CIVICUS Civil Society Index for Macedonia

CIVIC ENGAGEMENT – LONG ROAD TO GO

POLICY ACTION BRIEF
EXECUTIVE SUMMARY

This Policy Action Brief serves as a guiding document to government, key constituencies and civil society to take the actions necessary to strengthen civil society and address weaknesses identified in the 2008-2011 CIVICUS Civil Society Index (CSI) project. The CSI findings define civil society in Macedonia as moderately well-developed. The strongest aspects of civil society are its level of organisation and practice of values. Still, civil society does not use effectively its internal strength to influence society or to motivate citizens to take part in its activities. Impact of civil society on social concerns and policies is moderate or average, and civic participation is low. The external environment in which Macedonian civil society operates is only partly enabling.

CSI participants identified recommendations for improving the state and impact of civil society, especially in the areas where it is weakest. There are recommendations for civil society actors as well as actors in other sectors for improving citizens’ participation, impact on social concerns and policies, and using the opportunities that the environment provides.

The key policy recommendations presented in this Policy Action Brief address the sustainability of civil society. There is a need to improve civic and social dialogue between civil society organisations (CSOs) and decision-makers. It is necessary for CSOs to be involved in parliamentary work, in working groups of the government, and in the processes of European integration. In order to ensure its financial sustainability civil society needs improved and strengthened direct government support, from the budget and lotteries, as well as indirect state support through tax incentives and the development of the status of public benefit organisations.
INTRODUCTION TO THE CIVIL SOCIETY INDEX

The CIVICUS Civil Society Index (CSI) is an action research project that comprehensively assesses the state of civil society in a range of countries around the world. The 2008-2011 project was simultaneously implemented in around 40 countries and was coordinated by the international civil society network CIVICUS: World Alliance for Citizen Participation. The goals of the project are to enhance the sustainability of civil society and to promote and strengthen its contribution to positive social change. Through a variety of methods and activities CSI also aims at providing space for civil society to reflect on its strengths and weaknesses and make recommendations for action to strengthen the sector. The CSI is useful both as a self-assessment and evidence-based advocacy tool for CSOs and as a repository of knowledge about civil society for other stakeholders.

Civil society in Macedonia was part of CSI for a second time. The first CSI was conducted in the period 2004-2006, and the second between 2009 and 2011. The Macedonian Center for International Cooperation (MCIC) coordinated and conducted CSI in both phases.

CSI assesses state of civil society by examining five core dimensions: Civic Engagement, Level of Organisation, Practice of Values, Perception of Impact and External Environment. In Macedonia, these civil society dimensions were studied using in-depth primary and secondary research, including: representative population surveys, a survey of CSOs, in-depth interviews with stakeholders from other sectors, regional focus groups, a literature review and case studies.

HISTORY OF MACEDONIAN CIVIL SOCIETY

Civil society in Macedonia has played a significant role in the history of the country, particularly in the period of national renaissance at the end of 19th Century. A number of charity associations were functioning prior to the Second World War, while the socialist modernisation of Macedonia as part of Yugoslavia (1945-1990) provided the basis for the emergence of many cultural, sport, welfare and professional organisations, though they were kept under the control of the Communist Party during the socialist period. Independence, which took place in 1990, and the ensuing transition, were important triggers for civil society’s rebirth. The number of civic organisations has significantly increased from 4,203 in 1990 to 11,326 in 2010 (5.5 per 1,000 inhabitants).
CONCEPT OF MACEDONIAN CIVIL SOCIETY

