CSOS AND GOVERNMENT

ESTABLISHING RELATION

RASHEED TI-JO RESEARCH SERIES: THIRD SECTOR

Rasheed (Transparency International-Jordan) was established at the end of 2013, as a non-for-profit civil society organization, through a group of activists working in the field of anti-corruption. Rasheed (Transparency International-Jordan) commenced work in Amman at the beginning of April 2014, and it represents the only official contact group of Transparency International in Jordan.

Rasheed (Transparency International-Jordan) aims to reinforce the involvement of the Jordanian citizen in anti-corruption activities, protect public, private and local governance institutions against corruption, enhance the efficiency and independence of control agencies specialized in the area of anti-corruption, strengthen the integrity of the legislative and judicial authorities, and reinforce the performance of Rasheed (Transparency International-Jordan) towards achieving its mission and vision.

Cover photo Credits: https://www.business-standard.com/.

Contents

Introduction

Civil society organization (CSO) is an association of citizens to meet and protect their legitimate, social, economic, age, national, cultural, sports and other interests. Moreover, the experience of many countries shows that it is the "third" non-profit sector, which includes civil and non-governmental organizations, that is crucial in securing and protecting the interests of citizens - not only in front of the state but also the market. In other words, it is the CSOs that promote civic initiative, citizens' awareness of collective needs, as well as the need to unite in achieving common, socially relevant goals, without making profit.

An extensive system of CSOs and movements is a prerequisite for democracy, and this is one of the generally accepted and most common criteria for democratization – the ability of citizens to take a real part in governance of both state and public affairs. A society cannot be democratic if it is deprived of such opportunities. Only by creating favorable conditions for unlocking the creative potential of citizens and overcoming their social inertia, society does gain the capacity for self-development by people's participation in the process of democratization. One of the elements that underpin community activism is the desire of the population to satisfy their common interests. Here the group acts as a generator of social and political activity.

Moreover, civil society is in a dialectical relationship with the state, which is manifested in the fact that the stronger the civil society, the more effective the role of the state, and since society and the state cannot exist separately, it is necessary to develop and stimulate their cooperation for the mutual benefit.

Sustainable civil societies contribute to the state efforts in addressing needs as well as it allows people to become more active and enables them to participate within government authorities activities. CSOs are mediators between citizens and government, and provide the basis for people to express their legitimate interest. Civil society organizations are usually emerged from the society's needs and aim to provide the best possible solutions for the raising problems. In order to do so, they initiate creative ideas, which have a future potential to be spread to other areas of operations and service provisions. And public authorities can potentially benefit from the cooperation with various CSOs as they work close to the grassroots, better understand the society and its needs, are less cost-consuming and more flexible, so the government can delegate its own tasks to them. However, there is a need for the clear and comprehensive legislation to be created in order to provide the legitimate ground for the activities of CSOs and to regulate their collaboration with state authorities and local bodies.

Contextualizing CSOs

According to the 2007–2008 Advisory Group on CSOs and Aid Effectiveness adopted by the OECD DAC (AGCSAE, 2008):

"CSOs can be defined to include all non-market and non-state organizations outside of the family in which people organize themselves to pursue shared interests in the public domain. Examples include community-based organizations and village associations, environmental groups, women's rights groups, farmers' associations, faith-based organizations, labor unions, co-operatives, professional associations, chambers of commerce, independent research institutes and the not-for-profit media".

The activities of CSOs are based on international legal acts that proclaim fundamental human rights. Among them: the Universal Declaration of Human Rights (1948), where Articles 19 and 20 guarantee the right of a person to "*peaceful association and commonwealth*" and the right to "*freedom of thought and expression*" (UNGA, 1948); European Convention on Human Rights (1953), in which Articles 10 and 11 proclaim freedom of expression and association by stating that "*Everyone has the right to freedom of expression… [t]his right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers*" and "*Everyone has the right to freedom of peaceful assembly and to freedom of association with others*" respectively (Council of Europe, 1950); International Covenant on Civil and Political Rights (1976) with Articles 21 and 22 proclaiming the right to "*assemble and unite freely*" (ICCPR, 1966).

