



CSO Legislation in the EaP and Adapting the V4 Experience Developing the Capacity of Civil Society

**Civil Society Environment Case Studies:
Azerbaijan, Georgia, Belarus and Poland**

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About the Project

The main issue this project seeks to address is the, at times, restrictive legislation on CSOs in EaP countries. Although Georgia has seen its CSOs flourish and expand with many new partnerships and projects, others, as Azerbaijan and Belarus, struggle to maintain themselves and have their voices heard across the political spectrum.

The Projects consists of a complex of activities, including in-depth Case Studies of the three EaP countries (Azerbaijan, Georgia and Belarus) and Poland that are presented here in order to understand how their legislation creates different environments for their respective civil societies. Policy recommendations provided by each country will strive to provide their respective governments with analyses and recommendations to ameliorate the current situation. There are no previous comparative studies of the sort, so this study is timely and extremely necessary.

The second portion of the project, to build the capacity of civil society management according to the experiences of V4 countries, was implemented through two trainings which took place in Baku over the past Spring and Summer. They created lasting partnerships and also provided realistic road-maps, as well as gave civil society representatives the tools they need to strengthen their positions.

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Introduction

What is Civil Society?

Understanding the role of CSOs in any country requires an appreciation of the civil society phenomenon in general. While there is no consensus on a single definition of civil society among scholars, it is assumed by the majority that civil society represents the third sphere after the state and market. Although the civil sphere is categorized as a distinctive part of the societal system, the interests, ideals, and aspirations of this sphere cover all aspects of life. The basic premise is that "citizens should be able to freely choose and pursue their individual life projects as connected to the existence of a vibrant set of groups and organizations independent of the state" and "these associations constitute arenas in which individuals can express and pursue different interests, identities, and aspirations."¹

When it comes to its strict definition, there is a wide range of explanation in literature. Generally, as mentioned above, civil society is distinct from the state. For instance, John Keane holds that "contrasted with government, civil society meant a realm of social life – market exchanges, charitable groups, clubs and voluntary associations, independent churches and publishing houses – institutionally separated from territorial state institutions."² Larry Diamond describes civil society as "the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules".³ Also, Diamond argues that "for expressing their interests, passions, and ideas, exchange information, achieve mutual goals, making demands on the state, and holding state officials accountable" civil society implies "acting together collectively in a public sphere". As can be seen above, apart from the state, the notion of civil society excludes the private sphere, meaning individual and family life are not in the field of the civil sector's activities. One of the notable scholars in civil society studies Robert Putnam, similarly eliminates kinship ties from his definition of civil society as these "vertical bonds of authority" cause people to look inward toward their own family rather than outward toward society as a whole."⁴

¹Bignami, Francesca, *Theories of Civil Society and Global Administrative Law: The Case of the World Bank and International Development* (2016). Elgar Research Handbook on Global Administrative Law, Sabino Cassese ed., forthcoming 2016, Cheltenham, UK: Edward Elgar.; GWU Law School Public Law Research Paper No. 2015-51; GWU Legal Studies Research Paper No. 2015-51.
<http://ssrn.com/abstract=2705582>

² Keane, John (2010) *Civil Society, Definitions and Approaches*. In: Anheier H.K., Toepler S. (eds) *International Encyclopedia of Civil Society*. Springer, New York, NY
<https://doi.org/10.1007/978-0-387-93996-4>

³Diamond, Larry, *Rethinking Civil Society: Toward Democratic Consolidation*, *Journal of Democracy* (1994): p.4–18

⁴ Putnam, Robert, *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press; 1993

Civil Society Environment in Azerbaijan

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Introduction

The main objective of this case study is to evaluate and analyze the civil society environment in Azerbaijan, emphasizing especially the legislative framework. Since the legal system is one of the major components which can create or undermine favorable conditions for the civil sector, putting an emphasis on this issue is crucial for countries, particularly those in the post-communist region. The role played by civil society in the process of transition to democracy has seen remarkable interest in academia and there is a diverse array of work on this subject. In this regard, since independence Azerbaijani civil society has faced various circumstances and obstacles which have made positive development of the civil sphere and transition to consolidated democracy problematic. Several factors have contributed to this tendency, ranging from the remaining impact of soviet times on society to political and legal problems. Therefore, in this study, the legal environment for civil society organizations will be the central theme for explaining the current status of the third sector, while in some parts historical and social determinants of civil society's condition in Azerbaijan will be highlighted.

As an accurate assessment of civil society requires taking different contexts of the phenomenon into account, this study will progress as follows. In the first part, a general assessment of Azerbaijani civil society will be presented, which will include an explanation of the notion of civil society, its socio-political development path, the evolution of its relationship with the state and the current situation in the country. In the second part, the legal structure of civil society organizations (CSOs) will be analyzed. This section will mainly involve an evaluation of the current legislative framework, the laws which regulate the civil sphere, and their shortcomings, which are mostly related to the registration process. The next part will investigate the financial viabilities of CSOs in Azerbaijan. In this regard, local and international funding opportunities and challenges in accessing resources will be considered. The fourth section will describe the organizational environment of CSOs in the country. For that purpose, NGOs' channels for reaching the public and their effectiveness in policy-making processes will be viewed. In the fifth section, public perception of civil society and CSOs will be examined with the help of socio-political and historical explanations of the topic. Finally, in the conclusion, the main research points and essential findings of the case study will be briefly stated.

General assessment of the current Civil Society environment

Overview of Civil Society History in Azerbaijan

To understand the general civil society landscape in Azerbaijan, one needs first to understand the historical path in which the civil sphere started to emerge and how it has operated in the previous three decades. Assessing this development can reveal an overall base understanding about the

current situation in the country. According to given definitions - civil society in a modern sense in Azerbaijan can be considered a relatively recent occurrence. The space for the modern civil society environment in Azerbaijan started to grow at the end of the 1980s. The relative openness of the perestroika period also opened the doors of opportunity to participate more actively in civil life than in previous times.⁵ People escaping from the central government's oppression secretly joined civil society ventures, especially intellectuals living in Baku were foremost in this inclination.⁶ Of course, some hindrances were preventing the civic space from widening at that time, including both the jeopardy of persecution from the government and poor civic traditions with a lack of horizontal networking among citizens.

However, in the late 1980s, a wave of civic movements emerged within the whole soviet and communist territory. This tendency created expectations related to the development of civil society and opened the door for social and political change. On the eve of the demise of the USSR and following throughout the post-communist regions, content and motivations of movements can be differentiated in many ways, but there were some common characteristics. While civic movements in Central Europe were the precursor for political change, this role was filled by nationalist movements in the post-soviet space⁸ ⁹ - a development also true for Azerbaijan. As indicated by Huseyn Aliyev in his book "Post-communist Civil Society and Soviet Legacy", after the collapse of the USSR ethnic or nationalist movements were at the forefront of social and political processes.¹⁰ The reviving of civil activeness was in tandem with national-liberation movements in the South Caucasus. In the years 1987-1988, organizations such as Organization for the Defense of Azerbaijan Sovereignty, Varlik (Wealth), Birlik (Unity), Chenlibel Scientific Literary Union and Baki Alimler Klubu (Baku Intellectuals Club), which were not connected to the Communist Party of Azerbaijan and its ideological goals, were established. After, however, these groups' direction and motion shifted from cultural and scientific activities to more political and nationalistic ones.¹¹ As a result, these types of initiatives (for instance, Dirchelish, Kizilbash People's Front, the Karabakh's Relief Committee, etc) formed a basis for the independence movement and Azerbaijan Popular Front. Actually, in Azerbaijan, these movements and Popular Front's role preceded the civil society environment and were the main contributing factors of civic

⁵ Tilly, Charles, *Social Movements, 1768-2004*, Paradigm Publishers, London 2004, p.76

⁶ *Civil Society Briefs: Azerbaijan*, Asian Development Bank 2011
<https://www.adb.org/sites/default/files/publication/29441/csb-aze.pdf>

⁷ Rajab Sattarov, Tair Faradov and Ilham Mamed-zade, *Civil Society in Azerbaijan: Challenges and Opportunities in Transition*, CIVICUS: World Alliance for Citizen Participation, Baku 2007
http://www.civicus.org/media/CSI_Azerbaijan_Country_report.pdf

⁸ Jerzy Celichowski, *Civil Societies in Post-communist Europe: The Challenges Posed by Social Isolation*, CIVICUS Global Survey of the State of Civil Society (Volume 2) , edited by Fioramonti, Lorenzo. (2007)

⁹ Aliyev, Huseyn, *Post-Communist civil society and the soviet legacy: Challenges of democratization and reform in the Caucasus*, PalgraveMacmillan 2015, p. 81-83

¹⁰ Ibid, 85

¹¹ Ergun, Ayça, *Democratization from Below: The Role of Civil Society in Azerbaijan*, Black Sea Politics: Political Culture and Civil Society in an Unstable Region edited by Ayse Ayata, Ayca Ergun, published by I.B. Tauris(2005) p. 103-118

development at that time.¹² Besides, the Armenian invasion and occupation of Nagorno Karabakh required and facilitated the operation of another kind of organizations which had social and charitable functions. The Committee for People's Assistance to Karabagh and the Azerbaijani Refugee's Society, which were established in August and December of 1989 respectively, were two such initiatives.

After the independence of Azerbaijan a more advantageous environment emerged for civil society to develop. In 1995, the Constitution of the Republic of Azerbaijan was adopted - it was considered a vital document for the development of civil society. In 2000, the Law of Azerbaijan on Non-Governmental Organizations was introduced; it should have encouraged civic engagement and the active participation of citizens on an organizational level. However, civic participation has never been as high as in the transition period – between 1989 and 1993. The nationalistic characteristic of civil society has been gradually fading following the emergence of new kinds of organizations and groups. Transition to a completely different socioeconomic and political system gave rise to pluralism and a widening of world views which cannot be attributed to the period of Soviet rule. This diversity also shaped the landscape of the civil society environment - the emergence of trade organizations, independent youth and women organizations, human rights groups, social welfare groups, cultural societies, etc. were triggered by the given trend.¹³ Between 1993 and 2003, the more operative organizations were mostly working on the issues of human rights, democracy promotion, electoral support and women rights.¹⁴ In the following decades Azerbaijan experienced a downward trend in the capacity and effectiveness of civil society organizations, which have gradually weakened. From 2003 onwards, activeness of civil society actors cannot be observed as compared to the previous decade. Several causes are shown for this decline, which is still challenging the growth of civil society in Azerbaijan: repression of groups by the government, legacies of soviet times, corruption-prone authoritarian environment, lack of favorable legal system, donor-driven organizations, etc.^{15 16}

State's attitude towards civil society

One of the main determinants in explaining the condition of civil society in any country is the nature of the relationship between the government and civil society. The extent and character of this affair is a vital component on both policy-making and the articulation of people's interests.¹⁷ Because civil society is viewed as an independent area outside the realm of the state and market,

¹² Cornell, Svante (2011) *Azerbaijan Since Independence* (Studies of Central Asia and the Caucasus) Armonk N.Y., M.E. Sharpe

¹³ Aliyev, Huseyn, *Post-Communist civil society and the soviet legacy: Challenges of democratization and reform in the Caucasus*, PalgraveMacmillan 2015, p. 86

¹⁴ Ergun, Ayça, *Post-Soviet Political Transformation in Azerbaijan: Political Elite, Civil Society and the Trials of Democratization*, Uluslararası İlişkiler, Volume 7, No 26 (Summer 2010), p. 67-85

¹⁵ Jerzy Celichowski, *Civil Societies in Post-communist Europe: The Challenges Posed by Social Isolation*, CIVICUS Global Survey of the State of Civil Society (Volume 2) , edited by Fioramonti, Lorenzo. (2007)

¹⁶ Huseyn Aliyev (2014) *Civil society in the South Caucasus: kinship networks as obstacles to civil participation*, Southeast European and Black Sea Studies, 14:2, p.263-282

¹⁷ Monica Blagescu and Julius Court , *Civil Society's Impact on Public Policy*, CIVICUS Global Survey of the State of Civil Society (Volume 2) , edited by Fioramonti, Lorenzo. (2007)

the conceptualization of this phenomenon within modern societies has been in relation to the public and private sectors.¹⁸ Apart from civil society's connection to the market, its affairs with the state have always been considered one of the deciding factors for the development of the civic environment, since the state has the authority to establish binding regulations for both citizens and civil society.¹⁹ In this regard, examining society-government relations can reveal clues about the environment in which the civil society of Azerbaijan operates.

It can be said that civil society in Azerbaijan evolved in opposition to the state, like in other post-communist countries.²⁰ This tendency is still alive in terms of the state's and, to some degree, people's attitudes towards civil society. Under Soviet rule, the existence of independent civil groups was a challenging situation and was referred to as a threat to the totalitarian regime. Yet, the end of the USSR brought new opportunities for civil society to grow, including the introduction of NGO legislation, the arrival of foreign donors and the legitimization of civil society as an independent actor. However, CSOs' relations with the government have not changed positively and they have continued to deal with attacks and criticisms by the government. Governmental actors have tended to view CSOs with suspicion. Generally, form of earlier civil society in the post-soviet republics comprised of actors originated from former dissident groups. "Their origin as dissident groups fighting the state and their subsequent importance during the people's revolutions ending communist rule in the region have given the concept of civil society a decisively anti-state character and a predisposition to protest"²¹ This tense condition is often linked to the pre-existing civil society conception and the path civil society developed in the region.²²

Svante Cornell in his book, "Azerbaijan since Independence", which evaluates the political and historical context of Azerbaijan's post-soviet period, argues that after the Popular Front's collapse the polarized political atmosphere hindered the progress of the civil sphere. Civil society and media were under pressure to choose a side - whether with the government or opposition. He also adds that an NGO administered by a person associated with the opposition was often regarded as an oppositional NGO, branding it an enemy of the regime and, therefore, enemy of the state.²³

This statement is also supported by Ahmad Alili who is an analyst at the Caucasus Policy Analysis Center. He explained that at the end of the 2000s, new opportunities arose related to accessing financial resources for CSOs and this period coincided with the time when there were problems regarding political parties' funding. At that time, those who had a wide network and connections with international organizations could easily obtain financial assistance for NGOs' activities

¹⁸ Wolfgang Dörner and Carla Suarez, *Civil Society and the State: Formal Arrangements and Actual Interactions*, *CIVICUS Global Survey of the State of Civil Society (Volume 2)*, edited by Fioramonti, Lorenzo. (2007)

¹⁹ Weber, M. (1965). *Politics as a vocation*. Philadelphia, Fortress Press

²⁰ Jerzy Celichowski, *Civil Societies in Post-communist Europe: The Challenges Posed by Social Isolation*, *CIVICUS Global Survey of the State of Civil Society (Volume 2)*, edited by Fioramonti, Lorenzo. (2007)

²¹ Ibid

²² Ergun, Ayça, *Post-Soviet Political Transformation in Azerbaijan: Political Elite, Civil Society and the Trials of Democratization*, *Uluslararası İlişkiler*, Volume 7, No 26 (Summer 2010), p. 67-85.

²³ Cornell, Svante (2011) *Azerbaijan Since Independence* (Studies of Central Asia and the Caucasus) Armonk N.Y., M.E. Sharpe, p. 287

without the government's aid. As a result, many political parties' representatives who were oppositional gave up their work in political parties and started to establish NGOs.

Because civil society's profile serves as a sign of democratic development within international discourse, the ruling elite started to establish and support pro-government NGOs, thereby strengthening internal regime stability and creating a positive image.²⁴ For instance, in July 1999, with the approval of the government, NGO Forum was established. Additionally, in December 2007 The Council of State Support to Non-Governmental Organizations was formed to encourage the activities of and give financial support to NGOs. After these developments, a complex and multidimensional scenery of civil society emerged.

Legal Climate

Needless to say that the problems related to the civil society environment vary in terms of their scope, content, and character in every country. In the case of Azerbaijan, the legal framework for CSOs can be considered the main obstacle for the development of the third sector. These problems vary from registration processes' regulations to funding difficulties, which are essential for continuing civil society ventures. In this regard, the case study for Azerbaijan's civil society will mainly be examined under the umbrella of the legal environment.

Among other factors, legal issues are seen as one of the prominent ingredients which create enabling conditions for citizens to carry out activities in a favorable civil environment. For assessing the importance of the legal environment, it can be said that legal tools are used to regulate the civil sphere in positive and negative ways. In its positive form, the legal framework provides a favorable and encouraging environment for civil society actors to perform actions in safe, stable conditions. By contrast, in its negative form, legal arrangements can be used to restrict the civil sphere and curtail civil society, which can cause unfavorable consequences.²⁵

In this regard, legal instrumentations for regulating the civil sphere are being used in a negative way in Azerbaijan. Civil society has gone through dramatic circumstances, especially since 2013, when a new wave of changes to NGO laws started to be launched. Between 2013 and 2015, a total of 26 radical NGO and grant regulations were introduced, which changed the form of the operational environment for local and international civil society organizations. These amendments were mostly related to the registration process of NGOs and rules on receiving foreign funding, which will be introduced in the following parts of the piece. Via these legislative actions, the government extended and tightened its authority over local and international NGOs and their funding.²⁶

²⁴ Ergun, Ayça, *Post-Soviet Political Transformation in Azerbaijan: Political Elite, Civil Society and the Trials of Democratization*, Uluslararası İlişkiler, Volume 7, No 26 (Summer 2010), p. 67-85.

