

CONCORD EU Delegations Report 2017
COUNTRY BRIEFS

CAMBODIA

COUNTRY BRIEFS: CAMBODIA

1. CIVIL SOCIETY SPACE AND ENVIRONMENT IN THE COUNTRY¹

In the last few years, civic space in Cambodia has become more repressive as respect for human rights. People face arbitrary restrictions on their right to freedom of expression, continuing impunity for those who carry out acts of violence against civil society actors², and violence and arbitrary detention of protesters and human rights defenders, as government grows intolerant of public demonstrations ahead of communal and national elections in 2017 and 2018. The right to association and civil society activities are protected by the Constitution, but subsidiary legislation can potentially be used for political reasons and to undermine civil society, such as it is the case of the Law on Associations and NGOs (LANGO) that defines broad and vague grounds for denial of registration and deregistration of organisations. Namely, there have been calls for NGOs to be suspended or shut down due to allegedly violating a clause of LANGO that requires all associations and NGOs to be politically neutral, as well as politically motivated investigations by the anti-corruption unit to national NGOs. In a joint statement first made before the UN Human Rights Council on 14th September 2016, 39 countries declared they were deeply concerned about escalating threats to “legitimate activities by opposition parties and human rights NGOs” in Cambodia, and the European Parliament also issued a strong resolution condemning abuses and repression in 9th June 2016³.

NGOs are mostly viewed by public authorities as important partners in the delivery of basic social services (as established in the National Strategic Development Plan 2014-2018 that acknowledges NGOs’ role in development only in service delivering and providing emergency relief), and interaction is easier for CSOs that work in areas of public service delivery (e.g. education, health etc.). However, organisations that work on more sensitive issues such as land rights, women’s rights, human rights and advocacy face a restrictive environment. Although the government of Cambodia has a number of mechanisms to involve NGOs in national development strategy formulation and policy implementation and

¹ According to the CIVICUS monitor, the status in Civic Space is classified as “repressed”. Cambodia is classified as “not free” on political rights and civil liberties by the Freedom of the Word Index (2016), and ranks 150th in the Transparency International index (out of 177 countries, in 2015). For a detailed analysis of civil society space in the country, see CIVICUS monitor (<https://monitor.civicus.org/>), ICNL Civic Freedom Monitor (www.icnl.org/research/monitor/cambodia.html), and Human Rights Watch Report 2017 (www.hrw.org/world-report/2017/country-chapters/cambodia)

² A relevant example was the assassination of prominent political analyst and activist Dr. Kem Ley, in July 2016.

³ Joint Declaration at UN Human Rights Council available at <http://ow.ly/Gqoh308SVdt> and European Parliament Resolution at <http://ow.ly/tcAy308SVpq>

dialogue, in practice NGOs have limited influence on government strategy and policy, and report findings/recommendations put forward by CSOs are constantly rejected or considered flawed. CSO-government dialogue has nevertheless positive experiences in some areas: decentralisation dialogue with the National Committee for Sub National Democratic Development (NCDD); groups working on environmental code and other technical groups; dialogue within the judiciary reform; post-MDG framework. Other interactions are more complicated, namely the engagement with the Parliament and the participation in key policies, such as national budget, land rights or corruption. At local level, some governors are willing to build partnerships with civil society while others are very reluctant to engage.

The majority of CSOs depend on international partners, and only a minor percentage of funding to NGOs’ programmes and projects is concentrated on advocacy and human rights, which also reflects government’s and donor’s priorities. Upward accountability to donors is a major concern and CSOs claim that institutional capacities are developed to satisfy the increasing donor requirements. Recently, the graduation to lower-middle-income status (from 1st July 2016) raises concerns about a scale-back of foreign aid and preferential trade access over the coming years, requiring efforts to avoid the middle-income trap.

2. SUPPORTING AN ENABLING ENVIRONMENT FOR CSOs IN CAMBODIA

The work developed by the EUD in supporting an enabling environment for civil society is mostly not visible and this low profile or “silent diplomacy” is sometimes felt as unwillingness to be straightforward with public authorities, with CSOs asking the EUD to take a stronger stance in defending human rights and protect activists. These concerns are regularly mentioned by CSOs in their regular dialogue with the EUD, namely the need to take simple measures to show support for human rights defenders (such as visiting them on prison and assisting them throughout the trial), to ensure a more rapid response from the human rights defenders’ mechanism, hear the testimonies of communities, financing human rights organisations in a more flexible way etc. Being more outspoken and active – including through concerted statements from key EU representations in-country - on sensitive issues such as human rights violations, land grabbing, and impact on rural communities of the sugar exports would also be relevant. Furthermore, ensuring a support to elections that goes beyond observation (e.g. citizen awareness, voter education, registration) could be fundamental to support democracy and prevent possible incidents. With the situation deteriorating in the country, it is now more than ever that EUD and EU Member States support would be needed.

The EUD has tried to discuss and convey messages to the authorities regarding relevant issues to civil society, namely

regarding the legal framework. In the last few years, the EUD engaged in consultations with public authorities on LANGO and insisted with the government and the national assembly on the need to hear civil society, including by giving examples of EU countries' regulations to ensure a fair process of registration. This issue became very political at the higher levels of government and thus the impact of the EUD's demarches was limited. Work is now being developed on the implementing guidelines for LANGO and the EUD has raised several issues that are of concern to CSOs, particularly to the Ministry of Interior.

Another important entry points are the mechanisms for a multi-stakeholder dialogue with the government, external partners, civil society and the private sector in the framework of high-level policy dialogue: the Cambodia Development Cooperation Forum – CDCF and the Government-Donor Coordinating Committee - GDCC, both including three representatives of the largest CSO umbrella platforms (usually CCC, NGO Forum and MEDICAM), and 19 sector Technical Working Groups (TWG) with the participation of relevant sector-specific CSOs. In the TWG where European partners and EUD are most active (around half of the groups), a strong participation of CSO representatives is actively promoted. EU partners have also tried to coordinate their positions on several issues and have managed to speak with one voice in their dialogue with the government in specific sectors such as education, public financial management and decentralisation. The EUD is also leading discussions with the government for the establishment of a TWG on Land. Despite this, coordination before TWGs meetings is difficult for development partners and even more for civil society. Furthermore, the number of CSOs engaged in these dialogue mechanisms is still limited in many cases, and more dialogue and partnership mechanisms based on genuine negotiation and mutual agreement need to be promoted, particularly on more sensitive issues.

Besides these working groups, the EUD sometimes acts as a facilitator by promoting initiatives focused on improving a multi-stakeholder dialogue on relevant issues for civil society (e.g. to mark the Human Rights Day, a "Speakers' Corner" event was organised, to provide the public, civil society and public official with an opportunity to interact on human rights issues).

Support to CSOs' efforts and initiatives at local and communal level (where the space seems to be more open), particularly on participative democracy and cooperation between local authorities and CSOs seems to be very insufficient, and EU support to this is limited. The EUD is however implementing a more strategic use of funding, in order to support civil society enabling environment and capacities at local level (e.g. project for supporting capacities of community-based forest organisations through a NGO that works directly with CBOs on forest and natural resources' management; project on building NGOs provincial networks for improving the capacity to advocate together).

3. DIALOGUE AND INSTRUMENTS FOR ENGAGING WITH CIVIL SOCIETY

In recent years, the dialogue with civil society has evolved in line with a change in approach on the role of CSOs in this dialogue: while an important part of the dialogue is still focused on funding opportunities and projects, the EUD's approach has become more focused on policy dialogue, on enabling environment and challenges – and what can be done together to deal with those issues. The civil society in Cambodia is also becoming more professional and engaging in discussion about their governance structures, the results and representativeness, the role of external partners in supporting their agendas – and the EUD has been working on supporting these discussions, mainly through the most important networks/platforms.

In general, the structuring of dialogue with civil society in Cambodia is at a more advanced stage than in many other countries, although it is pursued mostly in an ad-hoc and responsive manner (e.g. when there are issues of common concern or urgent matters). As a result of the EU coordination and joint programming process, some of this dialogue is conducted by the European group (EUD and European partners active in Cambodia), and this has recently included:

- Consultations on joint programming: Elaboration of the European Strategy for Development Cooperation in Cambodia 2014-2018 (discussion on plans and priorities), monitoring report (2016 meeting on the outcomes of different sectors and policy impacts) and on the external evaluation of the strategy.
- Extensive consultations in the preparation for the European Country Roadmap in Cambodia, mainly including Cambodian CSOs whose inputs have been reflected in the final document.
- Joint meetings on pertaining issues to CSOs, such as the January 2016 meeting on enabling environment for civil society in the country, focusing on the legal frameworks, human rights defenders, elections, and international issues such as the Sustainable Development Goals and financing for development.

Among the principles of the Joint European Development Cooperation Strategy for Cambodia 2014-2018⁴ is the space for a vibrant participation by civil society in national development policies and programmes. In this regard, one of the main objectives of the European group is to increase the support in backing networks, partnerships and synergies between CSOs, so that they can have access to larger amounts of funding, prepare more nation-wide projects, coordinate positions and thus make their voice stronger. Another objective is to establish a

⁴ It establishes 4 priorities: (1) Social development; (2) supporting sustainable and equitable economic growth; (3) Infrastructure; (4) governance and cross-cutting issues, including civil society development.

more structured consultation and dialogue mechanism with civil society (*see next point on Roadmap*).