The global experience shows that the functioning of civil society organizations, the purpose of which is focused on solving certain problems of society, is an effective form of self-organization of the human community. In difficult stages of state development, especially in times of crisis, CSOs take on a corrective role, channeling citizens' energy into creative activity, thereby reducing social tension in society. When a simple increase in the number of public organizations goes into a qualitatively higher form – a consolidated public movement that covers almost all spheres of public life, a full-fledged "third sector" of society is formed, which cooperates quite closely with the other two – public and commercial. It acts as a factor in the formation and social development of society, plays a stabilizing role in its democratization, promotes the realization of citizens' rights in all spheres of public life, and participates in solving complex social problems.

The state and civil society are closely linked, and there is no subordination between them. Civil society is not a product of government activity; it emerges and forms spontaneously,

being the basis of any state. And the state, in its turn, regulates the activities of civil society institutions, supporting their development or inhibiting it, that is facilitating the creation of space for civil society development can be one of the tasks of the state.

Understanding good governance and the role of CSOs in it

Good Governance

Good governance is a new concept of public administration, which was firstly proposed in 1997 in documents of the United Nations Development Program. It refers to the government democratic management based on the principle of powers separation, accountability of executive authorities, free and independent media as well as rule of law and political pluralism, participation, inclusiveness and transparency. Meanwhile, management effectiveness is pursued as an ability to accomplish an objective on time and with minimized public resources (UNDP, 1997).

The picture below provides main values and characteristics of good governance, which ensure minimization of corruption activities and account to the society's opinion, and assures that most vulnerable people in the society are heard in decision-making process (Figure 1).
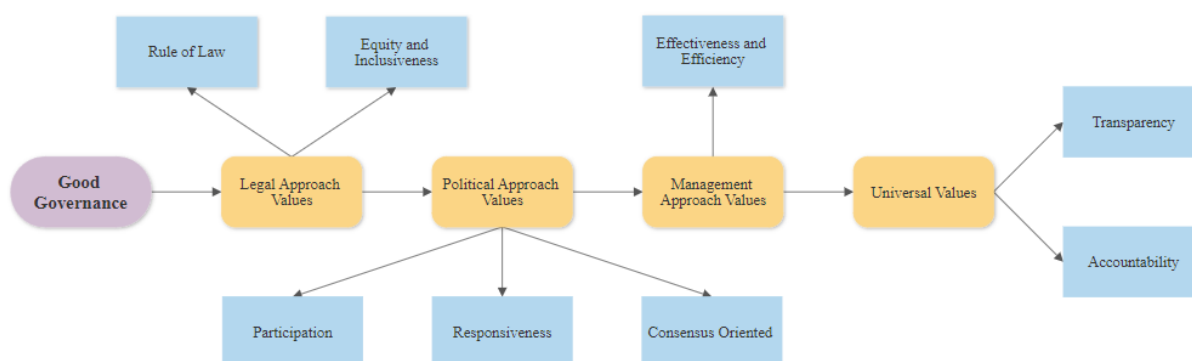
(Figure 1. Good governance values and characteristics).

According to the information presented above, along with political, legal and managerial values in the UN methodology, there are also distinguished "universal values", which are represented by transparency and accountability, which do not relate to the specific content of the activities of the authorities, but to the solution of the agency problem that is a typical for any organization or institution. It is the simultaneous presence of transparency and accountability that is a precondition for solving the problem of the quality of governance and

which allows the implementation of key values of good governance. Without the necessary information on the activities of public servants, it is impossible to manage them, and without the ability to manage, information on the activities of public servants does not have a useful use.

All these values and characteristics are interrelated. Thus, for instance, E-government systems affect, first of all, the implementation of the universal values of good governance (transparency and accountability), and indirectly affects the implementation of the remaining values of good governance. In the E-government, transparency is ensured by providing citizens with access to state information, accountability is ensured by giving official information disclosed within the framework of state accounting, as well as by auditing state information systems that allow the implementation of state accounting requirements and access to information.

Good governance is assumed to support the creation of conditions for equal empowerment of citizens to participate freely in socio-political and economic development and increase social potential. It also implies support in achieving proper mobilization and allocation of public funds, effective delivery of social services, establishing society with equal opportunities for men and women in exercising and enjoying their rights and freedoms as well as enhancing human rights like rights to health and clean environment, security and decent life and work conditions, education and justice, freedom of expression and assembly, etc.

