

supporting vs. fostering:

THE EFFECTIVENESS OF EU'S REGIONAL SUPPORT FOR CSO PARTNERSHIPS FOR FOSTERING DEMOCRATIC REFORMS AND RULE OF LAW IN ENLARGEMENT COUNTRIES



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executive summary EXECUTIVE SUMMARY

The recent research on the effectiveness of the EU integration policy suggests that the EU strategies intended to bring domestic improvements in the areas of democracy, judiciary and rule of law are most successful if they ensure structural inclusion of CSOs. In practice, EU's support for civil society in Enlargement countries and civil society's involvement in policy-making has visibly evolved since 2007 when there was an increased focus on civil society development through the newly established Civil Society Facility, which provides support on national and regional level. The aim of this paper is to assess how the EU support for regional partnerships of civil society has contributed to fostering democratic reforms and more effective policies in the democracy and rule of law areas (incl. human rights, social dialogue) in current Enlargement countries. The paper finds that EU's regional support to civil society was tailored to meet the policy challenges identified within the Commission's Enlargement Strategy. The Commission has been moving away from action-focused, shorter-term interventions towards a more strategic development support, recognizing the need to support independent civil society activities, rather than encourage donor-driven actions. Strengthening the capacities of the participating CSOs, or strengthening the capacities of the networks and their members, is perceived by the organizations as one of their projects' biggest achievements and the biggest added-value of this type of EU support, despite this not being the primary goal of the assistance in some cases. More than 25% of the projects resulted with a creation of a formalized network, suggesting a high probability for sustainability of the projects. Despite the tangible outcomes and the increased cooperation with the Commission, organizations point to the further need by the Commission to go beyond financial and project support, and to provide political support for the networks and the outcomes of their projects. In this way, civil society will be made an effective and de-facto partner EU needs for enforcing domestic democratic and accession related reforms, by creating a so-called triangular reform relationship: Government-CSO-EU.

The EC should provide political support for the networks and their projects

For the preparation of this study, desk research of primary and secondary data was used. A database of all regional projects awarded within the CSF was created (in absence of aggregated information on all projects awarded), based on the information available from the Award notices of each Call for proposal (CfP), crosschecked with available information on each of the projects implemented. Qualitative information was gathered through semi-structured interviews conducted in the first half of 2016 with 10 CSOs that have lead regional partnership projects funded by the EC, dealing with the issues related to civil society development, democracy and rule of law.

introduction INTRODUCTION

The European Union (EU)'s commitment to involve civil society in the Enlargement started in 1989 when funding was provided for basic capacity development of newly formed civil society organizations (CSOs) in Central East Europe under the PHARE programme, which was later extended to Western Balkans and Turkey through stabilization (CARDS) and pre-accession instruments (IPA). However, despite EU's intention to involve civil society, non-state actors without specialized knowledge were often excluded in the interest of compliance expediency². Consequently, CSOs were demoted either to a consultative role, or failed to gain any access into the policy arena³.

A shift in EU's approach towards civil society (CS) in Enlargement countries takes root in 2007 when the European Commission recognized the need to stimulate the development of civil society for strengthening its role in the political processes, enhancing its capacity for citizens' mobilization, advocacy and dialogue with corresponding bodies in the EU, as well as development of cross-border projects and networks⁴.

For this purpose, in 2008 the Commission established the Civil Society Facility (CSF) and committed to allocate 2% of the entire IPA for supporting civil society development on national and regional level. The new instrument consists of three strands: (1) support for strengthening the role of civil society in the region; (2) developing networks and promoting transfer of knowledge and experience; and (3) supporting visits and exchange of experience, know-how and good practices between local CS, the EU and CS in EU Member States⁵.

The need for such a new approach by the Commission is confirmed by recent research on the effectiveness and limitations of EU's integration policy. Namely, the newest findings suggest that in policy areas such as democracy, judiciary and rule of law (which are the most challenging ones for Enlargement countries), **most successful EU strategies intended to bring domestic improvements**

2 Börzel, T. A. (2010). "Why you don't always get what you want: EU Enlargement and Civil Society in Central and Eastern Europe." *Acta Politica* 45: 1-10.