Regarding the EUD dialogue with civil society, it entails a regular dialogue with major umbrella organisations and several ad-hoc consultations on calls for proposals and on specific programmes (e.g. consultations on the EU decentralisation programme (SNDD)). In general, the perception is that EU's engagement with civil society has been reinforced in the last few years, mostly due to the commitment, will and openness to dialogue of EUD staff, despite the limited human and financial resources. However, most dialogue mechanisms focus on EU development cooperation programmes and don't cover other EU policies, such as trade, which have a detrimental impact on human rights and which have not been sufficiently addressed or discussed. Some CSOs also feel that this dialogue does not work for them, particularly human rights organisations, which see their space shrinking and many human rights defenders at risk. Moreover, grassroots and community-based organisations are mostly out of these processes and their voices are not sufficiently heard.

The Roadmap

Before the EU Roadmap for Engagement with Civil Society was approved in Cambodia, there were also Guiding Principles for Effective Support to CS in Cambodia (2010), applied by EU development partners. European partners present in the country were actively involved in the elaboration of the roadmap and jointly organised an extensive consultation with CSOs (local and international). The document⁵ is very detailed regarding the context for civil society in the country, the European approach to tackle these challenges, the existing programmes (EUD and EU member states), lessons learned and plan of action with concrete indicators (dashboard regularly updated). Nevertheless, it is still unknown for many organisations and communication/information should therefore be reinforced, particularly on the follow-up and on what is expected from CSOs in the implementation and monitoring.

In Cambodia, the roadmap is mostly seen by the EU not as a mapping of existing initiatives but rather as a tool for commitment, with a list of priorities to which each EU partner contributes, in order to achieve the expected results. One of the main challenges is however to incorporate this tool into the joint programming exercise, in order to ensure real complementarity. European partners have diverse forms to operate, different dis-

⁵ The Roadmap was approved in early 2015 and a revised version was adopted in January 2016 (after revision of indicators discussed at European Counsellors retreat). The defined priorities are adapted from EC Communication: (1) promote Human Rights and gender equality based approach in European development cooperation and strengthen an enabling environment for CSOs; (2) support local civil society efforts to enhance their internal governance, transparency and accountability; (3) structure European dialogue with CS and mainstream CS issues in European development cooperation.

cretionary power to define the civil society portfolio in-country (EU member states' support is mostly controlled by headquarters) and joint instruments are very difficult to implement (e.g. pool funding). However, more can be done in terms of harmonising procedures (e.g. reporting) or using different instruments towards the same objective (e.g. one EU member state provides technical assistance to NGOs and EUD provides funding; EU member states and EUD may support different initiatives or needs of the same organisation; etc.). Systematic efforts should therefore be pursued to facilitate complementarity and coherence of EU (EUD + Member States) programmes and instruments of support to civil society, as established by the roadmap. As the roadmap process is very recent, it will also be interesting to see how it will connect with other donor's initiatives and positively influence the situation of civil society in Cambodia.

The roadmap has also motivated a reflection of European partners on how effective the existing dialogue with CSOs is, which led to the objective of establishing a more structured dialogue and consultation mechanism with civil society⁶. This mechanism includes two main key events: (i) An annual consultation meeting to review the progress of the joint strategy implementation and thematic issues that are particularly relevant to the enabling environment and active citizenship, and (ii) decentralised dialogue through a provincial meeting once a year, on a rotating basis (a different province each year - first scheduled for February 2017). The EUD will ensure the Secretariat and organisation of the dialogue mechanism, in consultation and coordination with European partners and representatives of civil society umbrella organisations.

The roadmap and interlinked dialogue processes with civil society also raise the issue of the necessary human and financial resources for implementation of this structured dialogue and initiatives. Regarding human resources, only 10% of the EUDs' CSOs Focal Points worldwide is dedicated to the roadmap. In the case of Cambodia, for instance, the support of a consultant (working as a facilitator and resource in several processes such as joint programming, aid effectiveness, the roadmap, the Gender Action Plan etc.) has been instrumental and very useful for dialogue, partly because it would be impossible to manage all these frameworks only with the available EUD in-house staff. A set-aside fund for structured dialogue, albeit small, would also be helpful to implement these ambitious mechanisms.

Funding

The main EU funding opportunities for CSOs in Cambodia are implemented through the European Instrument for Democracy

⁶ This matches Priority 3 of the Cambodia Roadmap ("Structure European dialogue with civil society and mainstream civil society issues in European development cooperation"), and in particular indicator 3.1 on establishing a specific platform for European dialogue with CSOs.

and Human Rights (EIDHR) that finances civil society's projects in this area, the Civil Society Organisations-Local Authorities (CSO-LA) thematic programme and the Multiannual Framework Programme – MIP (similar amounts of funding through the thematic lines and MIP). The thematic programmes are mainly used to support CSOs' projects on a number of areas not covered or not sufficiently covered by the EUD's bilateral programmes, with a view to contributing to EU objectives in a particular sector (e.g. gender equality and access to justice from indigenous communities in 2016, reinforce civil society work on policy dialogue for education in 2015 etc.). However, taking into account the urgency of some human rights issues and the shrinking space for civil society, some CSOs consider that these thematic options should be better explained.

Although civil society considers these funding instruments to be very relevant, the general perception is that donor funding is decreasing⁷, and EU funding is becoming more difficult and more competitive. Many concerns on the trends in the calls for proposals are common to most countries: limited funds and preference for big projects; heavy and time-demanding procedures and very complex and strict requirements versus the restricted possibility of getting a grant; excessive focus on formal procedures and lack of flexibility/adaptation to changing context; insufficient feedback on rejected proposals; and difficulty for smaller and grassroots organisations in accessing these funds. In order to build CSOs' capacity in project management, the EUD in Cambodia uses all the available "support measures" under the thematic lines for financial management coaching, log frame reviews and other aspects of technical procedures. While this is an evident need for CSOs, a more comprehensive and strategic approach to capacity development would also be welcomed, beyond funding and beyond the inclusion of capacity building activities in EU funded projects implemented by civil society.

⁷ With the transition to Lower-Middle-Income status, some donors have started to phase-out and reducing aid, putting many local NGOs in a difficult financial situation.

The EUD is increasingly recurring to other funding modalities such as direct award of grants and sub-granting. For instance, some direct grants within the thematic lines are foreseen to be awarded in 2017 to the umbrella organisation responsible of managing the GPP certification scheme⁸, in order to foster and support this process. Some CSOs feel that the use of direct granting and its criteria should be better explained. Sub-granting is conceived as a way to reach smaller organisations, although it also implies that local CSOs are required to enter into consortia with large, often international, organisations, in order to access funding, and the quality of partnerships should be taken into account both by the EU and by CSOs themselves. Particularly, attention should be given to ensuring effective capacity building of smaller CSOs in these partnerships and the right of initiative of the sub-grantees.

[Concerns include] complexity of the proposal format and its requirements including co-finance, competition between local and international NGOs (seemed give more weight to the international one), language barrier - no local language (both for proposal and reporting) for local NGOs. EU funding should 1) promote inclusive partnership and multi-stakeholder initiatives where all key development actors such as private sector, government and civil society work together, 2) all forms of fund should include rights-based approach to development in each project/program, 3) the funds should be given more directly or through trusted local partners to local and small grassroots organizations as these NGOs are staying, and working with citizens. In addition to this, EU should play more important roles in lobby the Cambodian government to respect and promote human rights and democracy - this can be done through their diplomacy work and business partners (both direct foreign investment and supply chain) to influence government. – (Survey) Membership-based NGO, Cambodia.

⁸ The voluntary certification process ("NGO Governance and Professional Practice – GPP) is a tool to help to ensuring accountability and good governance in the NGO sector; it was created by the NGO Good Practice Project and implemented by the Cooperation Committee for Cambodia (CCC), which has awarded 74 certificates (data from early 2016).

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The brief mentions some of the findings specifically concerning Cambodia. For common findings and comprehensive analysis/recommendations regarding EUDs engagement with civil society, see the **CONCORD EU Delegations Report 2017: Towards a more effective partnership** <https://concordeurope.org/what-we-do/promoting-civil-society-space/eu-delegation-report>

CONCORD EU Delegations Report 2017
COUNTRY BRIEFS

HONDURAS

COUNTRY BRIEFS: HONDURAS

1. CIVIL SOCIETY SPACE AND ENVIRONMENT IN THE COUNTRY¹

Civil society activism and initiatives in Honduras are constrained by high levels of violence (drug trafficking, organised crime and street gangs), inequality and social exclusion, as well as by political divisions (following the 2009/2010 crisis). While human rights defenders (e.g. women's rights) and activists (e.g. issues related to land, environment and extractive resources) are especially targeted by attacks and judicial harassment, the government has so far failed to prosecute most crimes or provide effective protections for those at risk². It is one of most dangerous countries in the world for media workers and freedom of expression is restricted in practice (with the penalisation of defamation as a criminal action and self-censorship). In a positive development, in 2015 Honduras passed a law that establishes a new national system for the protection of human rights defenders and the UN Commissioner for Human Rights opened an office in the country.