²⁵ V. Finn Heinrich and Catherine Shea, *Assessing the Legal Environment for Civil Society around the World: An Analysis of Status, Trends, and Challenges*, *CIVICUS Global Survey of the State of Civil Society (Volume 2)*, edited by Fioramonti, Lorenzo. (2007)

²⁶ Yusifli E. *The Challenges of Grant and NGO Laws in Azerbaijan's Civil Society: Prospects for a viable Path forward*, ISSICEU 2016

In addition to the given internal legal problems, external challenges are also not modest in size and character. Azerbaijan's membership in the Extractive Industries Transparency Initiative (EITI) is an example of such challenges. Although the Azerbaijani government has made some attempts to win favor among EITI Board members after the downgrading of the status of the country from 'compliant' to 'candidate', the speed of reforms did not complement EITI Board's requirements.²⁷ Therefore, Azerbaijan's membership was suspended, followed by the withdrawal of Azerbaijan from the initiative. It is expected that Azerbaijan's leaving the EITI will have continued reputational costs and pave the way for shrinking space for civil society.²⁸

On 28 June 2017, the Open Government (OGP) Steering Committee released a resolution concerning the extension of Azerbaijan's inactive status for a period of one more year, mainly due to the lack of systematic changes to law. On 25 September 2017, Updated Recommendations for the Government of Azerbaijan were published, which gave Azerbaijan one year to fix legal problems which were mostly related to the simplification of registration and funding processes.²⁹ After that, on 5 December 2018 at a Washington meeting of OGP Steering Committee singled out five conditions which Azerbaijan should accomplish within two years in order to retain OGP membership. The conditions are as follows:

1. By 1 March 2019, prepare a roadmap for the development of the 2019-21 OGP action plan in line with at least the minimum requirements outlined in the OGP Participation and Co-Creation Standards. This roadmap shall also include a timeline of key meetings for the OGP Forum and the process for involving other stakeholders outside of the OGP Forum to participate in the co-creation of the action plan. This roadmap shall be published by the government and submitted to the C&S co-chairs by the established deadline.
2. By 1 June 2019, appoint a high-level government representative (ministerial level or above) to lead the OGP process in Azerbaijan.
3. By 1 June 2019, begin the development of an OGP action plan through an inclusive process that engages a wide array of actors beyond the OGP Forum and includes reforms to address the civic space constraints highlighted in the updated recommendations and other domestic priorities.
4. By 31 December 2019, complete, adopt and submit to the Support Unit a finalized OGP action plan.

http://www.issiceu.eu/files/assets/research_and_publications/ISSICEU%20Policy%20Brief%20Yusifli%20KUB%20December%202016.pdf

²⁷Ahmad Alili, Victoria Bittner(2017) *The cost of Azerbaijan's leaving the Extractive Industries Transparency Initiative (EITI): Analysis of the impact on the economy and civil society*, CESD Press

http://cesd.az/new/wp-content/uploads/2018/10/CESD_EITI_Assessment_Paper.pdf

²⁸ Ibid

²⁹ Updated Recommendations for the Government of Azerbaijan Criteria and Standards Subcommittee To be published on September 25, 2017

http://live-ogp.pantheonsite.io/sites/default/files/Azerbaijan_Final-Recommendations_Sept2017.pdf

5. By 31 August 2021, complete implementation of the OGP action plan. This action plan will be assessed by the IRM (The Independent Reporting Mechanism).³⁰

As stated by an expert of the Economic Research Center Gubad Ibadogly in his interview with Turan Information Agency, the Azerbaijan government met the first and second conditions and the other three tasks are planned to be fulfilled within a given time. However, according to the expert, there are still no positive changes compared to previous years and the Azerbaijani government seems not to be interested in membership in the OGP.³¹

Challenges in Registration

Among several difficulties, the registration process is the first challenge which every NGO faces with state authorities. Presently, there are more than 4500 registered NGOs operating in Azerbaijan;³² however, registration still remains a problem for CSOs, as registering is a very complicated procedure for both domestic or foreign NGOs.

The primary laws which regulate registration processes are the Registration Law and the NGO Law. Azerbaijani law permits the establishment of an informal organization without registration, but, in practice, it is not workable as receiving financial support is prohibited to unregistered organizations (there are just over 300 unregistered NGOs in Azerbaijan). If a group's decision to establish an NGO is determined it has 30 days to officially inform the Ministry of Justice (MoJ), which is the main government body in charge of the registration procedure. Within these 30 days, the NGO can only organize small-scale events and activities in a limited scope. When the MoJ receives this notification, it should provide written acknowledgment of that notice. Registration application requires a cover letter, organizational charter, power of attorney, notification of legal address, copy of an ownership certificate of the property where the legal address will be situated, minutes of the first general meeting, and information on the founders, including their addresses, passport numbers, and telephone numbers. An NGO can obtain legal status only after the state registration's notification. Foreign citizens or legal persons, persons without citizenship, or Azerbaijani citizens or legal persons may be founders of civil associations or foundations (Articles 8-10 of the NGO Law), but only foreigners and stateless persons who have a right to permanent residence in the Republic of Azerbaijan can be founders and legal representatives of an NGO in Azerbaijan.³³

Foreign NGOs can register their institutions in Azerbaijan in two ways: (1) as a co-founder of an association or founder of a foundation; and (2) by opening a representative office or a branch of a

³⁰ OGP revealed its latest demands to Azerbaijan
<http://openazerbaijan.org/en/blog/ogp-revealed-its-latest-demands-to-azerbaijan/>

³¹ OGP is of no avail for Azerbaijan
<https://www.turan.az/ext/news/2019/6/free/Interview/en/81710.htm>

³² Civic Freedom Monitor: Azerbaijan, 2019
<http://www.icnl.org/research/monitor/azerbaijan.html>

³³ Article 9.1-1 of the NGO Law

foreign NGO, with or without humanitarian organization status.³⁴ The NGO Law lays down as a condition that "state registration of branches and representative offices of foreign NGOs in the Republic of Azerbaijan shall be carried out on the basis of the agreement signed with such organizations".³⁵ Also, foreign NGOs in the application process should describe their purposes and give justifications for the necessity of activities and the benefits of such activities to Azerbaijani society. Additionally, according to changes made in 2014 to the NGO Law, a foreign NGO and the MoJ must reach an agreement in order for a foreign NGO to register in Azerbaijan.³⁶ This agreement should also have a specific expiration date.

A timeframe for registration of NGOs indicated by the Registration Law is up to 40 days.³⁷ In some cases, when the MoJ needs additional time to review an application, the Registration Law allows an extra 30 days of extension. State registration of NGOs may be rejected only if: (1) there is another NGO registered under the same name; (2) the documents submitted for state registration are inconsistent with the Constitution, the Registration Law, or other laws of Azerbaijan, (3) the NGO's goals, duties or activities are inconsistent with Azerbaijani law, or (4) the registration documents contain false information.

The problems related to the registration procedure of NGOs can be divided as follows:

- problems related to the implementation of the law, bureaucracy of officials, etc;
- problems resulting from the existing legal framework.³⁸

Although the documents needed for application are similar to traditional ones and the list of reasons for the denial of legal and physical persons to set up an NGO and some other related rules are in compliance with favorable international standards, there are some deficiencies: "certain registration rules, such as the registration terms, the requirement for NGOs to determine their territorial status in their bylaws, and restrictions on the rights of foreigners to be founders of NGOs, do not comply with good international practices".³⁹

The registration timeframe of NGOs in Azerbaijan, which is up to 40 days, is longer than registration for commercial entities, which is 2 days via electronic registration. This difference in procedure should be questioned because no legal reasons exist in related laws. The reason why there is a discrepancy between commercial organizations' and NGOs' registration time period, despite the fact that both types of registration are carried out under the same Registration Law, is

³⁴ Assessment of the Legal Framework for NGOs in Azerbaijan, 4th edition 2017 International Center for Not-for-Profit Law (ICNL),

http://www.icnl.org/programs/eurasia/Assessment_NGO%20Law%20Azerbaijan%20Oct%202017%20fv.pdf

³⁵ Article 12.3 of the NGO Law

³⁶ Article 12-3 of the NGO Law

³⁷ Article 8 of the Registration Law

³⁸ Anar Kazimov and Hafiz Hasanov, *Report on the Registration Procedure of Non-Governmental Organizations*, OSCE Office in Baku

<https://www.osce.org/baku/14613?download=true>

³⁹ Wolfgang Dörner and Carla Suarez, *Civil Society and the State: Formal Arrangements and Actual Interactions*, CIVICUS *Global Survey of the State of Civil Society (Volume 2)*, edited by Fioramonti, Lorenzo. (2007)

not stated in any official document. Favorable registration process requires little administrative discretion, but a longer timeline for registration increases opportunities for the government to interfere. In addition, as mentioned by Ziya Guliyev, who is a Board Member at CIVICUS: World Alliance for Citizen Participation, the registration process, in reality, can take more than 2-3 months due to additional review and procrastination by administration officials.

Registration of foreign NGOs in Azerbaijan is of special concern because it lacks concrete procedures, timelines, indicators, justifiable reasons for denials, and so on. For instance, the law does not define what «the contribution to society in Azerbaijan» is or what is implied by saying "respect national-moral values of the Azerbaijani people." The requirement that a foreign NGO must "justify the necessity of its activities in the Republic of Azerbaijan and its contribution to the society of Azerbaijan" is arbitrary, because there is no test for "necessity." Also, the law requires a legal representative of a foreign NGO having a permanent residence. "Azerbaijani legislation does not have a specific definition of *legal representative*. The head of a representative office or a branch of a foreign NGO may be considered a legal representative of a foreign NGO."⁴⁰ Also, as mentioned before, according to new amendments to the law in an agreement with the MoJ there must be a certain expiration date for foreign NGOs which was not previously required. The existence of expiration dates in any agreement impede foreign NGOs' long-term plans, as it is not so feasible to make a lasting impact or reaching durable goals in a limited time. Thus, these rules and requirements do not match with good international practices and leave an open door for government discretion and unfavorable environment for CSOs' registration process.

When it comes to required documents for registration, on paper the list of documents may seem relevant and positive but, in practice, there have been situations deviating from official rules. Ziya Guliyev stated in his interview that each time NGOs could face differing document requirements compared to official ones. Also, he added that the MoJ demands support letters from NGOs provided by state agencies, such as ministries or executive bodies which are relevant to applicant NGO's activity sphere. For example, an applicant NGO willing to carry out activities in ecological issues can be required to have a support letter written by the Ministry of Ecology and Natural Resources emphasizing its consent for registration. Consequently, this situation creates dependence on the government and leads to a lack of neutrality in CSOs' work.⁴¹

Listed reasons for the denial of registration are similar to traditional ones; however, the government in Azerbaijan applies them more frequently compared to other countries.⁴² Regulatory officials who review registration applications have broad discretion possibilities in applying denials. Oftentimes, this situation has resulted in unwarranted denials of registration of NGOs and judgments against Azerbaijan in the European Court of Human Rights.

⁴⁰ Civic Freedom Monitor: Azerbaijan, 2019

<http://www.icnl.org/research/monitor/azerbaijan.html>

⁴¹ Guliyev, Z. (2019 August 2). Personal interview

⁴² Assessment of the Legal Framework for NGOs in Azerbaijan, 4th edition 2017 International Center for Not-for-Profit Law (ICNL),

http://www.icnl.org/programs/eurasia/Assessment_NGO%20Law%20Azerbaijan%20Oct%202017%20fv.pdf

Financial viability of Civil Society Organizations

As indicated in UN Special Rapporteur CSOs' ability to "access resources, including foreign funding, is a fundamental part of the right to freedom of association under international law, standards and principles".⁴³ However, in some countries governments continue to restrain CSOs' funding operations, including those which come from foreign sources. This negative trend exists in Azerbaijan, too. A varying range of amendments introduced between 2012 and 2016 have made the situation for NGOs more challenging, as accessing domestic and foreign funding has been made unnecessarily complicated.⁴⁴

Access to local funding

In terms of domestic financial support opportunities for NGOs, state funding remains an essential element among limited options. As stated in Azerbaijani law, the government can provide CSOs with financial aid for specific purposes and projects. Donations are defined as "aid in the form of funds and (or) other material form given to a non-governmental organization in accordance with this law without a condition to achieve any purpose."⁴⁵ State funding is allocated via different mechanisms such as the Council of State Support for NGOs under the auspices of the President, the National Fund of Science, the Youth Fund, State Fund of IT Development, and several individual ministries.⁴⁶ Also, according to the Law on State Procurement, the government has an alternative option of procuring goods and services from NGOs.⁴⁷

As an illustration, in 2018 there were held two grant competitions by the Council of State Support for NGOs under the auspices of the President. The Council in that year provided support for 545 projects with a total value 3.752,600,0 AZN (nearly 2,211,975.69 USD).⁴⁸ The NGO Support Council supported NGO activities in a wide range of issues, from defending human rights and free legal aid to social-economic development and environmental protection. Until May 2013, only Azerbaijani NGOs could apply for grants; however, since May 2013, the NGO Support Council also can provide funding for NGOs from the US and Europe.⁴⁹

⁴³ India: Special Rapporteur's Legal Analysis

<http://freeassembly.net/wp-content/uploads/2016/04/UNSR-FOAA-info-note-India.pdf>

⁴⁴ International Center for Non-Profit-Law, *Survey of Trends Affecting Civic Space: 2015-16* (Vol. 7, Iss. 4, September 2016) Global Trends in NGO Law

⁴⁵ Civic Freedom Monitor: Azerbaijan, 2019

<http://www.icnl.org/research/monitor/azerbaijan.html>

⁴⁶ Civil Society Organization Sustainability Index 2017

https://www.usaid.gov/sites/default/files/documents/1866/2017_CS_O_Sustainability_Index_for_Central_and_Eastern_Europe_and_Eurasia.pdf

⁴⁷ The Law of Republic of Azerbaijan on State Procurement, December 2001

⁴⁸ Azərbaycan Respublikasının Prezidenti yanında Qeyri-Hökumət Təşkilatlarına Dövlət Dəstəyi Şurasının 2018-ci ildəki fəaliyyəti haqqında Hesabat, Baku 2018

<http://cssn.gov.az/documents/Shuranin-2018-ci-il-YEKUN-hesabati.pdf>

⁴⁹ Assessment of the Legal Framework for NGOs in Azerbaijan, 4th edition 2017 International Center for Not-for-Profit Law (ICNL)

http://www.icnl.org/programs/eurasia/Assessment_NGO%20Law%20Azerbaijan%20Oct%202017%20fv.pdf

However, as reported in the “CSO Sustainability Index for 2017”, “most independent CSOs refrain from applying to state institutions for funding as they believe they would be unlikely to receive funding even if they did apply. With the exception of the Council of State Support for NGOs, the grant process in government agencies is not open or transparent.” The report also adds that most approved grants are related to non-controversial initiatives, such as those on art and culture, entrepreneurship, sports, the environment, children's rights, charity, and the international promotion of Azerbaijan. Also, there is a procedure that unsuccessful applicants in the grant competition can appeal to the NGO Support Council within 10 days from the time the decision is made. However, very few NGOs use this appeal mechanism. For instance, in 2018 only 33 NGOs applied for an appeal as they believed the verdict disagreed with the grant competition's results.⁵⁰

Restrictions on foreign funding

Foreign donors' role in Azerbaijani NGOs' funding had been important until the time when restrictive regulations were introduced to law in 2013. For example, in 2011 a majority of NGOs were exceedingly dependent on foreign funding (\$34.4 million of total \$37 million for the NGO sector in Azerbaijan).⁵¹ Also, in 2012, 80 per cent of total funding for NGOs came from international sources.⁵² However, after the changes to the law the amount of foreign funding has dropped remarkably (only 35 per cent of the grant amount was issued by international donors).⁵³ Financial support by foreign sources is only permitted in the form of a grant or donation.⁵⁴ Despite the calls of local and international civil society actors, the government has not yet lifted these restrictions.

After the amendments were adopted one of the main challenges for local NGOs and foreign grantors has been related to obtaining the right to issue the grant and register a grant agreement. Within the application and registration process, the Ministry of Justice has a broad discretion to deny or reject the submission. To understand the environment which these restrictions created, the main requirements and steps for grant issuance and registration will be described.

In order to provide funds to Azerbaijani NGOs, foreign donors, firstly, must register with the MoJ by registering their own local chapter. Secondly, a donor, including a donor NGO, should get a right to issue each grant from the Ministry of Finance (MoF), which should provide a positive opinion about the grant's “financial-economic justification.”⁵⁵ The requirement that recipient

⁵⁰ <http://www.cssn.gov.az/news.php?id=2449&lang=az>

⁵¹ Civil Society Organization Sustainability Index 2011
https://pdf.usaid.gov/pdf_docs/PNAEC583.pdf

⁵² Civil Society Organization Sustainability Index 2013

<https://www.usaid.gov/sites/default/files/documents/1863/E%26E%202013%20CSOSI%20Final%2010-29-14.pdf>

⁵³ Regarding the requirements arising from the principles of UN Human Rights Council resolution No 32/31 titled “Space for Civil Society”

<https://www.ohchr.org/Documents/AboutUs/CivilSociety/Procedures/States/Azerbaijan.pdf>

⁵⁴ Article 223-1.3 of the Administrative Code, Article 1.1 of the Law on Grant, and article 24-1 of the NGO law

⁵⁵ Foreign Funding for NGOs in Azerbaijan: What has the single-window changed?

<https://smdtaz.org/wp-content/uploads/2017/05/Foreign-funding-for-NGOs-in-Azerbaijan.pdf>

organizations should register a grant at the MoJ is another challenge for NGOs, since the Ministry has broad discretion over the whole process.

In January of 2017 some changes came into force which should have simplified the registration procedure of foreign grants and modified the burdensome character of this process. These changes mainly regarded reducing the review period by the MoJ and MoF and eliminating the need to submit certain documents, including the grantor's registration documents and notarized translations of the documents. After the series of decrees by the president and the Cabinet of Ministries, a "single-window" system for registration of foreign grants was introduced. Applying the "single-window" principle to law removed the requirement of obtaining the right to issue each grant from donors to recipients. In the new procedure, instead of the need for grantors to apply for obtaining the right to issue a grant, a recipient organization applies for it to the MoJ. Then, the MoJ delivers the documents to the MoF for an opinion on the "financial-economic justification" of a grant. As the law does not clarify the details of "financial-economic justification", the MoF still has a wide discretion using this term over registration's result.

As expected, these changes did not improve actual conditions, as government discretion by the MoJ and MoF on whether to approve or reject grant's registration and challenges of foreign grant registration remain.^{56 57} Additionally, as a requirement in Azerbaijani law, registering each grant agreement with the MoJ does not match international good practices. The necessity of making donations only via bank transfer is another setback, as fundraising from the general public by NGOs is becoming challenging. Finally, another violation of good international practice is a requirement to acquire a registration or a pre-approval of a foreign donation, grant or service contract. Ahmad Alili argued that although barriers and limited opportunities to access international financial sources are only one component of the difficulty of CSOs' working sphere, they affect the whole process and hinder the development of a healthy environment. He also added that at the time when changes to the law were started, NGOs' representatives had options to neutralize these legal restrictive actions initiated by the government by bringing about other alternative mechanisms such as crowdfunding or launching social lobbying, but they could not do it.⁵⁸

The aforementioned challenges during the registration process of foreign grants have furthered the challenging condition of civil society environment. Several NGOs had to close their offices and gave up activities in the civil sphere due to financial shortcomings. This fact also was confirmed by Ziya Guliyev, who said that "many CSOs could not find any financial source to continue carrying out civil society ventures, as a result, they had no choices in that situation, but to terminate activities". The unavailability of finance for NGOs also affected their financial management, as reported in the "CSO Sustainability Index for 2017". The report continues that very few CSOs

⁵⁶ Ibid

⁵⁷ Civil Society Organization Sustainability Index 2017

https://www.usaid.gov/sites/default/files/documents/1866/2017_CS0_Sustainability_Index_for_Central_and_Easter_n_Europe_and_Eurasia.pdf

⁵⁸ Alili, A. (2019 August 6). Personal interview

could meet with international financial management standards in 2017, while the majority of them did not issue any financial reports showing their financial status, decline, or funding operations received through affiliated commercial institutions or individual service contracts.

