Eastern Promises: Supporting Civil Society in the Eastern Partnership Countries

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Abbreviations

CS Civil Society
DCI Development Cooperation Instrument
DG Directorate-General
DG RELEX Directorate-General for External Relations
EC European Commission
SALTO EECA SALTO Youth Resource Centre for Eastern Europe and the Caucasus
EIDHR European Instrument for Democracy and Human Rights
ENP European Neighbourhood Policy
ENPI European Neighbourhood and Partnership Instrument
EU European Union
EVS European Voluntary Service
IPA Instrument for Pre-Accession Assistance
NGOs Non-governmental organisations
TACIS Technical Assistance for the Commonwealth of Independent States
UN United Nations
1. Recommendations

- The EU has increasingly declared its support for civil society in the Eastern Partnership (EaP) countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) in its programming documents. The main declared objective with regard to these countries is to enhance the participation of non-governmental organisations in political life and to institutionalise the dialogue between these organisations and the authorities.

- The stated objectives of the EU policy are reflected in the financial allocations for non-governmental organisations in EaP countries only to a limited extent. EU financial instruments related to civil society provide support mainly for the improvement of the status of groups which are threatened with social exclusion (e.g., refugees, people with disabilities, rural inhabitants, women) and for activities connected with voters education and election monitoring.

- In order to improve the effectiveness of the support for civil society in the EaP countries, it is necessary to increase the participation of non-governmental organisations in programming and implementation of the EU financial instruments. To this end:
  - Clear principles for consulting with NGOs regarding all the EaP programming documents (including the annual Action Plans) should be established;
  - NGOs should be able to monitor the implementation of EU-funded projects which are implemented by public administration; public access to information on the implemented projects should also be ensured (for instance, by publication of such information on government websites);
  - Similar to the methods applied in the Instrument for Pre-Accession Assistance (IPA) as well as those of the southern dimension of the European Neighbourhood Policy, Civil Society Facility should be established to support the enhancement of the institutional capacity of organisations and to strengthen their dialogue with the authorities;
  - Existing assistance instruments should be reviewed paying particular attention to their accessibility by East European NGOs and possibly simplification of their rules. This, in particular, concerns the European Neighbourhood and Partnership Instrument (ENPI). The proposal of the European Commission for new regulation of this instrument in the context of negotiations on new financial perspective provides an opportunity to revise the ENPI financing rules;
  - More opportunities should be provided for Civil Society Organisations from EaP countries to take advantage of existing EU programmes. It is important to further develop volunteering and youth exchanges in the EP countries supported under the Youth in Action programme;
  - The newly established EaP Civil Society Forum should become an active advocate of Eastern NGOs in their relations with EU institutions by developing recommendations regarding EU support for civil society in EaP countries;
  - For this purpose, the Forum should acquire funds for the work of its administrative office and for commissioning expert studies. Access to information about the work of EaP government platforms should be institutionalised.
2. Introduction

The experience of the post-Soviet countries shows that civil society (CS) plays an important role in democratisation and institutional (governance) reforms, which are central to the EU agenda in its relations with the Eastern Partnership countries. However, the effectiveness of EU support has been limited so far by factors such as the incoherence of EU policy which can be seen in the insufficient coordination of assistance activities carried out by EU institutions and the Member States as well as bureaucratic obstacles, making it difficult for social partners from the recipient countries to use the support.

The growing importance of civil society has been reflected in the priorities of the EU policies towards individual East European countries (where those issues have become priorities expressed in the bilateral action plans) and in the structure of the new assistance instruments. It can be assumed that, together with the introduction of the European Neighbourhood and Partnership Instrument (ENPI) and the new thematic programmes, there appear to be potentially more opportunities for civil society as compared to TACIS, which provided technical assistance.

While analysing the policy of the European Union, one cannot disregard the fact that the policy is implemented within the context of the Member States’ activities. The growing involvement of EU institutions should supplement and enhance actions undertaken by the Member States which continue to contribute the majority of the European pool of funds for civil society and which, along with the American donors, are the most recognisable in the region. The task of this analysis is to determine to what extent declarations of the will to increase support for civil society in the region are reflected in the allocation of funds from the EU budget and how those efforts are assessed by representatives of civil society in the recipient countries as far as their appropriateness and effectiveness are concerned.

3. Support for civil society in the European Union’s programming documents

Support for civil society in the national ENP action plans: 2004–2006

In the period between 2004 and 2006, non-governmental organisations were only marginally included in the programming documents for ENP support in the Eastern Partnership countries.1 This is evident from the fact that generally only a few paragraphs were devoted to the situation of the non-governmental sector in the socio-economic analyses which formed the basis for setting the national support priorities.2 Below are the main conclusions drawn from the analyses by the European Commission concerning the situation of organised civil society as well as the corresponding support priorities for non-governmental organisations in the national action plans for the years 2004–2006.3

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**Tab. 1. Analysis of the situation of civil society and the ENP priorities in selected countries, 2004–2006**

<table>
<thead>
<tr>
<th>Country</th>
<th>Civil society strengths</th>
<th>Civil society problems</th>
<th>Support priorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenia</td>
<td>– introduction of the right to assembly</td>
<td>– restrictions applied by authorities</td>
<td>– facilitation of CS development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– lack of law governing associations</td>
<td>– reform of the law on assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– lack of independent bodies regulating the media</td>
<td>– CS monitoring of the implementation of the anti-corruption strategy</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>– guarantee of the right to form associations</td>
<td>– still complicated registration procedures</td>
<td>– promotion of NGO development (including human rights organisations)</td>
</tr>
<tr>
<td></td>
<td>– introducing automatic registration after 45 days from submitting the application</td>
<td>– lack of public funding and difficulties in access to foreign grants (registration requirement)</td>
<td>– removing barriers in the registration procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– still complicated registration procedures</td>
<td>– ensuring the enforcement of the right to assembly</td>
</tr>
<tr>
<td>Georgia</td>
<td>– relatively liberal legislation</td>
<td>– difficult access to the media, dependent on politicians, business</td>
<td>– CS monitoring of the implementation of the anti-corruption strategy</td>
</tr>
<tr>
<td></td>
<td>– legal basis for freedom of assembly</td>
<td></td>
<td>– no priorities dedicated specifically to NGOs</td>
</tr>
<tr>
<td>Moldova</td>
<td>– strong legal basis</td>
<td>– introduction of restrictions to freedom of assembly</td>
<td>– ensuring the observance of the right to assembly and NGOs’ right to participate in the decision-making process</td>
</tr>
<tr>
<td></td>
<td>– numerous NGOs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ukraine</td>
<td>– growing number of NGOs</td>
<td>– organisational weakness</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– their growing importance in monitoring human rights observance and advocacy</td>
<td>– some NGOs have real impact</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>– dependence on foreign donors</td>
<td></td>
</tr>
</tbody>
</table>