3 Fagan, A. (2010). "Europe's Balkan Dilemma: Paths to Civil Society or State-Building", London: I.B Tauris

4 European Commission (2007), *Communication from the Commission to the European Parliament and the Council "Enlargement Strategy and Main Challenges 2007-2008"*

are the ones that ensure structural inclusion of CSOs. In such policy areas, where there is still no *Acquis*, EU can only achieve change with broad societal mobilization together with civil society actors that should be treated as partner to the Commission, European Parliament and Member State governments⁶. Therefore, the recent Commission's commitment to support more enabling environment for civil society and development of civil society that will be partner in enforcing democratic and accession related reforms, is based on this assumption. The EC's Communication from 2012 "The Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations", further highlighted in the 2012-2013 Enlargement strategy, spells it clearly:

"Civil society activities are essential for a mature democracy, the respect for human rights and the rule of law. A vibrant civil society contributes to enhancing political accountability, deepening understanding and inclusiveness of and support for accession related reforms and supporting reconciliation in societies divided by conflict."⁷

Moreover, in 2013 the Commission went a step further in laying down a set of **preconditions** that have to be in place in a country for proper functioning of the civil society, and developed a detailed assessment and monitoring tool for Enlargement countries: the Guidelines for EU Support to Civil Society in Enlargement Countries, 2014-2020. Through the Guidelines (and the annual assessments of the progress of each of the Enlargement countries), the Commission now tracks the impact of the national support to civil society in fostering domestic improvements in the area of democracy and rule of law.

However, other than the support provided to CSOs on national level, equally important component of the EU's support for civil society development is the support provided for regional actions of CSOs, through which many significant projects, initiatives and activities on national and regional level are being supported. For example, within the first IPA CSF 2007-2013, 40.8 million EUR were awarded for projects on national level, and 29.2 million EUR for regional projects. Due to the centralized programming and oversight of the regional assistance, its effects and impact, especially in the areas of democracy and rule of law, are less obvious and cannot be assessed as easily.

With this study, BCSDN, also as a coordinator of such a regional project, attempts to see whether the EU's investment in supporting regional partnerships of CSOs has contributed to the development of civil society that can be partner to the EU and national governments in enforcing democratic and accession related reforms. Special focus is put on regional support, since it was the first to include experimental forms of support such as long-term (2+2 years) action and operational grants. More precisely, the aim of this study is **to assess how much the EU support**

5 European Commission, Enlargement Policy, Civil Society Facility: http://ec.europa.eu/enlargement/policy/policy-highlights/civil-society/index_en.htm

6 Dimitrova, A. (2015). "The effectiveness and limitations of political integration in Central and Eastern European member states: Lessons from Bulgaria and Romania", Conference: MAXCAP working papers, Volume: no. 10

7 European Commission (2012), Communication from the Commission to the European Parliament and the Council "Enlargement Strategy and Main Challenges 2012-2013"

for regional partnerships of civil society has contributed to fostering democratic reforms and more effective policies in the democracy and rule of law areas (incl. human rights, social dialogue), where meaningful inclusion of civil society seems to be crucial.

The subject of analysis is the EU's regional support to partnership actions of CSOs dealing with issues of democracy, rule of law and civil society development, in the period from the establishment of the CSF in 2008, until the end of 2015.

It analyzes whether and how successfully the EU support to regional CSO actions has contributed to the development of civil society as partner for accelerating democracy and accession related reforms and what has been the added value of the support. Finally, it gives concrete recommendations on how the EU's support to regional partnership actions can be improved and make possible for CSOs to be more effective in fostering change in the area of democracy and rule of law and promoting accession related reforms.