Organizational Capacity of CSOs

Organizational capacity of CSOs in Azerbaijan also has been affected negatively due to legal restrictions and funding limitations. Presence of few opportunities to strengthen and advance organizational capacity further weakens the operational environment for CSOs. Almost every remaining NGO lacks sufficient staff, equipment and strategic planning because of financial unavailabilities. These obstacles also have had effects on reaching target audiences. CSOs do not possess enough funding to organize public events, conferences in hotels or public venues. Therefore, at present, reaching the general audience is of special difficulty, since the only viable ways for this are online television and social media.⁵⁹

Ziya Guliyev pointed out general institutional weaknesses of CSOs in Azerbaijan. He said that owing to unfavorable financial conditions NGOs have to rely on service contracts and perform activities like limited liability companies, not CSOs with commercial goals, which “is far from civil society idea”. However, as reported in “CSO Sustainability Index for 2017” although service contracts’ registration process is easier than other types “the MoJ still has wide discretion to deny their registration and such decisions often seem to be political in nature.” Ziya Guliyev also added that before the crackdown on civil society there was a wide range of independent organizations which helped citizens in legal, physiological, consulting, and educational matters free of charge on a voluntary basis. However, amount of them has decreased dramatically since that time. Although government funding exists for NGOs, in his interview, Ziya Guliyev argued that the projects supported by government aid are not very effective because they are small-scale in size and character. So, for strategic planning, more sustainable and impactful activities, NGOs should possess a long-term budget and have a long-term project lasting 2-3 years, not only a couple of months.⁶⁰

Regarding the CSOs’ impact on policy-making process, Ahmad Alili said that decision making bodies, state agencies generally do not use consultative services of NGOs aside from think tanks (thinks tanks are classified as an NGO in the law). He also highlighted the agency problems in NGOs. He argued that the majority of NGOs do not have enough legitimacy to appeal to citizens and they lack the proper abilities to meet the interests of the people or to solve their problems. Because of this they cannot reach own constituents.⁶¹ As a result, organizational capacity and advocacy direction of CSOs are in a dramatic condition because of both regulative and agency factors.

⁵⁹ Civil Society Organization Sustainability Index 2017

https://www.usaid.gov/sites/default/files/documents/1866/2017_CS0_Sustainability_Index_for_Central_and_Easter_n_Europe_and_Eurasia.pdf

⁶⁰ Guliyev, Z. (2019 August 2). Personal interview

⁶¹ Alili, A. (2019 August 6). Personal interview

Public Perception of CSOs

In post-communist countries, citizens' attitudes towards the civil sphere have been very complicated and the formation of civil society in a modern sense required strenuous effort that faced political and social struggles. Some societies have achieved this goal after some time, while others are still trying to build a healthy civil environment. Regarding the explanations of weaknesses of civil society in the post-communist space, there is a wide array of literature which concerns mostly institutional shortcomings that emerged after independence, including political and legal ones, or historical and socio-cultural determinants of this negative inclination.

As an illustration of the prior political system's impact on post-communist civil societies, Richard Rose's ideas in "Post-communism and the Problem of Trust" should be noted, since it was one of the first examples of this theme. Rose argues that trust is the main component in societal relationships and trustworthy institutions for society are a kind of warrant in a healthy civil environment. However, under communist rule the central government tended to suppress civil institutions and "the pathologies and irrationalities of the communist system spawned an "underground" or "unofficial" network of social relations". So, the communist rule changed the public opinion into private, thereby fostering distrust between citizens and formal institutions.⁶² In this way, horizontal networking was eroded through the collapse of the civil sphere. This is also a reality for Azerbaijan since the failure of civil society can also be considered as a consequence of 70 years of Soviet rule that resulted in a loss of social trust, thereby undermining social capital and making civil society ineffective.⁶³

Additionally, Marc Morje Howard in his book named "The Weakness of Civil Society in Post-Communist Europe" explains the setbacks of civil society in post-communist countries. His theoretical approach's main argument is that "people's current behavior is shaped by their prior experiences and how they interpret those experiences", implying the role of state and political institutions as establishing confining conditions for civil development. It is argued that for societal change in the attitudes of people "a) the new institutions should be authoritative and binding, not weak and incoherent; b) the new institutions should build upon the existing tendencies, traditions, or culture of a society; and c) the new institutions will need time to take hold, time that is measured in decades and generations, not months or years".⁶⁴ As can be witnessed from Azerbaijan's experience after independence, the created institutions and their nature could not change society's general behavior and attitudes towards civil institutions.

Azerbaijan's post-soviet state administration not only didn't try to prevent informal interactions but also administrative and political staff continued to be formed on the basis of informal kinship and

⁶² Rose, Richard, *Postcommunism and the Problem of Trust*, Journal of Democracy, Volume 5, Number 3, July 1994, p. 18-30

⁶³ Rafail Musa oglu Hasanov (2009) *Social Capital, Civic Engagement and the Performance of Local Self-Government in Azerbaijan*, Nationalities Papers: The Journal of Nationalism and Ethnicity, 37:1, p.89-114

⁶⁴ Howard, Marc (2003), *The Weakness of Civil Society in Post-Communist Europe*. Cambridge: Cambridge University Press

clan relations. This inclination stemmed from the Soviet times where almost every political and administrative position was allocated to local individuals, thereby giving de facto power to people whose relations were founded on a clan or blood relative basis. Distributing political opportunities in such a way predetermined the post-Soviet state formation and society's networking practice, therefore rendering civil society ineffective and useless. The continuing legacy of informal networking, solving problems and reaching goals through unofficial ways, and remaining corrupt environment could not have opened a way for a modern civil sphere. This approach is also asserted by Huseyn Aliyev who has examined the civil society's condition in South Caucasus in relation to the existence of informal networking between citizens. He points out the fact that institutional characteristics of post-soviet states shape the societal behavior of citizens, for instance, ineffective governance and lack of accountability discourage people in solving problems via formal and official channels and compel them to rely on such informal associations. Additionally, in Azerbaijan informal networks and relationships such as between kinship groups or blood relatives are so strong and not inclusive, thereby preventing those who are outside of these relations from joining and engaging. Thus, forming and preserving a sustainable civil society has become impracticable. This tendency also affects the public perception of civil society in a way that CSOs appear either useless or ineffective.⁶⁵

As a consequence of the unfavorable legal and regulatory civil society environment in Azerbaijan, CSOs cannot win the favor of their targeted audiences and constituencies due to limited access to resources. The survey conducted by the Caucasus Barometer in 2013 indicates that 29 per cent of respondents mentioned they trusted NGOs, while 19 per cent were distrustful.⁶⁶ Also, as confirmed by the “CSO Sustainability Index for 2017”, CSOs in Azerbaijan could not restore their image to normality in 2017 because of the pro-government media's attacks. NGOs which are mostly working on issues such as democracy, human rights, gender law, elections, and media rights are often labeled as "pro-Armenian", 'agents of the west', 'fifth column', and so on.⁶⁷ This situation adversely affects citizens' perception of the civil society phenomenon in general and encourages the development and continuation of informal networks. Also, according to “CSO Sustainability Index for 2014” “in 2014, in response to advocacy by local organizations against state actions, the government actively campaigned against local and international CSOs and tried to promote distrust in local communities towards CSOs’ work. This campaign has led to public misunderstanding of CSOs’ missions and activities. The public considers “non-governmental” as being against the government and perceives foreign-funded CSOs as foreign agents intending to destabilize the country.”⁶⁸ As a result, civic participation has decreased compared to 8-10 years ago. This condition was confirmed by Ziya Guliyev. He said that in recent years the number of people engaging with CSOs has dramatically dropped and citizens also are not willing to get assistance

⁶⁵ Huseyn Aliyev (2014) *Civil society in the South Caucasus: kinship networks as obstacles to civil participation*, Southeast European and Black Sea Studies, 14:2, p.263-282

⁶⁶ Caucasus Barometer. *Caucasus Barometer Survey 2013 in Azerbaijan*. Tbilisi: Caucasus Research Resource Center

⁶⁷ Civil Society Organization Sustainability Index 2017

⁶⁸ Civil Society Organization Sustainability Index 2014

https://www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf

from NGOs. Partly because of this, the civil society environment could not improve compared to its counterparts in Europe and recognition of this fact by society remains.⁶⁹

Conclusion

The case study aimed to describe the civil society environment in Azerbaijan by analyzing the legal framework for civil society organizations and looking at structural and socio-political contexts. Throughout the research, desk research was utilized in order to reach second-hand information evaluating official documents, books, research papers, reports, etc. Additionally, deep-structured interviews were conducted with experts on this topic. The findings of the study underline that civil society in Azerbaijan is at a critical milestone due to the challenges stemming from legal and socio-political circumstances. Although recently some softening by the government can be observed related to the simplification of regulations and laws, there is still no change regarding CSOs' work environment. Primary challenges coming from the NGO related laws are associated with the registration process of NGOs and that of foreign funding, as they have become so burdensome and complicated in terms of requirements, timeframe, bureaucratic obstacles and government officials' broad discretion over whole processes that they are rendered nearly impossible. These negative notions can be seen through looking at the nature of the relationship between the government and civil society emerging from socio-political and historical factors formed in the early periods of independence. The governmental actors have tended to approach the civil society sector with suspicion due to mainly political and historical reasons. The operational and organizational capacity of NGOs has been affected by the current legal and regulatory situation. With this, agency problems also weaken abilities of organizations to reach general audience and influence policy-making. Also, society's attitudes towards civil society are affected by both the lack of organizational ability originating from legal and political obstacles and, also, the traditional structure of the Azerbaijani society affected by Soviet times and the post-Soviet system's remaining institutional legacy which is based on informal networking. Creating a favorable civil society environment in the country requires complex reforms in both legal and political spheres. Introducing a legal framework for CSOs which will open a way for a sustainable and encouraging environment and building binding and coherent, not weak, institutions should be adapted upon a new legal system.

Recommendations

As identified, the main obstacles before CSOs result from the existing legal framework. Problems of registration of NGOs and foreign funding remain as principal challenges for applicants. Therefore, in order to create a more favorable environment for CSOs some changes should be introduced to the regulatory system. For that purpose, the following steps are recommended:

⁶⁹ Guliyev, Z. (2019 August 2). Personal interview

- Simplification of the procedures for registering and establishing CSOs and prevention of discretionary situations which restrain the ability of CSOs to operate. To achieve this, the following measures can be implemented:
 1. Amount of documents for registration should be reduced;
 2. Online registration procedure should be enabled;
 3. Registration timeframe should be shortened and within this period the procedure should be fulfilled.
- Adoption of changes to the law, which are related to the obligation for foreign grantors to obtain the right to provide financial aid. These steps can be followed:
 1. The requirement for foreign donors to have an agreement with MoJ should be eliminated;
 2. “Single window” principle should be applied without government discretion.
- Elimination or clarification of “financial-economic justification” term in order to prevent government discretion in registration process.
- Removing the requirement of registering each grant agreement with the MoJ;
- Providing independence from the state’s interference for CSOs in financial-bank operations, including those which are related grants and donations.

Legal Framework and Current Environment of Civil Society Organizations' Operation – Case Study Georgia

Giorgi Ninua, World Experience for Georgia

General Assessment of the Current Civil Society Environment

In order for democracy to function properly, political scholars identify three sectors. The state itself is considered the first sector, while the second is comprised of all economic initiatives within society, including both private and public enterprises, with a primary target of financial gain. The third sector is comprised of all other activities that are excluded from both the state and profit making categories.⁷⁰ For the purpose of this study we will concentrate on the third sector, often referred to as civil society.

Considering Georgia's recent past – having regained independence as a state after the collapse of the Soviet Union only 28 years ago and experiencing massive government corruption throughout the 1990s – it is crucial for Georgian civil society to work effectively. Georgian civil society is tasked with further educating the people and developing democratic values on a personal level for a people who have to learn from now how to live in a democratic country. The previous communist system established a regime in which having an initiative for a social organization was practically impossible. Organizations considered as 'civil' were totally controlled by the government. Nowadays, the situation in Georgia has changed and the third sector has become an important institution for the development of democracy.

Nowadays, Georgia's civil society is mainly composed of organizations in the form of non-profit, Non-Governmental Organizations (NGOs). While analyzing the role of NGOs, it can be observed that they play a significant role in advocating human rights and monitoring the government. The main advantage of the third sector is that they can be independent and totally unbiased, unlike political parties which are either in power or oppositional. Therefore, CSOs can play a significant role in defending human rights and monitoring the effectiveness of public services and elections. In Georgia the biggest and most influential groups of civil society organizations (CSOs) are well-established, well-known NGOs created by former political leaders as 'watchdogs' - they raise their voice against any threat to civil or political rights from the government, such as women's rights, freedom of speech, and transparent and democratic elections. They are perceived as the most effective members of civil society. For example, in October 2017, local government elections were held in which watchdog organizations actively monitored both the pre-election environment and the voting process.⁷¹

Another numerous and effective group of CSOs in Georgia's landscape are those which have international roots, including Georgia's Open Society Foundation. Apart from offering programs advocating human rights, internationally funded organizations support research and other studies that are vital for promoting all kinds of social activities.

⁷⁰<https://bit.ly/2nVHNGc>

⁷¹ Resource Civil Society Organization 2017, regional report, pg 89
<https://bit.ly/2TkvcB5>

The majority of CSOs work either in Tbilisi, the capital of Georgia, or in other big cities. The country's strongest NGOs are based in the capital and only handfuls of them have established network offices or branches in other major cities. The number of donor-supported programs in Tbilisi is 2.5 times larger than those combined for the rest of the country,⁷² making residents of big cities the main target groups for organizations. Regional CSOs' capacities continue to be limited. Meanwhile, the reality is that Georgia's regions, especially high mountainous villages, are more in need of informal education – people who live in villages sometimes do not even have access to the internet. In this reality, it is important for civil society to take matters into their own hands and bring different point of views and informal types of education and training to the more remote places of Georgia.

As of July 11th, 2019, the number of registered non-profit legal entities in Georgia is 27,659.⁷³ Information about the different fields in which legal entities work is not complete; Every CSO who fills the application correctly will get it registered. Therefore, there is no foolproof statistical information available to understand which areas are more popular for CSOs to work. Beyond formal organizations there is also a significant number of informal CSOs, including women's groups, religious associations, neighborhood groups and etc. On account of their non-official character and the fact they function through volunteering, it is impossible to centrally monitor their work.

Legal Climate

In the case of Georgian CSOs, the current legislative situation is fairly liberal as the constitution of Georgia guarantees the right to free association, as well as the human right to join one, or create the union yourself. The civil code recognizes both registered and unregistered civil organizations, although non-formal organizations are not legal entities. In order to function as a legal entity civil organization must register. The registration procedure is regulated by the Civil Code of Georgia. Non-profit legal entities should be registered in the register of non-profit Legal Entities.

The registration process itself is not burdensome and easily manageable - barriers exist neither on paper nor in reality. In order to register a legal entity, the interested person should visit any service center of the public service hall (justice house) and submit to the registration authority the founders'/members' agreement and an application containing the necessary details required under the Law of Georgia on Entrepreneurs for the registration of entrepreneurial legal entities. The application should include information about: the object of the activity of the non-profit legal entity; the procedures for admitting, withdrawing and excluding members of the non-profit legal entity if it is a non-profit legal entity is based on membership; name of the body (person) empowered to make decisions regarding the reorganization or liquidation and the decision-making procedures of the entity; the procedures for creating (electing) and the tenure of the management

⁷² Civil Society Briefs Georgia, Asian development banks, pg.1
<https://bit.ly/2mTLoHA>

⁷³ Public Service Hall: statistical information

body (managing person) of the non-profit legal entity.⁷⁴ In case of not being able to write the documents on their own or not having a lawyer, the public service hall itself offers a draft of the application where applicants have just to fill in prompted gaps, such as the name of the organization, names of the founders and etc. The fee for registering a non-profit organization is only 100 GEL (approx. 30 EUR). Practice shows that there are no bureaucratic or legal obstacles in the way of registering non-profit organizations in Georgia. The large number of registered entities is the indirect indicator of this.

To sum up, the registration procedure does not cause any unnecessary delays and every person can quickly and efficiently register as a non-profit legal entity without a lawyer. On the one hand, this practice has many advantages and is user friendly; however, on the other hand, Georgia faces the reality of having too many CSOs for its population. As of July 11th, 2019, the number of registered non-profit legal entities was 27,659,⁷⁵ while the whole population of Georgia was 3.7 million people.⁷⁶ For majority of CSOs there is no possibility to find their area of work some of them are just registered and not functioning. According to data analysis about Georgian CSOs, from randomly selected 85 organizations, 11 % have never conducted single meeting after registering the organization.⁷⁷ The reason this problem arises is due to CSO closing procedures. In order to close a CSO, the legally charged decision maker for the organization should start a liquidation procedure, after which revenue services will make sure that the entity does not have any financial obligations, such as debts or unpaid expenses. After financial checks, the organization's registration can be abolished after submitting the relevant application at the same place where the entity was registered. The procedure for liquidation, therefore, can be considered lengthy and complicated. Additionally, in Georgia there is no law that obliges non-profit legal entities to take any actions (send annual reports to the revenue service, write an application, etc.) if they are not engaging in any activities. This results in many defunct organizations being discouraged from closing. Hence, there is a large number of legal entities which are registered as non-profit organizations but, in reality, they do not operate and have never engaged in any activities.

The National Agency of Public Registry introduced an electronic registration system for non-profit legal entities from 2010; ahead of that time, no electronic database collected information about organizations. On account of its late and partial introduction, even nowadays the existing database is not finished and when someone inquires about the exact number of legal entities, the agency responds that the requested information is not absolute and requires more computation and data processing.⁷⁸ Information regarding the different fields in which legal entities work is also incomplete; therefore, there is no foolproof statistical information available to understand which areas are more popular for SCOs to work on. This is one of the disadvantages of the Georgian climate regarding non-profit organizations, though the government started a program which specializes in making a full database for the existing legal entities in the country, including the

⁷⁴ Civil code of Georgia art. 29

<https://bit.ly/2nr0Efi>

⁷⁵ Public Service Hall: statistical information

⁷⁶ <https://www.geostat.ge/en>

⁷⁷ Report on Status of CSOs in Regions of Georgia, neighborhood civil society facility, 2013, pg.12

<https://bit.ly/2mX4IUg>

⁷⁸ National Agency of Public Registry

field they work in. Regardless, this is a work in progress, so there is no full database available as of yet.

It is worth mentioning that, nowadays, there exists an openly accessible website which contains information and legal documentation about every non-profit or commercial legal entity. Here, anyone can view the legal documents concerning any legal entity, including the date when the entity was registered and its current registration.⁷⁹ This website is work in progress, because as mentioned before there is no complete database and the information with necessary documentation is being archived nowadays. One must keep in mind that having an active status in this database does not mean that the entity is engaging in activities - it merely means that its registration is active. The government does not require registered organizations to engage in activities, nor does it check whether or not the entity is really working. There is no legal step to submit information regarding existing projects or activities for the purpose of maintaining an active registration status. Having easy and effortless procedures causes some non-active CSOs to continue to exist ad infinitum.