The Special Law for Non-Governmental Development Organisations ("NGO-D Law" from 2011, with regulations enacted in 2013) prevents the government from exercising too much discretion when registering organisations and the current administration made several management changes to the Unit for Registering and Monitoring Civil Associations (URSAC) in an effort to modernise it, but registration procedures are long, cumbersome and expensive. Namely, there are administrative rules and procedures that require CSOs to purchase operating permits even for humanitarian aid, the sale of any service, and the defence of rights. The operating procedures for CSOs are not clear in several aspects. The repeated attacks by the President on civil society organisations that disagree with his policies, namely by accusing some organisations to receive funding from criminal groups, represents an attempt to deligitimise the work of civil society and human rights organisations.

CSO networks also continue their efforts to push for more a comprehensive law to regulate the sector (as the existing one only applies to NGOs). Some NGOs (FOPRIDEH³ with other lo-

¹ According to the CIVICUS monitor, the status in Civic Space is classified as "repressed". Honduras is classified as "partly free" on political rights and civil liberties by the Freedom of the Word Index (2016), and ranks 126^o in the Transparency International index (out of 177 countries, in 2015). For a detailed analysis of civil society space in the country, see CIVICUS monitor (<https://monitor.civicus.org/country/honduras/>), ICNL Civic Freedom Monitor (www.icnl.org/research/monitor/honduras.html), and Human Rights Watch Report 2017 (www.hrw.org/world-report/2017/country-chapters/honduras).

² The assassination of Berta Caceres, Nelson Garcia and Paola Barraza have undermined trust and mark the dialogue on enabling environment for civil society in Honduras.

³ Federación de Organizaciones No Gubernamentales para el Desarrollo de Honduras.

cal and international NGOs) engaged in the current discussions of a new tax code, which had some articles restrictive to the actions of development actors, and successfully advocated for changes in those articles. An online platform for CSOs registration in order to facilitate the follow-up of legal and administrative procedures, implemented by FOPRIDEH with USAID support, was presented but it is not operational yet.

In general, the openness of public authorities to engage civil society in decision making processes is limited, but some improvements have been witnessed in the last few years with the establishment of frameworks for dialogue (Civil Society Participation Commission, Citizen Council to support the Public Ministry). Participation of civil society in public policies remains, however, mostly circumscribed to non-challenging sectors, such as the provision of basic services where CSOs are acknowledged for bringing in added value, and invitation of civil society to participate in legislative processes is generally limited to presentation/information sessions rather than consultation (e.g. reform of the Penal Code, in which CSOs were invited to validate the document, but many CSOs criticise it because it could lead to the criminalisation of social protest).

2. SUPPORTING AN ENABLING ENVIRONMENT FOR CSOs IN HONDURAS

In Honduras, there is a recognition about the limitations that the EUD faces in advocating for civil society issues directly in the dialogue with public authorities, but CSOs generally feel that the EU could take a more active stance, at political level, on defending civil society and human rights in the country, particularly regarding the legislative framework that affects CSOs and pressuring for the protection and investigation of human rights violations. Regarding the legislative framework, there has been no high-level involvement of the EUD on issues such as the reform of CSO registration systems (although the implementation of a single registration system for CSOs is an indicator of the EU Roadmap for engagement with civil society in Honduras).

Nevertheless, the EU engagement with civil society has been reinforced in the last few years, mostly due to the commitment, will and openness to dialogue of EUD staff, despite the limited human and financial resources. The EU Multiannual Indicative Programme for Honduras 2014-2020⁴ is clear about the role of civil society in the country and the EU objective to implement a comprehensive approach to promoting an environment that empowers civil society. Regarding human rights, an enhanced dialogue with civil society is taken place through the "Grupo Enlace" (since 2014), mechanism which has allowed for EU ambassadors to take notice about human rights defenders and civil

⁴ MIP 2014-2020 defines 3 priorities: (1) food security; (2) Employment; and (3) Rule of Law (including increased democratic participation by civil society and particularly women).

society's concerns and to bring human rights issues higher on the donors agenda (see next point on dialogue).

The EUD has supported the elaboration and regulation of the law for protection of human rights defenders (approved in 2015), through the Programme for Support to Human Rights in Honduras (PADH)⁵. In this framework, it has also supported the establishment of a forum for participation and discussion, the National Council for the protection of human rights defenders, with civil society representatives.

In April 2016, the European Parliament issued a resolution on the situation of human rights defenders in Honduras, which calls on the Honduran authorities to bring into force and fully develop the existing law and to ensure that, in appropriate cooperation with civil society, the national protection system for human rights defenders, journalists and legal practitioners is fully operational.⁶ Although this resolution calls for an end of impunity and immediate investigation of the assassination of Berta Caceres, CSOs felt that in general the EUD does not confront authorities publicly or support civil society initiatives on this (as the GAIPE, the group of independent experts engaged in the investigation of this assassination, financed by civil society).

Although the dialogue between public authorities and CSOs is limited and non-regular, the EUD has played a role in advocating for civil society's participation in some discussion groups and initiatives, particularly in the sector of environment and forests: in the Consultation Committee on Forestry in Honduras and in the negotiations for the Voluntary Association Agreement between Honduras and the EU as a component of the Forest Law Enforcement, Governance and Trade Action Plan (AVA-FLEGT)⁷. The government, the private sector, civil society and indigenous peoples participate in this process, which has taken important steps to improve forest governance and accountability. However, civil society participation in political dialogue about other sectoral policies and bilateral agreements (e.g. EU-Central America Association Agreement) is still lacking.

3. DIALOGUE AND INSTRUMENTS FOR ENGAGING WITH CIVIL SOCIETY

Sectoral high-level dialogue between the EU and civil society is mostly focused on human rights, through the regular exchange mechanism "Grupo Enlace", a platform in which EU Member States, Switzerland, the UN representation (including the representative of the United Nations High Commissioner for Human Rights) and the EU Ambassador meet every two months to de-

bate these issues with local CSOs. The mechanism is part of the EU local strategy for the protection of human rights defenders and the EUD has been playing a pivotal role in driving this initiative in the last two years. INGOs play a role in supporting local organisations in the preparation phase and in coordinating proposals and issues to be discussed. Public authorities have recently participated (participation of the Secretary of Human Affairs and discussion of the national mechanism for the protection of human right defenders) in Grupo Enlace. Nevertheless, the feedback on results and follow-up of these meetings could be improved.

The Roadmap

The EU Country Roadmap for Engagement with Civil Society in Honduras was approved by the EUD on 2014, after a consultation process, and reviewed in 2016⁸. Among the most relevant aspects of this update is the engagement of Member States in its discussion and endorsement, the definition of a monitoring mechanism and the creation of a Reference Group to establish a structured dialogue.

The document states the need to develop a more strategic relationship with CSOs and several EU processes that are on-going and of interest for CSOs are included in the summary, such as the dialogue on human rights, the monitoring of the Association Agreement (addressing trade, cooperation and political dialogue), and current sectoral dialogues in line with the country priorities. The document mentions the establishment of a tripartite space of dialogue for EU funded programmes/projects under the 2014-2020 programming, in particular on food security, employment and rule of law, and it would be interesting to monitor the developments regarding this indicator. It establishes clear actions for each of the priorities, although with no time-frame or task division (there is no clarity on who, when and how these actions are going to be implemented).

Despite the EUD commitment to this process and the technical improvements of the revision, there is a lack of visibility of the roadmap, as well as lack of knowledge on the follow-up of the roadmap implementation and on what is expected from civil society and from EU Member States. Some CSOs have also organised themselves to monitor the roadmap, and several meetings were held on this regard, with the general perception that it could be a more effective tool if the minimum resources were ensured. The necessary structure to implement the roadmap is not clear nor in place, namely in terms of dialogue mechanisms

⁵ <http://padhhonduras.org/>. The programme was finalised in December 2016.

⁶ Resolution available at <http://ow.ly/DCmp308T0d4>

⁷ www.euflegt.efi.int/publications/ava-ue-honduras

⁸ There is a short summary of the roadmap publicly available at https://eeas.europa.eu/sites/eeas/files/hojarutahonduras_es_0.pdf. It establishes 3 priorities, in line with the 2012 EC Communication (enabling environment; CSO participation in national policies and in EU programming cycles; and to improve local CSO capacities) and specific activities/results. The plan of action is to be approved soon.

and the necessary financial and human resources (the roadmap process adds to the already overstretched EUD staff; the CSO mapping was not completed due to lack of funds; there is no facilitator to the process).

Funding opportunities

As in most EU partner countries, the main EU funding opportunities for CSOs in Honduras are implemented through the European Instrument for Democracy and Human Rights (EIDHR) that finances civil society's projects in this area, and the Civil Society Organisations-Local Authorities (CSO-LA) thematic programme. The thematic priorities of these funding instruments generally correspond to civil society needs and are important to reinforce an enabling environment (human rights, vulnerable populations, indigenous peoples, women's access to justice, etc.). Although civil society considers these funding instruments to be very relevant, concerns about the trends in these calls for proposals are common to most countries: limited funds and preference for big projects (4 to 5 projects in each call), heavy and time-demanding procedures and very complex and strict requirements versus the restricted possibility of getting a grant, difficulty for smaller organisations in accessing these funds, recent changes in technical requirements (e.g. new elements of the log frame and very different application procedures from other donors). The preference for consortiums and the promotion of sub-granting are positive steps to reach more organisations, provided that important elements are taken into account (such as the capacity building of smaller and local CSOs, and the quality of partnerships). However, there is the concern that sub-granting is the only entry point for small and community-based organisations in order to access EU funding. More systematic trainings on applications and capacity development of CSOs (beyond the inclusion of capacity building initiatives in funded projects by the calls for proposals), a more detailed and clear feedback on the rejection of proposals, and increased predictability on future calls for proposals would also be welcomed by CSOs.

