

ENoP Consultation Input on: 'How to create and maintain civil society space? What works?'

The "European Network of Political Foundations"¹ – independent actors in democracy promotion, development cooperation and political dialogue" was established in 2006 as a platform, serving as a communication and dialogue instrument between political foundations in Europe and the Institutions of the European Union as well as civil society actors in the fields of democracy support, development cooperation and political dialogue. Further to that, it provides services to its members to promote their integration into the respective programmes of the European Union.

European political foundations support democratization processes around the world and aim at strengthening key aspects such as good governance, rule of law, human rights as part of EU development cooperation and in the framework of a coherent EU foreign policy. ENoP serves as a platform to share expertise and facilitate exchanges among its members. ENoP gives input to public consultations organised by the EU institutions; publishes policy papers with recommendations to the EU, organises conferences and expert roundtables.

ENoP currently consists of sixty-three political foundations coming from twenty-three countries in the EU and encompassing six political families, namely: ALDE, EPP, S&D, ECR, Greens/EFA, GUE/NGL.

ENoP member foundations engage themselves in long-term partnerships with local authorities as well as civil society organisations and other non-state-actors, including political parties. The activities of political foundations in the fields of democracy promotion and development include capacity building and training, information and awareness raising seminars, advocacy and lobbying campaigns, as well as facilitation of policy dialogues and the interaction of state and non-state actors. The main focus, however, is on the implementation of democracy support and development projects with local partners in more than 100 developing and transition countries throughout the world.

Upon this background, and based on the expertise possessed by its member-foundations, ENoP, and in particular its Working Group on EU Enlargement/Neighbourhood Policies has elaborated the following **joint input** on "**Enabling Environment**" as an important precondition for the work of CSOs; and as a counteraction to the shrinking space of civil society organisations.

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1. Enabling Environment – a Precondition for Democratic Societies

Democratic societies are based on the constructive interplay between civil society and party political actors. The inclusion and participation of citizens in the political system is essential for inclusive societies with effective and accountable institutions. **Political pluralism** is a key factor of any democracy and the road towards sustainable development. Supporting democratic institutions and processes leads to more accountable, transparent and just systems.

An enabling environment in partner countries touches upon issues such as freedom of expression, democratic participation, accountability and transparency. It requires bringing together and capacitating various stakeholders like civic actors, political actors, parliaments, business associations, trade unions, local authorities etc. Each actor is needed in society and has a specific role attributed. Certain elements are necessary to manifold and follow freely their roles and duties.

CSOs in enlargement, neighbourhood countries and countries in transition face many obstacles. In most cases, they must carry out their work in non-supportive environments (administrative, juridical, legal, financial, and political). A tendency towards restricting and controlling even more the work of CSOs in EU neighbouring countries can be observed. Financing for CSO activities faces restriction and often access to national funds is scarce. Only a privileged few have the capacities to develop project proposals in order to acquire funds through EU grants and other public or private sources.

Party political actors in enlargement, neighbourhood and countries in transition lack often the knowledge and capacity to hold public office, to run campaign and to manage in a transparent way public office or parties. Nevertheless, accountable political parties are needed in society as they are responsible for directly shaping the political process – whether in government or in opposition.

Enabling environment is political

An enabling environment as a precondition for sustainable societies includes various elements: the **administrative, legal, financial, judicial and political environment** together determine what is envisaged by an enabling environment. Based on the work and experience of European political foundations in partner countries the conditions that need to be met are described below. The development of an enabling environment and democratic societies include political aspects. Democratic societies are based on a well-functioning multi-party political system, with a plurality of actors and political choices and well-functioning multi-dimensional processes.

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2. Enabling Environment: The Perspectives of Political Foundations

The **legal environment** sets the laws and legislations, on those based all other preconditions unfold and the principle of acting within a country is possible. Within each country freedom of association and assembly and freedom of expression needs to be appropriately be provisioned. Further, civil society organisations need to be defined “as a voluntary, independent, not-for-profit organisation with specific social purposes”². In addition the legislations “must not impede the right of CSOs to play representative role through advocacy, lobbying and their engagement in policy making”³. National law should also not contradict the financial health of civil society and allow long-term financial support through various channels independently chosen by CSOs themselves. Among others, the enabling legal environment further includes the easy, fast and transparent registration processes of CSOs⁴.