Georgia has a legal document called the Ethics Code of Georgian Civil Society Organizations. This document is signed by active organizations for self-regulatory purposes. It is a voluntary, legal document – every CSO can join it by signing. The main principles the Code declares are: defending human rights, advocating rule of law and democratic government principles, securing equality, encouraging people to be involved in civil actions, sharing knowledge and experience, being transparent and answering not only to the founders of the organization but to the society itself. With this statement, the work of Georgian CSOs is in compliance with the main purposes of CSOs functioning in democratic societies. Signing this document is not obligatory – it is merely a symbolic statement for organizations to show what their aims are. Document is signed by around 200 Civil Society organizations.⁸⁰ At the same time, not signing the document is not indicative that the entity has different values, while the majority of CSOs mention these principles in their registry documents anyway.

Financial Viability of CSOs in Georgia

The third sector plays an important role in Georgia's economy; for example, the Georgian Open Society Foundation made an investment of 10 million dollars during the years 2003-2006 in order to develop Georgian civil society. It is impossible to precisely ascertain the amount of funding the third sector receives, but we are talking roughly about tens of millions of dollars per year.⁸¹ Nevertheless, a high level of aid dependency is persistent. According to experts only 10% of NGOs have diversified their economic resources, the rest depend on international organizations. The Georgian government has set up a few granting mechanisms, CSOs can get government grants for projects focused on healthcare, social care, culture, sport and justice. But these grants are insufficient and are not systematic. Most grants and funding come from abroad, meaning that, if

⁷⁹ <https://bit.ly/2Oe3uNy>

⁸⁰ <http://www.cso.ge/ethic.php>

⁸¹ <https://bit.ly/2lX6ODD>

CSO is not internationally well known is likely to be unable to get those funds, unless they are working under bigger organization that is capable of getting international grants. There could be some private funding but that is not an example that can describe the situation in the country. Thus many CSOs are not financially stable because there is no money for them at all. Additionally, the majority of organizations are reluctant to accept government funds in fear of compromising their independence. Regional CSOs are in an even more precarious situation, as they rely mainly on small development grants for short-term projects. They do not have necessary means to maintain annual budget and spend money on developing organizations, e.g. buy new computers, have a proper office, have full-time employees. Hence they focus on having several projects annually and get money for them CSOs can lead their own profitable activities, but these actions would be taxable and extra staff would be required to manage them.

CSOs enjoy a few important tax exemptions for non-profit activities, such as non-taxable membership fees and property taxes. However, there are not many CSOs which own property, so this tax benefit is largely irrelevant to most of the sector. CSOs are eligible for VAT refunds and VAT refund procedures have been significantly improved and simplified over the last few years. As a result, CSOs now request VAT refunds from the tax authority more frequently. Funds from some donors—including the EU and US—are released from VAT altogether based on agreements with the government of Georgia.⁸²

The current fiscal framework also provides incentives in the form of tax deductions for contributing to charitable organizations;⁸³ however, the current tax law does not consider incentives in the case of private individual donations. Therefore, individual contributions to CSOs are taxable. As CSOs also have to pay taxes for business activities they engage in, it is easier for them to rely on foreign aid as the finances CSOs receive are not controlled. This does not mean that their finances are not controlled at all. When CSOs pay their employees this is a regular salary and 20 percent tax is deducted from it, like any business organization. This trend also affects the independence of the organization, as well as its economic stability. On one hand, this is a positive approach because it makes social work easier and allows the organization to avoid unnecessary bureaucracy but, on the other hand, there is a margin of possibility that social organizations could be funded by malicious sources, such as a government, political parties or other organizations of countries with hostile intents for Georgia. In the work of social organizations it is crucial for them to be independent, have an aim compatible with democratic society and ensure all their projects and funding carry one of the general purposes of social organizations (monitoring government, building and strengthening democratic institutions, educating people about social matters and etc.).

Organizational capacity of Georgian CSOs

Increasing the organizational capacity of Georgian CSOs remains a challenge. As a majority of this sector rely on traditional donors, such as grants from foreign institutions, they mainly focus

⁸² Resource Civil Society Organizations, 2017 regional report, pg. 100

⁸³ Tax law of Georgia, art.97 para. 2a

<https://bit.ly/2UjSIHq>

on specific projects with their own concrete goals, rather than developing the organization itself beyond current projects. Capacity building and professional improvement can occur through training courses and sharing and exchanging information. The main problem still remains finances; however, as the majority of CSOs' resources are used for a concrete project and, therefore, they do not have leftover finances for creating an external base budget for the organization. CSOs in the regions face far greater financial and institutional challenges - they do not have enough financial means to run the organization and they are short of staff, as well. One of the solutions for this problem can be more effectively using volunteers. However, volunteering is still low in Georgia – only 23% of people questioned have engaged in voluntary activities during the last two years, according to data from 2014.⁸⁴

Most donors prefer to fund project activities rather than hardware or software for CSOs, which would be a crucial asset for the continuous work of the sector. Hence, having access to modern technology still remains a struggle for a big part of the third sector, especially in the regions, considering their lack of finances and staff.

In the work of CSOs, timing is the crucial factor, as with issues in human rights which can emerge instantly and require immediate attention. If the CSO is working only through project grants, they will not be able to address the issue. As a result, some NGOs use so-called core funding. Core funding is income which can be relied upon as regular and flexible, so is most likely to be used for an NGO's main operations. Donors can provide core funding for a well-established, active NGOs, which means that not only the concrete ideas of certain project will be funded, but organization will have its own budget for developing itself. Another source of core funding is having membership fees. This type of financing helps to meet Norton's definition of financial sustainability: "The organization and its core work will not collapse if external funding is withdrawn".⁸⁵ Unfortunately, the number of CSOs having core funding is low. It is considered preferable by donors to fund particular project, rather than just give money to the organization. To have enough members for getting good amount of membership fees is not easy for an organization, only well-known and well-established NGOs have annual membership fee.

Debates regarding the improvement of self-sustainability of CSOs lead to several options: 1) lobbying the tax authority so as to exempt CSOs from income taxes – they should be treated as micro-companies enjoying the same benefits, or tax exemptions for incomes less than 30 000 GEL (approx. 10 000 EUR). 2) Having a 1% mechanism where 1% of the profit the government gains from taxes on citizens will be allocated for funding the civil sector. This option, however, has some downsides – when people will choose which CSOs they want to finance, they will remember only about the well-established, well-known CSOs that have a strong presence in public media. This will result in other organizations whose work is less visible (but not less important), like research organizations, losing out on the opportunity for such funds.⁸⁶

⁸⁴ Caucasusbarometer.org, Volunteerism in Georgia, 2014

<https://bit.ly/2lg98oO>

⁸⁵ Types of funding, FM2 course handbook

⁸⁶ Situation Analysis of CSOs in Georgia, 2016, pg.24

<https://bit.ly/2nuNP3K>

To sum up, there is no perfect or foolproof way of increasing CSOs' capacity; however, an important step that can be taken is to institute tax exemption and grant CSOs the same tax benefits as micro businesses. In order to draw more attention to the gravity of the issue, CSOs should put more effort in increasing their popularity and improving their trust rating among the general public. CSOs should, therefore, focus on their own development, not only on enacting short-term grant programs.

Public perception of CSOs

Overall, civil society in Georgia can be considered very active – in fact, it is the best developed third sector in the region.⁸⁷ However, there is a room for improvement. Some of government officials still think that CSOs do not have the necessary skills or education to provide valuable analysis about certain subjects, for example, the financial field. Hence, they are against engaging the third sector in the decision-making process or listening to their recommendations. However, the government and parliament are making steps towards more effective collaboration. Hearings in parliament are attended by some CSOs but further efforts need to be taken - CSOs should receive feedback about the comments they made regarding implementing new laws or making decisions.

One main reason why CSOs exist is to represent the public and its interest in their relationship with the government. So, like every institution, they need 'legitimacy' – they need to be perceived positively by the society and supported by the people. For this, CSOs need to engage with citizens via civic education. Georgian CSOs have been largely criticized for their weak legitimacy, as engagement with society only takes place within the framework of specific projects.

The numbers indicating social engagement and trust in CSOs by society are inconsistent. From 2011 to 2014, trust in CSOs jumped from 18% to 28%.⁸⁸ However, in 2017, the trust rate decreased to 23%. On a positive note, only 2% of people think that CSOs should not exist and 50% consider their impact positive. 27 % of people in Georgia do not believe that NGOs work serve public interest. NGOs are seen as foreign institutions funded by Europe and America. This does not help them being considered as useful entities in Georgian society. When asked if Government should take into consideration the ideas of third sector, 10% found it difficult to answer, 4% thinks that stances of NGO should be taken into consideration in every sphere.⁸⁹ While 1% still think that the work of such organizations should be controlled by the government or that the state does not need to consider the opinions of third sector at all.⁹⁰

The only official research about the public perception of the work of CSOs done by Georgia available nowadays is very old and dates back to the year 2003. In the beginning of the 21st century

⁸⁷ Situation Analysis of Civil Society in Georgia, full report, pg. 5

<https://bit.ly/2nuNP3K>

⁸⁸ Situation Analysis of CSOs in Georgia, pg.22

<http://www.epfound.ge/wp-content/uploads/2016/12/Situation-Analysis-of-CSOs-in-Georgia.pdf>

⁸⁹ Attitudes of the Population of Georgia towards Civil Society Organizations, European Integration and Business Entities, 2018, pg 25

⁹⁰ EU Roadmap for Engagement with Civil Society in Georgia, 2018-2020, pg.5

<https://bit.ly/2mStIMy>

the amount of people who liked or disliked activities of CSOs was ambivalent – around 50% of people were content with their work, while the other half did not approve.⁹¹

Some internet resources attempt to improve the visibility of CSOs and their work, as the public is in need of knowledge of their areas of expertise and their participation in the democratic system. One such resource, www.cso.ge, was created within the framework of a USAID funded project. The site provides information about major CSOs in the country and the important projects they carry out. It should be considered a big step towards greater transparency, considering the fact, that few CSOs upload information about their funding. The disadvantage of this resource is that it is very rarely used by the public and is more helpful for research purposes rather than affecting public opinion. CSOs have to find a more efficient way to reach the public, since they are the main audience of the third sector, and CSOs are the direct representatives of society. In these terms, it is crucial to have a more complete understanding and knowledge of their work; CSOs should be more public-oriented and find the means to spread awareness regarding their importance and role not only among their target audiences but among every member of society. Social media and social networks can be actively used for this purpose. Additionally, going out into the regions must be encouraged, as they have limited possibilities and may not have access to the internet to access such information.

An interesting fact observed is that in Georgia the public's attitude towards the European Union and CSOs appear to go hand-in-hand with each other. People who are in favor of the EU also think positively about CSOs and their role in the country. Overall, support for accession to the EU remains high; however, widespread disinformation is decreasing public trust in the EU as an institution. Because majority of well-established NGOs in Georgia are funded by funds from foreign countries, mainly USA or Europe it is sometimes hard for people that their work does not benefit foreign interests. Nationalist forces in Georgia still demonize Europe and spread information that they are trying to ruin Georgian culture. Additionally, among some groups of people CSOs are considered to have 'anti-Georgian' or too liberal values.

According to the Georgian people the most important issues for the country are unemployment (54%), rising prices, (38%) pensions and poverty (37%) while human rights issues are only important for 10% of respondents.⁹² Considering the fact that the most well-known Georgian CSOs' main focus is human rights, there is a gap between the needs of society and the work of CSOs. This explains why only 6% of survey respondents have contacted CSOs regarding their issues, made a call, written a letter or visited their office.⁹³ According to 2017 data, the percentage of people who fully trust NGOs is also low - 4%, while 19% rather trust them and

39% remain ambivalent, neither trusting nor mistrusting them. Worth noting is that these numbers remained unchanged throughout the years, considering the same percentages were observed in 2015 as well.⁹⁴

⁹¹ Social Image of Third Sector, Defending Social Interests Program
<http://www.cipdd.org/upload/files/datos2.pdf>

⁹² Public attitude's survey, December 2017, NDI

⁹³ <https://caucasusbarometer.org/en/Caucasusbarometer.org>

⁹⁴ Caucasus barometer 2017, Georgia

CSOs create a big market for employment in the country as it is considered prestigious to work for well-known NGOs, such as the Georgian Young Lawyer's Association. Civil organizations are used by young people as a platform to get the necessary knowledge and practical experience to become more professional in the jobs they do. Considering that the majority of important NGOs are funded either from the EU or from the United States, the employees who work there have possibilities to attend training courses abroad, learn about foreign experiences and successfully implement this knowledge in Georgia.

Despite this rosy picture, according to Georgia's official statistics service, the average monthly salary in Georgia in 2016 was 940 GEL (approx. 310 EUR). Considering this situation only the most established CSOs, the majority of which are operating in Tbilisi, can compete in the employment market – others cannot offer competitive salaries which are necessary to obtain and retain staff.

Conclusion

CSOs' main focus should always be the most vulnerable part of the society; e.g. young people who do not have access to the proper education. They should have more activities on regional level and not have primary target on Tbilisi. There is still a space and need for further CSOs engagement in the work of government to ensure that people's needs and wishes are fully taken into consideration while making state decisions. CSOs have a lot work to do in order to grow the trust rate towards them. Programs such as, free legal aid helps people to know more about the organization and to consider their activities as noble and useful for the country. Having practically none existent national statistics about the CSOs work does not help perceiving them positively. Mentioning their work in annual reports would help to increase their popularity. Even though these reports are read by interested party and not the society members themselves, when different institutions will be more aware of CSOs works and role it will benefit public perception. This approach will lead to better image for third sector and trust rate will grow time by time.

Policy Recommendations

There could be some improvements on the level of Government, people and CSOs themselves. Firstly it becomes extremely hard to track for all the CSOs when there are tens of thousands of them registered. As making registration difficult or differentiate registrants is out of the question it is important to create incentives to close the organization if it is not functioning (Refunding registration fee or closing it distantly as some people are just lazy to go in the public service hall or do not feel any necessity to close it).

On the other hand government (Ministry of Justice) or Public service hall should pay more attention to create better database and find better ways to control the CSOs lifecycle (hiring more statisticians or software analysts working only on CSOs).

Government also should incentivize people, businesses, banks or larger CSOs to become donors and fund smaller SCOs and NGOs. This will give a chance to small and not well-known organizations to start their activities and gain popularity, motivation and financial support to stay “alive” and active.

Concerning the CSOs themselves they should learn how to diversify their finances. Either they should find several projects from different donors or start small entrepreneurial activities not going against the law. It could be a Social Entrepreneurship or producing some iconic production which will answer the need of people and at the same advertise the organization.

CSOs should pay more attention to their recognition and popularity to raise the interest and demand in their service. Diversifying their finances they will be able to have more staff and materials, inventories to perform in efficient way.

People should pay more attention on volunteering. The number of volunteering is very low in Georgia. Volunteering is very important for everyone. Nowadays if person is/was volunteering their market value is increasing. Organizations that let volunteers work their popularity and market value are increasing (plus they spend less money on the tasks where they would spend much more money).

Finally, it is important that three parties, Government, CSOs and people to work together and be in synergy. This can be done by above mentioned ways and raising awareness of each other. Having better communication will advance the level of their cooperation and clear the obstacles they have.

CSOs' activities in Belarus: overall situation and latest trends

Andrei Yelisseyeu

CSOs statistics: A brief overview

Analysis by reputable Belarusian and international experts indicates that the situation of civil society organizations in Belarus remains very difficult. “That is particularly the case if their activities are perceived as challenging governmental policies or covering sensitive topics. For many, their organizations are not registered owing to restrictions on freedom of association, which expose them to a range of potential administrative and criminal violations,” the most recent (May 2019) report of the UN Special Rapporteur on the situation of human rights in Belarus says.⁹⁵ Although the Belarus’ constitution guarantees the right to freedom of association (Article 36), in practice “it is restricted by repressive legislation, presidential decrees, and by overzealous interpretation of these laws and decrees by ministry officials and judges,”⁹⁶ the Amnesty International 2013 report says.

According to official statistics, by 1 January 2019 around 3,000 public associations were registered in Belarus.⁹⁷ Belarusian legislation does not require the Ministry of Justice to regularly provide statistics on registered CSOs to the public. A governmental regulation only instructs the Ministry to run the State register of political parties, republican trade unions, and civil society organizations. In practice, occasionally the Ministry of Justice publishes more detailed data on registered NGOs. The latest publication of this kind concerns the data on registered NGOs as of 1 July 2018.⁹⁸

It follows that 2,907 CSOs were registered in Belarus by that time. Of them, 227 had international status, 770 and 1,910 were republican and local CSOs, respectively. A more detailed information on the sectors of their activities is given below.

Belarusian SCOs by sectors or target groups in 2018

Sector	Number	Sector	Number
Sport	809	War veterans, people with disabilities	94
Charity	403	Science and technology	85
Youth	355	Environment, history, and culture	87

⁹⁵ Situation of human rights in Belarus - Report of the Special Rapporteur on the situation of human rights in Belarus, A/HRC/41/52, 8 May 2019, https://ap.ohchr.org/documents/dpage_e.aspx?m=140

⁹⁶ What is not permitted is prohibited. Silencing civil society in Belarus. Amnesty International, April 2013, p.8. Available at https://amnesty.org.pl/wp-content/uploads/2013/04/Belarus_EUR490022013.pdf

⁹⁷ The registration procedures of political parties and civic organizations are to be eased in Belarus (in Russian). TUT.by, 5 February 2019, <https://news.tut.by/society/625143.html>

⁹⁸ https://minjust.gov.by/directions/compare_coverage/

Education and leisure time	250	Art	50
National minorities	110	Women	32

Source: Belarusian Ministry of Justice

An unknown part of these organizations are non-governmental only nominally and in practice are governmentally controlled (so called GONGOs). They include both small local associations and large republican ones, such as the Belarusian Republic Youth Union, the Belarusian Union of Women, and the Belarusian Union of Journalists. The share of GONGOs in the list of registered public associations is unknown as no such comprehensive analysis has been undertaken, to our knowledge. Collecting organization-specific information to differentiate GONGOs from genuine CSOs in accordance with reasonable criteria would be a time-consuming endeavor. Furthermore, a complete up-to-date register of Belarusian CSOs is not publicly available.

In addition to public associations, institution⁹⁹ (учреждение) and foundation are two other legal forms of CSOs in Belarus. As of 2018, 195 foundations were registered in Belarus, Ministry of Justice data shows. Mentioned statistics do not include institutions, the most popular organizational and legal form for CSOs in Belarus lately. During the times when the Ministry of Justice used to publish information on institutions, no distinction was made between CSOs and public schools or libraries. Hence, the numbers of CSOs registered as institutions are not known. However, supposedly a few hundred of them are registered in Belarus. While political parties, public associations, and foundations register with the Ministry of Justice or its territorial offices, institutions and trade unions are registered with local authorities across the country.

