



Community  
of Democracies

# Democratization and Democracy Resilience Case studies: Armenia, The Gambia, Mali

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## Foreword

The Community of Democracies (CoD) presents this report, Democratization and Democracy Resilience Case Studies: Armenia, The Gambia, Mali, for the internal audience of the Governing Council. The case studies are an overview of the political environment of these countries at the time of the visits by High-level Delegations (Mali - July 2019; The Gambia – November 2019; Armenia – February 2020), which were composed of Governing Council Member States and representatives of the CoD Civil Society Pillar.

Conducted in the framework of the CoD Strategic Plan 2018-2023, it was hoped that lessons might be learned concerning democratic transitions and resilience. The Delegations found in each country genuine reformers in government, dedicated and unwavering civil society activists and populations seeking dignity and freedom. Additional lessons, less optimistic, were also learned, in democratic fragility and backsliding on democratic norms.

I hope that this report can serve as a guide to supporting democratic transitions and identifying patterns of resilience. The report as well reminds the Community of Democracies that, around the world, sources of instability are considerable and the risk of democracy's failure exists.

The Permanent Secretariat of the Community of Democracies expresses its appreciation to the United Kingdom, which funded this project. I would like to thank the author of this report, Sorin Ioniță, the Civil Society Pillar Focal Point in Romania, for the strong analytical work he provided on this project. I also wish to thank the Member States which joined me in the High-level Delegations.

Thomas E. Garrett

## Executive Summary

In 2019, three countries agreed to receive High-level Delegations of the Community of Democracies (CoD) in its efforts to support democratic consolidation under its 2019 Work Plan: Armenia, Mali and The Gambia. The first two countries adopted the Warsaw Declaration at the CoD's founding in 2000 while The Gambia has not yet adopted the Warsaw Declaration.

High-level Delegation visits, under the supervision of the CoD Secretary General, were organized in the three countries. The missions took place to Mali between 10-12 July 2019; to The Gambia between 12-14 November 2019 and to Armenia between 27-29 February 2020. The objectives of the visits were to obtain first-hand accounts of progress and challenges faced by government over the past years; to engage with civil society and other local stakeholders; and to articulate an agenda for democracy support and further dialogue with the countries.

Meetings in all three capitals were held with the leadership of independent institutions, civil society organizations, government authorities and political parties, to get views from diverse sectors of the societies. At the end of each mission, the Permanent Secretariat of the Community of Democracies (PSCD) drafted delegation reports, providing an overview of the visits and outlining a number of conclusions and recommendations.

The guiding framework for the High-level Delegation visits and for this summarizing report is the *Community of Democracies' Strategic Plan 2018-2023* and the subsequent CoD 2019 Work Plan for **Strategic Objective 1** (to encourage further adherence to Warsaw Declaration principles). Following an invitation to visit Mali, the CoD Governing Council agreed that the PSCD would engage in activities to support **Mali's** continued transition to democratic governance, considering the exceptional circumstances the country had to face during the last ten years. Of utmost importance was to highlight the importance of democracy's resilience and support to Mali's work to prevent a reversal on the democratic gains of the previous decades and a return to instability in a country just emerging from violent conflict.

Similarly, under **Strategic Objective 2** of the Work Plan (sustained support for key democratic consolidation in transitioning countries outside the Community), **The Gambia** was identified as a country for a High-level Delegation visit to support national-level efforts aimed at assisting in their democratic consolidation. **Armenia**, which in recent years has witnessed significant developments in its democracy,

transparency and accountability, remains nevertheless a nation where the transition to democracy is ongoing, as further reforms in the important areas of local governments and rule of law must be carried out in 2020.

All countries must be conscious of the possibility of **backsliding** on democratic norms, a risk discussed in the Washington Declaration of the CoD IX Ministerial Conference (2017). Such reversals are not uncommon; both established and young democracies are vulnerable. The *Community of Democracies Strategic Plan 2018-2023* points out that such backsliding, combined with the challenges presented through new technologies, or, in extreme cases, the reigniting of old conflicts, are conditions which need to be monitored closely.

The main concern is one which emerged more than a decade ago: namely, that what appeared at the CoD's founding in 2000 to be a linear "transition to democracy", conceived as a pre-determined path which nations in various parts of the world were expected to follow sooner or later, proves more difficult. The last 20 years have shown that countries in transition do not only or inevitably move towards consolidated, fully-fledged democracies. Some have achieved stable political equilibria along the way; others have been mired in unsteady, imperfect equilibria which in turn may give way to "competitive authoritarianism" or other forms of undemocratic regimes.

The literature of **backsliding** on the path of democratic transition has been flourishing over the last decade. In connection to this topic, there is an increased preoccupation for the notion of "**democratic resilience**", which analysts attempt to evaluate in order to formulate predictions. This dimension was missing from the picture during the "optimistic 1990s" and at the time the Warsaw Declaration was signed. What makes states politically stable and democratic institutions able to endure, and in what way they sometimes become "fragile", are questions very much debated today. The nature, effects and the endurance in time of competitive authoritarianism, or other forms of hybrid regimes, using democratic elements for legitimation but combining them with non-democratic mechanisms, preoccupy the academics and practitioners alike. A sample of bibliography on the topic is provided at the report conclusion.

This report is developed in the framework of the CoD High-Level Delegation visits offering an overview of the situations in Armenia, The Gambia and Mali at the time of the visits<sup>1</sup>, in light of their current international commitments. Reference is made throughout the report to cross-country evaluations, in the form of ratings and scores

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<sup>1</sup> Mali: 10-12 July 2019; The Gambia: 12-14 November 2019 and Armenia: 27-29 February 2020

assessing the quality of governance with quantitative and qualitative indicators. A sample of the most relevant scorings is included in sections where each individual country is discussed. The broader regional context in which the three polities function is then briefly presented, with cross-cutting conclusions.

Finally, a tentative reflection on a possible roadmap for CoD engagement in the future is outlined, centered in the new challenges posed by the risks of backsliding and democratic fragility for the concept of democratic transition. The issues of addressing democratic fragility and importance of ensuring democracy resilience are central to the *Community of Democracies' Strategic Plan 2018-2023*.

## Country case Studies

### Mali

In terms of territory and population, Mali is the largest of the three countries covered in this report, and the one facing the most serious challenges when it comes to democratic rule and general social stability. A former French colony with a long history of authoritarianism and military coups, it moved gradually towards openness in the early '90s. In a sequence resembling the events in Eastern Europe at that time, large street protests against poor governance and political repression toppled the Traoré regime in the spring of 1991; democratic and pluralist elections followed. For the next two decades Mali was regarded as one of the most stable countries in Africa, politically and socially, according to an USAID document from 2010<sup>2</sup> and encouraging prospects of democratic consolidation were being formulated. Mali held the presidency of the Community of Democracies from 2005 to 2007 and hosted the III Ministerial Conference of the CoD in Bamako.

Things changed dramatically at the beginning of 2012, when armed groups of ethnic Touaregs, a national minority, seized the Northern part of the territory with the intention to form a separate state. These groups had links with terrorist jihadist organizations in the Middle East, took part in previous armed conflicts in Libya and had weapons and fighting experience. Other interpretations, however, point out that at least some of the separatist groups in the North are secular and the grievances are

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<sup>2</sup> [https://web.archive.org/web/20101111133055/http://www.usaid.gov/locations/sub-saharan\\_africa/countries/mali/](https://web.archive.org/web/20101111133055/http://www.usaid.gov/locations/sub-saharan_africa/countries/mali/)

local<sup>3</sup>. The open violence led to a weakening of state institutions and a loss of control over territory, highlighting problems of training, resources and loyalty in the national army.

In response to the instability and the perceived ineffectiveness of the civilian government at the beginning of the crisis, the Malian army staged a coup and took power in the spring of 2012. This led to the immediate isolation of the country and the suspension of its international memberships (including from the CoD at the Fourth Governing Council Meeting of July 2012 in Ulaanbaatar). A series of UN Security Council resolutions in 2012, 2013 and 2014 made room for a French military intervention which stabilized the situation in the Northern provinces. This in turn allowed Mali to return to democracy through presidential elections held in the summer of 2013 and the readmission of the country into the international community with full rights. Today Mali is assisted by an internationally mandated mission deploying 13,000 military personnel, 1900 police personnel and 1600 civilians.<sup>4</sup>

A serious problem today is that destabilization and institutional meltdown did not occur just in the Northern areas affected by separatism. The conflict initiated in 2012 led to more general instability in the regions subsequently, with multiple rivalries among separatist groups, as well as between the Touareg minority and other local communities. The latter formed their own anti-separatist militias, acting outside the control of the government, thus increasing the risk of collateral ethnic violence.

Even more concerning, the conflict escalated in 2015 when clashes started to occur between groups of farmers and herders in central Mali, unrelated to the separatist offensive from the North or the alleged religious radicalization of some minorities. The main cause seems to be the rivalry among rural communities over scarce resources, in an arid region where the shortages of water and productive land are likely to be magnified by climate change in the future. Once the cycle of aggression and retribution is initiated between self-defense groups, it becomes difficult to avoid the proliferation of local score-settling and opportunistic violence, as well as the instrumentalization of conflict for narrow political goals, or even personal enrichment, as a Human Rights Watch report attests.<sup>5</sup> Instability creates its own vested interests.

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<sup>3</sup> <https://www.bbc.com/news/world-africa-17642276>

<sup>4</sup> <https://minusma.unmissions.org/en/personnel>

<sup>5</sup> <https://www.hrw.org/report/2018/12/07/we-used-be-brothers/self-defense-group-abuses-central-mali>



At this point in time the sources of instability in Mali are numerous, and even with the presence of reformers in the central government and a vibrant civil society, the fragility of democracy is high. These shortcomings cannot be addressed without strengthening the democratic framework of institutions, beyond the sheer control over the national territory ensured by military means. All international missions (including the one led by the CoD) pointed to the need for thorough and objective investigation by the national authorities of the causes of widespread inter-communal violence.