Collaboration to achieve a specific goal, specific tasks or long-term partnerships involves teaming and coordinating efforts, resources, equal participation of each party, and shared responsibility for performance.

Such interaction is possible both at the level of institutions within one sector – for instance, between civil society organizations – and between different sectors – the community, authorities and local governments, law enforcement agencies, business, donor organizations, mass media, etc. This makes it possible to attract as many necessary resources as possible, and thus to cover a wide range of social, economic, environmental, information and communication and other tasks, overcome conditional and real barriers and effectively solve important public tasks.

For example, the cooperation of government and local government with civil society organizations is a hallmark of a democratic society in which its needs underpin public policy. In turn, the "third sector" promotes the state's control over society, establishing public relations between the community and authorities on the basis of openness, publicity and partnership.

Government – CSOs Relations

The impact of the "third sector" on the functioning of the public administration system depends first of all on the type of policy of cooperation between public authorities and CSOs. There are the following types:

- government programs adopted by the government of the country (Croatia) or parliament (Estonia);
- one-sided statements containing certain obligations, usually from the state`s side (Hungary);
- bilateral formal agreements (particularly common in the UK).

In any case, even the fact of publicly discussing a particular programming document (with its optional subsequent adoption) is itself an example of social participation in the decision-making process.

Ideally, CSOs should be the interface between the state and the citizen: they are to uphold person's interests and lobby for important position of a social group, whose interests these social organizations represent. Freedom of association, consideration of their needs and respect for their rights are intended to provide state authorities with a harmonious combination of such needs of different segments and groups of society – the basis of stability in the state.

Although there is an increase in the interest of the authorities in establishing cooperation with CSOs and intensifying their efforts, often their communication is situational and is not aimed at achieving concrete results. Government authorities have little information about the activities of civil society organizations, although they recognize their important role in solving urgent social problems: not all executives are willing to listen to the demands of the public and build partnerships with them. However, CSOs are also not always ready to engage in an objective dialogue, conduct policy analysis, and propose specific programs for solving public problems. This leads to some frustration and mutual accusations of unwillingness to cooperate.

The interaction between civil society and the state consists of two mutually responsible influences: the state on civil society and civil society on the state. A developed, democratic and legal state performs only those functions defined by civil society. On the other hand, the relationship between a democratic state and civil society is impossible without some autonomy of the second. Democratic authorities can only coordinate, but not determine the activities of civil society. Therefore, various elements of civil society should seek a political and legal status, that would not subordinate them to government bodies, while at the same time, would not

contradict the state's right to power and it's role of guarantor of peace and the arbiter of basic interests.

Both parties interact at different levels and benefit from such communication. In particular, CSOs receive support from the state in different areas (financial, institutional, informational), which enables them to expand their sphere of activity in the public interest. Meanwhile, the state, by including dialogue and partnership with CSOs in its policy, is able to perform its functions more effectively (for instance, to develop services based on the needs of society, to use financial mechanisms more efficiently, to plan the development of particular industries, etc.).

The separation of civil society from the state does not mean that it is outside the sphere of the state influence. One way or another, the state regulates all social relations – from family to political; but this regulation can be implemented both on the basis of law, which in the constitutional state is the result of public consensus, and arbitrary regulation by various state structures and officials, often contrary to the public interest. Civil society is outside such arbitrary regulation by the state. It must have some autonomy over the state as a political institution, and such autonomy should provide for a certain freedom of expression of the personal views of citizens in the state through its institutions, allow to openly express their attitude both to the current legal norms and to the implementation of the principles of natural law.

Best Practices

Netherlands

After the assassination of the Dutch filmmaker Theo Van Gogh – whose works included criticisms on the treatment of women in Muslim societies – in 2004by the Dutch-born Islamic extremist, Dutch government pursued launching counter radicalization strategy "Slotervaart Action Plan". This plan was dedicated to establish the preventive response focusing on stimulation reflection on radicalism and its possible outcomes as well as preventing youth looking for their identity in the society from being involved in the radical groups (Gavrielides, Santiago, 2018, 17).