In analysing the situation of non-governmental organisations in certain ENP countries in the years 2004–2005, the Commission has ascertained the existence of a strong civil society sector in each of the countries under analysis and predicts their growing significance in the countries of the EU’s immediate neighbourhood (Moldova and Ukraine). The belief in a relatively strong position of the sector is also visible in the fact that the action plans for some of the countries either do not reflect the need to support non-governmental organisations (Moldova) or treat their role as marginal, perceiving it rather to be ancillary to other priorities (e.g., monitoring the implementation of the anti-corruption strategy, as in Armenia and Georgia). An exception to that is Azerbaijan – in this case the Commission indicated a number of specific problems related to the non-governmental sector and took into consideration its specific needs in the priorities for the years 2004–2006.

**Strengthening the civil dimension of the ENP**

In the *Non-paper* published in December 2006, the European Commission announced, *inter alia*, an increase in support for civil society within the framework of the European Neighbourhood Policy (ENP). The Commission defines its role as a dialogue facilitator. In the view of the document’s authors, EU funding should, on the one hand, be addressed to non-governmental organisations as actors in the broadly understood democratisation process, promoting protection of human rights, freedom of speech and the struggles for

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women’s rights and environmental protection. On the other hand, EU funding should facilitate the dialogue between the civil society and the government of an ENP country through cooperation with the government administration and through its modernisation. Finally, the Commission’s document draws attention to the role of the social partners in the ENP recipient countries in monitoring the fulfilment of the country’s obligations included in the EU action plans.

**Tab. 2.** Priorities of support for civil society in the indicative national programmes for the years 2007–2010 and 2011–2013

|-----------|----------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Armenia  | – promoting the involvement of NGOs in the decision-making and monitoring processes  
– cooperation between NGOs and the authorities in selected sectors  
– structured dialogue between the social partners and CS with business and authorities | – strengthening the CS ability to participate in political and social debate  
– introducing a procedure for regular social consultations to provide opinions on draft legislation | – In the new perspective it is required to institutionalise the mechanisms of NGOs’ participation in the decision-making process. The necessity to strengthen CS involvement in political life is also emphasised. |
| Azerbaijan | – general growth of CS  
– strengthening of trilateral social dialogue structures  
– improving the NGOs’ ability to represent citizens in the decision-making process | – enhancing the capabilities of the independent NGO sector  
– increasing the transparency of the decision-making process by the participation of NGOs in formal consultations | – The priorities remain largely unchanged, focusing on increasing participation in dialogue with the authorities. |
| Georgia | – promoting the involvement of NGOs in the decision-making and monitoring processes  
– strengthening trilateral social dialogue structures | – increased CS involvement in the policy making process | – More general priorities in the new perspective. |
| Moldova | – promoting the involvement of NGOs in the decision-making and monitoring processes  
– strengthening trilateral social dialogue structures  
– improving the NGOs’ ability to represent citizens in the decision-making process | – strengthening the CS ability to participate in political and social debate  
– expanding the mechanisms of CS consultation with the authorities | – The priorities remain largely unchanged, focusing on increasing participation in dialogue with the authorities. |
| Ukraine | – improving NGOs’ ability to represent citizens in the decision-making process  
– cooperation between NGOs and the authorities in selected sectors  
– strengthening trilateral social dialogue structures | – broadening access to legal defence through cooperation with non-governmental organisations | – No detailed CS support priorities in the new perspective. |


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5 “National Indicative Programme 2007–2010”, “National Indicative Programme 2011–2013”. For instance, for Armenia the documents can be found at:
When reviewing the declarations of the Commission with regard to support for civil society included in the Non-paper, one should note first, that the document treats the issue in a rather broad manner, devoting little space to the question of the development of organised forms of civil society, such as non-governmental organisations. Second, even though the role of NGOs as the key actors in the democratisation processes has been clearly outlined and even though the potential of those organisations as defenders of human rights and civil freedoms has been implied, it is still evident that their role is perceived to be supplementary and ancillary, focused on the efficient implementation of the development priorities included in the action plans. This may raise concern about the real enhancement of civil society support under ENP in the years 2007–2013.

A review of the ENP assistance priorities carried out for the purpose of planning the country programmes for the years 2007–2010 and 2011–2013 provides the opportunity to revise the assumptions underpinning the support of non-governmental organisations in the eastern neighbourhood countries. The table above (Tab. 2) shows the support objectives in both financial time frames in five recipient countries.

A review of the detailed objectives in the programming documents describing the allocation of ENP funds for individual eastern neighbourhood countries makes it possible to draw a number of conclusions. First, the priorities included in the indicative programmes for the years 2007–2010 do not differ in any significant way between the recipient countries, which may indicate a standardised approach to the needs of the civil sector. Second, in the newer perspective, a tendency can be observed to institutionalise the mechanisms of dialogue between NGOs and authorities, although, as was the case in the years 2007–2010, the European Union extends the consultation areas beyond the formerly emphasised issues of human rights protection and democratisation – e.g., indicating wage arrangements or consumer rights. Finally, growing differences can be noticed among the recipient countries as far as the importance and the level of detail of civil society support priorities are concerned. In the programming documents for Azerbaijan and Moldova, the priorities for the years 2011–2013 do not differ from the support targets in the previous timeframe, whereas in the cases of Georgia and Ukraine, the most recent documents devote lesser importance to this issue.


