

# POSITION ON THE NEW EU CIVIL SOCIETY GUIDELINES

January 2020

The **Guidelines for EU support to civil society in enlargement countries, 2014-2020** (The Guidelines), developed by DG NEAR in consultation with civil society, have aimed to encourage enlargement countries to make legislation conducive for civil society, promote the involvement of civil society in the pre-accession process, and provide a framework for monitoring and evaluation of the results achieved with the EU assistance. Many civil society organizations in these countries, including BCSDN, have regarded the Guidelines as the key document for ensuring enabling environment for their actions and their development - a crucial precondition for civil society to play a significant role in the countries' development and the EU enlargement process.

Unfortunately, the Guidelines have failed to fully meet these expectations and to serve their purpose. So far, they only provided a narrow analysis of the state

and capacities of the civil society in the region, an analysis that was only used to a certain extent for programming of the EU financial assistance to civil society. From a civil society perspective, this has been the case due to lack of ownership, political will and commitment from the EUDs and the EU. Such limited use has led to shortcomings in the implementation, monitoring and achieving the objectives of the Guidelines, and failing to ensure political support to CSOs and clear guidance towards national governments.

As a full review cycle of the Guidelines is set to start soon, and preparations are underway for development of a similar strategic document for the upcoming 2021-2027 period, BCSDN, as a network with leading expertise in civil society enabling environment in the Enlargement countries<sup>1</sup>, has prepared an opinion outlining the lessons learned and key recommendations for the new Guidelines past 2020.

The new Guidelines for EU support to civil society in Enlargement countries need to be more than just a programming document

In the absence of an EU Acquis or other EU standards related to civil society, the Guidelines have provided only limited guidance for governments on what needs to be done for a more conducive environment for civil society. They were a useful reference for CSOs to advocate and raise awareness on the importance of an enabling environment for civil society operations and its development. They served DG NEAR and EUDs as a results framework for their programming, but the extent of this is yet to be analyzed. Finally, although there were cases for the Guidelines being used for a structured dialogue with CSOs, the opportunity to enroot this in the work of the EU structures has been wasted.

## KEY RECOMMENDATIONS

### 1 THE NEW DOCUMENT GUIDING THE EU SUPPORT TO CIVIL SOCIETY IN ENLARGEMENT COUNTRIES HAS TO BE AN OFFICIAL DOCUMENT OF THE EC

One of the biggest shortfalls of the Guidelines is their inconsistent and non-unified application by all the different EU Commission structures, especially by the different EU Delegations in all enlargement countries. Due to this, although aimed to be a framework for monitoring, the Guidelines were not consistently reflected in the most important monitoring reports prepared by the European Commission – the annual Country Reports. Not being an official EC document (e.g. staff working document) and not being adequately transposed into one (e.g. in the Country Reports), they did not have any political weight and/or leverage to encourage both the governments and the EU initiatives, as they intended to in the first place. With a limited commitment of the EC to communicate the Guidelines with all relevant stakeholders, they have been known only to a narrow group of CSOs in the enlargement countries, rather than to the wider civil society.

## 2 BETTER PLANNING – TAKING STOCK OF PREVIOUS EXPERIENCE

The new Guidelines should set clear priorities of what the EU assistance aims to achieve in the upcoming period, and a clear results-oriented framework focused on the quality of practice, rather than quantitative indicators. The results and achievements of the current EU support to civil society in the enlargement countries need to be taken into account. Better reframing and structuring of the objectives, results and indicators is necessary. Clear and refined national targets need to have both a qualitative and a quantitative aspect. Nonetheless, this should be done with consideration of their cost-effectiveness, having in mind that quantitative indicators require an extensive survey that presumes a significant financial investment, while its results are highly affected by the sample size and quality. The main actors to be involved in a structured consultative process are the CSOs, responsible state structures for civil society development, the EUD task managers as well as other relevant donors working and/or supporting CSO enabling environment.

## KEY RECOMMENDATIONS

### 3 PROPER MONITORING MECHANISM NEEDS TO BE SET FROM THE START

The lack of an appropriate monitoring system, based on properly developed indicators, for reporting on the implementation of the Guidelines have made it very hard for measuring the results achieved and the impact of the EU support to civil society. Any future similar document, in order to be operational and serve its purpose for the EU to obtain the necessary updated information for its action, has to establish mechanisms for regular, reliable, and credible monitoring. Therefore, a well-thought and consistent monitoring methodology, as well as a well-defined structure for monitoring, needs to be defined in the document itself.

The monitoring findings should be shared and discussed with national governments, civil society and other donors, for ensuring more substantial and coordinated support for the implementation of the national policies and strategies for an enabling environment for civil society. They should provide basis and leverage to the EU Commission to take appropriate action towards Enlargement governments, especially in cases when there is an increasingly hostile environment for civil society and growing obstacles to civil society operations<sup>2</sup>. This will be in line with the demands for reforming the EU integration process, with “stringent conditions, in order to effectively converge towards European norms and standards over the long term” and “easily and objectively verifiable indicators”<sup>3</sup>.

The new “Guidelines” need to be an officially adopted EU document that will both serve the programming of EU assistance and ensure having a political weight and legal basis for monitoring the development of civil society and its enabling environment in Enlargement countries

<sup>1</sup>BCSDN has developed its own methodology and a tool for monitoring the EE for CSDev in Enlargement countries – the *Monitoring Matrix* – which has been an inspiration and basis for the development of the Guidelines.

<sup>2</sup>BCSDN (2019) Enabling Environment For Civil Society Development & Enlargement Package 2019 – Background Analysis: <http://www.balkancsd.net/novo/wp-content/uploads/2019/06/BCSDN-Background-Analysis-2019.pdf>

<sup>3</sup>Non-Paper – Reforming the European Union accession process (2019) <https://g8fip1kplyr33r3krz5b97d1-wpengine.netdna-ssl.com/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>

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