Starting from 2012, Dutch government started to conduct pilot approaches for detaining extremists and terrorists, and a number of the civil society organizations started to actively cooperate in this area with the government authorities. Thus, in 2014 Dutch Moroccan Foundation launched a helpline project and became the primary provider of consultations to

the families of the potential extremists. During the first year after starting the project, they received over 500 calls and in more than 90 cases there was a need for the consultant interference (Pieters, 2016).

Meanwhile, two other programs were created as a basis for the new deradicalization strategy: "Familiesteunpunt" – specialized support unit for families – and – "EXITS" – individual exit programs. Such counter-radicalization network is cooperating with number of civil society organizations operating in the field of countering violent extremism and interventions in order to reduce the number of extremists including those coming from abroad and fight radicalization.

In order to fight radicalization and extremism in the country, Dutch government developed a totally new organization and involved a set of experts in it instead of adding new components to the already existing structures, and this makes the Dutch model of cooperation with CSOs a unique phenomenon. Although such an approach is more time and resource consuming to be conducted, however, it results in more mobility in designing and planning the modern program as well as in equipping and training staff for the enhanced functioning of the strategy.

France

In 1998, French Development Agency was founded in order to tackle issues related to poverty and sustainable development. The aim of this institution is to assist communities in establishing sustainable conditions for them to solve the priority needs for long-time periods, so future generations will not have to face them again. Thus, since 2009, the Agency is responsible for the set of operational and strategic collaborations and partnerships without various CSOs, including service provisions for evaluations and researches and contracts with project managers, which are established between national authorities and civil society organizations.

As a result of such cooperation, in 2016 almost 70% of the CSOs allocated projects were prioritizing gender inequalities as their main or secondary objective. These projects adopt a long-term approach in order to decrease gender inequality level and focus mostly on the necessary changes as well as they not only aim to ensure females excess to the various services, but also to involve them in the projects at the same level as men are. Moreover, CSOs also implement projects related to the civil society mobilization, which are mostly middle-sized, and which provide opportunities to mobilize local partners including a number of local authorities,

companies, training centers and public institutions by contributing to the information sharing and networking along with cooperative interaction between all actors.

The Agency is interested in further development of the collaboration with civil society organizations and widening the dialogue with them in order to achieve the mutual knowledge and practices production. Thus, 2018-2023 CSOs Partnership Strategy launched by the Agency aims to adopt an inter ministerial strategy on vulnerabilities, to raise the education project grants by 100 million €, support WHO in strengthening health systems and international health coverage as well as to support the free media and finalizing the action plan on sustainable development statistical cooperation (AFD, 2018).

Croatia

In 2012, due to the initiative of CSOs, experts and public administration representatives, the Croatian government adopted the National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016. The main purpose for its adoption was the aim to provide conditions for the society's well being development and creating equality for everyone. It attempted to set up goals, which Croatian government wanted to achieve in the area of civil society development during 2012-2016 in the areas like institutional framework for support of civil society development, involvement of civil society in the participatory democracy, empowering CSOs role to influence social and economic development as well as future development of civil society within the global context.

This Strategy has resulted in creation of the unified Internet system for public consulting regarding the adoption of new regulations, acts and laws. This platform allows all interested parties to take part in the process of public consultations on drafting legislation documents. Moreover, another critical achievement is an adoption of the Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, other Regulations and Acts which is to regulate the implementation of the consultation processes along with adoption of the Code in the Action Plan for Combating Corruption (GoRC, 2012).

Regarding holding the state accountable, CSOs are not recognized legitimate to do so. However, while being limited, civil society organizations play a watchdog role in order to monitor government's activities particularly in the areas of donor priority issues of human rights and environmental protection as well as building local infrastructure and urban development plans. It should be also mentioned that CSOs are already taking first steps in empowering their capabilities to hold the state accountable, like GONG`s advocacy for free and fair elections and Eko Kvarner association`s activities for improving environmental protection.

However, Legislation and Citizens program initiated by 7 Southeast European countries provides trainings and learning sessions on the abilities of holding states accountable, and in Croatia this program provides a basis for the negotiations between government authorities, CSOs and NGOs representatives in order to amend the existing legislation, particularly the Law on Political Parties and the Law on Accessibility of Information, and as a result of the collaboration between government working group and representatives from NGOs and CSOs the Croatian Consulting Committee was established (Bezovan, Zrinscak, Vugec, 2005).