EU civil society assistance instruments in the East European countries

The European Union uses a complex set of external assistance instruments. The diagram below shows the complexity of the system (Tab. 3).

Support for non-governmental organisation projects for the Eastern Partnership countries within this system is realized mainly through the following instruments: the European Instrument for Democracy and Human Rights (EIDHR), thematic programmes funded from the Development Cooperation Instrument (DCI) and the European Neighbourhood and Partnership Instrument (ENPI). Since the European Commission does not publish any collective statistics showing the country of origin of the organisations that receive funding, it is difficult to show the extent to which organisations from the countries of Eastern neighbourhood use those funds. By analysing the statistical data related to individual programmes, it is possible to establish in some cases the level of funds allocation...
for all the countries covered by the European Neighbourhood Policy (including both the eastern and the southern regions). On the basis of the lists of allocated grants in some, but not many, cases, it is also possible to calculate how much funding has been acquired by East European non-governmental organisations. The most comprehensive source of information is the search engine on the DG EuropeAid website, which presents data related to projects funded by the Commission under the external cooperation grant procedure.6 (A broader analysis of the data obtained with the use of this browser can be found in the section Analysis of financial allocation under EU programmes for civil society in East European countries.) It does not, however, include cross border cooperation programmes; the projects have only been registered since 2007 and it is not possible to generate project data by programmes under which the projects have been funded.

Tab. 3. A diagram of EU external assistance instruments

![Diagram of EU external assistance instruments](image)


The most important instrument supporting the development of civil society in Eastern Europe is the European Instrument for Democracy and Human Rights (EIDHR). The instrument provides funding for actions aimed at strengthening respect for human rights and fundamental freedoms; enhancing the role of the non-governmental sector in the promotion of democracy and human rights; supporting activities promoting human rights and democracy in the areas covered by the EU Guidelines; supporting and strengthening the international and the regional frameworks safeguarding the observance of human rights, democracy and the rule of law; and the monitoring of elections.7

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6 European Commission Internet site, External Cooperation Programmes, [http://ec.europa.eu/europeaid/work/funding/beneficiaries/].

2000–2006 the regions of Eastern Europe and the Southern Caucasus received € 47.8 million, which accounts for 6.5% of the entire budget for that period, amounting to approx. € 731 million.\(^8\)

Thematic programmes under the Development Cooperation Instrument, that is, Non State Actors and Local Authorities; Investing in People, Environment, Food Security, Migration & Asylum are another important source of support for the non-governmental sector. Under this financial instrument, for all thematic programmes in the years 2007–2013, a separate pool of funds amounting to € 465 million was allocated for all the countries covered by the European Neighbourhood and Partnership Instrument (including both the southern and the eastern dimensions).\(^9\) Considering the fact that the total DCI budget for this period amounts to € 16.9 billion, these funds account for 2.75%. It should be noted that since under these programmes a great number of various organisations from many different countries may apply for funding (international organisations, EU agencies, business associations, local authorities, trade unions, religious organisations, etc.), non-governmental organisations have to compete with other entities. In addition, most of the thematic programmes fund sectoral activities, such as support for more effective control of migration, countering climate change and ensuring food safety. In those areas support for civil society is treated marginally and non-governmental organisations from the recipient countries play the role of implementing bodies.

A thematic programme designed to support, inter alia, the development of the institutional capacity of non-state actors, including non-governmental organisations, and to reduce poverty through stimulating the activity of non-governmental circles is the programme The Non State Actors and Local Authorities. As the DG EuropeAid data indicate, the level of funding absorption by organisations from all the countries covered by the European Neighbourhood Policy (both the eastern and the southern regions) reached the amount of € 30.6 million out of the total of € 903.3 million in the period of 2007–2010.\(^10\) This accounts for approximately 3.4% of the total programme budget. Moreover, in the years 2007–2010, taking into account the pool of funds allocated on a geographic basis (the In-country Operations priority), the amount of € 14.9 million was distributed in Eastern Partnership countries, including € 12 million for non-state actors.\(^11\) Thus, the use of funds from this route for non-state actors in Eastern Europe accounts for 1.3% of the total budget of the programme. It should be noted that, over these four years, these funds have been


\(^11\) Calculation based on the data contained in the action plan Non-state actors and local authorities in development for the years 2007–2010 e.g. Targeted countries 2010 (Objective 1, In country operations), [http://ec.europa.eu/europeaid/how/finance/documents/non-state-actors/country_envelopes_2010_en.pdf]. Only the grants awarded under Objective 1a In-country operations, since these are funds allocated on the basis of geographical criterion. It should be noted that funding for East European countries may also come from Objective 1b (multi-country interventions), which can be accessed by non-state actors regardless of their country of origin. In 2009, Objective 1b constituted 23% of the entire Objective 1 funding. Due to lack of data it is not possible to calculate how many organisations from East European countries use this budget line. Out of the remaining Objectives 2 and 3 of the Non State Actors programme, the funding goes mainly for activities within the European Union and the applicant countries.
regularly used only by Armenia, Azerbaijan, Belarus and Georgia. Moldova received funds in the amount of 400,000 Euro in 2010, and Ukraine has not used this funding at all.

Support for non-governmental organisations is included to a lesser extent in the allocation of European Neighbourhood and Partnership Instrument (ENPI) funds. This results from the fact that most of the funding (73% in 2007–2010) under this mechanism is spent through budget support, that is, through government administration structures (Tab. 4).\(^\text{12}\)

The table shows that ENPI provides relatively few opportunities for financing the activities of non-governmental organisations, limited mainly to regional programmes, which account for 15% of ENPI funds, and Cross Border Cooperation programmes accounting for 5%.