EU'S SUPPORT TO REGIONAL CSO PARTNERSHIPS: AIMS, MODES AND EFFECTS

AIMS

The EU support to regional actions of CSOs in Enlargement countries has been administered through the IPA CSF launched in 2008. Until the end of 2015, there have been 10 Calls for proposals (CfPs) for regional CSO actions. In total 105 projects were awarded through these CfPs with an overall amount of 34.3 million EUR. Out of the ten CfPs, seven were related to civil society development, democracy or rule of law issues⁸.

Based on the analysis of the objectives of the CfPs, the goals the Commission aimed to achieve with the support can be separated in three groups:

1. **Development of sectoral advocacy** through development of CSO partnerships for increasing civil society's involvement in policy-making in concrete areas (4 out of 10 CfPs).
2. **Development of organizational advocacy** through strengthening CSOs' capacities to increase their influence and voice in selected thematic areas of activity (3 CfPs), or;
3. **Tackling concrete sectoral challenges** through addressing concrete challenges in selected thematic areas, where CSOs are regarded as a tool for achieving certain challenges and objectives, while civil society development was less of a goal in itself (also 3 CfP).

Development of sectoral advocacy was not targeted to actions that were related to civil society, democracy and rule of law issues. Development of organizational advocacy was targeted to women empowerment, partnership actions for regional and horizontal programmes, and operating

⁸ These are CfPs for partnerships between cultural organizations, socio-economic partnerships and partnerships for actions in environment, energy efficiency, health and safety at work.

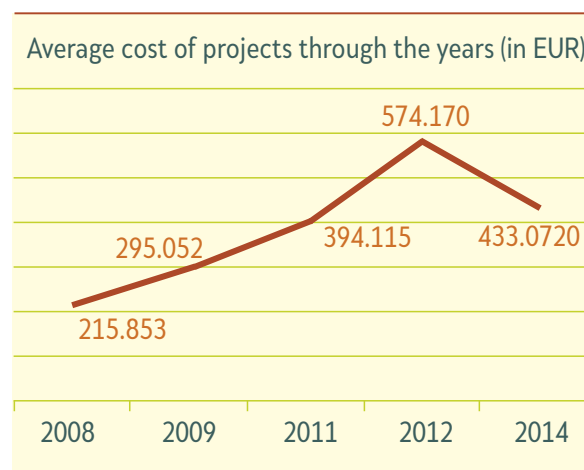
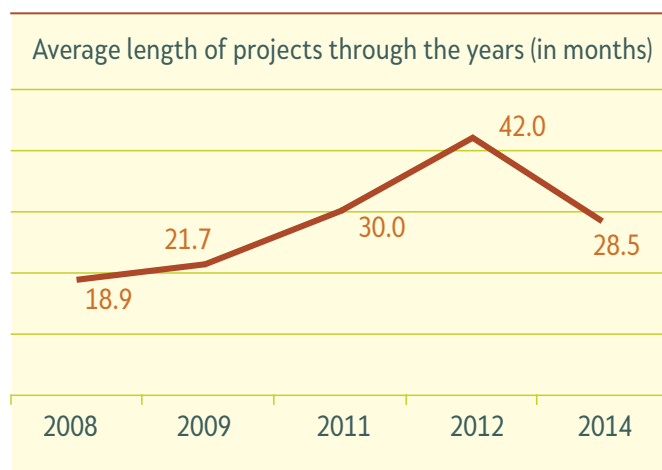
The EC should continue providing support for strategic development of networks

grants. The support tackling concrete sectoral challenges was targeted at key democracy and rule of law areas: fight against corruption, organized crime and trafficking (improvement of regional mechanisms and alignment of national with EU legislation); improvement of media standards; and reconciliation, transitional justice and investigative journalism.

The objectives of the CfPs were derived from and directly related to the identified challenges and objectives of the Action documents of the related CSF programmes, and they are also in line with the challenges identified in the Enlargement Strategy of the corresponding year when the EU assistance was planned. Out of the 105 regional projects of partnership actions, **roughly half of them (48 projects or 46%) directly or closely deal with the issues of civil society development, and/or democracy and rule of law, including judiciary and fundamental rights, and justice and home affairs. In short, the objectives of the regional CSF financial support for democracy and rule of law were in direct response to the identified policy challenges within Enlargement Strategy.**

MODES

In terms of modes, length and amount of funding, the EU *has supported more long term actions* with an average length of approx. 2.5 years (29 months), and with *mid-to big-size grants* (an average funding of around 383,000.00 EUR).