As the mission report of the CoD High-Level Delegation to Mali shows, the consequences of this generalized state fragility after 2012 are manifold. There is agreement among local interlocutors that corruption has gone up, with less legal control exerted over officials and increased rivalry over a dwindling pool of public resources. The rule of law has deteriorated, with access to courts becoming difficult and the proceedings slow and unpredictable; some detainees may be waiting longer in pre-detention for trial than for any possible sentence received for their alleged crime. These trends are captured by the charts below: there seems to be consensus among the most important organizations which are measuring various aspects of democracy.

Some hopes are currently being invested in a constitutional change, to reset the political life and possibly increase the level of autonomy in communities through an administrative decentralization processes. The expectation is that such change may reduce the separatist tendencies and increase the democratic resilience of the state. The problem is that Malians' trust in their political leadership and the judicial system (see charts) has dropped significantly. In addition, constitutional amendments require the passing of a high electoral threshold: a two-thirds parliamentary majority and then a national referendum.<sup>6</sup> Given the current situation, with central government still struggling to regain full control of some regions, the perspectives of a successful national referendum seem highly unlikely. All these conditions are difficult to meet in the current situation of political uncertainty and polarization.

Furthermore, a considerable segment of public opinion is resentful when it comes to the Agreement on Peace and Reconciliation signed in 2015 (the Algiers Process), regarding it as imposed under constraint and conducing to a weak state. People are

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<sup>6</sup> And as the CoD high-level mission report states after the visit to Bamako, "there are aspects of the constitution which cannot be changed at all: <No procedure of revision may be engaged in or pursued when it undermines the integrity of the territory. The republican form and the secularity of the State as well as multipartyism may not be made the object of revision> These critical elements of the Constitution should not represent stumbling blocks to revision.

equally skeptical about a substantial devolution of power to the regions, which may be the unavoidable political consequence of the process of administrative decentralization.

This is one more area of intervention where the international community should support with knowhow and best practices, or guarantee the objectivity of the process with its presence, to allay fears. This can ensure a workable model of decentralization is chosen, which contributes to the strengthening of the democratic framework, with more transparency and accountability and better public services – and not otherwise.

Right now it is not clear if the political will required by such a complex process exists: decentralization implies a stable and fair assignment of resources by tier of governance, and some space for autonomous decision making at the local level. The national dialogue process must determine if the decentralization will be administrative and symmetric, preserving the model of a relatively centralized state – or alternative, more federalist arrangements could be accepted. The first solution, contemplated in the national dialogue, does not satisfy every minority or the separatist group; on the other hand, the discussions about a federal arrangement may take time and escalate towards radical plans, rejected by the majority of citizens.

The national dialogue, initiated in 2019, could show the way forward and bridge the gap between central power and all the citizens of the country, provided that it upholds the promise of openness and inclusiveness. Success would be measured against the political will necessary for the implementation of the concluding recommendations and might be impacted by 2020 parliamentary elections as well as other unexpected events. People's expectations were high at the moment of the CoD High-Level Mission to Bamako (July, 2019); however, today the risks of failure cannot be overstated. It seems unavoidable that a decentralization plan accepted by the main parties would be coupled with a process of transitional justice, creating a political exit for those minorities who do not see separation as their ultimate goal.

Political tensions and the deterioration of the security situation had a negative impact on social dimensions like gender equality, which took steps back on relevant comparative indicators. The UNDP report places Mali below the Sub-Saharan average on the Gender Inequality Indicator,<sup>7</sup> with discrimination continuing also in the context of the law, not only through erratic enforcement of existing legal provisions. The collapse of public order and state institutions in certain regions of the country are likely to revive customary practices which reinforce gender inequality. Religion and the

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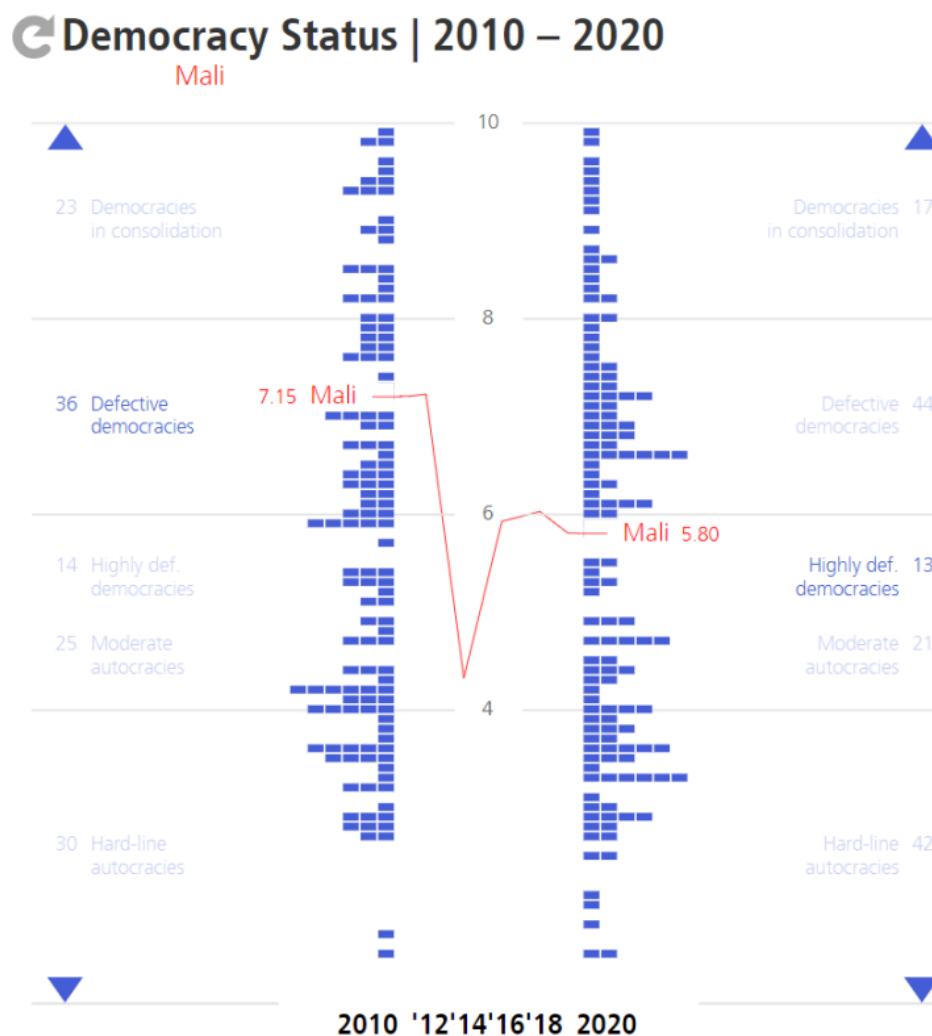
<sup>7</sup> [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/MLI.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MLI.pdf)

patriarchal social system shape the relation between genders, and both strengthen male domination in the household. This is unfortunate, as previous decades of democratic progress saw women gradually occupying decision-making positions, as a positive change in the status of women in Mali was starting to happen. The current increased violence may affect women disproportionately and limit girls' access to education.

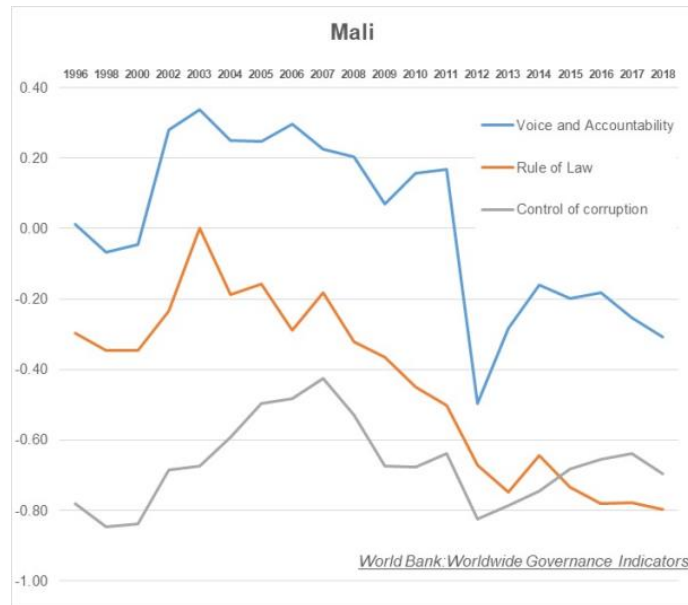
**The Bertelsmann Transformation Index (BTI) scores for Mali, 2020**

<https://www.bti-project.org/en/atlas.html>

The value of this global index lays in breaking down the assessment of democracy on meaningful components, but also in the distinction it makes between the (i) the formal existence of democratic institutions, (ii) how they actually perform in reality, and (iii) the objective difficulties a government is facing. Mali is relegated from a “defective” to “highly defective” democracy, even after a partial rebound in 2016-17.



**The BTI scores trends (left), plus a few dimensions of democratic quality according to the *Worldwide Governance Indicators* project of the World Bank (right).**



The governance performance has declined over the past decade in Mali, in spite of the recent rebound.

The "level of difficulty", i.e. the adverse circumstances in which the authorities have to function, has increased and obviously impacted the effectiveness of institutions in Mali. The current trend on all three BTI indicators is not encouraging.