Within the regional programmes, the funds that could be classified as supporting civil society to the greatest extent are those spent under Objective 4 of the Eastern Regional Programme – People-to-people Activities. Between 22.3 and 33.5 million Euro are available for this objective out of the total budget of € 223.5 million for the period of 2007–2010.\(^\text{13}\) It is worth highlighting the possibility of funding educational activities under the Inter-regional Programme. Under the Programme’s Priority Area 2: promoting the development of higher education and students’ mobility, in the years 2007–2013 it has been possible to fund student exchanges under Erasmus Mundus II/Action 2 (€ 108 million) and Tempus IV (€ 141 million).\(^\text{14}\)

**Tab. 4. The structure of the ENPI financial instrument**


As far as cross border cooperation programmes are concerned, it is difficult to present collective statistics because funding under ENPI to East European countries is made available through four cross border cooperation programmes: Latvia/Lithuania/Belarus, Poland/Belarus/Ukraine, Hungary/Slovakia/Romania/Ukraine and Romania/Moldova/Ukraine. The programmes are managed by implementing authorities from the participating Member

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\(^{12}\) The budget support consists in transferring the donors’ (government/organisation) funds directly to the authorities of the recipient country.


States and the implementation statistics are generated at that level. Because of the delays in preparing the legal framework for those funds, the first competitions have only been organised in 2009–2010. That is why there are no statistical data available yet that would reflect the use of these funds.

It is possible to fund activities aiming at enhancing contacts between people under the cross border cooperation programmes, though the ceiling for this financing is set at different levels, depending on the programme\(^{15}\). For instance, under the cross border cooperation programme Hungary/Slovakia/Romania/Ukraine, 20% of funds have been allocated for promoting contacts between people, amounting to € 13.7 million; under the Romania/Moldova/Ukraine programme 10% or € 12.7 million. In the Latvia/Lithuania/Belarus programme, only one of the five sub-areas of Priority Area 1 was devoted to the purpose of supporting the strengthening of social and cultural links (the total budget for the Priority Area 1 amounts to € 18.8 million). In addition, it should be remembered that these funds can be used both by organisations from EU Member States and those from East European countries.

The launch of the Eastern Partnership initiative has provided, to a limited extent, some new opportunities of funding for non-governmental organisations. The EaP Culture programme has been made available in the amount of € 8.4 million. The aim of the programme is to support the cultural sector in the EaP countries through, for example, developing the capacity of public and private actors to manage the sector of culture, to form international cooperation networks and to strengthen the links between the Eastern Partnership area and the EU Member States.\(^{16}\) In addition, in the period of 2009–2010, there has been a special funding line (in the amount of € 4.5 m) under the Culture 2007–2013 Programme open to those countries covered by the European Neighbourhood Policy which ratified the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.\(^{17}\) These funds have been available to Armenia, Belarus, Georgia and Moldova.

There are plans to make the programme Youth in Action, the programme which enables young people to participate in multicultural exchange, volunteer activity projects and other informal educational activities, more open to EaP countries. The proposal to open up an Eastern Partnership Window to complement the Youth in Action Programme was supported by the platform 4 “Contacts between People” and will also be developed in discussion with the Youth in Action Programme Committee.\(^{18}\)

With a budget of € 885 million for the period of 2007–2013, the programme promotes mobility within and beyond the EU borders, informal education, intercultural dialogue and integration. Taking into consideration the current level of funding under this programme available for EaP countries, it is possible, within its framework, to fund youth and volunteer exchange with East European countries. For example, in 2008, out of a total 6,200


 programme participants from ENP countries, 52% came from the states of Eastern Europe and the Caucasus.¹⁹

Youth exchange with East European countries is funded under Action 3, Youth in the World. In 2008, the funds designated for cooperation with EU neighbouring countries accounted for 5.9% of this budget line.²⁰ The exchange of volunteers is financed under Action 2, European Voluntary Service (EVS). This budget line enables a volunteer or a group of volunteers to take up voluntary work in all EU Member States and the neighbouring partnership countries (including all the EaP countries).

It should be emphasised that EaP instruments, both under bilateral and multilateral cooperation, to a great extent will be addressed to government administrations and local authorities.²¹ None of the flagship initiatives is dedicated directly to non-governmental organisations. Currently work is in progress on the main principles of the regional pilot projects (€ 75 million), which will probably be open to non-governmental organisations (projects modelled on the EU regional policy), but will only be launched in 2012. NGOs will also be able to participate in some of the new cross border cooperation projects.

Analysis of financial allocation under EU programmes for civil society in East European countries

As noted above, it is difficult to draw firm conclusions as to the use of EU financial instruments by non-governmental organisations due to the lack of publicly available analyses by the European Commission. Nevertheless, some general observations can be made through reference to the data presented on the website of the Directorate General EuropeAid, which provides a searchable list of the projects funded by the Commission under the external cooperation grant procedure.²² The browser tool makes it possible to access data on all grants under EIDHR, thematic programmes, ENPI regional programmes and others, not included in the thematic programmes, such as academic cooperation or framework contracts since 2007. It does not, however, cover cross border cooperation programmes. The data include information about project size, area of support, nationality and the name of the implementing organisation.²³ The search engine classifies the projects according to area of support, though it is not possible to generate project data by programmes under which the projects have been funded.

In order to take a closer look at the actual allocation of funds for civil society purposes, we have analysed the available data for projects funded within the area of Government and Civil Society. This approach makes it possible to study the dynamics of the support within this period as well as the thematic priorities for individual countries. Even though Belarus has

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²⁰ Ibidem, p.4. This Action is promoted by the SALTO Youth Resource Centre for Eastern Europe and the Caucasus (EECA) located in Poland.


²² European Commission Internet site, External Cooperation Programmes, [http://ec.europa.eu/europeaid/work/funding/beneficiaries/].

²³ The search engine does not register CBC programmes as it is the Member States that are responsible for their implementation.
limited access to the Eastern Partnership support, it has been included in the summary presented below (Tab. 5).

**Tab. 5.** The amount of the EU external assistance funding under the support area “Government and Civil Society”

![Graph showing EU external assistance funding](image)

*Source:* Authors’ analysis based on the European Commission Internet site, External Cooperation Programmes, [http://ec.europa.eu/europeaid/work/funding/beneficiaries/].