There are also bilateral cooperation programmes that support civil society actions through calls for projects in those areas: "Eurojusticia" (contributing to combat impunity, corruption and violent crime and to ensure access of the population to an efficient, effective, transparent and reliable justice) has contract-

ed 5 civil society projects to enhance the access of vulnerable populations to justice at local level, and "Eurolabor" foresees a call for projects in 2017 to improve the participation of CSOs in this sector and to complement bilateral actions. However, some CSOs mention that there is a lack of structured and easily available information on the opportunities for civil society participation in EU bilateral cooperation, as well as on the results of these programmes. The coordination and complementarity between these programmes and the calls for proposals for civil society could also be improved: *"Debiera producirse una mayor articulación entre los distintos programas ejecutados por la UE a través de Cooperación Delegada o Gobierno y las iniciativas puestas en marcha a través de las OSC". - National Office of INGO, Honduras.*

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The brief mentions some of the findings specifically concerning Honduras. For common findings and comprehensive analysis/recommendations regarding EUDs engagement with civil society, see the **CONCORD EU Delegations Report 2017: Towards a more effective partnership** <https://concordeurope.org/what-we-do/promoting-civil-society-space/eu-delegation-report>

CONCORD EU Delegations Report 2017

COUNTRY BRIEFS

KENYA

COUNTRY BRIEFS: KENYA

1. CIVIL SOCIETY SPACE AND ENVIRONMENT IN THE COUNTRY¹

Although the rights to freedom of association, expression, and peaceful assembly are guaranteed under Kenya's 2010 Constitution (Chapter 4), these rights are only partially respected in practice and Civil society organisations (CSOs) found harder to perform their core functions in the last years. The devolved system of governance² fostered hopes for a more enabling environment but there was a decline in the assertive role and voice of civil society on critical issues and debates.

CSOs are highly polarised and experience nuanced attacks and threats to their existence and effectiveness, particularly from the State, which include: deny of registration on ambiguous grounds and administrative harassment (NGO Coordination Board, the state body that registers and monitors NGOs, threatened the existence of hundreds of NGOs that work on sensitive issues); legislative hurdles (e.g. attempts to limit the access to resources from external sources, pushing for a maximum percentage of foreign funding to NGO budgets, challenges in obtaining work permit for non-Kenyans, etc.); and a public campaign to tarnish their reputation (identification with “promoting foreign interests” and link with “terrorist activities”). Co-optation aiming to divide organisations along sectarian lines and the weakening of their independence are some of the strategies used to undermine civil society. Furthermore, the fight against terrorism and security issues are being abusively used as a justification to disturb and control human rights organisations. In December 2016, the responsibility for the coordination of the NGO sector has moved from the Ministry of Devolution and National Planning to the Ministry of Interior, a decision that was criticised by Kenyan civil society.

Although in 2011 there were a number of laws that were passed with input from CSOs, since then there is a growing feeling that the civil society is not sufficiently consulted in the adoption of policies and laws, even if they directly affect the CSOs' govern-

¹ According to the CIVICUS monitor, the status in Civic Space is classified as “obstructed”. Kenya is classified as “partly free” on political rights and civil liberties by the Freedom of the World Index (2016), and ranks 139^o in the Transparency International index (out of 177 countries, in 2015). For a detailed analysis of civil society space in the country, see CIVICUS monitor (<https://monitor.civicus.org/country/kenya/>), ICNL Civic Freedom Monitor (www.icnl.org/research/monitor/kenya.html), and Human Rights Watch Report 2017 (www.hrw.org/world-report/2017/country-chapters/kenya), as well as “Towards a Protected and Expanded Civic Space in Kenya and Beyond”, KHRC, KPTJ, ICNL and CS-Reference Group, September 2016.

² The model of devolution is a form of decentralisation that involves the distribution of administrative, political and financial powers to sub-national units (counties) and it is seen as a mean for enabling citizens and CSOs to participate in governance process (e.g. planning, participatory budgets, policy making decisions).

ance. CSOs have pushed for the effective implementation of the Public Benefits Organisation (PBO) Act – a fairly progressive law to regulate CSOs that was approved in 2013 and has not yet been effectively implemented by the NGO Bureau. At the same time the CSOs have expressed their disagreement about the attempts by the government to amend this law. More recently, there have been other attempts to pass restrictive laws that limit the space and the freedom of expression of civil society, such as the Media Law (limiting how journalists could report on issues discussed in the Parliament) and the proposal for a Film Bill (that would limit the way any person can film and report on human rights violations and other important facts, through the imposition of licences and other restrictive rules).

The dialogue between the government and civil society is not structured or institutionalised, and it is mostly carried out informally by some ministries. In general, the dialogue is hindered by lack of trust and hostile rhetoric, and it is mainly undertaken at county level.

2. SUPPORTING AN ENABLING ENVIRONMENT FOR CSOs IN KENYA

The EU Delegation (EUD) is not at the forefront in arguing the case of CSOs or in promoting an enabling environment for civil society in Kenya, as these issues seem not to be prioritised and integrated in the EUD agenda (e.g. not a priority in the forthcoming EUD-government political dialogue). There are several processes limiting the space and the room of manoeuvre of the CSOs and it would be possible for the EU to do more, particularly at diplomatic level, speaking up against draconian legislation and pushing for a human rights agenda.

Some EU Member States, like Sweden and Denmark are more active in supporting civil society, mainly through INGOs and platforms/networks that implement capacity building initiatives (e.g. to enhance CSOs' understanding of human rights, freedom of association and legislative issues, etc.) and in fostering dialogue among national/local CSOs. An example of good practice is the support provided by Sweden to two initiatives (complementary to bilateral cooperation), led by Swedish organisations, one specifically focused on governance and human rights³ and the

³ The democracy and human rights programme is implemented by 11 partner organizations in Kenya in a total of 17 counties, with financial support from the Embassy of Sweden and coordinated by Diakonia. It seeks to contribute to improved access to Justice through effective key institutions within the justice sector and to strengthen democratic culture and accountability through effective advocacy by stakeholders in civil society at local and national level and the media.

other on freedom of expression and equality⁴. These programmes aim to build capacity of the local civil society through needs assessments, tailored capacity building, financial support by sub-granting (to organisations running bigger programmes) and seed grants (to smaller and grassroots organisations). They also facilitate regular dialogue and coordination meetings (mostly within the umbrellas and between CSOs, but in some cases also involving public authorities in discussing relevant issues for civil society⁵).

The dialogue takes place mainly between international and national CSOs, of which the CSO Reference Group is a good example. This group, supported by some EU Member States, has organised discussions on human rights and enabling environment for CSOs, besides taking the lead in advocating for the approval and implementation of the PBO Act and in contrasting proposed amendments considered harmful to civil society⁶. Individual NGOs (e.g. ACT Alliance) also regularly organise workshops to support CSOs action and advocacy work and several INGOs are involved in capacity building of Kenyan organisations. Another example is the support provided by AVSI Foundation to its network of local organizations that participated in the investigation. The support mainly consists in training and technical assistance to improve their administrative and management capacities for supplying better services to vulnerable groups. Donor coordination in Kenya is generally weak, but there are two main working groups dealing with civil society: the Civil Society & Media WG and the Human Rights Defenders WG (currently hosted by the Netherlands), where the EUD and the interested EU Member States participate. Nevertheless, there is no coordination of programmes supporting civil society among the EUD and EU Member States, with the latter meeting or discussing specific issues on an individual bilateral basis. In Kenya, joint programming is not yet being implemented and the lack of a more profound coordination between EUD and EU Member States hinders the prospects for a more coherent dialogue with civil society.

3. DIALOGUE AND INSTRUMENTS FOR ENGAGING WITH CIVIL SOCIETY

EUDs' dialogue with CSOs is not developed through sectoral dialogue and it is limited to ad-hoc events and to the direct scope of funding and calls for proposals, in which issues related to en-

⁴ *The Wajibu Wetu Programme is a 3 year programme funded by the Swedish Embassy in Nairobi and coordinated by Forum Syd, who has partnered with media, arts, cultural and gender focused civil society organizations using innovative approaches ("artivism" and other creative gender equality initiatives) to advance transformative human rights and social justice work in Kenya.*

⁵ *In December 2016 the first joint conference was held, involving donors and public authorities.*

⁶ <http://pboact.or.ke/>

abling environment are included and addressed. For instance, the EUD in Kenya has used the EIDHR and CSO/LA thematic programmes to support the CSOs in their work of promoting budget transparency and good governance at country level (e.g. call for proposals on devolution, specifically aiming at involving local communities in the budget making process).