The regress is confirmed by the World Governance Indicators (WGI) scores measured by the World Bank with its aggregated indicator (multiple sources, including Freedom House, etc.). Rule of Law has collapsed after 2012, and so did Voice and Accountability, as it was bound to happen in a situation of conflict. Control of Corruption remains at low levels, i.e. it is difficult under instability.

Mali is facing grave socioeconomic difficulties. It registers a high demographic growth of three per cent per year, a high illiteracy and unemployment rate among the young, and a prevalence of jobs in the informal sector, which offer little protection in times of crisis. As a result, the pressure to emigrate is growing among the young. Those who succeed in leaving send home remittances, which helps alleviate social problems, but can also result in making the economy dependent on such unreliable sources of income.

## The Gambia

The Gambia is a former British colony with a peculiar geography, stretched along the banks of the eponymous river. After gaining independence in the '60s, it entered a hopeful democratic era under a liberal constitution. Although competitive politics did exist for two decades, a one-party monopoly of state power developed, centered around the dominant personality of President Dawda Jawara. Real opposition or an active civil society languished.

The elected government was toppled in 1994, when a group of junior military officers staged a coup and took power. Their leader, Yahya Jammeh, introduced a new constitution and legitimized his own rule through a series of elections. However these ballots were neither free nor fair, and the Jammeh era was characterized by widespread corruption and extensive human rights abuses including torture and extrajudicial killings. The Gambia's fragile democracy became a hybrid regime (see Section 5 below).

The modicum of public support for this regime could be understood by its emphasis on investments and the development of the national infrastructure, such as the roads and the school networks which until then had been neglected. Internationally, The Gambia's image as "the smiling coast of Africa" was intensely cultivated, both for reasons of political propaganda but also in order to bolster tourism, an important source of foreign revenue. However, Jammeh and his regime became increasingly ideologized and erratic, and in 2013, The Gambia suddenly decided to withdraw from the Commonwealth.<sup>8</sup>

Decisive change came in 2017, when, after losing the presidential vote, and following a tense period of uncertainty, Jammeh grudgingly ceded the power to the legally elected Adama Barrow, the third president in the country's history. Politics became pluralist again, with the National Assembly more willing than before to challenge the government; the abuses perpetrated from the top have by and large disappeared. There are no more political prisoners and the new president has overseen the adoption of a sweeping transitional justice program, expected to function until 2021 and conclude with the publication of a report with recommendations for criminal prosecutions on individual cases. There is today more freedom of expression and a new law of freedom of information is currently being drafted in consultation with the representatives of mass media.

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<sup>8</sup> It has rejoined after the change of regime, in 2018.

According to the Afrobarometer survey conducted in 2018,<sup>9</sup> 46 per cent of respondents in The Gambia said the level of corruption decreased within the previous year, which should be taken as a general indicator of optimism. Gambians are today “struggling, but hopeful for the future” and much more free than before, as another opinion poll shows<sup>10</sup>. There is a surge in interest for The Gambia and more aid from bilateral and multilateral partners of the country.

Nevertheless, many structural obstacles remain in place: the country is highly indebted, unemployment is high and the level of vocational training and education among the young is low, leading to young men undertaking dangerous irregular migration, known as the “back way”. “The Gambia is disproportionately represented, in relation to its population, in the migrant population and anecdotal evidence suggests that some communities in The Gambia lack any young men, who have undertaken the perilous journey through the Sahel and the Sahara to cross the Mediterranean,” according to a recent evaluation report by domestic analysts.<sup>11</sup>

Following the Jammeh years, there is a shortage of administrative capacity in many branches of the state bureaucracy and the economy is heavily dependent on international tourism, which is likely to be impacted for years due to the current COVID-19 crisis. The Barrow government inherited an essentially bankrupt country with weak institutions, in which clientelistic relations remain the norm.

The rule of law is difficult to enforce due to lack of resources and the so-called “deep practices” of corruption at various levels. The new government has made efforts to professionalize the judiciary and recruit more Gambians to serve in place of foreigners usually brought in from Commonwealth countries on bilateral technical cooperation agreements. The consensus among observers is that this Executive respects the independence of the judiciary and interferes far less in their work than it was the case in the past. The legal framework to enable such prosecutions requires strengthening and there exists a need for comprehensive anti-corruption and whistleblower protection legislation.

With so many priority items on the reform agenda, social issues also present difficult challenges for the democratic government. The Jammeh regime ordered a ban on female genital mutilation, without undertaking any accompanying education

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<sup>9</sup> <http://afrobarometer.org/countries/gambia-1>

<sup>10</sup> <https://news.gallup.com/poll/238325/newly-freed-gambians-struggling-hopeful.aspx>

<sup>11</sup> <https://www.bti-project.org/en/reports/country-dashboard-GMB.html>

campaign to speak to religious and traditional concerns. With his departure, the practice emerged again.

Underage marriage of girls is another human rights matter which are reportedly on the rise, although long-term data on this issue is unavailable. There is widespread human trafficking and inter-generational social mobility is among the lowest in the world (see Section 6), which creates frustration among the youth.

Some undue restrictions to freedom of assembly and expression seem to continue, as well as incidents in which authorities to violently repress protests and arrest civil society activists. The top political echelons need to be able to control the law and order institutions better, and make additional efforts to implement reforms in this sector. Moreover, in 2019, a U.S. State Department report mentioned that The Gambia's extra-budgetary spending on the military and intelligence is "without supervision or audit."<sup>12</sup>

As it usually happens in such situations, the change of regime in 2017 and subsequent liberalization have raised expectations in society of rapid improvements, especially in terms of justice, social and political reforms and prosperity in general. But the national social cohesion and trust were severely corroded under the previous regime. Although supported by international donors, the National Assembly is short of technical expertise and capacity to carry out the full reform agenda as it develops its professional work. Some branches of the public administration are under-staffed and under-paid and there have been protests over environmental issues and non-performance in public service.

The public hearings organized by the Truth, Reconciliation and Reparation Commission, which drew large audiences as it broadcast through television and radio, left sections of the citizenry unhappy: as it happens, the proposed solutions of compromise were bound to disappoint. People who were persecuted in the past criticize the reconciliation process for leniency in regard to human rights abusers, and finally question the whole purpose of the Commission's work. The possibility that former President Jammeh may be brought before a court generated debate as well.<sup>13</sup> A danger exists that such feelings may fuel lingering resentment between different groups in society, in particularly directed against the Jola ethnic group to which the former president belongs.

The new president has promised a new Constitution, written by an independent commission: the draft has been indeed put up for public consultation at the end of

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<sup>12</sup> <https://www.theafricareport.com/22705/gambias-president-barrow-chooses-mandate-over-constituents/>

<sup>13</sup> It turns out he may be, in The Gambia or The Hague

2019 and handed over to the presidency in March 2020.<sup>14</sup> Now the act must be approved in a national referendum; in parallel, fresh elections have to be organized in the next two years, and therefore efforts to improve political representation, especially of women and youth, and to give all eligible Gambians the opportunity to vote, are now a priority.

It will not be easy: as the CoD mission to Banjul has learned, the latest census took place in 2001; its results need updating before the constitutional referendum and/or elections. A special challenge is related to the situation of Gambians living abroad, whose right to vote should be secured. Another one has to do with the introduction of paper ballots for the next elections, as the current system of voting, through casting marbles, will be rendered obsolete by the higher number of political competitors expected to run.

As a further issue, an unwritten agreement among coalition members which backed the 2017 Barrow election campaign planned for him to serve three years, by the end of which time there was expectation on a new constitution and the possibility to hold new elections. However, upon assuming office, President Barrow stated he was elected to serve a constitutional term of five years. Many in The Gambia's vibrant and vocal civil society opposed this decision through a movement called "Three Years Jotna" (*Three years are Enough*). Possible solutions to this controversy include language in the draft constitution defining presidential term limits which will be debated by the National Assembly in 2020.

Political tensions are likely to continue around the subject and create a halo of frustration around any likely administrative mishap in organizing the vote, or the lack of performance of the government in general. As in any transition process, the possibility of violent rejection of results of future elections by some political forces cannot be excluded, if the current level of polarization continues. It is important to note the institutional framework of the state has thus far proven to be resilient, but the large gap between expectations and performance create serious risks.

Gambian civil society has long been present in the country. A change has already appeared between the "old" and "new" civil societies, the latter being markedly more activist and inclined towards contesting policies, but also institutions and

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<sup>14</sup> The new draft Constitution <https://crc220.org/wp-content/uploads/2015/12/CRC-DRAFT-CONSTITUTION.pdf>

and its current stage <http://archive.thepoint.gm/africa/gambia/article/new-constitution-to-provide-safe-haven-for-all-citizens>