Ukraine

After the revolution that took place in Ukraine in 2013-2014, there were significant changes in the environment for CSOs in the country: the legal framework for their activities has been amended and modernized, which provoked stronger engagement of civil society in the public policy development and implementation. There was also a rapid increase in the civil society activity and growth of people interest in participating and volunteering in CSOs activities as these organizations were seen as pursuers of the lead role in the development of the newly modified political and administrative culture in the post-revolution Ukraine, mainly as regards promoting accountability and transparency in public life.

Thus, in February 2016 the president signed the National Strategy for Developing Civil Society in Ukraine for 2016-2020, which is aimed at regulating annual action plans at the regional and national levels. Later on, in November 2016, the Cabinet of Ministers adopted the 2016 Action Plan for implementation of the strategy, and as a part of the implementation of this strategy the Coordination Council for Civil Society Development was created in order to function as advisory body for CSOs enabling them to participate in the state decision-making process and to promote enhanced cooperation between the state and civil society (DEU-UA, 2019).

A bright result of cooperation between CSOs and the government of Ukraine is the ProZorro e-procurement system. Since 2014, when there was a need for reforms, transparency and efficiency of spending budgetary funds, much attention has been drawn to the public procurement as it was the main source for money laundry, embezzlement of illicit enrichment. Several parties were immediately interested in procurement reform, which subsequently formed the basis of the main principle of ProZorro, the "golden triangle" of partnership between the public, business and the state. The state was interested in saving budgetary resources and obtaining the necessary resources at market prices, and the business sought to obtain fair market conditions in order to have access to a large procurement market, and the

civil society wanted to have control over the use of budget money and a transparent procurement process. As a result, the ProZorro system was created in close cooperation with the Ministry of Economic Development and Trade, private businesses and a number of CSOs.

Such a unique IT decision allows anyone to find all the purchases of a neighboring state-owned enterprise or government agency up to the lowest announced tender and review the tender conditions, number and origin of participating companies, etc. Due to this, the public, journalists and activists are able to check suspicious tenders and complain about the violation of the tender rules in the Anti-Monopoly Committee of Ukraine, which significantly reduces the level of corruption in public procurement.

ProZorro has become a convenient tool for conducting anti-corruption investigations and evaluating the performance of government agencies. Transparency International Ukraine uses the system as one of the tools for rating cities transparency and analyzing local government purchases. Meanwhile, the DoZorro monitoring portal, which is designed to track and report procurement violations, finds cases of unfair competition, and creates services to monitor government agencies, like for instance school and kindergarten repair cost data.

Conclusion

The Third Sector is one of the most significant resources for the development of social systems. However, the state government must maintain its managerial position in this area, simultaneously introducing new management technologies and initiating the emergence of relevant social projects. Achieving these goals will help to create the necessary framework for managing social processes.

In general, an effective civil society and an effective "third sector" require strong institutions of government as their partner. However, strong institutions of power are not the ones that extend their exclusive right to all areas of social life and make every effort to control any type of activity, but those which concentrate their activities on several tasks (especially those related to external and internal security, public order), but perform them effectively and fully. All other public affairs should be referred either to local governments or to the "third sector". Thus, a developed civil society needs not only strong, but also rational and effective government institutions as a partner in solving a number of problems and issues. It cannot be determined in advance weather the government bodies are to become accelerators or retarders for public authorities and "third sector" social development. It depends on how the state apparatus performs tasks within its powers as the system of government institutions influences

the conditions of functioning of civil society primarily by defining the social order, creating a common "background" for activities and securing various interests.

CSOs have a unique opportunity to map the society needs and to act straight away to the emerging needs and problems without being involved in long bureaucratic procedures, and at the same time attracting resources, both human and financial, and raise the capacity in the area of their operations. In order to respond to the scale of problems and challenges, government, local authorities and CSOs shall act in close collaboration, and use their operating methods and capacities. Thus, for instance, in the area of CSOs operations, close action-research cooperation can assist in creating decision-making tools for action plans implementation for local policies.