The establishment of rules and laws, however, is not sufficient to guarantee an enabling environment for CSOs. How those written rules are implemented and applied within a state is essential for the working environment of civil society. Therefore, the **administrative environment** guarantees that mechanisms for implementing the legal framework are established. The administrative environment is especially important to obey national rules and procedures such as formal and informal consultation processes.

As one of the key elements for enabling environment is sustainable **financial environment** for civil organisations, which allows managing own resources, but moreover, fundraising project/programme support through various means of finances. For being able to accept financial support by third parties such as the European Commission and UN bodies but also private sources, national laws must stipulate those activities. Based on the **legal environment** defined by the laws in the country, the fundraising activities must not be impeded by political actors.

How laws are interpreted and how they are put in practice is an important question when defining the **judicial environment**. Judges independent from the political system and the court judgment should rule along the rule of law rather than being politically motivated. It has to be guaranteed that all organisations are equal in front of the law. Such a politically independent judicial environment will guarantee that there is no one above the law; all citizens are treated equally; and are free to express their opinion and individuality. Freedom of expression is one of the basic rights of the citizens and the EU and International Institutions together with the member-states should defend that principle but also to guarantee that freedom of expression happens with tolerance and respect to the others and the use of that freedom is not done in a way that harms society.

The political environment defines the political exchange, dialogue and the respect for each other’s position. It describes whether a culture of debate and competition for the best political solutions is grounded in society. The political environment is highly determined by the way how

² Sterland and Rizova (2010:9)

³ Ibid.

⁴ More on legal environment can be found in literature such as Sterland and Rizova 2010 page 9ff



participation at the political life on local, regional and national level is shaped. Are CSOs able to participate in the decision-making process and are their voices and opinions heard and integrated? In the political decision-making process all actors need to be given a voice, whether CSOs, Trade Unions, business associations, etc. Exchange between party political actors⁵ and CSOs in an environment that allows working collectively on national reforms and policy formulation can enhance national policy debates, improve citizens' acceptance of policy outcomes, enhance trust and establish a competitive democratic political system with a common long-term vision for democratic societies.⁶

3. The role of Political Foundation

Political Foundations work on all aspects of enhancing the conditions for enabling environment to fostering sustainable democratic societies. Depending on the context and careful analysis of the different societal and political structures, political foundations might work together with the judicative, the media, ministries or parliamentary administrations as well as political parties and civil society actors.

The activities of political foundations in the fields of development and democracy support include public campaigning and awareness raising/building, advocacy, and lobbying political institutions and decision-makers in their respective home countries. The main focus, however, is on the implementation of development projects and democracy support with local partners in more than 100 developing and transition countries throughout the world.

• Best Practice Examples AND Lessons Learned

▪ Serbia: Lectures on the EU Accession process of Serbia

Since 2005, FES⁷ Serbia has been organising lectures for civil servants, NGO activists and trade union leaders pertaining to the Accession process of Serbia into the EU. Until Serbia gained Candidate Country status in 2011, these lectures and trainings covered general topics on EU, such as EU Law and Legislative Procedures. The partners in the lectures were Belgrade Open School (BOŠ) and Serbia's European Integration Office (SEIO). After 2011 and Serbia becoming a Candidate Country, the nature of the lectures became more specialised and focused on particular chapters for public civil servants from relevant ministries. For example, several trainings on Chapter 15 (Energy) were provided for the selected civil servants from the Ministry of Energy; lectures on Chapter 19 (Social Policy & Employment) included civil servants from the Ministry of Social Policy and Labour as well as representatives of Trade Unions. In total, since this programme started in 2005, 49 trainings were held and there were 1231 participants. Since 2013 when Croatia became a member of the EU, trainings have been held nearly exclusively by Croatian public civil servants who were involved in the EU accession process in their home country.

⁵ The term 'party political actors' subsumes: actors from ruling political parties and political parties in opposition, governments, public institutions such as state agencies and state and local administrations directed by respective political party (or coalition) programmes and policies. In a democratic political system political parties are the most prominent political actors with a mandate to represent citizens' views in an ideological and partisan sense.

⁶ Brechtje Kemp, IDEA, NIMD, Oslo Center, *Political Party Dialogue: A Facilitator's Guide*, 2013, p. 133.