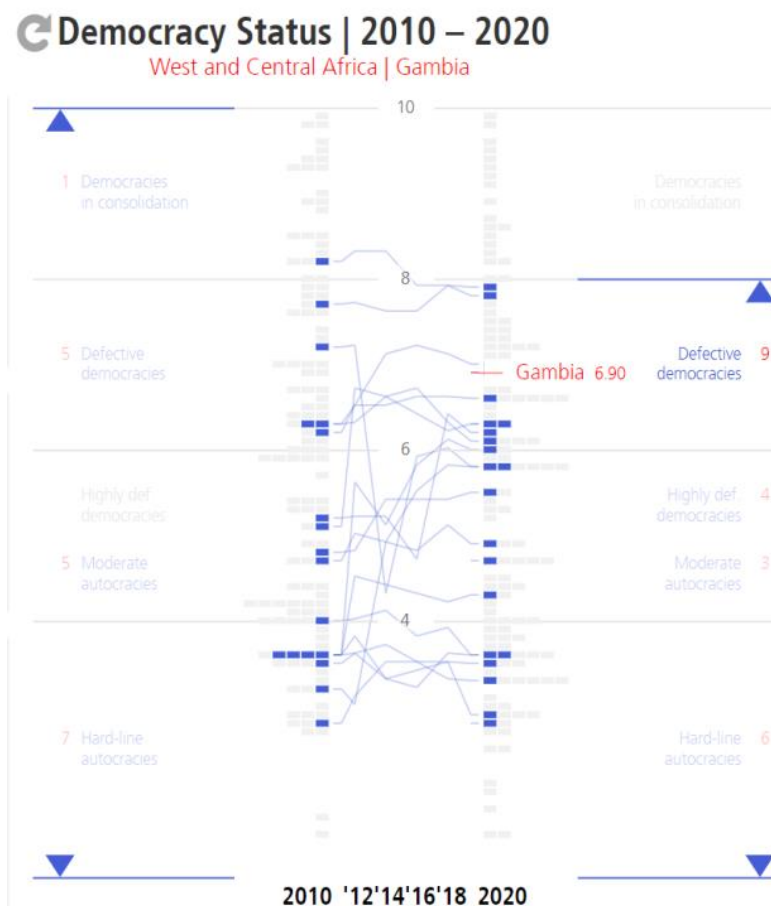


constitutional arrangements. The same is reportedly true for the women rights organizations, with the new ones more likely to challenge subjects such as the poor definition in the law of rape, the prevalence of this crime in society, and the reluctance of the police force to include female officers. Illiteracy and child marriage under customary law create a vicious cycle of marginalization which is hard to break, but it is increasingly less accepted by the most vocal social groups. The creation of a Ministry of Women, Children and Social Welfare is a step in the right direction, and it is to be encouraged by the international community as it shapes and implements its mission.

### The Bertelsmann Transformation Index (BTI) scores for The Gambia, 2020

<https://www.bti-project.org/en/atlas.html>

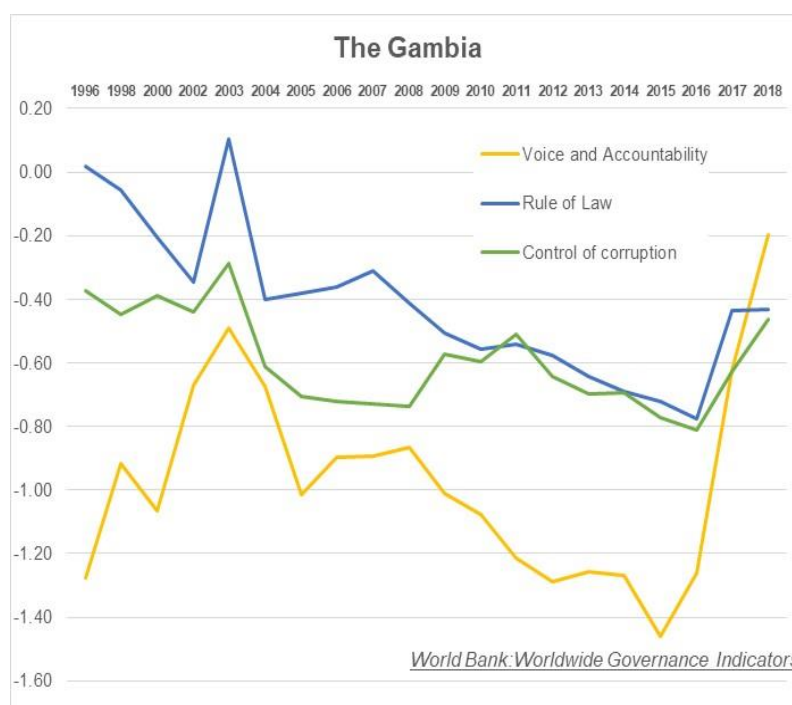
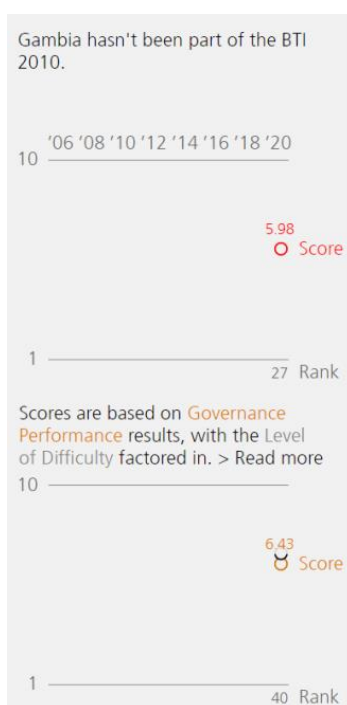
The value of the following global index lays in breaking down the assessment of democracy on meaningful components, but also in the distinction it makes between the (i) the formal existence of democratic global index lays in breaking down the assessment of democracy on meaningful components, but also in the distinction it makes between the (i) the formal existence of democratic institutions, (ii) how they actually perform in reality, and (iii) the objective difficulties a government is facing.



The Gambia was introduced in this global evaluation this year, so there is no time series going back from 2020. For the country's position this is fortunate, because the value reflects its current political liberalization after 2017.

**The BTI scores trends, plus a few dimensions of democratic quality according to the *Worldwide Governance Indicators* project of the World Bank.**

Unlike in Mali, the low value of the BTI Governance Index in 2020 (*left*) cannot be justified by adverse circumstances. There has been visible progress on the political dimension starting from 2017, according to the Worldwide Governance Indicators (WGI) score (*right*), but not so much on Rule of Law dimensions. Severe shortages in administrative and judicial capacity limit the possibility of rapid improvements in performance.



## Armenia

After the collapse of the Communist regime in 1991 and the breakup of the USSR, Armenia followed the typical boom and bust cycles which affected many nations in the

same situation in Eastern Europe and Central Asia. The democratic institutions were created in the early nineties, but they functioned imperfectly afterwards, and periods of enthusiasm and reform alternated with stagnation, political crises and even a terrorist attack in 1999 which targeted the country's leadership.

Armenia's development has been constrained by its relative geographical isolation, surrounded by historically hostile neighbors and with a "frozen" conflict engulfing Nagorno-Karabakh. The country's de facto security guarantor is the Russian Federation, which has a military presence in Armenia, and in consequence exerts an important influence over its foreign policy. This explains Yerevan's hesitation in its relationship with the European Union, in contrast with its neighbor Georgia.

The country joined the European Neighborhood Policy in 2004, an instrument which aims to familiarize society with the European values, norms and institutions. However, Yerevan was prevented by Russia to move in this direction. After the format of the Eastern Partnership (EaP) was created by Brussels in 2009 and extended to certain states with deeper association and trade agreements attached to it, Yerevan chose the economic bloc of the Eurasian Economic Union (EAEU) instead. The EAEU is an alternative free trade zone led by Russia that includes some former Soviet republics. Another U-turn occurred later, and Armenia signed an Agreement with the EU in 2017, but this was a less ambitious version than the one initially offered, with no free trade agreement included. While three other EaP countries are eager to get "ever closer" to the European Union, geopolitics keeps Armenia more cautious about such goals. As a result, Brussels' institutional support is also more limited.

The economy followed the same up and down regional patterns, doing well during regional booms, mainly from real estate investments, and being hit hard by exogenous crises, such as those following the 2008 Presidential Election. Russia is present in strategic sectors, such as energy and infrastructure, and possess an extra leverage since many Armenians migrate to large Russian cities in search of work. These people are vulnerable to the vagaries of swings in diplomatic relations and the regular clampdowns on migrants in Moscow and St. Petersburg. The migratory outflows, and the low birth rate, are the causes of the steady demographic decline of Armenia, a general trend for the most post-Socialist societies, that puts it in marked contrast with the other two countries discussed in this report.

In spite of the recent improvement in relations with Europe, Armenia's membership in the alternative Eurasian Economic Union has had impact: it is the EaP country where trade with the EU has actually declined between 2009 and 2018, in the same interval

the trade with Russia grew substantially.<sup>15</sup> Armenia is also alone among its EaP peers in not yet succeeding to obtain visa-free travel to Europe for its citizens; Moldova, Georgia and Ukraine did this over the last decade. In terms of political relevance and visibility for the general public, this has always been one of the main achievements for a government in the post-Communist world. But when this happens for Armenia, the abolition of Schengen visas could trigger a new wave of emigration, this time to Europe, magnifying the problem of depopulation.

The most recent upswing in political climate came in the spring of 2018, when a non-violent, "Velvet Revolution", with the youth and the civil society at the forefront of massive street protests, toppled what was perceived to be an oligarchic government and stagnant political class. The immediate trigger of events was the attempt of a former president to continue in power as prime minister after engineering a constitutional amendment to that effect. However, the political change which resulted from protests was much more significant than blocking this Putin-style artifice: the whole political class was rejuvenated, with a generation of young people getting access to decision-making and top public offices. The change for the better on many political dimensions is well captured by the indicators on the charts below.

The executive and legislative branches of its government have regained the trust of the citizens, something which is quite rare in the region. A bold agenda was put forward by the new government, with commitments to reform the judiciary, the public administration and to continue the process of decentralization started years ago and stalled. A comprehensive national anti-corruption strategy was approved in 2019, with an attached action plan with measures until 2022. New special institutions were created to prevent or punish conflicts of interest and embezzlement; among them, a Corruption Prevention Commission. Tackling patronage networks and introducing a better separation between private enterprise and public office, were defined as priorities.