As the above summary shows, considerable EU funding for this area was made available only in 2008 – in the previous year, no funds had been spent in Azerbaijan. Ukraine received most of the funding because its population is twice that of all the other countries of the Eastern neighbourhood combined. However, the population criterion was not always decisive, as is evident in significant disparities. Armenia, for example, received over two and a half times more funding than neighbouring Azerbaijan, and Moldova, with a smaller population, received more funding than Belarus.

The above summary overestimates the number of projects and scale of support for civil society. First of all, the direct beneficiaries of over 40 percent of the projects are entities other than non-governmental organisations from the recipient countries. The statistics also fail to highlight considerable differences between the countries. Aside from three countries – Armenia, Azerbaijan and Georgia, where nearly 52, 73 and 88 percent of projects, respectively, are addressed to local non-governmental organisations – this rate does not exceed half of the number of grants in any of the remaining recipient countries under analysis (Tab. 6). In two countries – Moldova and Belarus – about two thirds of projects in this area were implemented by international organisations.

Moreover, if one compares the volume of the grants, the great amount of the pool of funding (80%) is received by the beneficiaries other than non-governmental organisations from the recipient countries (Tab. 7). For instance, Ukrainian and Belarusian NGOs respectively benefit from 11%, and 13% of available funding. The country where this rate does exceed half of the grants is Georgia (60%).

Another point to be made is that many of the largest projects involved technical assistance to the governments of individual countries – e.g., the objectives that received the
highest level of support included issues related to administration of justice: transparency and effectiveness of the judicial system and the improvement of police management in Ukraine (€ 5,4 million and € 2 million, respectively), access to the legal system in Armenia (€ 3,9 million) or the reform of the Georgian penitentiary system (€ 1,3 million).

**Tab. 6.** Beneficiaries of EU support within the area of “Government and Civil Society” by organisation type – number of projects

![Number of Projects](image)

*Source: Authors’ analysis based on the European Commission Internet site, External Cooperation Programmes, [http://ec.europa.eu/europeaid/work/funding/beneficiaries/].*

**Tab. 7.** Beneficiaries of EU support within the area of “Government and Civil Society” by organisation type – percentage of received grants

![Percentage](image)
In order to get an idea of the real EU support for civil society it may be worth focusing on projects in selected sub-areas, such as increasing democratic participation, freedom of media and access to information, protection of human and civil rights, building of democratic institutions and procedures or support for civil initiatives. The table below (Tab. 8) shows the distribution of projects in individual sub-areas within the countries under analysis. The projects were selected and categorised on the basis of an analysis of project titles and information about the implementing organisations. The analysis did not include the projects designed to support certain social groups (e.g., minorities or refugees) or those in which non-governmental organisations played only an ancillary role, without being the project beneficiaries.

Tab. 8. The number of projects and the value of EU support (in million of Euros) for civil society by thematic sub-areas of the area “Government and Civil Society”, 2007–2009

After narrowing the results down to the projects within the above mentioned sub-areas (56 grants in total, Annex 1), it can be seen that in the majority of countries the following activities have been funded: electoral education and monitoring of elections, protection of human and civil rights as well as freedom of the media and access to free information. It seems important that support for the institutional development of the civil society or of the non-governmental organisation sector has been seen only in two cases where the European Commission has taken note of the particularly difficult conditions for the development of civil initiatives in Belarus and Transnistria (Moldova). It should be mentioned here that in a number of countries, funding under the area “Government and Civil Society” supports activities of non-governmental organisations focused on improving the status of groups threatened with social exclusion (e.g., refugees, people with disabilities, inhabitants of rural areas, women). The above summary does not include those activities as they are often contracted to international organisations (for instance, UN agencies) and the local

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Tab. 8. The number of projects and the value of EU support (in million of Euros) for civil society by thematic sub-areas of the area “Government and Civil Society”, 2007–2009

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Source: Authors’ analysis based on the European Commission Internet site, External Cooperation Programmes, [http://ec.europa.eu/europeaid/work/funding/beneficiaries/].

The method of assigning projects to individual categories has been used because the thematic scope of many projects does not correspond to the category headings adopted in the summary published on the European Commission website.
non-governmental organisations play only an implementing role. Comparing the declarations contained in the national indicative programmes with the actual allocation of funds under the area “Government and Civil Society” shows significant differences. As it was mentioned above, in the years 2007–2009, relatively few projects aimed directly at improving the ability of civil society to participate in the public debate, to represent citizens in the decision-making process – it is difficult to find projects that would directly support the NGOs’ potential (capacity-building) or (apart from Georgia) would be focused on increasing democratic participation. Such allocation of funds is not surprising as it indicates the number of urgent problems pertaining to issues of rule of law and quality of democracy – hence, the emphasis placed on educating citizens before elections, monitoring the electoral process and supporting the development of independent media. Within this area of support, one can also notice that many activities focus on combating inequality and counteracting discrimination, which would account for significant contributions aimed at improving the social and economic situation and advocacy of the interests of marginalised groups.

5. Limitations of the EU solutions in the area of strengthening civil society in the countries of Eastern Partnership

Considering the available analyses and evaluations (both those prepared by non-governmental organisations and by EU institutions), it is possible to indicate a few of the main barriers limiting the use of the EU assistance instruments addressed to civil society by non-governmental organisations in the countries of the Eastern Partnership (Tab. 9).

Tab. 9. The main barriers to the support for civil society in EaP countries

| The institutional weakness of the non-governmental organisation sector, including: |
| o Lack of knowledge about EU assistance instruments |
| o Language barriers |
| Lack of financial instruments supporting NGO institutional capacity building and strengthening the dialogue with government administration; |
| Complicated and bureaucratic financing rules of the existing EU assistance instruments |
| A system for consultation regarding the assistance instruments priorities not sufficiently open towards non-governmental organisations: |
| o At the level of EU institutions (e.g., lack of the possibility to express opinions on the Action Plans, lack of clear mechanisms in this respect) |
| o At the government – non-governmental organisations level (e.g., lack of the possibility to monitor the assistance granted under budget support) |

↓

Low participation of non-governmental organisations as consulting entities regarding assistance priorities and as assistance beneficiaries

↓

Support areas not always relevant to the social needs of a given country
Assistance instruments availability and the areas of support

As can be seen in from the data presented in the second part of the analysis, organisations from the countries of Eastern Europe have only limited possibilities to acquire funds for strengthening their advocacy function and increasing their participation in political life (including their monitoring function). According to the European Commission, the existence of EIDHR and the thematic programmes is a sufficient solution in this respect. From the point of view of non-governmental organisations it is therefore important to initiate discussions at the EU level on the introduction of new opportunities of support for NGOs under ENPI.