The evident increase in the amount of funds awarded per project and the project length, suggests the Commission has been **moving away from action-focused shorter-term interventions towards a more strategic development support**. However, except for the CfPs for operating grants published in 2014, each of the previous CfPs under which this support has been streamlined, has been for action grants lasting only from one to 4 years (2+2), the latter being in the form of Framework Partnership Agreements (FPAs).

This means the EU has recognized the need to support independent civil society activities, rather than encourage only donor-driven actions. Still, since the first generation of such projects is still ongoing, further evidence is needed on how much this is the case in practice, and how effective this modality of support for regional thematic networks is in concrete policy areas.

Having in mind that achieving improvement in democracy and rule of law areas requires sustained efforts of CSOs for mid- to long-period of time (5-10 years), and that organizations or networks dealing with these “hot topics” are not expected to be funded by governments, there is obvious necessity for long-term forms of collaboration and support by EU and other donors. According to the organizations interviewed, FPAs allow for this to some extent, especially in comparison to the shorter-term action grants. However, a project framework that allows greater flexibility and easier adaptation of actions, as ***provided with the operational grants, is perceived as the best offered mode of support for achieving long-term goals in these policy areas.***

Operational support, though, is not most suitable for all types of actions, since it is lent to network/regional level activities only vis-à-vis FPA/longer-term action grants, which allow for simultaneous actions at both regional and country level. As pointed out by one of the interviewees, ***operational grants would be effective if provided for high-performing successful FPA regional networks, as a form of follow-up support to address long-term (financial) sustainability issues of regional and sectoral networks, which would be distributed through transparent set of criteria.***


As most present mode of current support, ***FPAs were deemed to need bigger flexibility and less bureaucracy in the project implementation*** due to fact that projects, especially those focused on advocacy in Western Balkan countries and Turkey, face many challenges/changes caused by frequent elections and continuous political changes. CSOs implementing these projects need to be flexible and shift/adapt their advocacy strategy and action plans to these changes; therefore, it is also important for the project support to be more flexible and more efficient in terms of procedures (e.g. application, reporting).

The issue of ownership and project sustainability for organizations is directly linked to the origin of the lead implementing organizations. So far, 67% of projects analysed (32 out of 48) are led by organization from the countries of Western Balkans and Turkey. According to many organizations, this is crucial for ensuring more long lasting effects in terms of transfer of knowledge and know-how to local and grass-root CSOs, as well as ensuring sustainability and continuation of the projects' aims and activities⁹.

⁹ Sustainability Conference for FPA Projects, January 2016, Brussels

effects EFFECTS

Based on the objectives and activities of the 48 projects, four types of main aims that each of the projects intended to achieve can be distinguished: (1) capacity-building of CSOs and networks, (2) monitoring and advocacy in specific thematic areas, (3) establishment of frameworks for cooperation, and (4) awareness-raising. While the majority of projects are a combination of two or more of these objectives, the most frequent project aim is ***strengthening the capacities of local or national CSOs working in the relevant thematic areas, and/or strengthening or creation of CSO network(s), i.e. enhancing sectoral and organizational advocacy.*** Strengthening the capacities of the participating CSOs, or strengthening the capacities of the network and its members, is perceived



by the organizations implementing these projects as one of the *projects' biggest achievements and the biggest added-value of this type of EU support*, despite this not being the primary goal of the assistance in some cases. According to the interviewed CSOs, strengthening of the capacities has contributed to improving CSOs' expertise, has given them a stronger voice and influence, and has increased their impact on national level policies.

This has been especially the case for projects awarded to existing networks for implementation of joint actions (23% or 11 out of 48 projects), where strengthening the networks' capacities furthermore allowed them to assure better consistency in the implementation of the project activities and results, and bigger sustainability of project outcomes.