Recommendations

In order to facilitate effective communication between public authorities and CSOs, the involvement of citizens in the participation in the development of public policies and programs should be based on appropriate principles, the basic of which are as follows:

- establishing the importance of each party in the development of a democratic system;
- defining values that are common and mutually important to each party;
- accountability, transparency and responsibility for the use of public resources;
- openness of the authorities (information on the state decision-making process should be provided to the representatives of different social groups an all interested in obtaining it);
- defining universal and adequate criteria for behavior and decision-making conditions for all participants in the interaction;
- the principle of direct communication (envisages optimization of activity of all specialists of public authorities and local self-government, who are responsible for relations with CSOs);
- the principle of feedback (the results of any discussions should be reflected in practical terms).

In order to enhance good governance practice in the state there should be provided:

- support for CSOs in their advocacy work by encouraging sharing knowledge and expertise between the government and CSOs as well as between CSOs themselves;

● establishment of multilateral agreement for civil dialogues along with adopting practical guidelines for such dialogues in order to create basis for coherent communication between all parties;

● establishment of separate budget line for holding dialogues and supporting all the procedures;

● drafting of transparent funding systems plans and insurance of their listing on the dedicated websites;

● development of transparent strategy for strengthening the linkage with national and local members as well as government bodies and authorities;

● establishment of communication strategy explaining the importance of CSOs and their activities with briefings, trainings and FAQs in order to promote development of their interrelation with all parties.

Sources

1.	Advisory Group on Civil Society and Aid Effectiveness, (2008). Civil Society and Aid Effectiveness: Synthesis of Findings and Recommendations. Second Working Draft – April 16, 2008.

2.	AFD, (2018). Strategy Partnerships with Civil Society Organizations 2018-2023. Agence Française de Développement.

3.	Bezovan G., Zrinscak S., Vugec M., (2005). Civil Society in Croatia: Gaining Trust and Establishing Partnerships with the State and Other Stakeholders: CIVICUS Civil Society Index Report for Croatia. Zagreb: Centre for Development of Non-Profit Organizations (CERANEO).

4.	Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, available at: https://www.refworld.org/docid/3ae6b3b04.html [accessed 14 September 2019].

5.	Delegation of the European Union to Ukraine, (2019). Ukraine-EU Country Roadmap for Engagement with Civil Society 2018-2020. DEU-UA. Retrieved from: https://eeas.europa.eu/delegations/ukraine/59934/ukraine-eu-country-roadmap-engagement-civil-society-2018-2020_en [accessed 15 September 2019].

6.	Gavrielides Th., Santiago I., (2018). 18th Informal ASEM Seminar on Human Rights (ASEMHRS19) – Background Paper (as of 29/10/2018). Retrieved from: http://www.asef.org/images/docs/Background%20Paper%20-%2018th%20Informal%20ASEM%20Seminar%20on%20Human%20Rights.pdf.

7.   Government of the Republic of Croatia, (2012). National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016. Adopted by the Government of the Republic of Croatia on 12 July 2012. GoRC.

8.   Pieters J., (2016). Radicalization fears addressed 550 times with the new hotline. NL Times. Retrieved March 3, 2016, from: www.nltimes.nl/2016/03/08/radicakization -fears-addressed-550-times-with-new-hotline/.

9.   UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: https://www.refworld.org/docid/3ae6b3aa0.html [accessed 14 September 2019].

10.   UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: https://www.refworld.org/docid/3ae6b3712c.html [accessed 14 September 2019].

11.   UNDP, (1997). Governance for Sustainable Human Development – A UNDP Policy Document. New York: United Nations Development Programme.

Rasheed for Integrity and Transparency
(Transparency International-Jordan)

Rasheed for Integrity and Transparency
Al- Sweifieh, Ali Al Taher St. 22, 2nd Floor
T. +962 6 585 25 28
F. +962 6 581 25 28
info@rasheedti.org
P.O.Box: 852806 Amman 11185 Jordan
Website: https://rasheedti.org

RASHEED رشيد
TRANSPARENCY INTERNATIONAL - JORDAN
الشـــفــافــيــة الـدولـيــة – الأردن

f RasheedTIjo ▶ RasheedTIjo 🐦 RasheedTIjo 📷 RasheedTIjo