The early parliamentary elections organized in December 2018 were uncharacteristically free and competitive, and they were won by the representatives of the new political parties in power. However, the new leaders will have to manage carefully the elevated expectations in society, created by the political change two years ago, in this new era of hope. Already some observers are qualifying the government as "evolutionary" rather than "revolutionary", which is meant as a criticism for being too cautious. It is true that an "economic revolution" was promised, phased in over five

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<sup>15</sup> Secrieru S. and S. Saari, 2019. *The Eastern Partnership a Decade On. Looking back, thinking ahead*. Chaillot paper 153, European Union Institute for Security Studies.

years following a plan and relying on the support of the international partners, the most important being the EU.<sup>16</sup> However, the objective constraints on the government remain high, as indicated.

The oligarchic, concentrated structure of the economy remains in place, and the commercial dominance of large Russian companies does not help to establish openness and competitiveness. Most private TV stations belong to the same oligarchs, with deep roots in the previous regime, and as a result, media coverage is far from objective or balanced: the channels are platforms used instrumentally against those who make efforts to transform the political and economic systems. The social media represents an alternative, but it comes with its own pathologies: increasing polarization, proliferating hate speech and campaigns of strategic manipulation orchestrated at crucial moments.

The Corruption Prevention Commission has a broad mandate but is short of resources and expertise, while its legal instruments are incomplete. A Transitional Justice Strategy was suggested in the context of political change, meant to address past injustices and pave the road for a new social contract. The most urgent tasks are to address large-scale corruption and human rights violations, and there has been some action to bring cases before court. Eventually, Prime Minister Pashinyan called for street protests against corrupt judges, and the public responded enthusiastically.

However, in designing transitional justice<sup>17</sup> in Armenia, due process, fair trials, and judicial independence are important for both victims and perpetrators. After two decades of systematic abuse, new methods are being explored to radically change the judiciary, through a vetting process, with the help of international partners and in consultation with the Venice Commission. A number of high-profile cases pending, including that against former President Kocharyan and other former officials, constitute a test case for the determination and fairness of the judiciary.

There is also a need to reform the Constitutional Court, which in terms of composition and practices represents a legacy of the previous regime. The way forward proposed was a national referendum to change the method of selecting constitutional judges, but this public consultation had to be postponed due to the COVID-19 lockdown.

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<sup>16</sup> <https://eurasianet.org/armenia-adopts-plan-for-economic-revolution>

<sup>17</sup> In fact this is not a post-conflict society in the proper sense, so the model followed is not exactly one of “transitional justice” as it happens in Mali, although the Armenian officials use sometimes the term to emphasize the political importance of the rule of law reforms.

The government needs to improve its capacity to consult with stakeholders and communicate its plans and policies to the public. There are joint projects with the EU and the Council of Europe to improve public participation in decision-making, at the local and central levels. Often, officials bring up the issue of public apathy and lack of interest of citizens to participate in public affairs. However, the problem is structural and resembles a vicious circle: citizens are disengaged not because they do not care or understand, but primarily because they feel it would be a waste of time to invest effort in processes which are purely formal or an exercise to please the EU, when the important decisions are made elsewhere. If public debates are too general and open-ended, with no specific purpose, and there are informal networks of elected officials and civil servants who run things to their own advantage, people will continue to stay away.

Among the many reforms being discussed today in Armenia is the devolution of power from the central government to local governments and strengthening their capacity. A strategy is currently being implemented to gradually merge small local governments into fewer, bigger units, with more autonomy and the capability to exert it. Task forces and projects assisted with Western knowhow were put in place to further this process of decentralization.

The main problem to be addressed are the client-patron relationships between elected local mayors and the appointed governors of regions sitting above them. This structure was the backbone of Armenia's hybrid regime after 1991, used for projecting power in territory, controlling resources and manipulating elections. The old practices will be hard to uproot, however, because they rely on informal arrangements and are part of the entrenched social networks of patronage and resource redistribution.

### **The Bertelsmann Transformation Index (BTI) scores for Armenia, 2020**

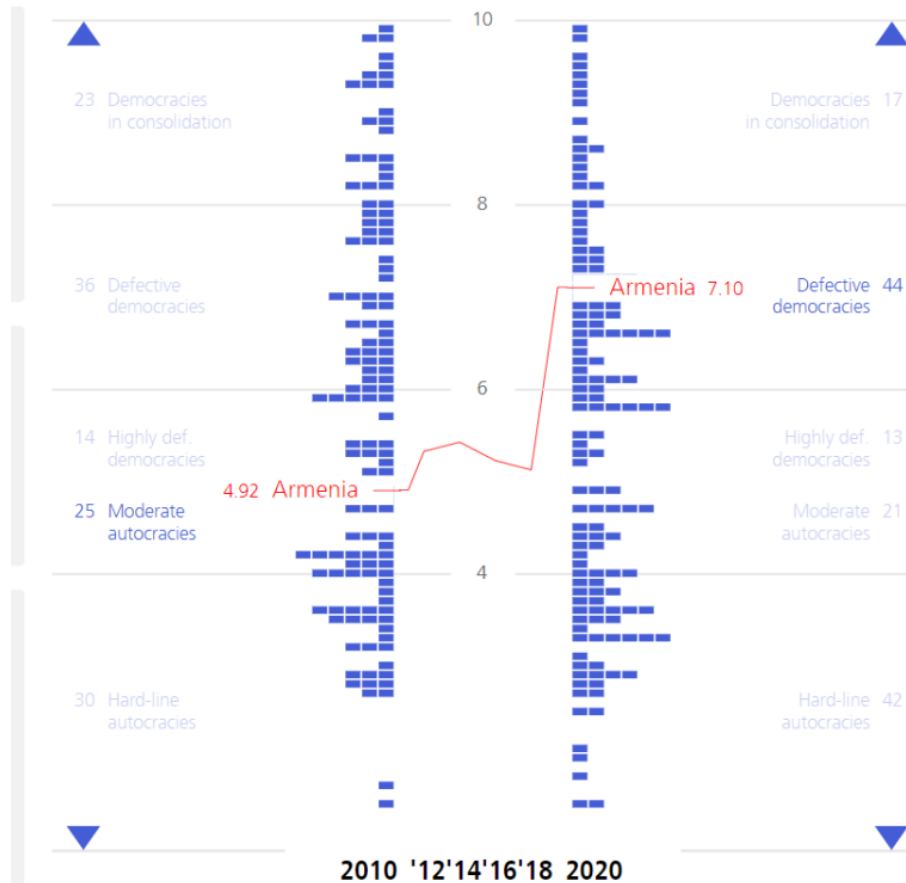
<https://www.bti-project.org/en/atlas.html>

The value of this global index lays in breaking down the assessment of democracy on meaningful components, but also in the distinction it makes between the (i) the formal existence of democratic institutions, (ii) how they actually perform in reality, and (iii) the objective difficulties a government is facing.

Armenia's progress after the "Velvet Revolution" of 2018 led to a significant upgrading of its status to imperfect democracy; before it was a mild autocracy in all but name. This has also improved its dialogue with the international partners, especially the EU.

## Democracy Status | 2010 – 2020

Armenia



### The BTI scores trends, plus a few dimensions of democratic quality according to the *Worldwide Governance Indicators* project of the World Bank.

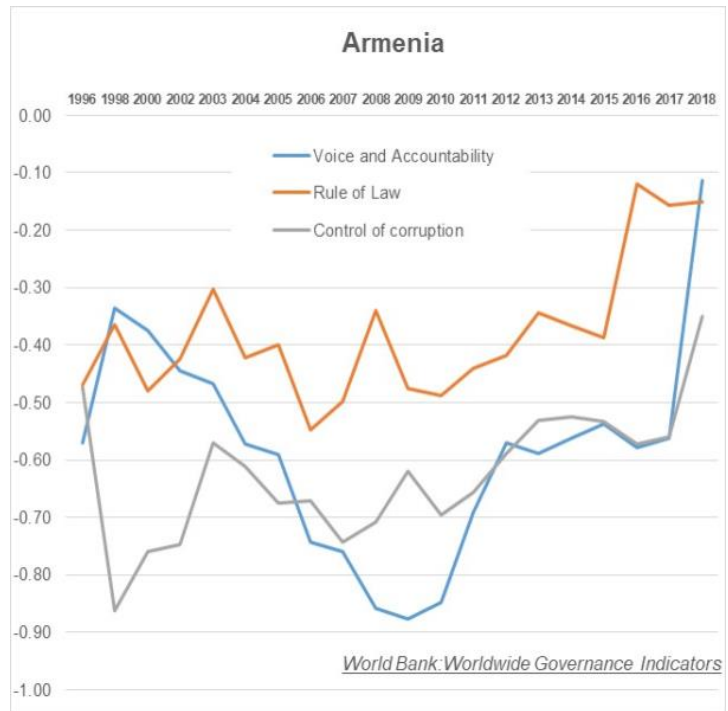
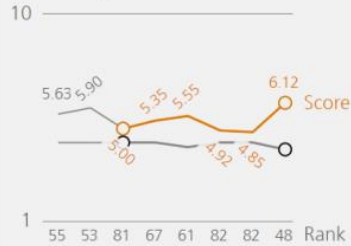
While it is difficult to compare and contrast three such different countries on issues specifically of democracy and reform, among the three countries analyzed in this report, Armenia is the one with the most dramatic improvement of democratic scores in the last years. The external conditions in which the government and society operate are not more adverse than in the past, and are probably slightly more favorable. Both the formal institutional framework and the performance of governance have improved after the “Velvet Revolution” of 2018, albeit not so much as the politics has liberalized.

The WGI scores of the World Bank do not capture the whole magnitude of change occurred in 2018, but show that certain pressure for improvement existed even under the previous regime, mainly in the form of open protests and political action by the opposition. The urgency to tackle corruption and fix the rule of law was the main point on the agenda of the “Velvet Revolution”, and set the bar very high for the new regime.

From 2010 to 2020, Armenia's Governance Index score has increased by 0.94 points.



