

To: Mr. Massimo Mina, Team Leader, MFF, Programming and Comitology, DG NEAR A4

KCSF input for IPA III programme consultation

1. *Do you think that there are other priority areas or important elements that can still be included in the proposal of the IPA III programme?*

We appreciate the recognized importance of civil society within the IPA III programme demonstrated by both listing it as a specific priority under Window 1, and including civil society as one of the main cross-cutting elements of the entire IPA III programme. To further reflect this importance, we would like to see **more explicit mentioning of civil society also in Window 2, in particular related to the Public Administration Reform (PAR)**. Although primarily targeted towards government systems, experience has demonstrated that PAR can be successful only if there is local ownership on the reforms, and systematic inclusion of civil society is crucial to building and maintaining such ownership.

2. *Do you have any specific suggestions in relation to the preparation process of the strategic response by IPA III beneficiaries?*

Strategic response by IPA III beneficiaries is a great tool to reflect local ownership on EU reforms, including by ensuring an adequate understanding and response from the side of beneficiary country towards opportunities provided by IPA III programme. Yet, the previous experience has demonstrated that EU funds (including IPA I and IPA II) have been considered by the Western Balkans governments as technical, thus a monopoly of very specific and closed circles of decision-makers dealing with European Integration process. As such, the opportunity of these funds has not been maximized. To change this trend, and also to reflect the growing competence of civil society after two cycles of IPA funds throughout the region, **EU should condition the governments of beneficiary countries to consult external stakeholders (in particular civil society, but not only) when preparing the strategic response**. Civil society can contribute to both parts of the Strategic Response, but there is particular potential to contribute to the Part 2, specifically to the sections “Key thematic priorities” and “List of actions proposed (including draft Action Documents)”.

3. *Do you have any specific suggestions related to civil society support being reflected in the programming framework and what can be added or changed to increase that support?*

In the Regional Civil Society Forum held on 22nd and 23rd of January 2020 in Skopje, one participant mentioned the possibility of giving the governments authorizations to manage EU funds for civil society. A large number of civil society representatives reacted to this, listing tens of reasons of the danger coming from this idea. Yet, in the national consultative meeting in Kosovo held on 2nd of March 2020, such a possibility is repeated, same as in the workshop on rethinking the EU support to

local authorities and civil society in the Western Balkans, organized in Brussels on 5th of March 2020 by NALAS and BCSDN.

We would like to use this opportunity to repeat our **strong opposition to the possibility of giving the governments authorizations to manage EU funds for civil society**, due to a multitude of reasons making this shift of approach a danger rather than a contribution to the development of civil society. The main one is that all governments in the Western Balkans region are not known for a coherent, transparent and accountable way of managing public funds, and this is clearly stated in numerous reports of the EU, including Country Reports. While there might have been some improvements in specific parts of public funds management, public funding for civil society is not among them. In contrary, governments throughout the region are well-known for using funds dedicated to civil society as a tool to support GONGOs¹ and PONGOs², to attract the silence of criticizing CSOs, and to award with significant amounts of funds organizations close to those who take funding decisions. Even in cases when such issues are not present in the award phase, governments rarely conduct any monitoring of awarded funds, thus not ensuring any transparency and accountability of public funds for civil society.

On the other hand, those countries that provide data demonstrate that the amount of public funds provided to civil society is rather high (i.e. Kosovo institutions provide around 15 million euros per year for NGOs,³ for the period 2015-2020), which is much higher compared to the total envelope of EU funds for civil society for a given country. Thus, the problem does not lie in the amount available for governments to demonstrate their capacities in managing funds for civil society, rather it is in the approach, practices and willingness. We believe that before considering any EU funds for civil society to be transferred for management to the governments, **EU should condition governments to significantly and consistently improve the management of public funds for civil society from their own budgets**. This should be the minimum criteria to demonstrate their true willingness to use these funds as an investment to the overall societal development rather than a tool to undermine and control civil society.

While transferring EU funds for civil society to the government should not be taken under any condition, we would also encourage you to **keep the civil society portfolio out of standard consultation mechanisms with Western Balkans governments**. The practice of only informing rather than consulting governments for these funds has ensured that EU funds support a vital section of civil society that otherwise is undermined by governments, whose tendency is to minimize the need for projects and programs related to democratization, watchdogging, enabling environment for civil society and human rights.

Last, while the performance based system can be adequate to the rest of IPA III programme, we believe that a sensitive approach should be taken for civil society portfolio, where performance assessment should not be based on governments performance. Assuming that specific indicators will

¹ Governmental NGOs

² Political NGOs

³ This is an approximate amount, although a significant amount of funds have been wrongly presented as grants to civil society



A. Musa Tolaj, Nartel Center, Llam. A, H-1,
Kati 12, nr. 65-1, Prishtinë, Kosovë.
T. +383 38 600 633, +383 38 600 644
E. office@kcsfoundation.org
W. www.kcsfoundation.org

be focused on improving the enabling environment for civil society, EU has to acknowledge that Western Balkans government are not always progressive towards this. Many times, despite exemplary work from citizens and civil society, government does not deliver on its promises for an enabling environment (i.e. the case of NGO Law in Kosovo in 2018).⁴ In such cases, if assessing governments performance, this would be assessed as negative and result in decreasing funds for civil society, while the real needs are for the opposite. **This is why the performance based system for civil society portfolio should focus on civil society's engagement.**

⁴ For more on the case of NGO Law in Kosovo, see <https://www.kcsfoundation.org/en/activity/kosovo-parliament-restored-the-ngo-law/>