview about other cases from other countries.
- There is no good government.
- Supporting young generations in fighting corruption is important to have Good Governance in North African countries

- Good Governance sounds as a perfect final state - this is not true.
- Every day there are new challenges to deal with and to manage. So very important criteria for so called Good Governance is the will to learn and to develop, to reflect.
- Definitions for good and bad governance.
- Role of corporations in well & bad governed countries: in dialogue with the civil society or in constant fight with NGOs & bribing the state institutions.
- Examples of good and bad governance from Poland, Tunisia, Egypt, Estonia and Bulgaria.
- Interdependence of sectors when trying to achieve Good Governance. State & civil society are widely accepted as necessary actors. Yet the corporate is still not seen as a must, while they regulate so much of our lives. (They have tools)
- Good Governance and civil society. Transparency and access to information. Government accountability. Relation with private sector, question of the conflict of interests in decision-making process.

Findings

The moderator Mateusz Fałkowski summarized the findings from the two speakers and from the questions of the participants of the forum. The main finding and the shared conclusion was that a good working civil society takes a lot of effort and time to build.