Scores are based on **Governance Performance** results, with the Level of Difficulty factored in. > Read more



## Democratic transitions and the emergence of hybrid regimes

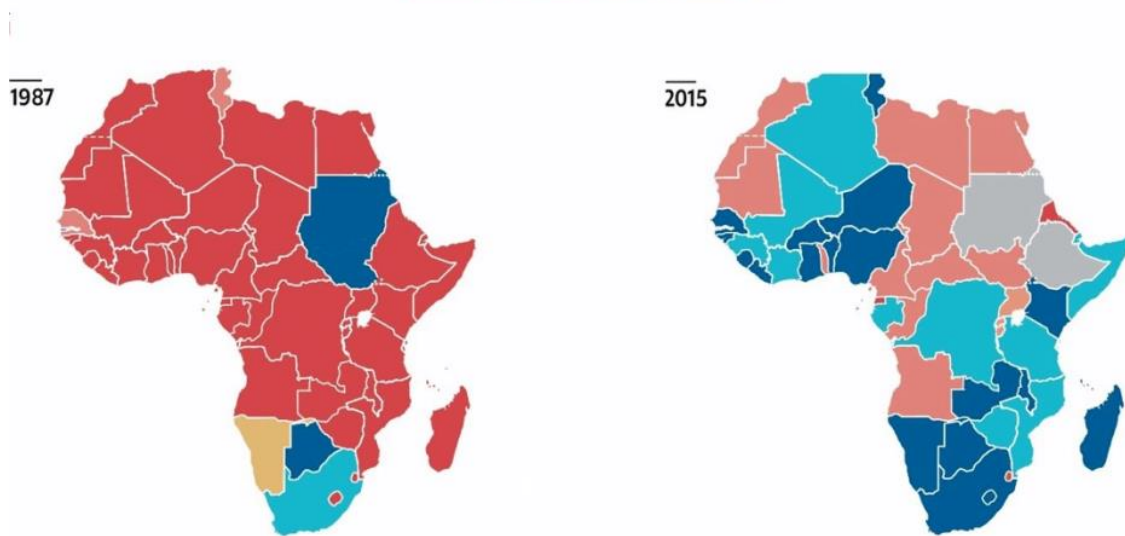
When the Cold War ended three decades ago, a basic tenet of the transition theory was that countries could be clearly divided into categories: (a) dictatorships, with few or no democratic institutions; (b) functional, consolidated democracies; and (c) a class in-between, of countries “transitioning” from the first towards the second group. Not only the conceptual demarcations were clear; the sense of “historical progress” was also predetermined, and only the speed of movement from (a) to (b) was in dispute.

Most of the literature of transitology appeared in the '80s, based on the experience of democratization in Southern Europe and Latin America, and it works within this paradigm. The post-Communist world after the collapse of regimes in 1989-1991, to which Armenia belongs, seemed to verify the rule very well: re-joining the Western world through the “**double transition**” (building simultaneously the democratic politics and the market economy) was planned in successive steps, with milestones and target dates, by politicians eager to gain legitimacy. Countries willing to integrate with the EU or other democratic clubs were being judged according to how much they “advanced” along this road.



## Freedom breaking out

"Democracy Score"



Sources: Wimmer and Min (2006); Centre for Systemic Peace

The Economist

Such was the force of attraction of this orthodox paradigm of unilineal transition to democracy – to some extent still is – that it influenced the manner in which political developments on other continents are assessed, too. In a special report published by *The Economist* recently, Africa's encouraging trajectory over three decades is marked by a reduction in the number of autocracies and a multiplication of democracies, as the maps above show: "At the end of the 1970s just three countries in sub-Saharan Africa were definitively multi-party democracies (Botswana, The Gambia and Mauritius). More than two-thirds had undergone military rule." <sup>18</sup> By contrast, only a handful of cases are today full-blown autocracies.

The moderate increase in affluence in some African countries, coupled with the broader access to instant global communication (Internet) and the improvements in education have made the populations more mobile, intellectually and physically. While the migration of African youth to Western countries is a complex phenomenon with ups and downs to be pondered, at least a number of benefits are listed by analysts: the obvious ones of creating a buffer for the local unemployment and an inflow of remittances; and the more subtle one of changing the domestic politics for the better. A study carried out in Mali finds that returning migrants are more likely to vote than

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<sup>18</sup> "The African Century". Special report in *The Economist*, March 28<sup>th</sup> 2020. In the text "anocracy" designates a form of government loosely defined as part democracy and part dictatorship, or as a regime that mixes democratic with autocratic features.

the average citizen.<sup>19</sup> What is more, the impact of returnees goes beyond their own participation in politics, as they spread new values and political norms to non-migrants as well.

This optimistic view of the world, as a progressing march towards democracy, has started to be questioned lately, especially after the global economy was hit by the crisis more than a decade ago. The alleged mass economic inequality, untrammelled capitalism, a renewed attention to corruption and clientelism in the Western world – all these created waves of protests, new political movements, polarization in electorates and in general a sense of political instability.

The analysts started to ponder how resilient democracies really are, even in the Western world, and what instruments could be used to forecast this resilience – or the **backsliding**. Some commentators went as far as to suggest that the classic liberal democracy is collapsing altogether.

Freedom House surveys have been warning about democratic decline for more than ten years. The *Global Satisfaction with Democracy Report 2020*, used as a reference by many international organizations, speaks about a “global democratic recession” originating more than a decade ago.<sup>20</sup> An important volume summarizing the polemic between the “democratic recession” theorists and another, the more optimistic camp, who sees the recent fashion for “illiberal democracies” just as a temporary pause after a long period of progress, was published.<sup>21</sup> The point is, however, that both groups tend to share the same orthodox vision, of the straight axis with autocracy and democracy at its ends, the only question in dispute being the direction in which a nation or group of nations is moving: forwards or backwards.

Departing from this vision, others argue instead that there is in fact no global “democratic recession” – because the democratic advance was exaggerated in the first place.<sup>22</sup> In other words, the map above presents a picture of Africa in 2015 which is too positive. There was too much optimism about pro-democratization trends in the post-Cold War climate, rooted in the successful transition of a limited number of countries:

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<sup>19</sup> Chauvet L. and M. Mercier, 2014. “Do Return Migrants Transfer Political Norms to their Origin Country? Evidence from Mali”. In *Journal of Comparative Economics* 42(3).

<sup>20</sup> Foa, R.S., Klassen, A., Slade, M., Rand, A. and R. Collins. 2020. *The Global Satisfaction with Democracy Report 2020*. Cambridge, UK: Centre for the Future of Democracy.

<sup>21</sup> Diamond, Larry Jay, Marc F. Plattner, and Condoleezza Rice (eds), 2016. *Democracy in Decline?* Baltimore: John Hopkins University Press.

<sup>22</sup> Levitsky S. and L Way, 2015. “The myth of democratic recession”. *Journal of Democracy*, 26(1).

the “low hanging fruits” of the ‘90s, as the authors put it. In reality, many countries have seen only a superficial democratization:

*During the early 1990s, economic crisis, weakened states, and external pressure forced many autocrats to abandon power or tolerate opposition. These authoritarian crises were widely viewed as democratic transitions, even though most were not. Subsequent authoritarian (re)consolidation was thus perceived as democratic “backsliding.” Misplaced pessimism was reinforced by disappointment over non-democratization in China, the Middle East, and elsewhere, despite the fact that most remaining dictatorships existed amid highly unfavorable conditions for democratization.*<sup>23</sup>

The central point in debates has become recently the heterogeneous notion of a **hybrid regime**, conceived not as a transitory stage to something else, by a stable reality as such. This was in fact anticipated by earlier transitologists, when they were observing Latin American realities such as “*democradura*” (political democracy with serious practical limitations) or “*dictablanda*” (dictatorship embracing some democratic paraphernalia, but otherwise keeping politics under tight control).<sup>24</sup> It was not so much a problem of resilience, i.e., democracy being pushed to the point of breakdown, but of important ingredients missing from the mix all along.

Ten years later, the same scholar reiterated the idea that some regimes simply do not fit into the classic transition paradigm: he came up with the term “*delegative democracy*”, in which presidents are elected freely and fairly but govern undemocratically. More precisely, they rule without checks and balances on their power, exerted by institutions of “horizontal accountability.”<sup>25</sup> The labels proliferated afterwards, with “defective” or “illiberal” democracy used frequently.

What is important in contemporary **hybrid regimes** is that nobody is openly challenging the internationally-accepted institutions, or staging coups d’état; the trappings of the democratic state remain in place. The trespassing is more subtle, gradual, pushing the limits of acceptance by the society or the country’s international partners. Transition pacts or other important political agreements between parties are broken after one gets in power; referenda start to multiply, and populist rhetoric flourishes; the mandates of independent bodies (constitutional courts, central banks,

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<sup>23</sup> Ibid.

<sup>24</sup> O'Donnell G. and Ph. Schmitter, 1986. *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies* (1986), Johns Hopkins University Press

<sup>25</sup> O'Donnell, G., 1998. “Horizontal Accountability in New Democracies”, in *Journal of Democracy*. Vol. 9, No. 3.

regulatory agencies) are cut short under various pretexts; electoral rules are changed so as to make a rotation in power less likely. In many cases, the real hierarchy of the state does not coincide with the formal one provided by the law. Decisions that matter are taken outside the state institutions, in informal circles. The opposition and civil society are accepted in the public arena, occupying offices which may appear important but in reality do not matter, and this contributes to the international legitimacy of the regime.