The benefit of a relatively simple registration procedure of institutions is outweighed by some potentially adverse characteristics. First, founders of institutions bear subsidiary liability for the obligations of the organization. Second, legal and practical specifics inherited by this type of CSO – power concentrated in the hands of one person – do not contribute to democracy and transparency within the organization.

“The founder of institutions is a tsar who can appoint himself / herself a director, assign salaries, etc. without consulting others,” one of the interviewed experts said.¹⁰⁰ Only a small share of teams which organize themselves into institutions realize the management dangers which can arise.

In order to function in a less regulated environment and to preserve a larger extent of political independence, a few hundred Belarus-focused CSOs were established outside Belarus, mainly in neighboring Poland and Lithuania. Finally, an unknown number of initiatives operate in Belarus without any registration. This had been a rather adventurous undertaking until late 2018, when the activities of non-registered organizations were finally decriminalized.

⁹⁹ Sometimes this legal form of NGO is translated into English as institute or not-for-profit establishment

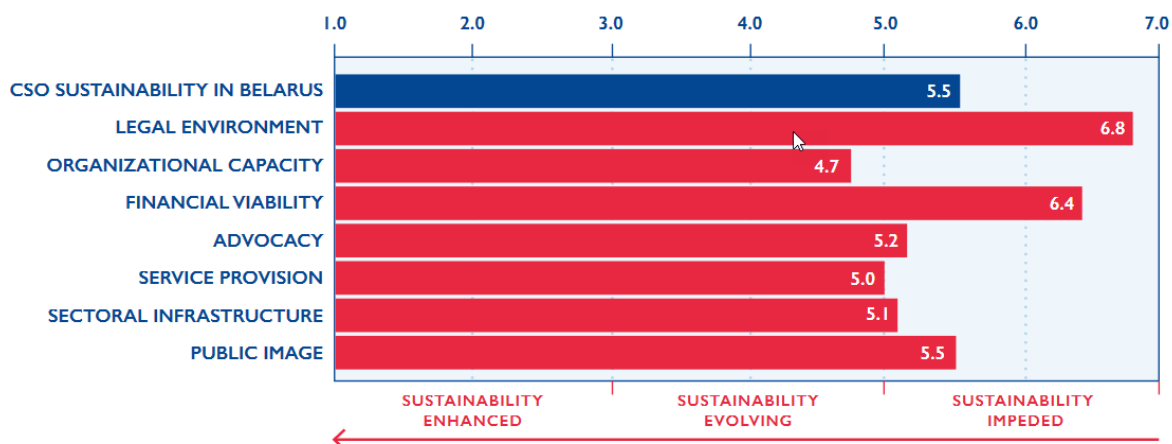
¹⁰⁰ Interview with Yury Chavusau, legal advisor at the Assembly of Pro-Democratic NGOs of Belarus, 24 August 2019, Minsk.

Legal environment and practical conditions

There are a number of laws in Belarus which regulate different types of organizations: the Law on Political Parties, the Law on Trade Unions, the Law on Freedom of Conscience and Religious Organizations, and the Law on Associations. There is a consensus among domestic and foreign experts that the legal environment for CSOs' activities in Belarus is restricted. "NGOs in Belarus are subject to very detailed requirements which can serve as reasons for the authorities to refuse registration in the first place or to liquidate the organization for failure to comply with requirements,"¹⁰¹ Amnesty International 2013 report on the Belarusian civil society says. When it comes to political parties, no new political parties have been registered in Belarus since 2000.¹⁰²

The CSO Sustainability Index for Belarus elaborated by the USAID shows that indicators of various aspects of CSOs' functioning are rather low. In 2017 the overall CSO Sustainability Index in Belarus was assessed by experts at 5.5 points on a 1-7 point scale, where seven is the worst, whereas the Legal Environment sub index received the lowest rate among all sub indexes (6.8).

CSO Sustainability Index 2017 for Belarus



Source: 2017 Civil Society Organization Sustainability Index, USAID

Practices of arrests of human rights defenders and activists (as well as members of independent trade unions), the prevention of peaceful assemblies and interference with the work of journalists and civil society organizations continue to be regularly reported, the 2019 Report of the Special Rapporteur on the situation of human rights in Belarus says.

The Report continues that although the number of such cases in 2018 seems to have fallen in comparison to the previous year, the same policies are in place, showing that there has been no fundamental change in approach. "With a restrictive legal framework and practices still in place, a relapse into widespread repression can easily occur... With presidential and parliamentary

¹⁰¹ Op.cit. Amnesty International, 2013, p.10.

¹⁰² https://minjust.gov.by/directions/compare_coverage/registration/information/

elections due to take place in or before 2020, the risk of a further deterioration in the situation, especially regarding fundamental freedoms, is far from excluded,”¹⁰³ the report concludes.

The experts interviewed within this research mostly agree with the UN report’s view and the conclusions of CSO Sustainability Index research. “Factual situation [with Belarusian CSOs activities] is better than it is on paper. If state authorities applied all available mechanisms [of control and compliance], then civil society would have much less space for action. Latest improvements mostly result from factual softening rather than from changes in legal environment,”¹⁰⁴ one of the interviewed experts said. He believes conditions for human rights defenders and civil society organizations with a political transformation agenda have hardly eased, whereas cultural and entrepreneurship associations have seen some facilitations.

The most significant legal improvement which occurred lately is the repeal of article 193.1 of the Criminal Code criminalizing the activities of non-registered organizations. This norm had been continuously criticized by national and foreign stakeholders for its blatant violation of basic human rights standards. At least 18 people had been convicted under Article 193.1 during 2005-2010, the report on freedom of association and legal conditions for non-commercial organizations in Belarus says.¹⁰⁵ At the same time, the UN Special Rapporteur stresses that “this development can only be considered a partial success”, since administrative liability for the activities of non-registered organizations was introduced instead.¹⁰⁶ The same is true for the partially softened regulation on the notification procedure for assemblies, which is valid only for those taking place in areas designated by authorities.

Membership and activities of unregistered civil society organization were penalized by a presidential decree in December 2005 ahead of the presidential elections in March 2006. Article 193-1 treated any activity on behalf of an unregistered organization, including political parties and religious organizations as a criminal offence punishable by a fine or imprisonment for up to two years.

In its Opinion on Article 193-1 issued in October 2011 the Venice Commission held that as a party to the ICCPR Belarus violated its legally binding obligations to respect and protect fundamental rights such as freedom of expression. It also opined that, “merely by its existence, Article 193-1 has a chilling effect on the activities of NGOs, its members and its leaders. It is intimidating for social mobilization and civic activism on the forum of NGOs and may thus obstruct the work of human rights defenders... The Venice Commission holds that Article 193-1 penetrates the thoughts and attitudes of activists even without being put into effect. And when put into effect, the

¹⁰³ Situation of human rights in Belarus - Report of the Special Rapporteur on the situation of human rights in Belarus, A/HRC/41/52, 8 May 2019, p.3, p.19., https://ap.ohchr.org/documents/dpage_e.aspx?m=140

¹⁰⁴ Interview with Andrei Yahorau, Senior Analyst at the Center for European Transformation, 9 August 2019, Minsk.

¹⁰⁵ Freedom of association and legal conditions for non-commercial organizations in Belarus, 2018. Legal Transformation Center (Lawtrend) and Assembly of Pro-Democratic NGOs, p. 16.

¹⁰⁶ Report, op.cit., p.10.

Venice Commission considers that the restriction is so severe that it not only restricts freedom of association but also freedom of opinion and expression to an unjustifiable degree.”¹⁰⁷

In retrospective, another example of repressive legislation concerning the CSOs which came out of Belarus’ presidential administration was the Presidential Decree №2 of 1999. Among other things, it included a requirement on all CSOs to re-register and those that did not pass the registration procedure were liquidated. It resulted in the liquidation of a large number of Belarusian CSOs.¹⁰⁸ The same Decree considerably restricted activities of political parties, trade unions and CSOs by introducing the requirement for them to be located in business premises and not residential premises, because the private sector in Belarus remains concerned about possible repercussions from state authorities for hosting a CSO.

Interviewed experts shared contradicting observations on the level of activity of grassroots initiatives in Belarus over the last years. Some note an increase in their activity, be it informal parental committees or BMW motorcycle owners’ clubs, while others do not subscribe to this view. In particular, experts of the Assembly of Pro-Democratic NGOs and the Legal Transformation Center Lawtrend involved in consultations for CSOs on legal aspects of their activities do not confirm this observation, based on the statistics available to them.¹⁰⁹ Nevertheless, most of the interviewed experts shared the view that the number of cultural, urban and local development initiatives, creative spaces, and informal education initiatives have lately increased in Belarus. Generally disproportions in the development of different civil society sectors remain, recent the most comprehensive study of Belarusian civil society sectors shows.¹¹⁰

Financial viability of CSOs

Belarusian CSOs continue to have limited access to funding, the 2017 SCO Sustainability Index concludes. Presidential Decree No. 5 on Foreign Aid, which came into force in March 2016, regulates the receipt, accounting, registration, and utilization of foreign aid. Whereas public associations are not allowed to engage in economic activities, CSOs registered as institutions have the right to engage in such activities.¹¹¹

¹⁰⁷ Opinion on the Compatibility with Universal human rights standards of Article 193-1 of the Criminal Code on the rights of non-registered associations of the Republic of Belarus, Adopted by the Venice Commission at its 88th Session, Venice, 14 – 15 October 2011, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2011\)036-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)036-e)

¹⁰⁸ Op.cit. Amnesty International, 2013, p.10.

¹⁰⁹ Interview with Yury Chavusau.

¹¹⁰ Aksana Shelest, Andrei Yahorau, and Volha Smalianka. Civil society in Belarus: the present situation and development conditions [in Russian]. Minsk, 2018. Available at https://eurobelarus.info/files/userfiles/5/DOC/2018_Civil-Society-Belarus-RU.pdf

¹¹¹ 2017 SCO Sustainability Index, p.40,

https://www.usaid.gov/sites/default/files/documents/1866/2017_CS0_Sustainability_Index_for_Central_and_Easter_n_Europe_and_Eurasia.pdf

CSOs are allowed to seek government contracts but, in practice, due to state favoritism of GONGOs such as the Belarusian Republican Youth Union and other organizations loyal to the state who receive direct funding from the budget on a non-competitive basis, independent organizations can rarely access public funding. In practice, social contracts are assigned by local authorities to a very limited number of CSOs with close relationships with the authorities – most contracts are awarded to the Belarusian Red Cross.¹¹²

A negative trend identified by both the CSO Sustainability Index report and some of the interviewed experts is increased reallocation of funds by international donors to GONGOs, rather than independent CSOs. “In 2017, CSOs’ funding diversification declined due to cuts in funding from key international donors, including USAID, the EU, and the Global Fund to Fight AIDS, Tuberculosis and Malaria,” the CSO Sustainability Index report says.¹¹³ The report gives data from the OECD which shows that between 2007 and 2016, CSOs received 34.6 percent of international technical aid, while in 2017 their share was less than 20 percent.

The revised European Neighborhood Policy (ENP) of 2015, with its greater focus on stabilization, resilience and security, has put part of Belarusian civil society in a difficult situation. Although one interviewed expert assesses the total amount of EU support to Belarus as remaining on the same levels as before 2015 (around EUR 100-120m annually, of those around 11-12% is directed to the Belarusian civil society), he stressed that a shift towards supporting state actors and GONGOs has taken place since then.¹¹⁴

The greater emphasis on local development, fight with climate change, etc. requires the closer cooperation of civil society organizations with central and local authorities. Hence, politically neutral and openly government-controlled CSOs in a number of sectors find themselves in a better position relative to genuinely independent CSOs than they had been in before. “I would not say that nowadays many donor organizations are positive towards various protest initiatives, while some time ago this was rather trendy,”¹¹⁵ one of the interviewed experts said.

Furthermore, the adoption of a revised ENP coincided with the release of political prisoners in Belarus. It brought the start of the gradual normalization of EU-Belarus relations, which resulted in an even greater channeling of EU finance towards the Belarusian government at the expense of support provided to civil society. To make use of this change central state authorities encouraged local administrations to establish GONGOs to also compete for foreign donors’ money. The interviewed expert¹¹⁶ spoke of the fairly recent illustrative case when, in order to comply with the formal requirement to have a partner CSO in the call for applications on water safety, a local administration in Belarus partnered with a local CSO assisting persons with disabilities. Despite

¹¹² Ibid, p. 42.

¹¹³ Ibid, p. 41.

¹¹⁴ Interview with Andrei Yahorau.

¹¹⁵ Interview with Maryna Korzh, expert at the Office for European Expertise and Communications, 15 August 2019, Minsk.

¹¹⁶ Ibid.

the fact the organization, apparently, was not a meaningful stakeholder when it comes to water safety and didn't have previous experience in the sector, it was brought in as a nominal partner.

This observation, however, does not mean that cooperation between local authorities and GONGOs are always smooth. One of the interviewed practitioners who carried out research in non-capital regions stated that regional offices of the Belarusian Republic Youth Union were often unhappy about their cooperation with local officials and complained about them.

The changed EU support paradigm is criticized on two main accounts. First, by placing emphasis on stability it curtails the EU's transformation ambitions in Belarus, which is seen as a weak response to increasingly assertive Russian actions. Second, by excessively prioritizing cooperation with state authorities and GONGOs which often have no interest in good governance and the rule of law and resort window-dressing instead, the EU undermines the efficiency of its support. Systemic changes and reforms are hardly possible without sufficient engagement of domestic actors who are genuinely interested in progressing towards better institutions.

While many CSOs continue to rely on foreign funding, increased efforts to raise money from local sources, including the public and businesses, are a well-marked trend. "Less state control over civil society has made business support to CSOs more common,"¹¹⁷ one of the interviewed experts said. Another practitioner confirmed increasing legal inquiries on behalf of CSOs about fundraising from local resources. "A decade ago CSOs would normally ask for legal consultation concerning the registration of a foreign grant. Nowadays, they increasingly seek advice on the project's legal format which would allow the use of various sources of funding, including crowdfunding."¹¹⁸ Since its establishment in April 2019 until September 2019, a new Belarusian crowdfunding platform Molamola.by designed for various civil society initiatives approved over 400 submissions for crowdfunding, an interviewed platform's initiator said.¹¹⁹

Organizational capacity of CSOs

The CSO Sustainability Index defines the Organizational Capacity sub index as its strongest dimension. Yet the actual sub index rate is rather low (4.7 points on a 1-7 point scale, where seven is the worst), so it stands out mostly because other sub-indexes are even worse and high dedication of Belarusian civil society activists. The report concludes that the constituency-building capacity of Minsk-based CSOs is rather high, in contrast to non-capital CSOs. Normally leading Belarusian CSOs have well-defined missions and strategic plans and maintain internal management procedures, whereas in others, less experienced CSOs decision-making procedures, election for board members, and other management principles are not followed or are frequently disrespected.

¹¹⁷ Interview with Alexander Adamiants, director at ECLAB, 9 August 2019, Minsk.

¹¹⁸ Interview with Yury Chavusau.

¹¹⁹ Interview with Anton Motolko, civic activist and blogger, 10 August 2019, Minsk.

In 2017 ten key Belarusian CSOs in the human rights sector developed strategic plans with donor support.¹²⁰

In recent years, faced with cuts in foreign funding, part of Belarusian CSOs had to reduce their number of staff and to increasingly rely on volunteers. Generally, CSOs find it very difficult to employ permanent, full-time staff, since they rely almost entirely on project-based donor funding. Most CSOs employ just a few people on full-time basis, while many do none, turning to short work contracts instead when such necessity arises. In case of country-wide GONGOs with regional offices the number of permanent staff can reach tens of persons.

The recent positive trend specified by the UN Rapporteur is the gradual inclusion of civil society actors in a number of consultative forums. However, often high-quality comments of CSOs on draft laws and regulations are not taken into consideration sufficiently, the report says.

This observation is corroborated by the experts interviewed as part of this research: “Around 80% of dialogues [between state authorities and CSOs], particularly discussions in the parliament, are only nominal. Proposals by CSOs are not taken into account, so it is all about formal participation of civil society in the consultation process.”¹²¹

The same is often true on a local level. Rarely, in non-capital regions local authorities maintain consultative councils to make use of civil society expertise when a need arises, while often such forums continue to exist only on paper.

Public Perception of CSOs

National surveys show that the public generally has a positive or neutral perception of CSOs and activists. According to a 2017 survey, 48 percent of Belarusians expressed trust in CSO activists, which is a higher indicator than businessmen (44,6%), journalists (39,6%), politicians (23,2%), and public servants (24,9%) received. It also turned out that the level of trust in GONGOs is even higher (29,2%) than in independent CSOs (24,6%), which is a worrying fact. Another 2017 survey found out that although 25,5% of Belarusians are aware of CSO activity, 80% did not participate in them. Data shows that the types of CSOs most known to Belarusians are trade unions and youth and sports organizations.¹²²

Belarusian CSOs have developed considerable visibility in print and online media, maintaining a fairly active social media presence, and regularly organize public events. Experts from think tanks and other types of CSOs are regularly invited to give commentary or participate in TV programs. The larger interest in civic activity cannot be attributed solely to the repeal of the criminal liability for activities in the name of non-registered CSOs. Furthermore, this development may have played

¹²⁰ Report, p.40.

¹²¹ Interview with Yury Chavusau.

¹²² CSO Sustainability Index report, p. 46.

only a minor role given that many newbies in civic sector were not aware of repressive legislation before the repeal took place and remain unaware of administrative liability which is in place at present.

As of late 2017 twelve Belarusian CSOs (not GONGOs) had over 10,000 subscribers on social networks. Among those five are cultural CSOs, two represent human rights sector, the rest are youth and environmental CSOs, one trade union, a fund-raising platform, and a voluntary movement for searching of missing people “Angel”, the latter is leading in terms of subscribers (145,000). An increasing number of national print and online media publish stories about CSOs’ activities.¹²³ Internet-based petition platforms have lately become a rather important channel for public efforts to influence state bodies. These are mostly individual public initiatives at Petitions.by, however, Belarusian CSOs mostly made use of them to promote their cause at Zvarot.by, an interviewed core member of Zvarot.by Internet-based petition platform said.

Conclusion

This study aimed to give a brief overview of CSOs’ activities in Belarus and the latest trends in various aspects of CSOs’ functioning. It is based on analysis of official documents, specialized reports, and deep interviews with a number of leading experts, practitioners, and civil activists.

Despite the fact the situation of civil society organizations in Belarus remains very difficult, one cannot say that it has worsened over the last years from the legal point of view. On the contrary, some positive developments have taken place lately in this regard. Most notably, article 193.1 of the Criminal Code criminalizing the activities of non-registered organizations was repealed in late 2018. Even more importantly, state authorities softened their control over civil society in recent years, which gave CSOs some more space even in the absence of meaningful sustainable legal liberalization. It has to be stressed, though, that the risk of a further deterioration in the situation cannot be excluded.