A proposal expressed by Quintet, a group of development aid EU platforms and NGOs, suggests introducing a Civil Society Facility as part of the ENPI, a fund similar to the one that exists under the Instrument for Pre-Accession Assistance in the countries of the Western Balkans. This financial mechanism, introduced in 2008, is designed to support civil society. The Civil Society Facility consists of three components: support for institutional capacity and the role of non-governmental organisations; increasing the representation of civil society vis-à-vis EU institutions and in the decision-making processes within the EU; and strengthening the partnership between non-governmental organisations, government administration and other actors. It is worth mentioning that the regional programme South (ENPI) also includes a financial mechanism for non-governmental organisations: Civil Society Regional Programme. This programme, with a rather modest budget of € 1 million (for the period 2008–2010), is aimed at strengthening the institutional capacity of NGOs in holding dialogue both with state authorities and at the EU level. Establishment of a similar mechanism of supporting the institutional capacity for NGOs from the Eastern Partnership countries would seem to be a natural continuation of the EU policy of support for civil society in the neighbouring countries.

The introduction of a financial mechanism enhancing the institutional capacity of Eastern European non-governmental organisations would be of key importance for increasing their ability to absorb existing EU funds. As the opinions of NGOs indicate, the main barrier to utilising EU funds consist in the EU procurement rules. The complicated procedures require a great deal of knowledge and skills on the part of the organisations in running the projects and preparing applications (in the English language). It is particularly local organisations (and regional authorities) that are not able to meet those requirements. On the other hand, there is insufficient information in local languages about EU programmes since government administrations do not play any active role in providing such information (e.g. in Ukraine). As a result, in approximately 80% the cases the beneficiaries of EU funding in East European countries are foreign organisations (see Tab. 6 above). Although the European Commission follows the rule of giving preference to local organisations, if no such organisation applies they contract organisations from EU Member States. That is why an institutional capacity support programme should also include components dealing with promotion and providing information about funding for NGOs. In addition, the EU funds financing rules should be more flexible and open to smaller organisations.

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Introducing the partnership principle – consultation process and monitoring

The studies which analyse the functioning of the mechanisms for carrying out consultations with NGOs within the ENPI conducted by the International Centre for Policy Studies from Kiev show that the main challenge is to increase the participation of non-governmental organisations in the process of consulting the priorities and monitoring the implementation of EU assistance instruments.\textsuperscript{29} This is important since, as the analysis presented in the first part of the report indicates, the standard priorities for non-governmental organisations do not at times correspond to the changing local situation in the recipient countries and the priorities in the strategic documents are often not reflected in the actual allocation of funds.

Organisations from EaP countries as well as the EU platforms call for an open discussion within ENPI about the areas of support under this financial instrument. First of all, the organisations propose an increase in support for so-called democratisation actions: those involving human rights, the right to association, the rights of women, children and minorities, media freedom, the rule of law and gender equality. It is important because the process of democratisation in the EaP countries is characterized by volatility and the EU policy in this respect requires strengthening.\textsuperscript{30} While not intended to be a closed set of proposals, an efficient consultation mechanism would facilitate discussion on assistance priorities and better adjustment of assistance instruments to the domestic conditions.

The proposals of non-governmental organisations from Eastern Partnership countries concerning consultation mechanisms focus on a number of issues. First, currently NGOs from most of the EaP countries can take part in the process of consultation of documents at the strategic level (Country Strategy Papers, National Indicative Plans) initiated and developed by the European Commission. However, they point out that they cannot, give their opinion about implementation documents which contain details concerning areas of support (annual Action Plans). On the other hand, rather limited participation of interested non-governmental organisations remains a barrier to holding truly representative consultations. The reason for this lies in the poor knowledge about EU assistance among non-governmental organisations, the lack of information that such consultations are taking place, language barriers or the perception of consultations being a formality (e.g., resulting from lack of feedback after meetings). For instance, according to a survey carried out among Ukrainian organisations during a mid-term ENPI review, more than half of the respondents did not participate in consultations and if they did, they treated those meetings as a formality.\textsuperscript{31}

Secondly, since the majority of ENPI funds are disbursed via budget support (73% in the years 2007–2010), non-governmental organisations have rather few opportunities to benefit from this type of assistance. The organisations from EaP countries propose that the possibility be introduced to render opinions on assistance priorities and to monitor the EU funds transferred as budget support in order to ascertain to what extent they are used in accordance with the priorities agreed upon with the Commission. This is all the more justified since, as the data from the 2008 annual report of the European Court of Auditors

\begin{itemize}
  \item \textsuperscript{29} S. Tessier – Stal, V. Gumeniuk, Missing out: civil society and ENPI, 2010, a study carried out in Ukraine, Moldova, Georgia and Azerbaijan.
  \item \textsuperscript{31} Contribution to the mid term review of the ENPI programming documents, A survey conducted by the working group for enlargement, pre-accession assistance instruments and neighbourhood policy within the framework of CONCORD (EPAN).
\end{itemize}
show, budget support is a rather intransparent process.\footnote{European Court of Auditors, \textit{Annual report on the implementation of the 2008 budget}, p. 163, 172, \url{http://eca.europa.eu/portal/pls/portal/docs/1/3258349.PDF}.
\footnote{The missing link? Development and functioning of civil dialogue in the Western Balkans, Balkan Civic Practices, 2010, p. 25.}} To address this issue first of all, more emphasis should be placed on access to information on the projects funded from budget support. It is, however, difficult to find an optimal solution to this problem. This would require that the Commission be more forthcoming in placing demands on governments of the beneficiary countries, which it has so far been reluctant to do, arguing that it amounts to interference in those states’ internal affairs.

