

BUILDING THE TRIANGLE: CIVIL SOCIETY DEVELOPMENT, NATIONAL REFORMS AND EUROPEAN INTEGRATION IN THE WESTERN BALKANS AND EU EASTERN NEIGHBOURHOOD

IMPLEMENTING THE LJUBLJANA DECLARATION: GUIDELINES FOR NATIONAL ACTION

INTRODUCTION

These guidelines for national action are a set of recommendations to civil society, the EU and national governments in the Region on implementing the Ljubljana declaration which was approved at an international conference on 2 April 2008, and signed by a significant number of NGOs. These guidelines were discussed and changed at the follow-up event in Zadar, Croatia on 29-30 September 2008, and mark a new step in a campaign to build up a Europe-wide civil society (see annex for the roadmap of the advocacy campaign).

The aim is to implement the sustainable triangle – civil society, the EU and national governments – advocated in the Ljubljana declaration:

“In theory, a win-win situation could be created. Civil society stands to gain from the support of the EU for the process of reforms and the adoption of European standards. For the EU, civil society is a watchdog active precisely in the areas where reforms are most sensitive, an independent source of information and advice. National politicians also recognise, but by no means unanimously, that they need the critical support of an independent civil society to achieve the reforms, which will bring them closer to the Union.”

The objective is that the guidelines should be followed up by a series of national dialogues and action plans using the book “Towards a sustainable Europe-wide civil society” containing the declaration and the 12 national contributions (Albania, Belarus, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Moldova, Montenegro, Russia, Serbia, Turkey and Ukraine).

Whilst European integration can be an incentive to develop an independent and sustainable civil society, it is not in itself enough to create one. To increase citizens’ participation through the development of civil society, there is a need for continuous and significant capacity building of all parties involved. Citizens’ participation does not only require bottom-up initiatives, and capacity building, but is also dependant on the broader reform process to strengthen representative democracy, transparent governance and the rule of law.

To make the triangle work each part has to reflect also on its own role and reform its own structures:



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Civil Society

Civil society must assert freedom of association especially in countries in the region where it is suppressed or curtailed but also where with the best of intentions governments and donors limit the independence of CSOs. They must be more than mere agents of governments or European institutions for reforms. CSOs can only back reforms effectively by developing the ability to represent their members and articulate wider public concerns. Governments and the EU need to recognise that to do this CSOs have to develop their structures and capacity. It is not enough to provide formal rights to be heard. The voice, particularly of local community, has to be nurtured and educated. The European Commission should set the example by assuring regular dialogue through its country level delegations, whilst CSOs need to develop an understanding of the scope and limits of European and national action. Nothing should be decided for CSOs without CSOs.

National governments

The primary point of the triangle is national implementation, given the diversity of situations across the region. If governments in the region acquire the political will, Europe is rich in example, instruments and governance. These guidelines therefore put forward common features to implement the European perspective, but fundamentally each country must develop their own consensus and long-term strategy. National governments still need convincing of the win-win situation, and that an independent and sustainable civil society will not only bring them closer to the EU, but is also vital to solve many problems in society which the state cannot tackle on its own: respect for human rights and minorities, reconciliation of communities and the fight against discrimination and social exclusion.

The EU Institutions and other donors

Similarly, the national reports and the declaration all stress the importance attached by CSOs to the role of the European Commission delegations which can vary across the Region. The Commission should set the example by ensuring regular dialogue with the CSOs through its delegations with CSOs and at European level in order to convince national governments to do the same. The rhetoric of political will to support civil society as an actor in the process of European integration must be matched more clearly by action. Exchange of information and consultations with national authorities must be shared with the CSOs at the same time. The EC should also review its funding arrangements to bring them more in line with the need to provide operating grants to develop a sustainable civil society and work with other donors to support local community development.