The change of the EU support paradigm in 2015 resulted in the situation when GONGOs are increasingly favored at the expense of independent NGOs. This turn sidelined independent CSOs in many sectors and undermined efforts to genuinely promote good governance and the rule of law instead of favoring window-dressing on behalf of state authorities and GONGOs. Increased efforts to raise money from local sources, including the public and businesses, are a well-marked trend when it comes to CSOs’ financial viability.

Whereas the Legal Environment sub index has the lowest rating among all in the CSO Sustainability Index for Belarus, Organizational Capacity is its strongest dimension. Although in recent years civil society actors are more often involved in various state consultative forums than

¹²³ Ibid, p. 45.

was true before, their opinions are normally disregarded and their participation is often seen by state bodies as purely nominal. When it comes to public perception of CSOs, it is largely positive or neutral. However, surveys indicate that GONGOs enjoy an ever higher level of trust among Belarusians than independent CSOs.

Policy Recommendations to the Belarusian authorities

This study reiterates recommendations which have previously been made by the civil society actors, experts and practitioners.

To make national legislation regulating CSOs functioning congruent with the best international standards as proposed by authoritative practitioners and international actors. This would include facilitation of CSOs registration procedures, implementation of concrete measures to ensure genuine freedom of association, inter alia by abolishing all restrictions on activity of unregistered CSOs, the removal of the ban for CSOs to have legal address in private residential houses, etc.

To remove excessive limitations on access to funding and improve legislation regulating financial activities of CSOs, among other things through the consideration of best practices in the V4/EU countries and specific measures proposed by domestic experts (see, inter alia, here)¹²⁴

To end state favoritism of GONGOs and other organizations loyal to the state when it comes to receiving funding from the budget, assignment of social contracts, etc.

To facilitate the participation of CSOs in public decision-making processes in a transparent, impartial and non-discriminatory manner as specified, inter alia, in the OSCE Recommendations in Enhancing the Participation of Associations in Public Decision-Making Processes.¹²⁵

¹²⁴ Aksana Shelest, Andrei Yahorau, and Volha Smalianka. Civil society in Belarus: the present situation and development conditions [in Russian]. Minsk, 2018, pp. 102-104.

¹²⁵ Recommendations on enhancing the participation of associations in public decision-making processes. PC.SHDM.NGO/11/15, April 2015. Available at <https://www.osce.org/pc/151631?download=true>

Legal framework and current environment of civil society organisations operation – Case Study Poland

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General assessment of the current Civil Society environment

The conditions of Polish civil society organisations' (CSOs) can be generally evaluated as relatively positive, especially when we compare the situation of Poland with other countries in Central Eastern Europe. According to USAID's CSO Sustainability Index report from 8 analysed countries in the region, only Estonia has a higher score (2.1) than Poland (2.3)¹²⁶. However, it has to be noted that the latter's country indicator has systematically deteriorated over recent years. The condition of Polish CSOs' sector may be indicated by the scale of their functioning – as of the end of 2018, approximately 26,000 foundations and 117,000 associations (including 17,000 voluntary fire brigades) were registered in Poland¹²⁷. However, it is estimated that only about 65% of registered organizations, or about 95,000 associations and foundations, are active. There are also about 50,000 other entities in Poland that can be considered part of the broadly defined non-governmental sector¹²⁸. These include, among others, hunting clubs, trade unions, social cooperatives, employers' organizations, rural housewives' circles, farm circles, craft guilds, church institutions, and, even under certain conditions, political parties. However, in this report our main focus will be the latter officially registered organisations.

When considering the position of CSOs in Poland it is observed that their situation has worsened after a conservative populist party, Law and Justice (PiS), rose to power in late autumn 2015¹²⁹. The ruling party's activities and policies have had a negative influence, especially on the organizations that obtain some financial support from abroad and the ones dealing with matters not in-line with the government's agenda. The situation worsened particularly for CSOs working on different minorities' rights (including women, LGBTQ, and ethnic minorities), antidiscrimination, migrants and refugees support, and environmental protection, as well as watchdogs. The government's reluctance to financially support this part of the third sector was strengthened by a limitation of access to EU funds caused by prolonged starting procedures in the main competitions that occurred through 2016. In the meantime, chosen CSOs have met with strong smear campaigns in public and government-friendly media, undermining their social perception and playing on the low level of public trust in such organizations, persistent within Polish society. In this way the Polish civic sector has been brought into the middle of the heated political dispute observed in Poland over the last years.

One of the reasons that created a fertile ground for such a situation in Poland is the model of formalised civil society developed after the country went through a socio-political transformation starting in 1989. Conditions related to the establishment of the civic sector in Poland have made it

¹²⁶ See: *2017 Civil Society Organization (CSO) Sustainability Index for Central and Eastern Europe and Eurasia*, USAID/ICNL/FHI360, Washington 2018, accessible at <https://www.usaid.gov/europe-urasia-civil-society>.

¹²⁷ See: <https://stat.gov.pl/obszary-tematyczne/gospodarka-spoleczna-wolontariat/>.

¹²⁸ See: Charycka, B., Gumkowska, M. (2019), *Kondycja sektora organizacji pozarządowych 2018*, Klon/Jawor Association, Warsaw, accessible at <https://api.ngo.pl/media/get/108904>.

¹²⁹ See: Pazderski, F. (2017), *CSO Sustainability Index 2016: Poland*, in *The 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, USAID, Washington, accessible at <https://www.usaid.gov/europe-urasia-civil-society>.

more fragile. It has also downgraded the sustainability of Polish CSOs. Additionally, there are some processes within Polish society that have established a favourable condition for adopting policies affecting the operation of CSOs by populist or neo-authoritarian politicians. We will try elaborate on them in this analysis, while its main aim will be to present general conditions of CSOs' operation in Poland.

Legal Climate and trends in legal framework development after 1989

The civil sector in Poland, in its current shape, has been developed alongside the political transformation of the country. Thus, the events of 1989 and the following years incited the evolution of civil society and the dynamic development of the non-governmental sector. The first law regulating a mode of operation of one of the main legal forms constituting civil society in Poland was adopted already in 1984 (a Law on Foundations)¹³⁰. However, it was not until 1989, when new developments and a real boost of the sector came, brought on by activists from the anti-communistic opposition movement. The opposition movement was organized in the Civic Committees and was created in June 1989 as a continuation of the 'Solidarity' movement, winning the first (still not fully democratic) elections. As being committed to further democratization of the country, they proposed and adopted a new bill in the same year, a Law on Associations¹³¹. This act was crucial for the development of CSOs in Poland and triggered the creation of almost 23,000 associations in the first years after its adoption¹³².

In the following years, the pace of institutionalized civil society construction in Poland was kept, especially "owing to extensive financing and know-how provided by the western, mainly North American rich foundations, such as Ford Foundation or Rockefeller Brothers' Foundation"¹³³. The other feature of this phase of the sector's development was the fact that "the state would not intervene in the situation of the third sector, leaving it mostly to itself"¹³⁴. As a result, Polish civil society developed throughout the 1990s with only minor legal modifications of the regulations regarding it¹³⁵.

¹³⁰ Law on Foundations of 6 April 1984 (Dz. U. of 1991 No 46, item 203), English translation accessible at <https://www.legislationline.org/documents/action/popup/id/4592>.

¹³¹ Law on Associations of 7 April 1989 (Dz.U. 1989 nr 20 poz. 104), English translation accessible at <https://www.legislationline.org/documents/action/popup/id/4587>.

¹³² See more at: Juros A., Leś E., Nałęcz S., Rybka I. Rymśza M. Wygnański J. J. (2004), *From Solidarity to Subsidiarity: The Nonprofit Sektor in Poland*, [in:] Zimmer A. Eckhard P. (eds.) "Future of Civil Society. Making Central European Nonprofit-Organizations Work", Leske und Budrich.

¹³³ Makowski G. (2012), *An 'empty shell'. The condition of Polish civil society in the light of available research and quantitative analyses*, Instytut Spraw Publicznych, Warsaw [electronic, unpublished document possessed by the author], p.45.

¹³⁴ Gliński P. (2003), *Sektor obywatelski w słabej demokracji*, [in:] Deniszczuk M., Supińska J. (eds.), „Polska po przejściach. Barometr społeczno-ekonomiczny”, Stowarzyszenie Studiów i Inicjatyw Społecznych, Warsaw.

¹³⁵ Makowski G. (2008), *Nowe płaszczyzny dialogu obywatelskiego między władzą i organizacjami pozarządowymi w Polsce*, [in:] Makowski G., Schimanek T. (eds.), „Organizacje pozarządowe i władza publiczna. Drogi do partnerstwa”, Institute of Public Affairs, Warszawa.

In the late 1990s, the backbone for Polish CSOs' operation was enshrined in the Constitution of the Republic of Poland, adopted in 1997¹³⁶. It guarantees the basic right of unrestricted activity to various social organisations, from political parties and trade unions, through foundations and associations, to social movements and other voluntary associations. In addition, its preamble conveys another rule that is important for civil society - the principle of subsidiarity, which gives the priority to decide on the mode of their existence and decide other public matters to the smallest possible social circles - families, communities and citizens' associations. On the other hand, it obliges the state administration to assist these social structures in their activities. The subsidiarity rule has greatly influenced the legal framework related to the CSOs activity, as is detailed below.

The remaining basic elements of the framework for third sector activity are formed by the already mentioned laws on associations and foundations. The first of these bills regulates the rules of establishing and functioning of the two basic types of associations – regular and registered ones. The former ones are small entities that can be established by at least three natural persons and are required only to notify the local authorities about the fact of their existence. On the contrary, the latter associations have a duty to register in a special court and must be composed of at least seven members (since the amendment of the Act on Associations that entered into force in May 2015¹³⁷). They are rather formalized, having statutory organs, a professional accounting system, legal identity and the right to conduct economic activity (whose profit is free from taxation as long as it is intended for statutory objectives). Possessing a full legal identity enables them to apply for grants from other organisations or public administrations, lead economic activity and take up other obligations, whereas the regular associations, since May 2015, are only allowed to finance their activities from membership fees or grants from public institutions¹³⁸ and cannot lead economic activity. In order to establish a regular associations three natural persons are needed to adopt the rules of the association's activity and submit a request to the relevant authority to include the new entity into the register of associations.

The second from the mentioned bills, the Law on Foundations, establishes the modes for operation of the second main type of CSOs - foundations. Its main characteristic is related to the fact that its core is not related to the people who make them up (as it is with the associations), but the certain amount of money that was put together to pursue a socially or economically useful aim. Foundations also operate in a formalised manner, similar to many associations. Both types of mentioned CSOs fall under the supervision of local (associations) or central (foundations) administration.

A new opening for Polish CSOs' operation framework came with the beginning of the 21st century. Initially, some serious signs of stagnation were observed, as the process of dynamic third sector development had slowed down by the end of the 1990s and those already existing CSOs became

¹³⁶ The Constitution of the Republic of Poland of 2nd April, 1997 (Dz. U. no. 78, item 483), official English translation accessible at <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

¹³⁷ Ustawa z dnia 25 września 2015 r. o zmianie ustawy – Prawo o stowarzyszeniach oraz niektórych innych ustaw (Dz.U. 2015 poz. 1923).

¹³⁸ What has been introduced by the abovementioned amendment to the act on associations from 2015 (as regular associations could not incur any obligations before) - largest modification of this law since its introduction in 1989.

estranged from their social milieus¹³⁹. In addition, after the year 2000, it was quite clear due to the economic development and political processes that were going on that Poland would finally enter the European Union. Due to this, American donors were gradually stepping back from financially supporting Central-Eastern Europe. This pushed civic sector representatives to work out new, more sustainable means of securing financial resources for the sector. Firstly, one of the solutions and a major hope was in the upcoming European funds, a hope which appeared to be wrong a few years later. European funds have substituted previous American funding only to a minor extent. Secondly, there were endeavours taken up aiming to establish the mechanisms of stable relationships and cooperation with the public sector, perceived as a strong partner and a source of a large amount of funding. This was joined by the EU-accession procedures, which “forced the decision-makers to acknowledge the matter of civil society and the problems of the third sector”¹⁴⁰ as well as to perceive CSOs as a useful partner. In April 2003, the new Law on the Public Benefit Activity and Volunteer Work was adopted¹⁴¹, becoming a milestone regulating the relationship between the public administration and CSOs, especially at the level of local government. It has established a new area of public benefit work in which CSOs could be involved and, in return, could receive public funding from central or local administration bodies. According to this law both associations and foundations may acquire the special status of Public Benefit Organisation (OPP). The Act also provides for another important source of CSOs funding – allocation of a part of income tax paid annually by each Pole (the so-called 1% tax mechanism) that organizations with OPP status can use.

The latest developments in the framework of CSOs operation in Poland are related to establishing the National Freedom Institute - National Center for Civil Society Development (NCRSO) in 2017¹⁴². It is a government agency reporting directly to the prime minister with a role to distribute all public funds dedicated to civil society development and control CSOs operation, thereby centralizing government supervision over the sector. Centralising so many powers in a single authority was one of the reasons for criticism of this body’s creation, expressed by inter alia Polish Helsinki Committee¹⁴³, the Polish Ombudsman¹⁴⁴, as well as OSCE Office for Democratic Institutions and Human Rights (the latter one was based on a draft law from August 2017)¹⁴⁵. Some other aspects of this legislation that were criticized included the composition of the Institute’s governing and advisory bodies, which included a very limited

¹³⁹ Juros A., E. Leś, S. Nałęcz, I. Rybka, M. Rymśza, J.J. Wygnański, (2004), *From Solidarity to Subsidiarity: The Non-profit Sektor in Poland*, in *Future of Civil Society. Making Central European Non-profit-Organizations Work*. Edited by A. Zimmer and P. Eckhard Leske und Budrich.

¹⁴⁰ Makowski, G. 2012a. *An ‘empty shell’. The condition of Polish civil society in the light of available research and quantitative analyses*, Warsaw: Instytut Spraw Publicznych [an electronic, unpublished document possessed by the author], p. 5.

¹⁴¹ Law on Public Benefit Activity and Volunteer Work of April 24, 2003 (Dz.U. 2003 No. 96 item 873), accessible at <http://www.ekonomiaspoleczna.gov.pl/download/files/Biblioteka/Nowela%20ang.pdf>.

¹⁴² The Act on the National Freedom Institute – Centre for Civil Society Development of September 15, 2017 (Dz. U. 2017 item 1909 and 2371).

¹⁴³ See at www.hfhr.pl/en/national-freedom-institute-act-helsinki-committee-in-poland-issues-statement/.

¹⁴⁴ See at <https://www.rpo.gov.pl/en/content/commissioner-presented-his-opinions-government-bill-national-freedom-institute%E2%80%93centre-civil-society>.

¹⁴⁵ OSCE ODIHR, Opinion on the draft Act of Poland on the National Freedom Institute - Centre for the Development of Civil Society, NGO-POL/303/2017, Warsaw, 22 August 2017, accessible at <https://www.osce.org/odihr/336551>.

role for CSOs' representatives, and making this institution dependent on the central government, as well as adopting this act after a mere façade of a consultation process, without answering most of the serious concerns raised by various CSOs. Alongside the National Freedom Institute, the Committee for Public Benefit, a government body responsible for coordinating ministerial policies related to public benefit organizations, was established in late 2017¹⁴⁶. It is an inter-ministerial coordination body, advising the Prime Ministry on issues related to civil society operation and is headed by the Deputy Prime Minister dealing with culture and national heritage.

Financial viability of CSOs

To understand better the structural circumstances for Polish CSOs' operation, we need to consider its financial conditions that are interlinked with the systemic solutions governing their work in the country. When it comes to the role of different sources of financing the Polish third sector's operation, the picture drawn from the Klon/Jawor Association research¹⁴⁷ might be evaluated as relatively positive. In 2017 (the latest full financing year for which data is available) the largest part of Polish organisations used membership fees (63%; it was 60% in 2014), but they are of a rather small amount and usually do not provide significant revenue (they constituted ca. 3% of the total amount of the sector's revenues). Taking second place on the list of the most used sources of CSOs' funding there is a local administration (61%; 55% in 2014). Then, follows private donations (50%; the same in 2014), institutional and business donations (36%; 35% in 2014), 1% tax mechanism (25%; 23% in 2014), central administration / government (20%; 18% in 2014), statutory paid activity - charging fees for services to earn income that supports statutory activities (18%, 11% in 2014), bank interests (13%; the same in 2014), support from national CSOs (12%; 11% in 2014), European Union (11%; 18% in 2014), income from public collections (10%; the same in 2014) and economic activity (7%; the same in 2014). All of them are followed by other sources of a minor role. These figures show how CSOs use different sources of financing.

One interesting feature of the Polish third sector's operation is shown by the share of revenues collected by CSOs from different sources as compared to the total amount of the sector's revenues. As data covering 2017 full reporting year shows the largest amounts of funding accessed by Polish associations and foundations is public – it comes from either the European Union, local or central administration. All these sources combined make up as much as 53% (the same as it was in 2014) of the generalized budget of all civil society organizations. Only for comparison can be given ^{the} share of revenues coming from statutory paid activity (10%), public collections and private donations (7% each) and ^{economic activity (5%)}¹⁴⁸. If we take the latter source of funding and combine it with the statutory paid activity we can observe that funds accumulated as a result of selling products or services have a rather minimal role in Polish CSOs' budgets. Other sources of funding also form a relatively small part of all assets gathered in the sector. As a result, we may observe that Polish CSOs are relatively dependent on public funds. If these were to dry up, many organisations would have problems in replacing them.

¹⁴⁶ Pazderski, F. (forthcoming), *CSO Sustainability Index 2018: Poland*, in *The 2019 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, USAID, Washington.

¹⁴⁷ Charycka, B., Gumkowska, M. (2019), *op. cit.*, p. 40.

¹⁴⁸ *Ibidem*, p. 43.

This feature of CSOs' financing creates good conditions for the authorities that would like to try to control CSOs' operation, enabling them to shut off the money supply to the CSOs that are critical of the government's activities or that work for aims that are against this government's policy goals. This development can be observed to a certain extent in Poland currently, where CSOs focused on equality, immigration, and refugee issues have decreased access to public funding, while groups declaring conformity with the ideological direction of the government (e.g. promoting Christian and national or patriotic values) received more funding during the year¹⁴⁹. While the regulations for funding competitions are theoretically transparent, they are applied inconsistently, allowing for discretionary decision making. For example, Association - Economics Science Society SENS received funding through the competition Support for Universities of the Third Age, even though it had only existed for eighteen days and experience in project implementation was one of the selection criteria¹⁵⁰. Moreover, the organization's board includes several people related to the PiS coalition. The Justice Fund run by the Ministry of Justice awarded grants for post-penitentiary assistance to several CSOs that lacked relevant experience, but had openly declared that their activities were based on Christian values¹⁵¹. The National Fund for Environmental Protection required that as a pre-condition for award, applicants must submit a positive recommendation from the Ministry of Environment and Chief Inspector of Environmental Protection¹⁵². There have been many complaints about the transparency of funding procedures over the past three years. According to a report of the National Federation of Polish NGOs (OFOP, <https://ofop.eu/about-us>), between November 2015 and November 2018, sixty violations of the principles of subsidiarity and partnership in cooperation with CSOs were identified in twenty-one ministries¹⁵³.