The main feature of this type of political arrangement is that leaders break more or less openly the spirit of the constitution and make a democratic succession difficult in practice, by planting all sort of obstacles in secondary legislation or in the manner the bureaucracy operates. Two authors mentioned above have introduced the notion of **competitive authoritarianism** for such a regime: one in which meaningful democratic institutions coexist with very serious abuse in office by the incumbents, which in turn makes electoral competition real, but unfair.<sup>26</sup>

This is a very important insight and relevant for the work done by the CoD across the globe: elections today are insufficient to qualify a regime as a democracy. Even more, they often play a role in perpetuating and legitimizing competitive-authoritarian regimes. The democratic framework is honored in theory, the labels and rituals are in place, while many informal ways are found to control undemocratically from the top the result. Some have gone as far as to say that such hybrid regimes are more likely to win elections than not – in other words, that they enjoy genuine popular support and therefore *do not need to steal elections at the ballots*: “to our best knowledge, the only case in which a backsliding government lost an election and left office is of Sri Lanka in 2015, and this outcome resulted from massive defections from the ruling coalition.”<sup>27</sup>

A rational model was proposed to explain how “backsliding regimes” increase their popularity and win elections, base on iterative steps: first the regime starts to challenge the democratic norms and institutions, in full daylight, thus lowering the voters’ expectations and reference points.<sup>28</sup> Then the leaders take a step back and beat the

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<sup>26</sup> Levitsky S. and L Way, 2010. *Competitive Authoritarianism. Hybrid Regimes after the Cold War*. Cambridge University Press.

<sup>27</sup> Luo Z, and A. Przeworski, 2019. *Democracy and Its Vulnerabilities: Dynamics of Democratic Backsliding*. NY University <https://as.nyu.edu/content/dam/nyu-as/econ/documents/2020-Spring/political-economy-seminar/zhaotian-luo.pdf>

<sup>28</sup> Grillo E., and C. Prato, 2020. *Reference Points and Democratic Backsliding*. Available at SSRN: <https://ssrn.com/abstract=3475705>

low standards they themselves set, conveying the impression that “things are not as bad as they could have been.” Thus the backsliding is camouflaged as politics-as-usual and sensible compromise. Would-be autocrats have found the hybrid arrangements very convenient recently and in general show no interest to move towards open dictatorship:

*Competitive politics (in hybrid regimes) persists because many autocrats lack the coercive and organizational capacity to consolidate hegemonic rule, and because the alternatives to multiparty elections lack legitimacy across the globe. Recently, new competitive authoritarian regimes have emerged in countries with strong democratic institutions, raising concerns about the diffusion of competitive authoritarianism to the West.*<sup>29</sup>

Even though the claim that the hybrid regimes are more successful in openly contested elections may be an exaggeration, the dissatisfaction of citizens with classic democracy is real: worldwide it has gone up by 10 per cent on average since the 1990s, according to the *Global Satisfaction with Democracy Report 2020* (see footnote 18). The sharpest increase in unhappiness occurred after the last global economic crisis, which also suggests a possible cause. The fact that large and consolidated Western democracies are part of this narrative creates the additional risk of a negative demonstration effect, legitimizing similar regressions in states with weaker institutions.

## Dimensions of Democratic Resilience: Challenges and Recommendations for Armenia, The Gambia and Mali

The growing acceptability of hybrid regimes in the international arena, in the form of competitive authoritarianisms or otherwise – i.e., polities which do not change for the better, but nor do they “backslide” on the standards of procedural democracy – should be a serious topic of reflection in the CoD fora. All three countries under scrutiny in this report were in their recent past confronted with the effects of such type of regime: Armenia and The Gambia until two-three years ago; Mali as a consequence of the deteriorating security situation.

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<sup>29</sup> Levitsky S. and L Way, 2020. “The New Competitive Authoritarianism”. *Journal of Democracy*, 31 (1).

It is tempting to start exploring the possibility to build a **Democracy Resilience Index (DRI)** in the context of CoD's activity; such a tool does not exist so far on the market. It would be a composite of quantitative indexes such as the ones presented in the previous country sections, plus a brief qualitative analysis on dimensions which are difficult to quantify. It would include endogenous parameters (i.e., controllable through policy by a government) as well as exogenous (outside the immediate control of the domestic decision-makers).

If established, DRI would operate like an early warning instrument, anticipating open democracy crises. Building such a tool through a process of broad consultation can be a useful exercise in awareness raising and an occasion to reflect publicly on the risks of democratic backsliding, collapse, or the current prevalence of competitive authoritarianisms. Without being exhaustive, and relying on the country-specific sections 2-4 and the reflections on democratic transitions from the section 5 above, a number of areas of concern that may be covered by a DRI are briefly presented below.

- The **balance of power** at the top, meaning the problem of executive vs legislative rapport, the horizontal accountability institutions, de judicial oversight and the civilian control over the military. The true rapport between the legislative and the executive must be assessed and discussed, with attention paid to attempts by the latter to control the former through illegitimate means. How stable, transparent and predictable the decision-making is in the "center of government" (OECD terminology), i.e., in what way the important decisions are really taken inside the cabinet of ministers, is one crucial dimension of analysis. Civilian oversight of the "institutions of force" (army, police, secret services) is an important aspect. It is important to monitor carefully how independent the Parliaments are from the Executive – but equally important to make sure legislatures are not captured by vested interests and block the efforts of reformist cabinets (as it has happened sometimes in post-Communist countries, and it may be the case today in Armenia).
- **Informality** in power distribution and exertion is a crucial dimension in hybrid regimes, and one often neglected by analysts. One of the most important source of dissatisfaction with democracy standards lately has been the **increasing gap between the written norms to which states subscribe, and the actual practice** in the respective countries. We find this gap in many domains in which reasonable international norms and commitments exist. There is a big difference between *pays réel* (a real country) and *pays légal* (a legal country) and a measure of this difference would be useful for comparisons.

- In hybrid regimes elections appear to be free and fair, but new entrants on the political market face high administrative obstacles when they want to register and/or run in elections. These obstacles can be direct but more often indirect, deriving from low-order regulations which usually fall under the radar in typical cross-country assessments. Obscure requirements about how the signatures should be collected by those who want to run in elections might be onerous in practice (timing, the handling of prescribed forms) and prevent honest actors from entering the competition. The same is true about party financing rules, especially when the auditor prescribed by the law is weak or part of the network of patronage. And how the access to vote of citizens abroad can also matter for the fairness of the process; all three countries covered in this report have large diasporas.
- In order to alleviate the problem of informality in exerting the power and close the gap between what is on paper and what is actually being implemented, which is a characteristic of the hybrid regimes, three broad dimensions of **state reform** should be pursued. They are:
  - (i) the process of devolution/decentralization;
  - (ii) civil service strengthening and depoliticization, including the fight against corruption; and
  - (iii) fixing of the system of decision-making at the top of the government, including the issues of transparency and accountability.

States like Armenia can be more ambitious on this agenda, while The Gambia is constrained by shortages in expertise and capacity. But the logic of state reform is the same everywhere and the CoD, as well as the willing donors, can mobilize support for one item or another from this agenda.

- Proper **devolution** implies the existence of subnational tiers of elected government, with their own respective legitimacy and scope of decision-making. A good process of decentralization presupposes a clear assignment of attributions and sources of revenues by tier of elected self-government. If decentralization is to be something more than window-dressing, the relation between central and local governments has to be defined through iron rules protecting the areas of exclusive local autonomy. Resources shared among different tiers of government have to be allocated according to transparent and objective criteria. The final design must be country-specific, negotiated and agreed by all national stakeholders. More or less decentralization can be in order, provided the crucial standard is upheld to have a clear, fair and transparent contractual arrangement between the central and local

communities, with no major gaps between responsibilities and revenues in locally elected governments, allowing predictability and realism in the management of local affairs.

- **Armenia** and **Mali** are both considering scenarios of devolution in 2020, although in very different circumstances and with different political goals. While Armenia receives assistance from the Council of Europe, both countries could benefit from more expert support on how to get decentralization right, including what *not* to do when decentralizing, based on the vast existing international experience.<sup>30</sup> For example, a lesson learnt from many parts of the world is that decentralization can bring a lot of benefits in terms of broader ownership of policies and more efficient use of budgets. On the other hand, it must proceed cautiously in states with traditional societies or ethnic and religious fragmentation, where newly devolved powers and resources can be confiscated by local elites, with different agendas and less progressive views than the central state. Local customs leading to abuses against women, children or vulnerable minorities may be inadvertently reinforced through decentralization, if the framework is not set right from the outset. This is a lesson relevant for both sub-Saharan countries, but also in Armenia if power and budgets are to be kept out of the reach of the territorial networks of patronage and clientelism.
- In a country like **Mali**, affected currently by escalating conflicts between local communities, separatism and anti-government protests in the main cities, a decentralization plan is difficult to implement immediately. At best, a plan should be part of a package negotiated simultaneously with the help of the international community, including (i) consolidating the legitimacy of the central government; (ii) a national pact to share transparently with locally-elected authorities the decision making power, and a stable pool of resources, in those areas which are normally of local interest (but not crucial state functions such as defence, justice, or strategic policies in social sectors); and (iii) transitional justice applicable in areas affected by violence.
  - A professional, politically neutral and stable **civil service (bureaucracy)** must be created to carry out the daily routines of public service delivery and assist political decision-makers with quality technical advice. This is difficult in transition countries because progress in professionalization and depoliticization is hard to measure objectively. Nonetheless, some criteria could be devised: entry in the civil

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<sup>30</sup> See for example this practical textbook with many Dos and DON'Ts: Manor, J., 1999. *The Political Economy of Democratic Decentralization*. World Bank, Washington DC.



service must be open and competitive; regularly scheduled and objective performance evaluations must exist and should inform compensation and promotion systems; civil servants must be insulated from inappropriate political pressure; fair procedures must be created for disciplinary action; training for civil servants must be available and should facilitate professional development over time; civil service positions must be attractive to qualified individuals and certain proportionality should be maintained with salaries in the private sector; the total cost of operating public bureaucracies must be affordable and transparent, while sector-specific compensation rules and discretionary adjustments to salaries should be reduced to a minimum. This agenda is very urgent in Armenia, and realistic elements of it should be considered in The Gambia too: political liberalizations have created windows of opportunity for improvement in both countries.