The measures listed below should be regarded as additional to those existing mechanisms and instruments that have been developed within such international organisations as the Council of Europe (CoE) and the Organisation for Security and Cooperation in Europe (OSCE)¹, of which both the EU and the neighbouring states are members. The latter should be strengthened and further developed to ensure common minimum standards of relations with civil society in Europe.

¹ E.g. the INGO Conference of the CoE or the OSCE HDIM meetings.

IMPLEMENTING THE 10 RECOMMENDATIONS IN THE LJUBLJANA DECLARATION

1. Listen to civil society

The starting point should be the needs of citizens and how civil society should respond and advocate ways to meet them through its own efforts and by advocating changes in public policy. The Ljubljana declaration is a plan to stand back and draw up a balance sheet after more than 10 years of reform. CSOs are demanding to be more than agents of reforms and to have a chance to voice the needs of local community groups, socially excluded and minority groups, which by comparison with large economic interests have practically no say. To organise national dialogues, depending on different situations, a number of steps are desirable:

- Reports mapping societal requirements – There should be a synthesis of evidence and research into societal needs by CSOs, think tanks and other sources. This synthesis should be put together with the Ljubljana declaration and the country reports. One's own country report can usefully be compared with those of other countries. This cross-sectoral approach should be supplemented also by evidence of sectoral initiatives.
- Organising the dialogues between public authorities and civil society – Whilst the main emphasis of organising the debate or series of debates to consider the mapping of societal needs should be national, the European Commission should be involved too. Such a dialogue would be a challenge for CSOs to organise effectively and inclusively and for governments to engage with civil society at the highest political level.
- The follow-up from the national reports and debates should be an action plan covering all 10 points in this declaration. The process itself will require more permanent dialogue and a framework for public participation. Capacity building is necessary to create a public sphere and enable governments to absorb a wide range of inputs.

2. Develop a long-term strategy for a sustainable civil society

To develop such a strategy, CSOs should begin individually and collectively to define their own long term strategy and capacity to respond to new challenges, whilst recommending how weaknesses can be overcome. At the same time, governments should consider what structures should be put in place centrally and across different departments for relations with civil society. This should be accompanied by longer term identification of activities relevant to CSO participation across government.² Each country should be encouraged to examine what longer-term objectives are achievable from the dynamics of the civil society, EU and national government triangle. On the basis of the mapping and listening exercise under 1, such a strategy should consider:

- External factors which present new challenges, threats or opportunities, such as economic and demographic trends, migration, social inequalities and the challenge of European integration.
- Internal factors including the desirable spread of local, national and international sources of funding to ensure a sustainable civil society over the longer-term. DECIM (see point 9) can

² The Croatian Government has adopted such a long-term strategy for ensuring a sustainable civil society (2006-2011).



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assist as a catalyst of better convergence of donor activities to ensure sustainability.

- Structures for dialogue and for taking civil society concerns into account across government, as well as the various implementation and monitoring mechanisms.

3. Focus on creating a supportive environment for CSO sustainability

In response to CSO plans, governments should be invited to examine their own structures, with advice from DECIM. A supportive environment means an enabling not a controlling one with full guarantees for freedom of association and CSO independence. As the Ljubljana declaration makes clear, a supportive environment goes beyond creating the right legal and fiscal environment. This is not enough to reach the European standards for civil society. There is no single European model but a wide range of different governance standards and institutional references is available:

- European Commission minimum standards of consultation, but also the broader OECD guidelines to governments on information, consultation and participation, addressing both civil society and direct citizen participation³
- Structures required within government and in each ministry to support civil society as well as intermediary and re-granting mechanisms should be discussed with CSOs, so that they are there for them, not just the administration.
- Framework agreements or compacts are the most modern instrument available in some 10 EU member states or regions. They are an open, flexible instrument adaptable to different settings and geographical level. They are useful to clarify shared values and the respective roles of the governmental and non-governmental spheres. Compacts take a holistic approach to information, consultation, and funding. They are not legally binding but have the support of government and parliament and provide for complaints handling and review.