In line with these events we can review the activities of the abovementioned National Freedom Institute (NCRSO). Recently, it has launched new programs aiming to support civil society. However, the guidelines developed for these programs are problematic, allowing room for arbitrary decisions in the allocation of public funds (although each project proposal is evaluated by two external experts, final decision on granting funds is taken discretionally by the NCRSO's director). Although public consultations were formally held on the guidelines, the government failed to address any of the critical remarks submitted by CSOs. Given the government's practice of providing more financial support to organizations that support its agenda, CSOs are concerned that the funds from these new programs will not be equally accessible to the entire sector¹⁵⁴.

¹⁴⁹ Pazderski, F. (forthcoming), *CSO Sustainability Index 2018: Poland*, op. cit.

¹⁵⁰ See more at <https://repozytorium.ofop.eu/mnisw-w-konkursie-wsparcie-uniwersytetow-trzeciego-wieku-dofinansowany-zostaje-wniosek-stowarzyszenia-istniejacego-18-dni-czesc-punktow-przyznano-za-doswiadczenie-w-realizacji-proj/>.

¹⁵¹ See more at <https://repozytorium.ofop.eu/?s=fundusz+sprawiedliwo%C5%9Bci&submit=Search>.

¹⁵² See more at <https://repozytorium.ofop.eu/?s=Fundusz+Ochrony+%C5%9Arodowiska&submit=Search>.

¹⁵³ See: Polubicka K., Kielbiowska K., Gąsiorowska A. (2018), *Raport z Repozytorium Ogólnopolskiej Federacji Organizacji Pozarządowych. Zestawienie udokumentowanych przypadków naruszenia zasad współpracy ministerstw z organizacjami pozarządowymi w okresie XI 2015–XI 2018* [Report from the Repository of the Polish Federation of NGOs. List of documented violations of the principles of cooperation between ministries and non-governmental organizations in the period of XI 2015 - XI 2018], OFOP, Warszawa, accessible at <https://repozytorium.ofop.eu/statystyki-i-analizy/>.

¹⁵⁴ Pazderski, F. (forthcoming), *CSO Sustainability Index 2018: Poland*, op. cit.

Recently announced results of one of the main new programmes run by the NCRSO - Civic Organizations Development Program (PROO) - show that these fears are justified. In the priority dedicated to providing CSOs' core funding for their operation, the National Freedom Institute has awarded funding not only to numerous Catholic church organizational units (parishes and archdioceses) around the country (16% of grants). Funded were also the organisations openly propagating far-right views and sometimes even not refraining from using violence in public life (12% of grants).¹⁵⁵ The latter situation is a case of Podlaski Instytut Rzeczypospolitej Suwerennej / Podlasie Institute of the Sovereign Republic, an entity responsible for organizing annually the Independence March in the city of Białystok on the 11th of November and gathering people with nationalist views. Recently, it was responsible for counter-manifestations against the Equality Parade held in the city of Białystok (Eastern Poland) in July 2019. These events ended with very aggressive verbal and physical attacks carried out by participants of the counter-manifestation on people marching in the parade and even on bystanding city dwellers. Now the same Institute received an abovementioned public subsidy for activities for 3 years in the highest possible amount awarded in this competition (it is 700,000 PLN that equals to ca. 162 790 EUR, which was granted to only 14 entities out of 154 from all around the country).

Obviously, dependence on public funds is not an issue for all CSOs to the same level. The CSOs' sector is very diverse in terms of size of annual income. In 2017 the annual income of 30% of CSOs was below 10,000 PLN (ca. 2,325 EUR) and 11% had an annual income smaller than 1,000 PLN (232 EUR). Under no circumstances can we say that the Polish civic sector is rich - 73% of CSOs had annual budgets below 100,000 PLN (ca. 23,255 USD). Additionally, the average revenue of an organisation in 2017 (similar to previous years) varied widely depending on its seniority (the longer a CSO has been active, the higher the revenues), the size of the town where the CSO is established (revenues are higher in larger cities) and the thematic area of the CSO's work. When the latter aspect is concerned, the highest average income belongs to CSOs dealing primarily with health protection and social assistance/welfare¹⁵⁶. Thus, the third sector in Poland is rather fragmented, which merits the observation that there is nothing like a single third sector in Poland.¹⁵⁷

There are no legal obstacles for Polish CSOs access to foreign funding. However there have been some administrative decisions taken that limited this access to part of the CSOs, which were denied access to some funds granted by the European Commission. For example, the government moved responsibility for the Asylum, Migration and Integration Fund (FAMI) that integrates newcomers into EU member states to the voivodship level, where funds are now spent directly by the provincial governors. Instead of distributing at least part of them on the central level to the CSOs having years of experience of work with immigrants. This put many of them in a difficult

¹⁵⁵ It has to be noted that amongst associations and foundations that received grants in the same competition there are also many not controversial ones, i.e. working on education, social assistance, humanitarian aid or infrastructural organizations supporting other CSOs – see results of this programme at <https://niw.gov.pl/wyniki-oceny-wnioskow-pelnych-w-priorytecie-la-proo/>.

¹⁵⁶ Charycka, B., Gumkowska, M. (2019), *op. cit.*, p. 38.

¹⁵⁷ Pazderski, F. (2017), *Poland: Expecting Negative Trends*, in *2016 Report on the State of Civil Society in the EU and Russia*, edited by E. Belokurova, EU-Russia Civil Society Forum, Berlin, p. 89.

financial position.¹⁵⁸ The government continued its dispute with Norwegian counterparts over the establishment of the new round of the European Economic Area (EEA) and Norway Grants, what includes both national and regional strands of support. When an independent consortium of Polish CSOs (consisting of Stefan Batory Foundation and other partners) was finally selected to implement the national strand of these funds in late October 2018, the Polish government threatened to not recognize this decision. The funds that were to be launched in fall of 2018 have been postponed at least another year, most likely until after the 2019 parliamentary elections. It is in the government's interest as the funds will finance activities that do not fit into its agenda, including democratic development, public participation, anti-discrimination and promotion of equal opportunities. Moreover, the operator for the regional strand of support under the EEA and Norway Grants has yet to be selected, and the government continues to push for the NCRSO to play this role (what is opposed by Norwegian counterparts).¹⁵⁹

CSOs in Poland increasingly engage in fundraising initiatives, including crowdfunding for social or cultural initiatives and public collections. However, according to latest Klon/Jawor's research cited above, public collections and private donations constitute just 7% of Polish CSOs' generalised budget. In response, local CSOs have begun to organize more charity events for their local communities and introduce new forms of fundraising, like giving circles and double challenges.¹⁶⁰ These efforts have translated into the visible reversal of the trend – beginning from the last few years the decrease in the level of private donations stopped and several CSOs observed significant increases in the level of private donations. The latest example is what happened to the Campaign Against Homophobia after the events related to violent attacks on the participants of the Equality Parade in Białystok in July 2019. According to this association's managers, in a few days this CSO has obtained an amount which it normally collected in half a year.

In addition, more CSOs are asking individuals for donations and tax allocations from the 1 percent income tax mechanism, which has already had some positive results. The 1 percent tax collection for 2017 (the results of which were announced in mid-2018) was the largest ever, with Poles donating PLN 761.3 million (approximately 177 million EUR), almost PLN 100 million more than in the previous year. There were also a half million more contributors, with more than 14 million people (over half of all taxpayers) taking advantage of the 1 percent mechanism. Also notable was the fact that several CSOs focused on democratic governance and the rule of law collected significant amounts through this mechanism. For example, the Civic Fund run by the Foundation for Poland (www.funduszobywatelski.pl) and Stefan Batory Foundation (www.batory.org.pl/en) each collected more than PLN 1,000,000 (approximately 232,558 EUR). Watchdog CSOs such as Citizens Network Watchdog Poland (<https://siecobywatelska.pl/?lang=en>) and Panoptikon Foundation (<https://en.panoptikon.org/>) collected between PLN 140,000 and 350,000 (approximately 32,558 to 81,395 EUR). It all may prove that something might have changed in

¹⁵⁸ Klaus W., Ostaszewska-Żuk E., and Szczepanik M. (2017), *Fundusze europejskie i ich rola we wspieraniu integracji cudzoziemców w polsce* [European funds and their role in supporting the foreigners integration in Poland], Helsinki Foundation for Human Rights, Warszawa, accessible at http://www.hfhr.pl/wp-content/uploads/2017/09/raport_po-FAMI_net.pdf.

¹⁵⁹ Pazderski, F. (forthcoming), *CSO Sustainability Index 2018: Poland*, op. cit.

¹⁶⁰ Pazderski, F. (forthcoming), *CSO Sustainability Index 2018: Poland*, op. cit.

people perception regarding CSOs themselves and the need to support them, also financially. Since crowdfunding and public money collections provide more and more resources, maybe we can finally start overcoming the weakness of private philanthropy in Poland? We will try to come back to this issue below.

Organizational capacity of CSOs

When we look at what Polish CSOs are doing, we need to distinguish between the main area of their operation and other kinds of activities that they take up. The reason for this is the fact that most CSOs are committed to different areas of works, as being involved in as many fields as possible is a strategy to increase the chances of gaining various sources of funding. Regular research on the sector's condition, which is conducted by the Klon / Jawor Association, shows that for years the main field of Polish CSOs' activity has been sport, tourism, recreation and hobby. It hasn't changed too much, even though it's role is slowly decreasing from 39% CSOs involved in this way in 2004, to 35% in 2017. Also, the following two positions haven't changed: art and culture is the second most popular area of CSOs' work (14%) and education and upbringing rank third (13%). The following places are occupied by health care (8%), social services and social assistance (7%), and local development (6%).¹⁶¹

More worrying may be the fact that the number of people actively involved in CSOs is shrinking. In 2018 the average association had thirty members, the same number as reported in the previous report issued in 2015. However, the number of active members decreased from fifteen in 2015 to ten in 2018.¹⁶² According to the same survey, the number of CSOs that engage volunteers has increased by 2% over the last three years, up to 63% in 2018. However, the number of volunteers that an average CSO cooperates with decreased from ten in 2015 to six in 2018.¹⁶³ At the same time, a survey by the Public Opinion Research Center (CBOS) from February 2018 found that two-fifths (40%) of respondents reported that they devote some of their free time to at least one civic organization, including informal groupings (in the research very broad category was adopted that far exceeds formal associations and foundations), an increase of 3% since 2016. According to the same research there are also 23% of Poles who were involved in voluntary activities for their own community or people in need outside of any organisations (16% of Poles were involved in both of these kinds of social activities). It all may indicate that the growing social energy of Poles is not being channelled into formal organizations.¹⁶⁴

On the other hand, the number of Poles declaring being involved in volunteering within last 12 months remains unchanged during last years (generally speaking and considering a bit different research methodology adopted by particular research institutions). It constitutes ca. 20% of adult Poles declaring "engagement in volunteer and nonpaid work on behalf of their local community,

¹⁶¹ Charycka, B., Gumkowska, M. (2019), *op. cit.*, p. 11.

¹⁶² *Ibidem*, p. 21.

¹⁶³ *Ibidem*, p. 26.

¹⁶⁴ Buguszewski R. (2018), *Aktywność Polaków w organizacjach obywatelskich* [Poles activity in civic organizations], Public Opinion Research Center (CBOS) 29/2018, Warsaw, p. 3-6.

neighbours, village, city or people that need help” during last year in 2016,¹⁶⁵ or 19-20% admitting that they have engaged “in unpaid work for social organizations or informal groups” in 2015-2016¹⁶⁶.

However, it seems that the level of declared engagement in volunteering may be influenced by the understanding of the term “volunteering” or “doing something for others”. In addition, the numbers get much higher (up to 78%), when people are asked about informal volunteering (thus, doing something for others, for their local community, or natural environment without any assistance from NGOs). However, a majority of such people help their neighbours, friends, and family members (not living in the same household) only¹⁶⁷.

The capacity of CSOs’ operation in Poland is also influenced by how good employer organizations are. In order to evaluate this factor, general conditions of the labour market in the country have to be considered. Poland has seen a continuing drop in its unemployment rate and the strongest economic indicators in its history, making the labour market unfavourable for CSOs. Thus, organisations report diminishing interest in employment or apprenticeships in the sector, in part because working conditions in CSOs are difficult in comparison to other entities. According to Klon/Jawor, the average monthly salary of a person employed in a CSO is around PLN 3,000 (approximately 698 EUR). Earnings in CSOs over the last three years have not changed at all, while they have grown in other sectors of the economy, with average monthly gross wages and salaries in the country reaching PLN 4,272 (approximately 993 EUR) according to the Polish General Statistics Office. Only 37% of CSOs have permanent staff and an additional 27% occasionally outsource paid jobs. More than one third (36%) of organisations rely solely on social work without having any paid staff.¹⁶⁸ CSOs generally employ staff on a project basis, putting positions at risk when funding is not available. The unfavourable political environment and lack of future funding prospects exacerbates this problem. In addition, CSO employees often do work for which they are not paid, due to the shortage of resources. As a result of these conditions, employees with stronger qualifications often leave the CSO sector after gaining work experience.¹⁶⁹

Staffing problems are not limited to regular employees of particular CSOs. The average organization is governed by five people. In 59% of CSOs the current board consists mostly of the same people who held these positions in the previous term. Half of the positions in boards have been held by the same people since the organizations were founded. In 2018, the number of candidates did not exceed the number of positions

¹⁶⁵ Boguszewski R. (2016), *Potencjał społecznikowski oraz zaangażowanie w pracę społeczną* [Social work potential and involvement in social work], Public Opinion Research Center (CBOS) 15/2016, Warsaw, p. 10; Badora B. (2014), *Aktywność społeczna Polaków*, Public Opinion Research Center (CBOS), Warsaw, http://www.cbos.pl/SPISKOM.POL/2014/K_060_14.PDF.

¹⁶⁶ Klon / Jawor Association – different surveys from the years 2006 – 2015; See also another data on social activity surveyed without addressing to a word “volunteering” in: Walczak B., Pazderski F. (2015), *Spółcznicy, profesjonalni działacze czy obywatelscy malkontenci? Formalna i nieformalna aktywność społeczna Polaków w świetle badań ogólnopolskich*, [in:] Chimiak G., Iwińska K. (eds.), „Krajobraz społecznościowy – Polska 2014”, Collegium Civitas i Centrum Wspierania Aktywności Lokalnej CAL, Warszawa, p. 139-152.

¹⁶⁷ Makowski G. (2011), *Młody, bogaty, wykształcony, religijny – mit polskiego wolontariusza. Komunikat z badań*, BS/2011, CBOS, Warsaw; Badora B. (2014), *Aktywność społeczna Polaków*, op. cit., p. 4.

¹⁶⁸ Charycka, B., Gumkowska, M. (2019), *op. cit.*, p. 30-33.

¹⁶⁹ See: Pazderski, F. (forthcoming), *CSO Sustainability Index 2018: Poland*, op. cit.

available on boards in 75% of organizations, indicating that the number of people willing to engage in CSO governance is limited.¹⁷⁰

Some recent events have revealed additional problems related to civic organizations' work. Due to some irregularities in employment conditions revealed by a young associate of one Warsaw based foundation, a large debate on the working conditions of CSOs' staff broke out in autumn 2015¹⁷¹. At that time, employees of CSOs became more openly critical of the fact that they have only short-term, project-based contracts and are often forced to contribute free labour to their projects¹⁷². In September 2018 public opinion was hit by the news that the founder of one of the largest organizations helping poor people in Poland was accused of mobbing and ill-treatment by several employees of his association.¹⁷³ Although the latter case was at least partially related to the fact that this person is a priest, both of these developments could have contributed to downgrading the public image of civil society organisations and are symptoms of their structural weaknesses. Due to limited access to fixed sources of funding and the need to constantly search for money, CSOs' employees feel insecure and become frustrated with the large burden of work that is often not rewarded (i.e. they are payed only for implementing the projects, but must also write project proposals that quite often are not funded at the end). Additionally, this overlaps with the role of particular CSO leaders, who sometimes expect too much commitment from their employees to satisfy the shortages in the human resources their organizations face. Lack of staff management skills and traditional work culture also contribute to frustration in the sector.

Last but not least, we have to observe that formalized CSOs definitely do not cover the entire range of possible civic activities. This is especially true in the times of ICT technologies' development, where there is growing potential for individuals to become civic journalists and bloggers who monitor their local authorities and mobilise their local communities to act. This opportunity is increasingly being used – according to a research completed in February 2016, 7% of respondents (10% of people that use the Internet at least once a week) have written online on topics related to local issues and 6% (9% of the Internet users) on political issues¹⁷⁴. Additionally, for the last few years we can observe the growing importance of different social movements stepping into the public realm. This development probably started from informal urban movements and social movements for tenants' rights protection and grew to the massive protest movements that have

¹⁷⁰ Charycka, B., Gumkowska, M. (2019), *op. cit.*, p. 23-24.

¹⁷¹ Śmigiel, M. (2015), „Po wpisie na Facebooku zakończył pracę w Fundacji Bęc Zmiana. ‘Czy Gandhi też pracował na umowę o dzieło?’” [After posting on Facebook he finished working at the Bęc Zmiana Foundation. 'Did Gandhi also work on a contract for a work?'], „Gazeta Wyborcza”, 8.09.2015, <http://warszawa.wyborcza.pl/warszawa/1,34862,18739305,za-wpis-na-facebooku-stracil-prace-w-fundacji-bec-zmiana-czy.html>.

¹⁷² Pazderski, F. (2017), *CSO Sustainability Index 2016: Poland*, in: *The 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, Washington: USAID, accessible at <https://www.usaid.gov/europe-eurasia-civil-society>, p. 181.

¹⁷³ Schwertner, J. 2018, *Tutaj nie jestem księdzem. Jak się pracuje w Szlachetnej Paczce* [Here I am not a priest. How do you work in Szlachetna Paczka association], wiadomosci.onet.pl, https://wiadomosci.onet.pl/tylko-w-onychie/tutaj-nie-jestem-ksiedzem-jak-sie-pracuje-w-szlachetnej-paczce-reportaz-o-ks-jacku/jl3gflj?utm_source=google_viasg&utm_medium=cpc&utm_campaign=allonet_google_paid_n_rtm&srcc=ucs&utm_v=2.