- **Policy formulation** and policy decision-making processes in a modern administration ensure that top cabinet meetings are managed in a way that allows participants to focus on strategic objectives rather than being burdened with details or legal drafting. A system of cabinet-level sub-committees should exist to coordinate a number of broad policy areas deemed of strategic importance and screen new proposals before they reach the cabinet plenum. In modern administrations, a good part of such arbitrage takes place at this sub-cabinet level. When this is achieved, important measures are first presented to the cabinet as short policy options papers outlining the main problems, trade-offs and solutions. This is where all hard choices should be explicitly made; legal texts are produced only afterwards. Proper consultation with the main stakeholders is organized during the stage of discussing policy options, while policy implementation assumes that subordinated institutions are given clear mandates, freedom to manage themselves and are held accountable for results.

- It is an ambitious agenda, but it is the only way to ensure that the general principles of good governance to which the CoD Member States commit themselves are in fact implemented: the separation and delegation of powers; accountability of the civil service; transparency and consultation with social groups. Taken together, these elements of reform will lead to an overhaul of the existing institutional culture. The three pillars of state reform – decentralization; civil service reform and the policy formulation reform – are also the ones which make the difference between a real, functional democracy and a hybrid regime. Each of the countries analyzed in this report should be encouraged and helped to formulate a

minimal agenda covering these crucial dimensions, in accordance with its concrete situation and needs. Priorities and milestones connected with the **Warsaw Declaration principles** should be agreed.

- The **rule of law system** must be strengthened, based on the international experience. Similar to the case of decentralization, there is no single system applicable everywhere, and the global experience is very diverse. However, the system built / reformed in each country must have elements which are mutually consistent and in line with the international commitments made by the country, not just in the letter of the law but also in spirit and especially in the measurable results achieved.
- One problem common in many countries is the uneven treatment of **judges and prosecutors**. When reformers and donors discuss improvements to the judiciary, they usually think mostly about judges. There are many provisions and monitoring indicators referring to judges-magistrates, and comparatively less about prosecutors and their activity; in some countries the latter are not even part of the magistratura, formally. It has been the experience in new democracies that monitoring and reforming this pro-active branch of the justice system is the most difficult part of the reforms in the rule of law. For example, non-action by prosecutors in combating corruption (which is not accidental, but decided from the top, so as to protect dignitaries or individuals with good connections) is much more serious and difficult to monitor and address than the eventual errors of judges who decide on cases. Having a corps of prosecutors who are independent, professional, able to prioritize cases and who are managed in such a manner so as to transpose in practice a transparent and efficient judiciary policy is one of the main challenges in the three countries analyzed, and others similar to them.
- **Mass media** should be in every country a platform for debating publicly policies, and a channel to “voice” the grievances of the citizens. In this sense, it is a structural element of resilience in established democracies. In hybrid or backsliding regimes it is often the case that media only look independent and pluralist on paper, with hundreds of TV and radio outlets, plus free access to internet. In reality the ruling party(ies) keep a tight control on what and how it is discussed in public through shady ownership structures and well organized propaganda machines, which jam free debate and selectively discourage or even threaten opinion leaders. The new (social) media are as vulnerable as the old ones, just in a different way: the costs of entry are low, so apparently everybody can express themselves, but equally low are the costs of distorting the information and manipulating the public. Social media

outlets have a propensity for spreading fake news and a tendency to undermine the broad dialogue between people with different views by separating them in “echo chambers”: groups with homogeneous opinions, where members join just to confirm and strengthen beliefs, not to debate and confront them with facts. Such pathologies are relevant when it comes to the fight against disinformation and malign foreign influence targeting the domestic population, aimed at increasing social polarization or stirring up domestic conflict (ethnic, religious, political). In a crisis like the one generated by the COVID-19, strategic disinformation through mass media, old and new, not only undermine the efforts to fight the pandemic, but may be used for political destabilization too.

- Concerns were expressed in the past years not only about mass media but also about the **shrinking space for civil society**. Many governments, even some democratic ones, have capitalized on the COVID-19 infodemic to justify censorship of online sites and conversations, for example, using the exceptional emergency powers assumed during the crisis.<sup>31</sup> In the in South Caucasus, for instance, detention was introduced for spreading COVID-19 disinformation in messaging apps; and restrictions are enforced on the coverage of coronavirus topic in the media, due to “the risk of spreading disinformation”. All are restrictions on the individual freedoms of citizens which may have long lasting consequences if misinformation and “fake news” remain poorly-defined in law, as they are now, and if the exceptional executive powers lack a sunset clause. Even before the crisis, many countries were emulating the Russian model of increasing restrictions on the freedom of association and on the functioning of civil society organizations, through bureaucratic obstacles and bans on sources of funds. The term “shrinking space for civil society” has become increasingly common in the title of conferences and programs of international organizations, and it is considered that the phenomenon affects predominantly the youth and the vulnerable groups.<sup>32</sup>
- The current political liberalization in Yerevan diminishes the risk of such clampdown on individual and media liberties in the short term, but trends can change fast in the post-Communist world, as it happened with other countries, as the tendency to copy bad practices across the region is high. In Africa a survey shows that media

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<sup>31</sup> <https://medium.com/dfrlab/op-ed-the-criminalization-of-covid-19-clicks-and-conspiracies-3af077f5a7e7>

<sup>32</sup> <https://www.coe.int/en/web/youth/shrinking-space>

freedom is on the defensive;<sup>33</sup> the proportion of Africans who say they can speak freely in public declined from 79 per cent in 2008 to 70 per cent in 2018. In the last 15 years 11 countries have introduced legislation which unduly constrain NGOs, according to Freedom House<sup>34</sup> and another six are planning to do so. Again, regional contagion with bad practice is a risk. This is magnified by the active presence of China in the region, on many levels: diplomatic, with investments in infrastructure, as a non-conditional lender or through the new technologies supplied by companies like Huawei, which work with many hybrid regimes on installing surveillance systems. China also sells more arms to sub-Saharan Africa than any other country.

- In the short term, the COVID-19 crisis is also hurting **the economy** of states with already fragile and clientelistic systems (see the last point below). Recovery will be hard and probably take longer than expected: the economies of the two African countries – and this applies to Armenia to some extent – rely disproportionately on micro-entrepreneurs and the retail sector, with a high share of the activity in the informal economy. Strains have been visible even before the current crises, when the urbanization was not matched by the creation of stable and well-paying jobs, as it happened in the past when the Western world was industrializing. On the contrary, most jobs are low-skilled and informal, transporting or selling things as peddlers or performing basic services, so that the increases in productivity are limited. The result is that in Africa the demographic transition is not coupled with industrialization, but with the opposite, as the global economy is stepping into the post-industrial stage. Referring to the nations in development and describing this trend, a reputed economist speaks about **premature de-industrialization**.<sup>35</sup>
- The two African countries covered in this report belong to a region with high fertility, high illiteracy, episodes of instability and violence and extreme ecosystem fragility due to climate change. Fast urbanization in conditions of poor infrastructure adds a new layer of problems to solve. Mali is facing the highest risks, but in The Gambia social tensions provoked by some of these challenges are not excluded. There is an urgent need to reinforce institutions precisely because the **external environment is extremely adverse**.

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<sup>33</sup> <https://afrobarometer.org/publications/pp56-how-free-too-free-across-africa-media-freedom-defensive>

<sup>34</sup> <https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat>

<sup>35</sup> Rodrik, D. 2016. "Premature deindustrialization". *Journal of Economic Growth* volume 21

- The relatively **young population** of these nations represents an opportunity which must be carefully managed: they tend to emigrate in search of economic opportunities – but also because they feel they are not valued and the political system is closed. In other words, they leave because they cannot make a difference in their own society, which is a different sort of frustration than not having enough money. To a large extent this is true for Armenia too, though the population here is aging. If social and political frustrations become a predominant cause of emigration, small improvements in material conditions can even accelerate it, because the active part of society gets access to the means to go.
- The **inter-generational mobility** is lower in Sub-Saharan Africa than in almost any other part of the world, according to a recent World Bank study: the share of adults with more education than their parents is low, while the gap between educational achievement and the corresponding increase in income is also the largest.<sup>36</sup> All these are a source of intense frustrations among the young, and the political effect is that instead of investing their hopes at home, they become disengaged from society and start to plan a life elsewhere.
- Hybrid regimes, by controlling power and resources through closed circles of insiders, naturally discourage genuine political participation among the citizens. An economic historian found a name for this version of regime which existed in many parts of Africa: “gatekeeper states.”<sup>37</sup> These are regimes with little interest to develop the state capacity beyond taxing the trade, concessioning off the right to exploit mineral resources and controlling the foreign aid. The model creates little political accountability to citizens and no incentive to nurture a strong and independent middle class or competent experts, while the poor are kept dependent on periodical handouts. Clientelism from top to bottom is the rule of the game. Transparentization should be part of the solution, by increasing trust in institutions, political parties and the rule of law. The political market must be kept reasonably open to new entrants. Emphasis should be on the youth (future generations of voters), the vulnerable and the under-represented (including women).

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<sup>36</sup> Narayan A, & all, 2018. *Fair Progress? Economic Mobility across Generations around the World*. The World Bank Group

<sup>37</sup> Cooper, F. 2002. *Africa since 1940: The Past of the Present*. Cambridge University Press

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