4. Improve access to documents and fill in the information gaps

Equality of access to information and the provision of information in a user-friendly way to all CSOs are objectives which can be achieved well ahead of those requiring capacity and institutional building. The triangle civil society, EU and national government should be open and can be achieved now at least for the active provision of information with a minimum of resources. Including CSOs outside an inner circle, and those at a local level in information exchanges relevant to their needs, is essential to create a broadly based civil society:

- The EU and national authorities should agree on a pro-active “freedom of information regime” so that early drafts for future strategic plans and operational programmes are published automatically, with only those documents which fall under the exceptions provided for in the access to documents regulation kept secret. CSOs are being informed too late or not at all to engage, despite the fact that the IPA regulation provides for the timely provision of drafts to national authorities.

³ <http://213.253.134.43/oecd/pdfs/browseit/4201141E.PDF>



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- The EU and governments cannot translate all working papers, but to make them accessible to NGOs, particularly at the local level, a translation facility should be made available to civil society. The Ljubljana declaration points to the advantage of creating NGO portals which can provide a focal point on Europe and civil society development.

5. Put the partnership principle into practice

The working document prepared at the start of this process for the seminar on 10 October 2007 (see the roadmap of the ITS advocacy campaign in the annex) in Brussels, analyses the legal texts on partnership in the regulations establishing IPA and ENPI⁴. These place legal obligations on the European Commission and participating governments to make sure that the principle of partnership including civil society is implemented at all stages. The fact that the texts provide latitude as to how this should be done does not make them less binding and does not justify the current situation where they are hardly applied. To achieve genuine partnership is more than an issue of legal obligations: all partners need the capacity building, training and evidence to demonstrate its added value.

- The Commission should remind the partner governments of their obligation to report on the partnership and lay down guidelines on how to apply consultation and partnership at all stages in the conception, implementation and evaluation of strategies and programmes.
- The obligation that these programmes “shall contain an overview of the consultation of the relevant socio-economic partners and, where relevant, civil society representatives”⁵ requires that the process should be monitored and accountable.
- Inclusion of provisions for dialogue with civil society on all levels in the bilateral legally binding documents (e.g. Partnership and Cooperation Agreements or Stability and Association Agreements)
- Inclusion of civil society representatives in the monitoring committees for regional operations for IPA and implementing ENPI for cross-border co-operation.
- For cross-border programmes involving EU member states, implementation of the partnership principle in the EU structural funds (article 11 of the basic regulation).

Consideration should be given to creating bottom-up partnership arrangements and programmes closer to civil society on the lines of Leader (rural development), Urban and Equal which were flagship programmes in the EU Structural funds. It is important to transfer CSO experience of the structural funds to CSOs in candidate and neighbouring countries. Another useful instrument is the global grant.⁶

⁴ Working paper: Involvement of CSOs from EU neighbouring countries in shaping, implementing, monitoring and evaluation of EU external policies and assistance. Cf Regulation 1085/2006 establish an Instrument for pre-accession assistance (IPA) and Regulation 1638/2006 on a European Neighbourhood and Partnership Instrument (ENPI)

⁵ Ibidem

⁶ Slovenia is a good example. As an EU member state, this country provides a proportion of social fund allocations to NGO capacity building.

6. Building coalitions among CSOs

A key priority identified by the national reports and Ljubljana declaration is the development of coalitions and the capacity of CSOs to speak with one voice. The Commission also supports platforms for civil society representation. Too institutional an approach should however be avoided. Since Europe is all about networking it is a useful laboratory for finding guidelines in permanent or ad hoc coalition building whether to advocate a cause, deliver services or run a project. To implement this action plan is not possible without coalitions of CSOs to advocate change, monitor and lobby for progress. The obstacles to coalition building have to be overcome: lack of resources and the tendency for CSOs to be in competition because of short-term funding considerations, rather than to see their medium-term common interest and that unless they come together they will have insufficient weight with national and EU authorities. It is again for CSOs in each country to define their own needs and explore different ways to support coalitions:

- Coalitions work best when brought together for a specific task with clear objectives, a timetable, and a strategy for working together which can draw on the respective strengths of participants and make the whole more than the sum of its parts.
- Training in access to the instrument for pre-accession and other EU funds for enlargement and neighbourhood policy should be action-oriented, with participants brought together to form a coalition.
- Coalitions need capacity building if they are to achieve the combination of being effective and inclusive, a point which deserves more attention from donors. Coalitions need to collect evidence from the participants, gather data from other sources, articulate well grounded positions and work at different geographical levels.
- For some general issues with the EU and national governments, cross-sectoral coalitions are necessary, but it is often better to bring together organisations on a broad sectoral basis first and then link them together.
- Communication and consultations between different sectoral coalitions need to be established nationally in order to share experience and compare progress in establishing working relations with the government, as the quality of working relations varies across different ministries.
- Coalitions have to be vocal in the media and in consultation processes.

7. Ensuring more equal access to EU funds

Beneficiaries are rightly demanding more of a say in the shaping of programmes and the setting of priorities such as the new civil society facility and the instruments for pre-accession and neighbourhood policy. The political commitment of the EU towards civil society development in the Western Balkans and the Eastern European neighbourhood is the starting point. To succeed however, the European Commission should reflect on whether its funding arrangements are sufficiently simple, diverse and flexible to meet such an objective and allow

for coordination with other donors. Achieving more equal access requires several measures:

- There has to be support for the basic need for education, capacity building and core funding to allow CSO structures to develop. This means taking some risks by backing people and structures on a longer term basis and not just one-off projects.
- The Ljubljana declaration recognises that management of EU funds requires capacity building and training as much in the national and regional administration as among CSOs. There are real benefits to encouraging partnership by training people from the two sectors together.
- Equality of access to EU funds can only be achieved to a certain extent. The active involvement of other donors as co-funders is a precondition for small CSOs lacking the capacity for management of European grants or projects on their own. Their needs should be covered by national more flexible funding sources or by becoming part of a wider grouping.
- The most creative CSOs can lose out on the opportunities for training and access to funds. Each country should have a pro-active help-desk which should be well-advertised through the NGO portals already mentioned. Such a help-desk should support initiatives to put funds together from different sources.

8. Reaching out to small organisations at the local level

All national reports behind the Ljubljana declaration make the point that the local level is largely outside the circle of information about EU and other donors, yet represents 90% of any viable civil society which should respect a certain balance between urban and rural areas. For practical reasons, it is easier to involve both citizens and associations at a local level to stimulate a debate on the needs civil society should address. Techniques such as participatory budgeting, citizens' juries and town hall meetings do exist. A variety of approaches is recommended:

- Start-up funds from venture philanthropists and foundations should be invested in organisations capable of incubating new local projects and helping the social entrepreneurs to succeed in creating viable organisations.
- Supporting a hub organisation which can redistribute small grants at a local level to develop volunteering and social capital is another solution. Such a hub organisation may be a civil society development foundation or NGO support structure with regional branches.
- Encouraging local resources and donors can be done by creating community foundations. This may involve reviewing laws on foundations and introducing tax benefits to enhance individual and corporate philanthropy.
- Charters or "compacts" between CSOs and local or city government can encourage partnership and transparency.

9. Encourage donor coordination

As pointed out in the Ljubljana declaration, DECIM (Donor Exchange, Coordination and Information Mechanism) “is the nearest response to many of the concerns in the national reports for a strategic long-term approach to civil society.” For CSOs donor coordination has the advantages of pooling different approaches, none of which can alone develop a viable civil society, and creating in DECIM an interlocutor of specialised public and private donors, covering the range of legal, fiscal, institutional and cross-border issues. DECIM is also a valuable potential partner for national governments looking for the expertise to help develop an enabling environment for civil society and can help make sure that the issue is on their agenda. The 3rd High Level Forum on Aid Effectiveness⁷ held in Accra in September 2008 gave a strong message for involving civil society organizations in improving the use of aid resources. DECIM should be utilized as a mechanism to facilitate this process and also concentrate on civil society capacity building in the region. This coordination mechanism needs to be better known and move from a conceptual to an operational phase:

- The website should go public as a resource and exchange mechanism for all those dealing with civil society development and be well advertised.
- There should be a programme and timetable for extending co-ordination on the ground which has begun in Croatia to other Western Balkans countries, Turkey and the Eastern neighbourhood.
- DECIM should become a presence on the ground through supporting help desks and linking this in turn with other coordinating mechanisms such as donor forums.
- Partnership between the European Commission and other donors in running the civil society facility for the Western Balkans and Turkey is desirable whilst extending this instrument to other countries in the region.

10. Facilitate European networking

The Ljubljana declaration was already clear on the added value of European networking and it is important to develop instruments to facilitate it:

- Study visits and scholarships to the EU Institutions and European Associations in the member states (such as the ones already organised by TAIEX of DG Enlargement)
- European associations developed round the EU Institutions should open up their membership to CSOs from the region.
- National civil society interests also need to be voiced at EU level, to complete the triangle, even though the opening of NGO offices in Brussels appears a distant prospect.
- Consistently representatives of the national ministries from the region should be included in conferences, seminars and training both in the region and in the EU.

⁷ <http://siteresources.worldbank.org/ACCRAEXT/Resources/4700790-1217425866038/AAA-4-SEPTEMBER-FINAL-16h00.pdf>



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- Civil society representatives should have access to free and multiple entry visas until visa liberalization is achieved.

FOLLOW-UP

It is now the task of partner organisations to start the process of national implementation of these guidelines. The approach will differ given the diversity of situations across the region. Action plans should be drawn up and discussed at national events, and should follow some common comparable objectives:

- To define basic operational guidelines and straightforward action priorities for CSO development for each country and common priorities for the region.
- To draw up a balance sheet of existing human, technical and organisational resources and assess how these can be made to work together more effectively towards a cost-effective, flexible and decentralised capacity building infrastructure for CSOs.
- To define minimum standards to create an enabling environment for CSO development and ensure that they are met by a concrete set of the existing measures and new instruments for structural support.
- To create a programme with deadlines to implement the civil society, EU and national government triangle, but one which is neither rigid nor bureaucratic (i.e. more diversified, simplified administration, more structural and sustainability oriented supports, fast response budget lines).

Whilst each country should define its own action plan, there should be mutual regional support:

- Web pages for information exchange;
- Solidarity networks for lobbying, coalition building;
- Working groups to study proposals of common interests (i.e. framework agreements and “compacts” or the future of pre-accession and neighbourhood instruments).

The next stage is to follow these guidelines and the debates at the conference in Zadar by a follow-up meeting in Brussels in the spring of 2009. This will allow for partners to compare preparations for the next phase of national events.

National events should take place in the first 9 months of 2009, so that a balance sheet on the implementation of the Ljubljana declaration can be made at a European forum, similar to that being held in Zadar, in one year's time.



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ANNEX

ROADMAP OF THE ITS⁸ ADVOCACY CAMPAIGN

1. Start-up event in Brussels on 10 October 2007
2. Questionnaire sent to partners in 12 countries (Albania, Belarus, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Moldova, Montenegro, Russia, Serbia, Turkey and Ukraine)
3. National reports sent in before 2 April Conference
4. Conference of 2 April in Brdo results in declaration
5. Formal presentation of the declaration to the European Commission on 17 April
6. Publication of a book containing the declaration, national reports and report of 2 April conference by the Croatian government office
7. Conference in Zadar 29-30 September
8. Follow up event in Brussels to prepare next phase
9. Partner organisations hold national hearings
10. Conference, one year on from Zadar, to assess progress

⁸ECAS' Information Training and Scholarship Programme, 4th Phase, founded by the C. S. Mott Foundation.