¹⁷⁴ Roguska B. (2016), *Aktywność społeczno-polityczna Polaków. Komunikat z badań* [Social and political activity of Poles. Research report], CBOS 16/2016, Warsaw, p. 4.

developed since the last Parliamentary elections in autumn 2015. To picture the latter development we can give an example of the Black Protest/Women Strike - a women's movement protesting against attempts to tighten abortion laws¹⁷⁵, as well as the Committee for the Defence of Democracy, KOD.¹⁷⁶ Dozens of thousands of Poles also participated in the manifestation against the so-called common courts system reform (including modification of the Supreme Court structure and operation) around July 2017. However, we still cannot observe significant changes in the number of Poles taking part in striking or demonstrating. In the beginning of 2019 involvement in one of such activities during the previous year was reported by 6% of respondents. It is similar to the numbers for 2016 and 2017, but a bit larger than in 2015 and preceding years, when such involvement was reported by 3-4% of people.¹⁷⁷

All of these new ways in becoming active present some fresh trends - how Poles organise themselves in an informal way, instead of establishing their own CSOs or becoming involved in cooperation with already existing one. A possible explanation for this trend might be related to the rather bleak perception of CSOs in Polish society (see below). In addition, some people's reluctance to become engaged in CSOs' activities is also caused by too tight bureaucratic requirements related to their work, as declared by 80% of respondents involved in an informal social activity. Another reason is the burden of financial obligations, pointed out by 73% of informal social activists.¹⁷⁸ Therefore, the aforementioned trends reveal that there are some difficulties underlying the activities of the civic sector, as well as a need to re-connect this large social energy with the work of established CSOs.

Public perception of CSOs

In a country with such a history as Poland has, one cannot obviously forget about well-known legacies of the communist era (it is similar for other former members of the Soviet-block). We can find them in the destruction of social bonds and the low level of public trust¹⁷⁹, as well as negative attitudes towards voluntary work followed by a lack of participation in any collective initiatives¹⁸⁰. Perception of such engagement was downgraded due to its association with forced social engagement in communist society. This is also one of the reasons why measuring Poles' engagement must be related to using correct terms that distinguish civic activities from the

¹⁷⁵ See: Korolczuk E. (2017), *Czarne protesty 2016: skąd się wzięły i czego nas uczą?*, in: „Przebudzona rewolucja. Polityczna Akademia Kobiet 4”, ed. Agata Czarnacka, Fundacja Jarugi Nowackiej, pp.16; Kubisa J. (2017), *Defending Reproductive Rights in Poland*, „Global Dialogue”, vol. 7/1/March 2017, p. 30.

¹⁷⁶ See: Korolczuk E. (2017), *Spółeczeństwo obywatelskie w Polsce – kryzys czy nowe otwarcie?* [Civil society in Poland - a crisis or a new opening?], Warszawa: Instytut Studiów Zaawansowanych Krytyki Politycznej.

¹⁷⁷ Roguska B. (2019), *Aktywności i doświadczenia Polaków w 2018 roku* [Activities and experience of Poles in 2018], Public Opinion Research Center (CBOS) 20/2019, Warsaw, p. 5.

¹⁷⁸ Walczak B., Pazderski F. (2015), *Spółecznicy, profesjonalni działacze czy obywatelcy...*, op. cit., p. 158.

¹⁷⁹ Czapiński J. (2015), *Stan spółeczeństwa obywatelskiego. Diagnoza Spółeczna 2015, Warunki i Jakość Życia Polaków – Raport* [The condition of civil society. Social Diagnosis 2015, Conditions and Quality of Life of Poles - Report], *Contemporary Economics*, 9/4, 332-372. DOI:10.5709/ce.1897-9254.191, p. 351.

¹⁸⁰ Salamon L.M., Sokolowski S.W., et al. (2004), *Global Civil Society: Dimensions of the Nonprofit Sector*, Volume 2, Hopkins Comparative Nonprofit Sector Project. Bloomfield: Kumarian Press, p. 276-294.

communist past, but at the same time do not relate them to the activity understood in single action terms¹⁸¹.

These legacies of the past are at the same time one of the causes of the rather bleak perception of CSOs within Polish society. These organisations are seen primarily through the prism of those most present in the media - large foundations primarily engaged in conducting public money collections and helping people in need- creating a false image that most CSOs are responsible for the collection and management of large sums of money without transparent control over their spending¹⁸².

The way in which the CSO sector was established in Poland resulted in its particular drawbacks and created fertile soil for the events that have occurred after the change in the government at the end of 2015. Comparative research implemented in 7 countries of Central-Eastern Europe (CEE) in the project „Have our dreams come true?” (Institute of Public Affairs was one of the implementing partners) shows equally weak rooting of CSOs in local communities across the whole region - linked to the loss of contact with their social constituencies.¹⁸³ Such lack of rootedness enables the manipulation of public opinion against organizations that are presented as financed from "suspicious" foreign resources and which carry out activities that are described by political actors or some media as contrary to the national interest.

In such circumstances, at the end of 2016, under the new conservative and populist government a smear campaign in state controlled public media was launched. In the continuously shown material in the main news program, chosen CSOs (mostly foundations) were presented as related to the political opposition and misusing public funds for private purposes. This was joined by the prime minister and some other prominent representatives of the government declaring that CSOs in the country need stronger control, since public funds had been claimed to be used by some for political purposes.

As a result, the ruling party has taken up activities dividing CSOs into this "bad" (liberal) and "good" (conservative) dichotomy. This division was evident in the way the organizations were presented in the speeches of members of the ruling party, as well as in the distribution of public funds to CSOs as presented above. This situation has adversely affected organizations dealing with issues that do not fit into the conservative government's program, as well as those that benefit from support from abroad. In effect, CSOs possibilities to influence decision making processes through public consultation have been seriously downgraded, since some CSOs' comments are never considered and, in general, public consultation are rarely organised, even regarding the laws dealing with the most important constitutional matters.¹⁸⁴ In result, not only the public image of

¹⁸¹ Giza-Poleszczuk, A. (2017), *(Mis)understanding Social Activism in Poland*, in: “Civil Society Revisited. Lessons from Poland”, edited by K. Jacobsson and E. Korolczuk, New York/Oxford: Berghahn Books, p. 72-76.

¹⁸² Adamiak P. (2015), *Wizerunek organizacji pozarządowych Raport z badania*, Klon/Jawor Association, Warsaw, http://fakty.ngo.pl/files/civicpedia.pl/public/wizerunek/raport_wizerunek.pdf, p. 6-7.

¹⁸³ Makowski, G. (2012), *Czy spełniły się nasze sny? Wymarzony i realny pejzaż społeczeństw obywatelskich w Europie Środkowo-Wschodniej* [Have our dreams come true? The dreamed of and real landscape of civic societies in Central and Eastern Europe]. „Trzeci Sektor” No. 26/2012, p. 31-47.

¹⁸⁴ Pazderski, F. (2018), *CSO Sustainability Index 2017: Poland*, in *The 2017 CSO Sustainability Index for Central and Eastern Europe and Eurasia*. Washington: USAID. <https://www.usaid.gov/europe-eurasia-civil-society>.

CSOs has been threatened. Moreover, these organisations were deprived of the possibility of achieving one of the important goals of their existence - influencing the quality of new laws and public policies.

However, at least when considering the first of these developments, we already know that the events presented above did not necessarily combine to form only bad results. Actually, the smear campaigns aiming to undermine the perception of CSOs might have limited influence if they are met with clear counteraction. An opinion poll conducted on the representatives samples of all four Visegrad countries in August-September 2017 show that in the countries where people were exposed to smear campaigns and other activities aiming to dismantle the bounds rooting the CSOs in the society and defaming part of the CSOs sector, the perception of non-governmental non-profit organisations was visibly better than in the rest of the V4. Almost 60% of Poles and 58% of Hungarians declare having trust towards CSOs, which is a significantly larger share than in both the remaining Visegrad countries (see table 1 below).¹⁸⁵ Moreover, studies carried out after the smear campaigns were deployed have shown that people's awareness about the role of CSOs in democratic society has grown in Poland as compared to its previous state.¹⁸⁶

Table 1. Level of distrust towards public institutions compared for the V4 area (average results; scale: 1 – large trust, ..., 4 – large distrust)

	Level of distrust to public institutions (means)				
	V4	Czech Rep.	Slovakia	Poland	Hungary
Fireman	1,36	1,31	1,35	1,39	1,39
Police	2,4	2,2	2,6	2,3	2,4
Local authorities in your village/town	2,4	2,3	2,6	2,4	2,4
Non-governmental organisations	2,6	2,9	2,9	2,3	2,4
President	2,6	2,5	2,5	2,5	2,9
Courts	2,7	2,6	3,0	2,6	2,6
Public media (radio i TV)	2,7	2,5	2,3	3,0	3,0
European Commission	2,7	3,2	2,9	2,4	2,3
European Parliament	2,8	3,2	2,9	2,5	2,4
Church	3,0	3,3	3,0	2,9	2,9
Government	3,1	3,1	3,1	3,0	3,1
Parliament	3,1	3,1	3,1	3,1	3,2
Political parties	3,3	3,3	3,4	3,3	3,3

¹⁸⁵ Penno Hartlová, H., Z. Bútorová, V. Wessenauer, F. Pazderski (2018), *Citizenship empowerment: potential for civic participation in the Visegrad countries, 2017 & 2018*. Prague: STEM/IVO/Political Capital/IPA. <http://www.isp.org.pl/publikacje,1,955.html>, p. 28.

¹⁸⁶ Gumkowska, M. (2017), *Co Polacy myślą o organizacjach?* [What Poles think about organisations?]. Warsaw: Klon/Jawor Association, accessible at <http://radypozytku.ngo.pl/wiadomosc/2025314.html>.

Source: Civic participation in the Visegrad countries, 2017 & 2018, STEM/IVO/Political Capital/IPA.

There are several factors that can help us understand this data.¹⁸⁷ First, due to the public distrust in politics and representative institutions, inhabitants of both countries appear reluctant to accept the discourse produced by politicians. Second, from many different surveys we know that these societies are largely polarised. As a consequence, when CSOs were attacked by the ruling party and the media they control, the part of society that opposes the government stood stronger behind the attacked CSOs. Third, other actors in the public debate defended the attacked CSOs and explained their work to citizens in a fair manner. In the case of Poland this role was played by the private media, which was able to answer the accusations towards CSOs produced by public media.

Conclusion

The civil sector in Poland was developed according to the model taken from Western countries that came to the country together with mostly American donors. Part of it was the concept of subsidiarity, where CSOs are understood as intermediary bodies between authorities and society. In line with this model relevant sources of CSOs' funding were established over the years, including the concept of public benefit work, where organisations carry out public tasks for the authorities and in return receive public funds for these activities. However, the negative effect of such a solution was the dependence of Polish CSOs on public funds. They were often also forced to subordinate their activities to the purposes for which public funds were available. The negative impact of this situation was reinforced by the weakness of individual philanthropy in Poland and the general low level of public trust, a typical feature of post-communist societies. Moreover, many CSOs working as partners for public authorities have often forgotten about appropriate communication of their activities to their constituencies and members of communities where they operate, resulting in the poor social rooting of many CSOs. In result, they have not answered in more systemic way a need of strengthening their social bonds and better recognition in the society. Thus, the organizations could have been perceived as entities existing mainly to gain public funds. Moreover, since CSOs were competing with each other for the limited amount of public funding they have also refrained from broader cooperation with each other.

All these features of Polish CSOs presented in this analysis exposed them to the activities of hostile political actors, aiming to accumulate political capital at the CSOs' expense. In this respect, in the situation of Polish civic sector, even if it's relatively stronger, there is a number of similar trends to the Eastern Partnership countries. Thus, the work of CSOs in Poland was hindered by the new government that took office in late 2015. Following a dispute over the composition of the Constitutional Tribunal, the government - led by the conservative Law and Justice Party (PiS) - significantly decreased public dialogue with CSOs. Some civic dialogue bodies, e.g. Non-Governmental Organizations Council working next to the Ministry of Culture and National Heritage, were dissolved and the legislative process rarely included public consultations (what has

¹⁸⁷ The list based on: Pazderski F. (2018), *Understanding civil society's structural challenges in the Visegrád region to build trust. The Polish case*, "Activizenship", No. 3, accessible at <http://civic-forum.eu/publications-2>, p. 14-15.

been a significant downturn in relation to the situation under previous governments¹⁸⁸). At the same time, central authorities demonstrated various procedural irregularities in the granting of public funds in 2016 and onwards. Several calls were suspended or cancelled without explanation and a growing number of grant competitions of various ministries were won by organisations with little or no relevant experience over applicants with extensive relevant experience. Moreover, the negative attitude of the government towards part of CSOs has heightened concerns regarding future access to public funds and emphasized the importance of diversification of CSOs' sources of funding. This all was possible as democratic values in Poland have shallow roots, what gives politicians an opportunity to manipulate them.

As a result of the smear campaign against selected Polish CSOs, a new law has been announced providing a centralized system of administration over the civil society sector by establishing a new agency responsible directly before the prime minister and composed mostly of government representatives - the National Centre for Civil Society Development (which later added the name "National Freedom Institute"). This new entity has established new programmes dedicated to supporting civil society operation. However, the results already announced in some calls for proposals show disproportionate support provided for organizations favouring government policies. At the same time, CSOs operating in areas contrary to government policies, i.e. working on anti-discrimination, migrants support, women rights, LGBTQ, environmental protection or watchdogs, are faced with restricted access to public funding. At risk for some is their very existence.

On the other hand, in answer to such (political) difficulties, numerous Polish CSOs have undertaken several tactics that have already proved successful¹⁸⁹. This includes improving transparency of their work, making detailed self-reflection, as well as changing communication strategies and its language in order to enlarge participation and expand their constituencies. All these mechanisms not only enlarged rootedness of particular CSOs, but also enabled them to achieve a greater diversification of funding. The latter result includes growing private donations - an effect of CSOs more openly asking for financial donations and using crowdfunding mechanisms. There was another important strategy that has been taken up to counteract threats coming from the government and attacking a part of CSOs and thus enlarging sector's polarization. It is a change to more cooperation among CSOs, building several thematic coalitions and exchanging know-how. Probably the best example is a coalition of twenty-seven CSOs that organised in a participatory manner (also financing it collectively) a campaign called "Social Organizations - It works!", which aims to increase public recognition of the role of CSOs in society¹⁹⁰. All that enabled Polish CSOs to counteract some of their old deficiencies - being too dependent on public support, too detached from society and each other.

Obviously, we shouldn't downplay the negative results of smear campaigns and the government's showing a negative attitude towards chosen CSOs. At least part of the sector in Poland has already

¹⁸⁸ See: Obywatelskie Forum Legislacji (2018), *Legislacja bez dialogu* [Legislation without dialogue], Warszawa: Fundacja Batorego.

¹⁸⁹ For more on that see: Pazderski, F. (2017), *Poland: Expecting Negative Trends*, op. cit., p. 89-92.

¹⁹⁰ The campaign prepared a website (see: <http://www.todziala.org/>), web banners, videos, articles, and other viral materials highlighting various areas in which CSOs work for the benefit of society.

gone through difficult times. However, if there will be also numerous CSOs able to overcome the old drawbacks of the Polish Civic sector due to adopting new internal arrangements and innovative methods for CSOs' operations, the civil society in Poland (and other countries of the region) may still benefit from the current struggles. It can come out more sustainable than before by learning and prevailing over the situation it faces now. These experiences of Polish CSOs can also be useful for the organisations in other countries, including the Eastern Partnership area, where several drawbacks similar to those faced by Polish civil sector can be observed to a greater extent. Some solutions that have already been adopted by Polish CSOs can be recommended to be adopted in the EaP countries after adjusting them accordingly to the local needs.

On the other hand, CSOs in several EaP countries face similar problems as their Polish counterparts, but significantly longer. Thus, they also had more time to develop interesting strategies counteracting these difficulties. Moreover, they could also have experienced solutions that go further in limiting civic space than what organizations in Poland are facing now. These developments can show CSOs in Poland, what they still can expect to appear in the country, when the government (this one or any other in the future) of the country decide to go further with supporting only chosen part of the civic sector, at the same time fighting stronger the part with which worldviews it disagrees. So, also Polish CSOs have several important things to learn from EaP countries. This complex situation creates great opportunity for mutual learning in the region that should only be reinforced for the benefit of all our civil societies.

Policy Recommendations: Lessons that EaP CSOs can learn from Polish experiences

There are numerous lessons that can be learnt from Polish CSOs' operation framework:

- It is important to have sustainable sources of funding, especially those that are not limited to foreign donors that may lose their interest in supporting civil society in a particular country. It would be wise to use some of the funding that is already available to prepare for the times when this access to funding may be limited. Thus, some systemic solutions for diversified sources of CSOs' funding should be developed;
- One of the ideas how to generate additional sources of funding for CSOs within any particular country may be related to establishing systemic solutions enabling CSOs to cooperate with local administration bodies, benefiting also from the funds possessed by these authorities. Obviously for that independent local public administration authorities are needed, possessing own budgets for implementing certain public services;
- However, in the same time this system of cooperation between local administration and CSOs should be established in a way that does not make the CSOs dependent on public funds. Thus, they also should take care for diversification of sources of their funding;
- In order to reach such diversity it is important to work on private philanthropy – the healthiest CSOs' financing method is the one that is composed of various sources, like private donations, public funds and economic activity;
- To engage in economic activity people in CSOs need trainings enabling them to develop relevant skills, but obviously the pre-condition for such work is that the legal system does not impede CSOs conducting economic activity;

- To enlarge private support CSOs need to remember clear communication about their activities to respective societies in order to make them aware of what many organizations are doing on a daily basis and how they contribute to improving people's living conditions. CSOs need also to go beyond the largest cities, when the authorities and large business they are often oriented to cooperate with are located and speak with people living in smaller towns and rural areas. Gaining in this way a better understanding of the CSOs by the society will make more difficult for any smear campaigns to be launched by those in power later on;
- CSOs that face pressure from hostile authorities should remember that the most powerful strategy to counteract such threats is solidarity – so it is important to overcome any lack of trust between the CSOs themselves and other CSOs (also working in the areas that do not expose them to the government's attacks), showing support for the CSOs facing problems with authorities;
- Building thematic coalitions by CSOs can help in exchanging know-how and formulating stronger voice of the third sector towards the authorities;
- It is also important that CSOs remember about building relations with various partners, especially including independent media outlets. They can help in building public awareness on real conditions of CSOs work as well as on the benefits that their operation brings to society. If independent media are not available in the country (or their role is very limited) there is always internet and social media that can be used to disseminate information on CSOs' work. However, CSOs need also appropriate skills to conduct such communication activities that enable strengthening people attachment to the democratic values, while dismantling in the same time people fears, on which various authoritarian or populist politicians tend to play (or not fueling them). Again, it would be wise to use some the foreign funds available now to implement relevant projects.