The EUD does not treat civil society as a sector in bilateral cooperation and CSOs are mainstreamed in all sectors of cooperation. This horizontal, case-by-case, assessment of the usefulness of the involvement of the civil society in EU bilateral programmes and instruments in the country⁷ has limited the participation of the CSOs to only specific calls for proposals. There are however exceptions, as the EU programme in the justice sector that includes capacity building of CSOs on legal aid services. Some CSO are implementing partners in the EU Trust Fund for the Horn of Africa, but there is not an envelope for civil society. There is some confusion among CSOs and lack of clarity about how civil society will participate in new instruments such as the EU Trust Fund for the Horn of Africa: *"The parameters of how EU engages civil society is unclear, especially with the shift to the EU Trust Fund. It is unclear how the different delegations will engage civil society especially in the cross border and regional space. There is no clear strategy on how civil society will work with EU and its partners in implementing the EUTF".* – (Survey) National Office of INGO, Kenya

The Roadmap

The EU Country Roadmap for Engagement with Civil Society in Kenya⁸ was approved by the EUD on August 2014, after consultations that involved a wide range of actors, including EU Member States and CSOs. However, the process was presented as an EUD initiative and has been criticised for the lack of involvement of Member States or other donors in its endorsement and implementation.

⁷ *The National Indicative Programme (11th EDF) priorities are (1) Food security and resilience to climate shocks, (2) sustainable infrastructure, (3) accountability of public institutions (justice system, monitoring of public funds, and elections. In the section of "Measures to support Civil Society" it is stated that there is no specific allocation for civil society support, but that they are potential implementing partners in priority 1 and 3.*

⁸ *The Roadmap priorities are (1) support an enabling policy and legal environment for CSOs at national level (including the implementation of the PBO Act); (2) Consolidate the institutional environment and leadership for CSO participation in country decision making (limited to support through the CSO/LA call for proposals); (3) Support partnerships between different types of CSOs (indicator: number of partnerships supported). Summary available at: <http://capacity4dev.ec.europa.eu/public-governance-civilsociety/document/kenya-roadmap-engagement-civil-society>*

The document states the need to develop a more structured relationship with CSOs and establishes 3 priorities in line with the EC Communication (2012). Nevertheless, there seems to be a detachment from the local context and a lack of clear and precise action on how to reach the foreseen objectives. In Priority 1, pertaining to the policy and legal environment at national level, the recent legislative attempts to restrict the CSOs' space are not taken into account and there are no specific measures to support Kenyan civil society on this regard. In Priority 2, concerning the strengthening of CSOs' participation in decision-making, there is no reference to existing mechanisms and platforms for dialogue and how to use them as an entry point. Finally, in Priority 3, related to CSOs capacity building, there is an exclusive focus on partnerships and nothing is said on how EU existing programmes and instruments could help fostering CSOs' capacities⁹. In the EU-CSO workshop held in Nairobi on January 2016 it was agreed the need to revise the implementation matrix of the Roadmap, namely by engaging more with the EU Member States and with CSOs outside Nairobi in this process.

In general, there is a lack of knowledge on the follow-up and on the role of the civil society and the EU Member States in the implementation of the roadmap. This issue is not only related to a lack of communication or information, as the EUD is not sure about the role of the roadmap in their overall cooperation in-country and feels that this process did not bring an added value in the dialogue with civil society, in comparison with other frameworks that have proven to be more useful tools for the EUD work, such as the Human Rights Strategy.

Funding opportunities

EU funding allocated through calls for proposals and the themes addressed by these funding opportunities are generally found very relevant to the national context and to CSOs priorities (e.g. women's rights, elections, human rights, etc.), but CSOs point out that there is a considerable lack of knowledge about the

⁹ *The strengths and weaknesses of the roadmap have already been analysed in Kenya EU Country Roadmap for Engagement with Civil Society 2014-2017: Review by AVSI Foundation.*

EU support and that communication could be much improved. Some also mention that the criteria for selection are too strict and that most funds go to big organisations that have limited impacts on the field. In fact, there is a gap in the support, as mainly INGOs and national organisations have access to funding, while the local and grassroots organisations are left behind, in a country where many of the governance, policy issues and development dynamics are happening at county/local level.

There is also no dialogue or prior consultation on funding opportunities and instruments (on how funding should or is given to CSOs, on the thematic priorities for funding to CSOs, on the programming of bilateral aid), and civil society is usually called only to be informed about the opening of calls and existing requirements. As in other countries, these requirements and rules are considered very complex and restrictive, with burdensome procedures, which hinder the capacity of local CSOs to be awarded by grants. This is recognised by the Roadmap, which includes a specific action to "simplify procedures for EU funding, with a view to enable EUD to fund local CSOs and CBOs". Nevertheless, EUD recognises that it is understaffed and has no capacity to deal with a huge number of small projects and small organisations.

In this context, the capacity building initiatives held on funding are considered very relevant (e.g. ECHO training on rules and regulations of funding) and should be promoted on a more systematic and structured manner. On the other hand, sub-granting and consortiums have been welcomed as changes able to address the preference for EU INGOs, but special attention should be given to the quality of these partnerships: *"A preference to fund EU originating INGOs, a high leverage percentage and tendency to fund stand alone projects. Embracing consortiums has been a welcome change to address the preference for EU INGOs, but there is need for additional guidelines from the EU on how consortiums should work to achieve the expected outcomes. A diversified form of leverage, with guidelines on how it could be accounted for in terms of money will go a long way to address the expected high leverage (cost share) in projects".* - (Survey) National Office of INGO, Kenya

The country brief is based on desk research, interviews and written questionnaires with the EUD and local civil society organisations or networks. For more information, please see the methodological note available online.

CONCORD EU Delegations Report 2017

COUNTRY BRIEFS

MALI

COUNTRY BRIEFS: MALI

1. CIVIL SOCIETY SPACE AND ENVIRONMENT IN THE COUNTRY¹

The general context in Mali has changed drastically in 2012, when a 'coup d'état' and the escalation of conflict in the North of the country aggravated the already fragile situation. In the last few years, the country has been marked by instability and by domestic complex issues between the northern regions (with separatist and Islamist groups) and a southern government, being also an important pivot in the so-called regional "arc of instability", due to informal cross-border trafficking and transnational crime, the fight against terrorism and migration issues (as a departure and transit country). The state of emergency has been extended and security issues are therefore predominant in the country's internal context and in external support. The country has been supported by a UN peace mission since 2013 (United Nations Stabilisation Mission in Mali – MINUSMA) and the signing of the Agreement on Peace and Reconciliation in June 2015 presents new opportunities to deepen external cooperation. However, international assistance have been criticised both for enabling the prevailing corruption and for focusing almost exclusively on military issues (e.g. terrorism threat) while underestimating other issues connected with instability, such as public service delivery and economic development.

The measures included in the Mali Peace Agreement provide for opportunities to increase civil society participation in peacebuilding, governance and development, including the reconciliation of people and communities, the establishment of inclusive and participatory governance, the socio-economic development of the northern regions, the strengthening transparency and accountability in the management of public affairs, information and citizenship education, and the respect for human rights. Nevertheless, the instability, insecurity and precarious human rights climate, particularly in the northern and central parts of the country, have a strong direct impact on civil society activities. While the Truth, Justice and Reconciliation Commission has recently made some progresses, the credibility of the body was undermined by the government's failure to sufficiently consult with a wide variety of stakeholders, and the lack of inclusion of those representing victims' groups was strongly criticised by the Malian civil society. In 2016, the government adopted a bill providing greater independence for the National Commission for Human Rights and adopted an action plan to strengthen human rights and access to justice, although the shortfalls of Malian judiciary are a major concern.

¹ For a detailed analysis of civil society space in the country, see Human Rights Watch Report 2017 (www.hrw.org/world-report/2017/country-chapters/mali). For more information on conflict, the peace process and political situation, see The Broker Online, *Sahel Watch: a living analysis of the conflict in Mali*, Karlijn Muiderman, 2016, at <http://ow.ly/CdUJ308Q2rZ>

Civil society organisations (CSOs) are not restricted by an unfavourable legislative framework, despite the sometimes long and bureaucratic procedures. Article 5 of the Constitution recognises freedom of association, assembly and demonstration, and the legal basis is still the Law No.04-038/ANRM of 2004 pertaining to associations, which establishes simple processes for creation and registration. There are no special tax benefits for associations in Mali's Tax Code, although some organisations may obtain the public interest status. The absence of a precise regulatory definition of civil society have been fostering discussions, since it is not uncommon to find civil society actors that are also political party activists or elected government officials, which can create conflicts of interest and independence issues. Some of the existing networks were created by or with the influence of the state and are not sufficiently connected with their respective constituency at the grassroots level.

CSOs in Mali have been in a restructuring phase in the last few years, seeking to re-define their roles in the current country's reconstruction. They are highly diverse and have been recently reinforcing their organisation and coordination through umbrella groups, networks, federations and *groupes pivot* (NGO consortia involved in a specific sector, e.g. education, health and population, women's rights and citizenship, social development), some of which are the main interlocutors both for public authorities and for donors. One should note, however, that the two major platforms were promoted by other actors: the *Conseil National de la Société Civile du Mali* – CNSC was set up at the initiative of the government in 2003 because the government needed an interlocutor to engage in certain issues, and the *Forum National des Organisations de la Société Civile au Mali* – FOSC was created in 2009 at the initiative of the European Union (EU) as a framework for strengthening civil society. The financial dependency of civil society has sometimes resulted in structuring of coordination groups and networks that arise more as a response to the dialogue demands with the government or the donors, than from a real approach for increased coherence. The country has a relatively high level of civil society involvement in public policies (e.g. participation of the national council of peasants in the national agricultural policy; dialogue mechanisms on education and health), including on sensitive areas as budget supervision or the fight against corruption, although this dialogue faces some representativeness and inclusiveness issues.