Thirdly, it is important to highlight the importance of activities improving NGOs’ ability to perform monitoring functions with respect to government actions both at the local and central level. For this reason, the European Union should support dialogue between government administrations and non-governmental organisations. As the contents of the EU strategic documents indicate, this objective is rather generally sketched in the case of East European countries and, following the model applied in the region of the Western Balkans, should be made more specific. An example of good practice in this respect is the \textit{Civil Society Facility} solution applied within the instruments for pre-accession assistance which provides for a separate route of financing dedicated to supporting the dialogue between NGOs and government administrations. More importantly, this instrument also makes it possible to strengthen the structures within administrations responsible for contacts with non-governmental organisations.

6. The EaP Civil Society Forum as an advocate of civil society of Eastern Europe

While discussing the issue of strengthening civil society in the EaP countries, particular attention should be paid to the initiative of establishing the EaP Civil Society Forum. It is a representative body, gathering organisations from both the Eastern Partnership and the European Union. Its goal is to render opinions on proposals for action under the EaP and to strengthen the contacts between East European civil societies and the government administrations of those countries. The initiative is still at the developmental stage and has great potential to become the main instrument of lobbying for civil society in the EaP countries (including, for example, seeking better access to financial instruments for East European organisations). At the same time, the Forum is still struggling with a number of challenges which, if not overcome, may result in its marginalisation.

The current state of the EaP Civil Society Forum’s work

The EaP Civil Society Forum was established in November 2009. The first meeting of the Forum, organised by the European Commission, was attended by 200 organisations, including 140 from EaP countries. A Steering Committee was elected – a group of 17 people responsible for the organisation of the Forum’s work. Thanks to such a solution, the Forum has taken responsibility for deciding about how its work will be designed. Among other things, a procedure has been agreed upon for selecting organisations to participate in the Forum and for selecting the next Steering Committee.

In the first year of its operation, the Forum’s work has been divided among four working groups corresponding to the themes of the government platforms. They include the
following groups: Democracy, human rights, good governance, stability and border management; Economic integration and convergence with the EU policies; Environment, climate change and energy security; and Contacts between people. Within these working groups, there are about 11 sub-groups responsible for preparing specific recommendations. The sub-groups correspond thematically to the activities of government expert panels, such as the sub-groups: Fight against Corruption, Judiciary reform and Public Administration Reform. There are also sub-groups related to the initiatives of the non-governmental sector itself, such as the Independent Media, Human Rights, and Visa Liberalisation sub-groups.

The first working group, Democracy, human rights, good governance, stability and border management, attracts the greatest interest of non-governmental organisations. It has about 100 member organisations. The European Commission has assigned funds for the organisation of working groups meetings and the Forum meeting in Berlin in November 2010. It should be noted that participation costs are covered only for the representatives of the non-governmental sector from East European countries, which may explain the low level of interest in the initiative on the part of EU countries. In addition, funds have been made available for the launch of the Forum’s Internet site.

It is difficult to evaluate the results of the Forum’s operation after such a short period of time, especially if one takes into account the fact that Eastern Partnership programmes are only now being launched. First of all, the Forum has great potential to become an instrument for lobbying on behalf of civil society both in relations with the government administrations of the EaP countries, as well as with EU institutions and Member States. This results from the fact that the Forum gathers non-governmental organisations which differ thematically from one another, including representatives of NGO platforms, which makes the body even more representative. What is more, the establishment of the Forum has contributed to the formation of national forums gathering organisations from East European countries. This process is taking place particularly among organisations coming from non-democratic countries – the first national platform of non-governmental organisations was formed in Belarus in order to increase their weight in relations with the authorities. In Armenia, a similar attempt was made but the organisations were not able to continue the operation of the platform. In October 2010, the Georgian national platform was created, chaired by the Georgian Young Lawyers Association. The first initiatives have also appeared concerning the preparation of recommendations by the Forum. An example of such an initiative is the proposal to prepare a joint report for all EaP countries monitoring the observance of human rights.

**Challenges to the further operation of the Forum**

The further institutionalisation of the Forum and its efficient operation are limited by a number of challenges. The main ones are securing funding for Forum activities and access to information about the work of government platforms as well as with the possibility to attend those meetings.

The financing of Forum operations is of key importance particularly in two aspects. Firstly, the Forum should have funds at its disposal to finance the work of an administrative office which would be in charge of work organisation and information flow. It would be important to have a permanent policy officer who would run the advocacy activities of the Forum. Currently, this work is being done by the members of the Steering Committee, elected annually, in addition to the main duties they perform. Such a solution can not ensure the stability of the Forum’s work in the long term. It is worth noting that the
non-governmental sector in the countries of Eastern Europe, and also in the new Member States, typically operates on a project basis and does not have funds for advocacy work (e.g., financing policy officers’ posts), including funds for active involvement in initiatives such as the Forum. Secondly, the Forum should have at least a small pool of funds for financing expert opinions which would constitute the NGO sector’s material contribution to discussions on the Eastern Partnership. This is necessary because, as current practice shows, recommendations are prepared within the working groups depending on funding acquired by the member organisations to pay for expert opinions. Such a *modus operandi* does not ensure the continuity of the working groups’ activities. So far, the European Commission has only allocated funding for organisation of meetings and the construction of the Internet site. The reason for that may be caution and waiting for the effects of the Forum’s work. However, without funding for regular operations, the Forum will not be able to undertake any efficient action and prove its usefulness. As EU practice indicates, the most efficient non-governmental platforms are the ones that have secured regular financing. An example of such a platform is the European CONCORD platform, gathering organisations active in the area of development aid (the main partner for the European Commission in consultations concerning this sector), which has a separate pool of funds from the EU budget for its activities – an operational grant under the Development Cooperation Instrument.