⁷ FES – acronym for Friedrich-Ebert-Stiftung



- **Bosnia and Herzegovina: Support to State Level and Entity Parliaments**

For the past four years, KAS⁸ has been implementing a parliamentary support programme. The aim was to strengthen the capacities of state-level Parliament - in particular the House of Representatives - supporting the set-up of an ad-hoc commission to develop a transparent and inclusive process for the implementation of the Sejdic-Finci verdict. KAS supported the commission by offering expertise and raising awareness about the role of the Parliament in the development of a compromise solution. Furthermore, KAS aimed to enhance cooperation between the entity Parliaments of Republica Srpska and the Federation BiH. During the last three years, KAS has organised meetings between parliamentarians of RS and FBiH (of all relevant factions) in cooperation with the Parliament of Saxony in Germany. In doing so, KAS assisted in defining the role of the entity Parliaments as a driving political force and legislative initiator. Additionally, KAS initiated a scholarship programme for young people, giving them the opportunity to complete an internship in the Parliamentary Assembly of BiH.

- **Former Yugoslav Republic of Macedonia (FYROM) and Kosovo: Party political support**

In collaboration with the Eduardo Frei Stichting and other local partners (e.g. Educational Institute Pavel Shatev) KAS FYROM organised several activities for party members and officials from parties of the centre-right in FYROM. The objective of the trainings was to prepare various elections, for example of local government, and improve party political programmes by informing participants about the legal requirements and procedures of the respective elections. Furthermore, the trainings aimed to provide advice on improving political communication within the party, as well as on media and public relations with an outreach to citizens.

- **Croatia: Establish Dialogue between Party Political Members and Civil Society**

Between 2006 -2014, discussing the EU accession process, hbs⁹ Croatia together with partner organisations aimed at bringing different perspectives on EU legislation on one table. Political party members from different party families had been invited to interact with civil society organizations, present their opinions and positions and to debate different aspects of EU accession such as the impacts of EU legislation on nature and environmental protection or on gender equality and non-discrimination principles. This was conducted through diverse instruments like regular expert talks, public round tables, conferences, study trips and visiting programs but also through regular exchange between civil society actors in Croatia and parliamentary political representatives from Brussels or other member states.

⁸ KAS acronym for Konrad-Adenauer-Stiftung

⁹ hbs acronym for Heinrich-Böll-Stiftung



ENoP Recommendations

❖ General Recommendations:

- Financial environment: Government should not hinder, but stimulate the **financial independence** of Civil Society Organisations. This implies the financial access of funds at national level but also the freedom to access funds from other international donors and granting institutions like the European Union or political foundations
- The **financial independence** can be stimulated through various instruments at local and national level such as tax-relief for Civil Society Organisations combined with lowering the administrative burden for registering and managing CSOs. The administrative regulations for CSOs should be simple and easy to understand and to fulfil.
- **Independent and transparent national and international media** have manifold roles and functions in society: 1) media can create awareness on civic education and democratic principles 2) play an important role in the check and balance system of national and international governmental institutions. Thus, the independent work of media itself is a basic element for enabling environment. National governmental institutions should provide regulations that ensure independence and transparency and the well- functioning of pluralistic media organisations.
- **Local authorities and municipalities** play an important role in providing enabling environment for civic actors. They regulate the legal and administrative environment on local level. Through providing public space at local level CSOs are given the necessary space to manifold their activities.
- **CSOs working with minorities and disadvantaged groups**: as they are often dealing with under-privileged and minority groups they are able to complement the role of local municipalities and public institutions in their service delivery function through, for example, the inclusion of those groups in the social and political life.
- The right of assembly includes joining **regional and international networks and umbrella organizations** based on constituency and interests (based on democratic principles).

❖ Recommendations to the UN Bodies

- Include enabling environment aspects in bilateral and multilateral cooperation programmes and enhance donor coordination on those aspects. Ensure close monitoring and stricter conditionality if conditions on providing enabling space for CSOs are stinking.
- UN policies and programmes should focus on enabling environment as a priority aspect in their external relations and especially in neighbourhood and enlargement countries as well as in countries in transition. Monitor the developments in the annual reports and act on a political level.

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- Support training activities and programmes for both political actors and civil society actors, aiming to enhancing the conditions and capacities of the actors.
- UN country team(s) are a key representative of the UN Institutions and thus Ambassador of International standards and values. They play a crucial role in involving all relevant stakeholder in partner countries and should be the leading example of practicing democratic principles.
- Support governments in the region in developing strategies aimed at establishing the appropriate legal and political environment in beneficiary countries to enable the efficient work of CSOs. This should be monitored by the regular country reports by the UN agencies

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