2. SUPPORTING AN ENABLING ENVIRONMENT FOR CSOs IN MALI

Following the conflict in 2012, the EU temporarily suspended its direct support programmes to the government of Mali but continued to support operations from CSOs. The EU resumed its development cooperation programme through the EU Recovery Plan of Mali for 2013-2014 and the National Indicative

Programme 2014-2020², besides other instruments in place regarding crisis management and conflict prevention (missions under the Common Security and Defence Policy: EU military Training Mission in Mali and EUCAP Sahel Mali), also with a regional approach through the Sahel Regional Action Plan 2015-2020³. There is no regular mechanism to engage CSOs in these instruments, but some ad-hoc punctual initiatives have been taken to increase dialogue and participation of civil society in peacebuilding, particularly within the EUCAP Mali framework (e.g. Civil society intervention in a Gendarmerie training of EUCAP; EUCAP awareness-raising workshop on “civil society in Mali and the SSR process”, CivCom debate with representatives of Mali’s civil society on restoring trust between the Internal Security Forces and the civilian population; and EU CAP meeting with the National Coalition of Civil Society for Peace and the Fight against the Proliferation of Small Arms - CONASCIPAL to discuss the drafting of legal texts as provided for in the strategy of the mission’s Human Rights and Gender unit)⁴.

EU support to an enabling environment and to the advocacy work of CSOs is mainly carried out indirectly, through the support and dialogue with FOSC. This informal network of CSOs seeks to enhance collaboration and consultation among the various umbrella organisations and platforms in order to represent CSOs more effectively, as well as to increase CSOs’ participation on political matters and sectoral policies. The FOSC is regularly invited to participate in sectoral and policy dialogues: namely, it has contributed to the reflexion on the peace process through a shared position (“*Voix commune*”), it participates in the thematic groups and revision of the CSCR 2012-2017 (*Cadre Stratégique pour la Croissance et la Réduction de la Pauvreté*)⁵, it is a member of the Steering Committee on Security Sector Reform under EUCAP and participates in several activities within this framework (awareness raising, training, debates), and it is also represented in the Truth, Justice and Reconciliation Commission. CSOs - particularly platforms - also participate in several thematic and sectoral meetings promoted by public authorities, although the EU has had no involvement on this.

² It covers 4 main sectors: (1) State Reform and consolidation of the rule of law (implemented through the 2nd support contract); (2) Rural development and food security (partly implemented by Belgium); (3) Education; and (4) Road Infrastructure (included at the request of the Mali government).

³ A summary of EU instruments is available at “EU relations with Sahel countries - Burkina Faso, Chad, Mali, Mauritania, Niger”, http://eeas.europa.eu/archives/docs/factsheets/docs/sahel-european-union-factsheet_en.pdf

⁴ More information on <http://eucap-sahel-mali.eu/>

⁵ The CSCR revision has resulted in the elaboration of the CREDD 2016-2018 (*Cadre stratégique pour la croissance économique et le développement durable du Mali*) available at <http://www.maliapd.org/Fatou/CREDD%202016-2018.pdf>

FOSC is supported by and participates in the implementation of the PAOSC II (Programme d’Appui aux Organisations de la Société Civile au Mali), the main programme to support national civil society in Mali, co-financed by the EU (European Development Fund), Denmark, Sweden, Switzerland and Canada⁶. The objective of contributing to CSOs’ capacity-building is mainly pursued through call for proposals (funds to training, workshops and initiatives that reinforce technical skills of organisations) and through the thematic groups of FOSC, although some are much more active than others. The programme has funded hundreds of CSOs projects through calls for proposals in the several communes with a specific focus on the participation in the decentralisation process, advocacy and control of public policies. It has also promoted and facilitated regional and national forums for discussion, where CSOs could discuss relevant issues to them and to the country’s context.

While PAOSC II responds to the needs expressed by CSOs regarding their own capacities for policy dialogue and consultation, the programme has been criticised for not matching the most urgent needs and priorities of smaller organisations and local populations. An evaluation conducted in 2015 indicated that the programme would have been more relevant if the identification and definition of target groups and activities had taken the local context in which CSOs operate into consideration, especially at the regional level⁷. The programme ends in 2017 and its transition to the Malian structures is currently being discussed, with several options under consideration (e.g. the creation of a foundation/association, the establishment of a trust fund or through budget support to the state).

Besides EU support, some EU Member States also engage with civil society in a complementary perspective to their bilateral programmes. For example, Sweden works mainly with International NGOs as intermediaries to support and partnership with national/local NGOs, in two main sectors: local governance (with Swedish, Irish, Austrian and Swiss NGOs) and natural resources/climate change. The national and local CSOs engaged in these projects lack technical and institutional capacities, and INGOs have supported them in applying to PAOSC funds. This is a good practice in terms of coordinating support to CSOs between donors; thematically CSOs are supported in their work by EU member state funding; institutional capacity is strengthened via EU funding.

⁶ The specific objective of this programme is to reinforce Malian CSOs to improve their participation in the democratic process, in state reform and decentralisation, and to ameliorate their role as development and social change actors. More at <http://paosc2mali.org/>

⁷ Altair Asesores, *Mission d’Évaluation à mi-parcours du Programme d’Appui aux Organisations de la Société Civile (PAOSC II): Rapport Final*, Bamako, June 2015.

3. DIALOGUE AND INSTRUMENTS FOR ENGAGING WITH CIVIL SOCIETY

There are no regular institutionalised dialogue mechanisms between the EUD and civil society in Mali. Dialogue is pursued through ad-hoc punctual events on specific themes (e.g. meetings on human rights issues including the participation of EU member states) and within the PAOSC framework, besides the direct scope of funding and calls for proposals, in which consultations are usually held (meeting for EIDHR preparation in November 2016).

The tripartite annual state-donors-CSOs dialogue, held before 2012, was not re-established. Donor coordination meetings are held under the thematic group “CSOs and democratic process” and donors have met with some ministries within this framework to raise issues pertaining civil society. A regular dialogue between this donor coordination group and FOSC is well established and it is mainly governed by the CSOs institutional capacity building programme (PAOSC II) through its “Comité de Pilotage” (in which the state also participates). However, many influential CSOs in the Malian society (e.g. religious organisations), are not engaged in these dialogues with external partners, and a reflexion should be made on which organisations to engage with and how to choose them, in order to increase inclusiveness and representativeness.

The participation of CSOs in dialogue on EU bilateral cooperation and programmes is limited, although FOSC is sometimes consulted on the programming process. There is however no dialogue on important sectoral EU policies in the country, particularly regarding trade, security and migration issues.

The Roadmap

The process of drafting an EU Country Roadmap for Engagement with Civil Society in Mali has included two consultation meetings with CSOs, organised within the PAOSC II framework (June and July 2014). Although the roadmap was approved by the EUD (with a revision to take place in 2017), the document is not publicly available and there seems to be a widespread lack of knowledge about its existence or implementation, both among EU member states and CSOs. There is no information about its implementation and follow-up, particularly on what is expected from civil society on this regard.

“Il ya eu une seule rencontre avec un Consultant commis par la DEU mais qui depuis après cette rencontre nous sommes restés sans feed-back. Si les procédures ne changent pas il va eu avoir peu d'impacts pour l'appui de l'UE aux OSC. – (Survey) Community-Based Organisation, Mali

Funding

The participation of civil society in EUD bilateral programmes is very limited and there is a lack of clarity on what could be CSOs' participation in new instruments, such as the EU Emergency Trust Fund for Africa⁸. The EUD does not treat civil society as a sector in bilateral cooperation and CSOs are mainstreamed in all sectors of cooperation as a cross-cutting issue. Nevertheless, civil society engagement in bilateral priorities and programmes could be improved, namely in those related to state reform and consolidation of the rule of law (e.g. decentralisation, reconciliation process).

Joint programming is being implemented in the country and the joint strategy for 2014-2018 states as the objective to support civil society “the reinforcement of civil society structures and capacities to exercise an independent citizen scrutiny”. It specifically mentions the support to mechanisms that could allow CSOs accessing to funds allocated to Mali through the state budget, as recommended by a study commissioned in 2013, but this has only been partly implemented (CSOs may have access to funds from sectoral budget support for awareness raising and monitoring activities).

The main EUD funding opportunities for CSOs in Mali are implemented through the European Instrument for Democracy and Human Rights (EIDHR) that finances civil society's projects in this area, and the PAOSC II, which funds CSOs projects through calls for proposals and calls for expression of interest for national/local organisations. These have funded CSOs multiannual plans (institutional and management capacity-building support), CSOs' coordination and networks, and local projects from small organisations⁹.