On the other hand, 25% of projects resulted with creation of formal networks (12 out of 48) and nearly a half (22 out of 48 projects) resulted with strengthening the informal cooperation between partnering CSOs. Since the EU support to regional partnerships has no requirements for the establishment of a network, ***having more than 25% of the identified projects dealing with democracy and/or rule of law resulting with a creation of formalized network, points to a high probability for sustainability of the projects.***

In addition to the strengthening of the organizations' and/or networks capacities, organizations have named the following concrete outcomes as biggest project achievements very directly related to the issues of democracy, rule of law issues and development of civil society and social dialogue:

- Production of ***qualitative cross-country or regional outputs*** (e.g. baseline studies or overviews of legislation across countries);
- Development of ***monitoring tools***;
- Increased ***regional cooperation*** in the given area;
- ***Raised awareness and agenda setting*** about concrete policy issues;
- Increased ***involvement in policy- and decision-making*** on national level, and advancement of CSOs as ***credible dialogue partner*** with governments and with the Commission.

Despite the tangible outcomes and the increased cooperation with the Commission, organizations point to the further need by the Commission to go beyond financial and project support, and ***provide political support for the networks and the outcomes of their projects***. In this way, civil society will be made an ***effective and de-facto partner EU needs for enforcing domestic democratic and accession related reforms by creating a so-called triangular reform relationship: Government-CSO-EU.***

Political support and bigger promotion of networks and project outcomes is very important to be provided on national level too, where there is insufficient cooperation with EUDs and the governments. The EU should further actively promote the issues and the work done by CSO networks to raise their visibility among various decision-makers, and push for their support for progressive changes in these areas. This should be done by using other channels of communication and not only the annual assessments in Commission's Progress Reports.

CONCLUSIONS AND RECOMMENDATIONS

The EU's new approach in supporting civil society actions seems to be on the right path for achieving its intention *to foster enabling and stimulating participatory democracy*¹⁰. This research has shown that EU's regional support for CSO actions and for civil society development has indeed been valuable in strengthening CSOs'

capacities, their voice in demanding democratic reforms, respect for human rights and the rule of law, and their involvement in enhancing the transparency, accountability and effectiveness of public institutions. However, there is further room for improvement in the EU's regional support for civil society, in order for CSOs to be the partner EU needs for more effectively bringing change in the area of democracy and rule of law, and in promoting accession-related reforms. Here are the main recommendations that should lead the Commission in this direction:

10 DG Enlargement (2013),
Guidelines for EU
Support to Civil Society
in Enlargement countries,
2014-2020

- Capacity development of the CSOs' participating in regional projects has not been the permanent goal of the EU assistance within the CSF regional programme. Nevertheless, it is regarded by CSOs as one of the biggest achievements or added value of their regional projects, as it has contributed to strengthening their voice and influence in policy-making processes. Therefore, ***strengthening the CSOs' capacities and their voice*** in policy- and decision-making should be one of the primary aims of any type of regional assistance for CSO partnership actions, and an important component in each of these projects. This holds also for those actions primarily aimed to utilize CSOs for addressing specific challenges in selected policy areas, especially the ones related to democracy, rule of law and human rights;
- EU assistance for regional CSO actions should be ***focused on longer term support with greater flexibility*** in the rules of implementation, in order to respond efficiently to the key challenges in a frequently changing political environment, as it is in the Enlargement countries;
- Regional projects that are implemented and led by CSOs from Western Balkan countries and Turkey can better assure sustainability of the projects' objectives and activities because they ***ensure local ownership, more continuous visibility and more continuous transfer of knowledge and know-how to local CSOs and grass-root organizations.***
- For bringing domestic improvements and reforms in the area of democracy and rule of law, EU ***should make civil society a permanent partner in its strategies.*** The Commission should not only provide financial and project support, but also ***political support*** for the networks and the outcomes of their projects through the Progress Reports, as well as other channels of communication. This is especially needed on national level, as currently there is reported detachment between the actions and outcomes of the regional projects and the EU Delegations.

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