In order to strengthen its role as a promoter of dialogue between the authorities of EaP countries and the non-governmental sector, the Forum should have institutionalised access to information about the work of the government platforms. Otherwise, it will not be able to play its consulting role and give opinions on EaP proposals. Currently, access to such information is limited. The information is provided either late or not at all. On the other hand, it is also important for Forum representatives to be able to attend the meetings of the government platforms and their working meetings. In 2009, a representative of the Forum had the opportunity to take part in meetings of a government platform. However, in view of the objections voiced by Belarus, it is currently not possible for Forum representatives to attend the government platform meetings. This situation has sparked criticism from the Forum’s Steering Committee, which pointed out that EU institutions should not go back on their commitments under the pressure of non-democratic countries. It is worth adding, however, that at the level of working groups, there are only limited possibilities for representatives of the non-governmental sector to participate in meetings. For instance, they can participate in the anti-corruption panel organised by Poland and the panel concerning the judiciary hosted by the Czech Republic. These practices should be extended to other working groups. Such attendance appears to be even more important than formal participation in government meetings as it enables the NGOs to take part in the very process of shaping individual initiatives.

**Directions in the development of the Forum’s advocacy activities**

Currently, the main goal of the Forum is to carry out intensive advocacy work in order to acquire funds for its regular operations and the ability to consult the proposals prepared by the government platforms. A great deal of hope has been raised by the coming Polish Presidency of the EU Council in the second half of 2011. The plenary session of the Forum during that period will be held in Poland in the city of Poznań. From the Forum’s point of view, it would be important to win the support of the Polish government for the idea of the participation of the Forum’s representatives in the meetings of government platforms. In addition, following the example of the Swedish Presidency, it would be important to have
the opportunity to present recommendations from the non-governmental sector during meetings of the Council’s working groups.

In the long-term perspective, it will be important to develop the advocacy activities of the Forum in relation to EU institutions such as the European Commission, the Council, the European Parliament and the Member States, with regard to support for civil society in EaP countries. This is particularly important in reference to the programming of financial instruments. However, in order to achieve this, better connections with the activities of other international platforms are necessary, platforms that have already participated in dialogue with EU institutions. Here, the area of development aid may serve as an example, where contacts between EU institutions and non-governmental organisations are probably the most intensive. For instance, in 2009, a critical report of the European Court of Auditors was published, “The Commission’s management of non-state actors’ involvement in EC development cooperation,” commenting on the involvement of organisations and local authorities in the implementation of EU development policy. The conclusions of the report pointed out that non-governmental organisations and local authorities are not engaged in the process of consulting the assistance priorities, which results in a situation where the development conditions in the recipient countries are taken into consideration only to a very limited extent. As a result, a process called “Structured dialogue” (Quadrilogue) has been initiated, aimed at developing new solutions in this respect. It is worth noting that in the first half of 2011, consultations with the participation of non-governmental organisations will be held as part of the process concerning the assistance instruments in EU external relations. This also opens the possibility for a discussion on the effectiveness of support for civil society under ENPI.

Intensifying the advocacy work of the Forum in relation to EU institutions is important because discussions are about to begin on the future shape of the European Neighbourhood Policy after 2013, in the context of negotiations on the new financial perspective. This provides a chance for the non-governmental sector to give their opinion on this policy. For example, a discussion is being initiated by EU NGO platforms about an increase of support for civil society relating to the states of eastern neighbourhood. The activities of the Quintet group can be an example for this. In the autumn 2010, a series of meetings were held with the Commissioner for Enlargement and European Neighbourhood Policy, Štefan Füle, and officials from DG RELEX during which discussions took place on, among other themes, the principles of political conditionality of the European Neighbourhood Policy, the place of human rights in EU aid, participation of non-governmental organisations in ENP and ENPI as well as the general effectiveness of ENPI and support for areas affected by conflict. It is also worth mentioning that by the end of 2010, consultations will begin on the main principles of the European Neighbourhood Policy to which about 50–60 civil society representatives will be invited (two representatives from each of the ENP countries).
## Annex 1

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Name</th>
<th>Amount (thousands of Euro)</th>
<th>Classified category</th>
</tr>
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<tbody>
<tr>
<td>Armenia</td>
<td>2008</td>
<td>Building Capacity for Policy Debate in Armenia</td>
<td>180 000</td>
<td>Democratic participation</td>
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<td>Armenia</td>
<td>2008</td>
<td>Local Self-Governance Club as Mass Media Assistance Tool</td>
<td>98 000</td>
<td>Freedom of the media, access to information</td>
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<td>Armenia</td>
<td>2008</td>
<td>Effective protection of human rights through the Human Rights Defenders Institute as a National Preventive Mechanism in accordance with the Optional Protocol of the Convention against Torture (OPCAT)</td>
<td>300 000</td>
<td>Protection of human and citizens rights</td>
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<td>Armenia</td>
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<td>Interactive Human Rights European Law Mooting Competition</td>
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<td>2008</td>
<td>Step Ahead</td>
<td>148 640</td>
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<td>Armenia</td>
<td>2009</td>
<td>Support to the Office of the Human Rights Defender of the Republic of Armenia</td>
<td>1 000 000</td>
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<td>Azerbeijan</td>
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<td>Capacity-building training seminars on organising and conduction of elections</td>
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<td>Azerbeijan</td>
<td>2008</td>
<td>Preparation and conducting monitoring of 2009 municipal and 2010 parliamentary elections</td>
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<td>Centres of Local Activism as a Means of Promoting The Democratic Process in Belarus</td>
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<td>Fostering Students Democratic Awareness in the Mountainous Regions of Ajar</td>
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<td>Prevention of torture in the military guardhouses</td>
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<td>2008</td>
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<td>Day Centre – Significant support to community mobilization and building of civil society</td>
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<td>2009</td>
<td>Increasing capacity of local self-governments for long-term participative development in Adjarian regions</td>
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<td>2009</td>
<td>Strengthening the role of civil society in promoting women’s rights and democratic reform, supporting rule of law</td>
<td>80 000</td>
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<td>2009</td>
<td>Working together for equal rights</td>
<td>95 637</td>
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<td>2009</td>
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<td>Support to Public Defender’s Regional Offices</td>
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<td>Moldova</td>
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<td>Learning Democracy</td>
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