Although these instruments are considered to be very relevant, they also entail very long processes that don't keep up with the fast changing reality and are not adapted to the country's fragile context. Mali could have more simple and flexible procedures as a fragile state, but this possibility is not always used. Other concerns regarding the EUD calls are common to other countries: heavy and time-demanding procedures, very complex and strict requirements, and difficulty for smaller organisations in accessing these funds. The major expansion of INGOs presence in the country since 2012 was not accompanied by a reinforcement of national CSOs and this has resulted in most funding being

⁸ The EU Trust Fund currently finances six projects in Mali. For more information, see http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund/sahel-region-and-lake-chad-area_en

⁹ Under PAOSC II civil society is organised in 4 levels: (I) Community-Based organisations, (II) Development NGOs, (III) Groups of associations and NGOs, and (IV) Platforms and spaces for political dialogue (with calls for proposals being open for each of these levels).

attributed to big organisations, with national/local CSOs being included only formally in these partnerships.

[Les principales difficultés sont] l'accès à l'information, l'inadaptation des instruments, la non flexibilité, la longueur des délais de traitement des dossiers, la non prise en compte des réalités pays (vulnérabilité du pays en lien avec les engagements de Busan), la faiblesse du dialogue avec les OSC et le secteur privé. (...) Pour l'accompagnement des OSC, il serait plus judicieux aussi que la DUE revoie ses instruments de financement de façon à les rendre plus souples et plus adaptés en fonction de la situation du pays. – (Survey) National NGO, Mali

The country brief is based on desk research, interviews and written questionnaires with the EUD and local civil society organisations or networks. For more information, please see the methodological note available online.

The brief mentions some of the findings specifically concerning Mali. For common findings and comprehensive analysis/recommendations regarding EUDs engagement with civil society, see the **CONCORD EU Delegations Report 2017: Towards a more effective partnership** <https://concordeurope.org/what-we-do/promoting-civil-society-space/eu-delegation-report>

CONCORD EU Delegations Report 2017

COUNTRY BRIEFS

TUNISIA

COUNTRY BRIEFS: TUNISIA

1. CIVIL SOCIETY SPACE AND ENVIRONMENT IN THE COUNTRY¹

Since 2011, civil society in Tunisia have led their own revolution, by gaining independence and leverage in order to better contribute to the construction of a more democratic and transparent society. Among the most relevant changes are: the expansion of CSOs (more than 9000 CSOs created in the last few years), the promulgation of the law for association that establishes for the first time rights and obligations for these organisations (Decree-Law 88/2011) and the law on public funding of associations (Decree 2013-5183), the new Constitution (which reinforces freedom of association and human rights protections, for which civil society has contributed and approved in January 2014), and the renewal of the appointment of a minister for relations with civil society and human rights organisations.

The roles of civil society were also enlarged, as CSOs played a crucial role in mobilisation and mediation in the transition, becoming increasingly active in the reinforcement of democracy and rule of law.² There is however a considerable gap between urban and rural organisations (e.g. access to information and participation in the discussions, funding opportunities, coordination), an evident division between “historical” and “emergent” CSOs, and insufficient capacity of coordination through networks or platforms.

Despite the positive developments, the Euro-Mediterranean region has been paradigmatic of the recently narrowing of civil society space, and the situation in Tunisia has also experienced some changes, as the discourse against NGOs in the region have been copied by the national media and a rhetoric criticising CSOs spread, particularly after the terrorist attacks in 2015. In direct contravention of Article 33 of Decree-Law 88/2011 (which states that organisations can only be suspended or dissolved following a judicial decision), the government recently suspended hundreds of organisations for alleged links to terrorism. In reaction to the arguments that the defence of human rights undermines the fight against terrorism, a coalition of Tunisian associations presented a manifesto in April 2016

¹ According to the CIVICUS monitor, the status in Civic Space in Tunisia is classified as “obstructed”. For a detailed analysis of civil society space in the country, see CIVICUS monitor (<https://monitor.civicus.org/country/tunisia/>) and Human Rights Watch Report 2017 (www.hrw.org/world-report/2017/country-chapters/tunisia)

² An example of the recognition of this role in mediation has been the 2015 Nobel Peace Prize to the National Dialogue Quartet that comprised four key organizations in Tunisian civil society: the Tunisian General Labour Union (UGTT, Union Générale Tunisienne du Travail), the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA, Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat), the Tunisian Human Rights League (LTDH, La Ligue Tunisienne pour la Défense des Droits de l'Homme), and the Tunisian Order of Lawyers (Ordre National des Avocats de Tunisie).

demanding that security policies are not used to restrict human rights³. The recent declaration and extension of the state of emergency also raised concerns amongst CSOs who fear that it permits authorities to implement arbitrary and prohibitive measures to curtail fundamental freedoms (e.g. suppression of social protests or undermining freedom of expression).

Besides lack of funds and capacities, the politicisation of CS is a concern. There is still also a reciprocal lack of trust between CSOs and public authorities, which raises questions not only for the dialogue at central level, but also in the process of decentralisation and in participative democracy at local level. Although the right to holding governments into account and to participate in the definition of public policies is enshrined in the legal framework, the openness to civil society participation is greater in some sectors (such as gender equality or justice) than in others (such as migration or security). This participation and monitoring of public policies is also limited by lack of adequate and timely information in some areas (e.g. security, corruption).

2. SUPPORTING AN ENABLING ENVIRONMENT FOR CSOs IN TUNISIA

The EU support to civil society has been instrumental in the transition period, particularly in 2011, when the EUD was able to support more than twenty new civil society initiatives across the country through several instruments, in order to strengthen the capacity building of these actors and promote an open dialogue. One of those instruments – the Neighbourhood Civil Society Facility - was created as a response to the Arab Spring in order to reinforce democratic participation and civil society' actions in the region; in Tunisia the facility provided extra funding for measures offering local added value for community development and reaching the most deprived regions (*see point on funding*).

In the 2011-2014 period, the EUD was engaged in some of the processes supporting an enabling national legal framework, such as the code for civil society in 2013 (to complement the above mentioned 2011 law on associations) proposed by the government with the support of EU experts, in order to harmonise several codes with impact on CSOs, although the process was suspended with the changes in government.

In 2015, the revision of the European Neighbourhood Policy (ENP)⁴ provided an opportunity for the EU and Member States to

³ Available at <http://www.euromedrights.org/publication/tunisia-no-to-terrorism-yes-to-human-rights/>

⁴ The European Neighbourhood Policy (ENP) governs the EU's relations with 16 of the EU's closest Eastern and Southern Neighbours and its main financial instrument is the European Neighbourhood Instrument (ENI) for the period 2014-2020, which have succeeded to European Neighbourhood and Partnership Instrument (ENPI). More on https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/overview_en

strengthen the promotion and protection of human rights and the fight against the shrinking space of civil society in these countries, although the regional dimension and coherence is not always ensured. A key element of the ENP is to strengthen and promote the role of civil society actors in reforms and democratic changes taking place in the EU Neighbourhood countries, particularly local civil society organisations and their capacity to engage with public authorities. In Tunisia, a first programming document - the Single Support Framework 2014-2016⁵ - has been adopted, and the plan of action that defines the agenda of EU-Tunisia political cooperation until 2017 establishes 13 priorities, one being the reinforcement of civil society's roles and capacities.

Regarding the support to an enabling environment and the participation of civil society in dialogue with public authorities, the establishment and reinforcement of the tripartite dialogue (EU, Tunisian authorities, civil society) is a best practice that allows CSOs to express their concerns and positions in dialogue with public authorities in a number of key issues and challenges facing the country today. In this context, the EU proposed that each official EU-Tunisia meeting (in the framework of the Association Council, the Association Committee and sub-Committees) and each official negotiation session are preceded of a meeting with civil society⁶. In practice, the EUD has been acting mainly as facilitator for the tripartite dialogue that currently encompasses thematic multi-stakeholder committees on issues such as migration, justice, social and economic rights or gender equality, usually taking place before the official meetings. One relevant aspect is that the participation of public authorities entails not only the central government but also local authorities and parliamentarians. The most recent meetings on counter terrorism and security, and on human rights, rule of law and democracy show a very open dialogue and consultations on sensitive issues⁷. The participation of CSOs in the preparation of laws and reforms at national level is however still limited in certain sectors; the revision of the penal code and law on drugs are examples where civil society claim the need to have been consulted and expressed these concerns in the tripartite dialogue. The participation of CSOs in this framework is coordinated and supported by the Euro-Mediterranean Human rights Network

⁵ The 3 priorities are: (1) Socio-economic reforms; (2) Strengthening the democratic transition process; (3) Regional and local development. It mentions explicitly EU support to ensure CS participation in monitoring the reforms in the country and EU support to a more organised CS, though capacity development of CSOs and institutional/legal enabling environment. Available at <http://ow.ly/ycvW308KVPL>

⁶ Joint Communication to European Parliament and the Council, "Reinforcer le soutien de l'UE à la Tunisie", 29.09.2016

⁷ For the summaries of discussions held in the sub-committees in January 2017, see https://eeas.europa.eu/delegations/tunisia/19420/5eme-sous-comite-droits-de-l-homme-etat-de-droit-et-democratie_fr and https://eeas.europa.eu/delegations/tunisia/19514/5eme-sous-comite-justice-et-securite_fr

(REMDH) thanks to an EU funded project (through the European Instrument for Democracy and Human Rights - EIDHR). In the future, the objective would be to widen this dialogue by extending it to new CSOs and beyond the capital, in order to allow the diversity of Tunisian regions and associations to be represented in thematic working groups.

The support to capacity-building of CSOs and reinforcement of their advocacy capacities has been mainly implemented between 2014 and 2016 through the PASC – Programme *d'Appui a la Société Civile en Tunisie*, financed by European Neighbourhood and Partnership Instrument (ENPI)⁸. The programme established six local offices and was implemented through four pillars: reinforcement of CSOs skills and capacities, initiatives to ameliorate the legal framework, the coordination and partnership between actors, and the identification of good practices and pilot actions. The most relevant actions of the programme were on dialogue (meetings, public debates with CSOs and public/local authorities, coordination between CSOs), and on capacity-building and professionalization (technical assistance and trainings both for CSOs and local authorities and media). The programme was however criticised because of major mismanagement and representativeness issues, and a new project to support CSOs capacities is scheduled to start in 2018, including lessons from the previous programme.

Some EU Member States are also supporting programmes aiming to reinforce CSOs advocacy capacities, to build institutional capacity and to generally strengthening civil society's voice in the context of public policies. The Netherlands supports a project to reinforce advocacy and communication capacities of local CSOs, implemented by Oxfam and mainly focused on human rights. France supports civil society through PCPA Tunisia (*Programme Concerté Pluri-acteurs "Soyons Actifs/Active"*), focused on the collaboration between French and Tunisian organisations in reducing inequalities in access to rights, and PISCCA (*Projets Innovants des Sociétés Civiles et Coalitions d'Acteurs*) mainly implemented through calls to support local projects by small organisations across the country⁹.

3. DIALOGUE AND INSTRUMENTS FOR ENGAGING WITH CIVIL SOCIETY

The dialogue with civil society has increased since 2011 and support to CSOs has become a pivotal aspect of EU cooperation

⁸ <http://pasc.tunisie.org/>. The implementation of this programme is ensured by a consortium including the European Partnership for Democracy (EPD), the Forum Tunisien de Droits Economiques et Sociaux (FTDES), the Association Tunisienne d'Études et de Recherches en Démocratie et Affaires Locales (ATERDAL), the École Nationale d'Administration (ENA) and the Centre de Formation et d'Appui à la Décentralisation (CFAD).

⁹ <http://actives-actifs.org/> and <http://www.piscca.tn/>

in the country. This dialogue is marked by the fact that there is a regular and strategic EU-Tunisia high-level dialogue, a framework in which most important issues are defined, including several instruments and policies that are signed with no prior consultation of civil society, as shown by the mobility agreements. CSOs have nevertheless been able to express their positions regarding these and other agreements and policies, even if not on a prior basis, through the tripartite dialogue on several thematic areas, including on some sensitive issues such as terrorism and security, as well as on some bilateral agreements such as the Deep and Comprehensive Free Trade Agreement (DCFTA). CSOs are called to submit their contributions in the preparation of the EU-Tunisia sub-committees and to contribute to other relevant programming documents and policy papers, which have motivated a more coordinated work from these organisations. A more systematic reporting and follow-up of the proposals put forward on these meetings would however be useful to assess the real effect of these discussions and inputs in policy elaboration and implementation.

Civil society is consulted on bilateral cooperation, including on budget support and on the priority sectors of the EU Annual Action Plan. In addition, EUD have pushed for CSOs to be included in the steering committees of projects (e.g. implemented by ministries). However, the group of CSOs involved in these dialogues is not very diversified and usually limited to organisations receiving EU funding. As part of the ENP and the discussion of partnership priorities, the EU should therefore systematise the consultation of CSOs on an inclusive and diverse basis (including small organisations, CSOs working on remote areas, organisations representing minorities, etc.) and improve the feedback to CSOs on the results and integration of their inputs in bilateral or regional policies. The inclusion of indicators related to human rights and civil society promotion/protection in agreements and programmes would also be welcomed.

The diagnosis of Tunisian civil society conducted in 2012 by the EUD was an important basis to engage in a new phase of support and dialogue. The EUD has organised several coordination meetings with other external partners concerning the support to civil society, but these meetings are usually limited to information-sharing between donors about existing programmes and projects. While there are a few examples of co-financing between EU Member States, one could not speak of a real task division or coordination of support to civil society. In 2014, the joint support from EU and other partners (including EU member states) allowed the creation of the Jamaity.org online platform, providing information on the organisations, projects, resources, events, funding opportunities and tools, and bringing together more than 1600 Tunisian CSOs and over 120 partners. The findings of its evaluation, concluded in January 2017, point out the usefulness and credibility of this instrument about and for civil society in

Tunisia, as well as the need to generate new resources for its continuation beyond the project timeframe.

The Roadmap

The EU Country Roadmap for Engagement with Civil Society in Tunisia was jointly approved in December 2014 by the EUD and EU Member States¹⁰. The document is publicly available; it describes the main EUD and EU member states (Denmark, Spain, Finland, France, Italy, The Netherlands) programmes and instruments to support CSOs, and establishes 4 priorities: besides the 3 priorities linked to the 2012 EC Communication – reinforcement of CSOs' capacities, enabling environment for CSOs' actions, and participation of CSOs in political dialogue and national policies – it adds a 4th priority concerning the improvement in coordination between CSOs and external partners. Regarding this priority, a study about the perception of the partners' support to civil society in Tunisia is foreseen, as well as the creation of an institutionalised dialogue and the definition of common procedures (e.g. joint partners-CSO elaboration of indicators for project evaluations), although these actions have not yet been implemented. Also regarding contents, it is one of the few roadmaps that include a section on the financial instruments for each priority in the plan of action. These are mainly the above mentioned Civil Society Support Programme in Tunisia (PASC) and Euro-Mediterranean Human rights Network (REMDH), but also include EU Member States projects (Italy and the Netherlands).

Although CSOs were consulted on the indicators for the roadmap and EU member states formally use the roadmap as a reference for bilateral projects, it is still early to talk about impact. The periodic meetings with CSOs for its implementation and monitoring (foreseen in the roadmap) are still to be held and its follow-up is not very clear, namely on what is expected from civil society and what are the responsibilities and task division among partners for the proposed actions. Some CSOs point out that this has been until now a very technical exercise, with limited practical changes in EUD-CSOs relations.

Funding

EU support to civil society entered a new phase from 2011 onwards, widening its scope and financing instruments. The EUD is currently responsible for over 70 projects implemented by local and international CSOs, and the projects are financed from a variety of instruments. In the last few years, civil society initiatives have been supported by SPRING funds (which were replaced by the so-called Umbrella Programme Fund under the 2014-2020 multiannual financial framework), by the ENI Civil

¹⁰ Tunisia: FEUILLE DE ROUTE DE L'EU POUR L'ENGAGEMENT ENVERS LA SOCIÉTÉ CIVILE 2014-2017, available at <http://ow.ly/6bUa308L8ff>. The public consultation and review is foreseen to early 2017.

Society Facility, by the Instrument contributing to Stability and Peace (IcSP), by the calls for proposals launched in the framework of the European Instrument for Democracy and Human Rights (EIDHR) and the Non-State Actors and Local Authorities thematic programme (NSA-LA), and also by calls for proposals launched in the framework of bilateral programmes or sectors that are thus funded by the ENPI/ENI. The projects therefore cover mainly aspects related to human rights, freedom of expression and promotion of democratic values, the fight against torture, and the development of an independent and participative civil society (in the framework of EIDHR and NSA-LA), but also issues specifically related to sectoral policies such as education or local development (under the bilateral programmes in which a part of the budget is allocated to CSOs). In addition, the specific programme PASC was also focused on reinforcing civil society capacities and dialogue, even if with limited results. This diversity of instruments does not always facilitate coordination, and a coherent implementation within an integrated approach is sometimes difficult, since major programmes are not always in contact with each other and there is a risk of duplication. CSOs seem not to be consulted on the formulation and priorities of the EUD calls, although they generally find this support as relevant in the current national context. In addition, access to funds is complicated and restricted, both by the limited capacities of CSOs (technical, institutional, financial) and by the burdensome procedures and complex requirements. Very few CSOs have the capacity to apply for the calls and to understand and speak the “EU language”; some mention that EU procedures are complicated in comparison with other donors and that the publication of calls in Arabic would be useful. As in other countries, there is an evident difficulty for smaller and grassroots organisations in accessing these funds and re-granting will therefore be an increasingly used instrument by EUD to reach these organisations, although the quality of these partnerships and the capacity building of smaller organisations are important aspects to take into account. A more systematic approach to capacity building, namely by the implementation of a specific programme (having as background an independent assessment and lessons learned from the PASC) would be an important sign of the EUD ongoing commitment to support CSOs in Tunisia.

The country brief is based on desk research, interviews and written questionnaires with the EUD and local civil society organisations or networks. For more information, please see the methodological note available online.

The brief mentions some of the findings specifically concerning Tunisia. For common findings and comprehensive analysis/recommendations regarding EUDs engagement with civil society, see the **CONCORD EU Delegations Report 2017: Towards a more effective partnership** <https://concordeurope.org/what-we-do/promoting-civil-society-space/eu-delegation-report>