There is no common understanding of the concept or definition of civil society in Macedonia. In the early 1990s the term ‘non-governmental organisation’ was introduced in Macedonia, which the public recognised as organisations related with foreign donors. The first criticism of this concept came in 1999 when the term ‘civil society organisation (CSO)’ and ‘civil association and organisation’ were introduced as broader and more comprehensive definitions for civil society. The Law on Associations and Foundations defines civic organisations as associations, based on values and interests, which are positive, non-partisan and not-for-profit. The non-partisan character distinguishes civic organisations from political parties, but the Law does not include trade unions, chambers of commerce, churches and religious communities, organisations like the Red Cross and, of course, political parties, which are all regulated by separate laws. Some organisations, including MCIC, use and apply a broader understanding of civil society. However, this wider concept still does not include all existing actors in civil society. The agreed definition of civil society used in this report is: “the part of the social space outside family, state and market, which is created by individual and collective actions, organisations and institutions in order to advance common interests.” The concept as defined in this way is broader than the traditional concept of Macedonian civil society. It includes five main domestic categories of civil society: associations and foundations; churches and religious communities; trade unions; organisations of employers and chambers of commerce; and political parties.
The largest category according to the number of organisations, total income and number of employees in 2009 is civil associations and foundations, including organisations for social and political activities. Next are trade unions and chambers of commerce, as well as business associations. These are then followed by political parties and religious communities. Due to separation between the state and church, data on religious communities are not realistic, as churches do not submit reports. However, according to the perception of the CSI National Index Team, influence of these forces follows a different order to size – first political parties, then business associations, religious communities, associations and foundations and finally trade unions. The reverse proportional relations between the influence and resources of the organisations may be due to the close relationship they have with the government.

MOST SUCCESSFUL CSOs IN 2010

Citizens recognise as successful organisations from all categories, with more organisations active in democracy and human rights: Red Cross, Megjashi, Foundation Open Society Institute Macedonia (FOSIM), Macedonian Center for International Cooperation (MCIC), El Hilal, Razbudi se, Most, Polio Plus, Union of Associations of Pensioners of Macedonia (SZPM), Helsinki Committee for Human Rights (HCHR), Macedonian Enterprise Development Foundation (MEDF), Association of Units of Local Self-Government (ZELS), Association of Journalists of Macedonia (ZNM), Youth Islamic Forum, Transparency Macedonia, and Foundation Renova. (Klekovski S., Nuredinosa E., Stoianova D., 2010).
Civil society in Macedonia is moderately well-developed. The level of organisation and practice of values dimensions constitute the stronger side of civil society. Impact of civil society on social concerns and policies is moderate or average and civic engagement is low. The external environment in which Macedonian civil society operates is partly enabling.

Civic Engagement measures the extent to which individuals engage in social and policy-related initiatives. Only a small minority of citizens is engaged in CSOs as members or volunteers, and no significant changes have been seen here in the last five years. Participation of citizens in informal activities to advance common interests is higher than in organised civil society. Citizens also are not consistent in volunteering; they volunteer up to 10 hours per year. Moreover, their involvement in one-off activities is higher than in organisationally-led and presumably more systematic ones. As most groups of citizens (e.g. from rural/urban areas, women and men) are present in civil society, its diversity is highly rated.
**Practice of Values** presents the extent to which civil society practices some core values. CSO tend to promote non-violence and tolerance, with isolated violent or racist groups or incidents. Non-violence and tolerance are also values on which civil society in Macedonia is based. Transparency and internal democracy are also highly rated by CSOs. Corrupt practices are rare.

**Level of Organisation** assesses the degree of institutionalisation that characterises civil society. Sectoral communication and cooperation are highly rated as well as networking. Here the weakest point is unsustainable human resources. A large majority of organisations either have no paid personnel, or a small number. Only around one in five CSOs can be deemed to have a sustainable resource base. Finances are stable, but will be the main challenge ahead as major traditional donors withdraw from Macedonia and public funding, individual and corporate donations are on a low level.

**Perceived Impact** describes the extent to which civil society is able to influence the social and policy arena, according to internal and external perceptions. The overall influence of civil society is found to be moderate or average. According to respondents, the impact on social concerns and policies is average, whereas civil society’s influence on policy positions is highly limited. Influence on key priority issues referenced in the research is also regarded as being at a moderate level, whilst CSOs themselves have average success in influencing society. The highest impacts of civil society are seen to be empowering citizens and promoting policies for human rights and equality, with external stakeholders rating civil society’s impact as slightly higher than the internal self-assessment. Members of civil society are, however, not setting a strong example for promoting tolerance, trust and public spiritedness.

**LAW FOR PREVENTION AND PROTECTION FROM DISCRIMINATION**

In the last five years, civil society has been most active in the area of human rights and equality, with a central role in the adoption of the Law for Prevention and Protection from Discrimination. After the unsuccessful individual attempts of the Macedonian Center for International Cooperation (MCIC) and Helsinki Committee for Human Rights (HCHR) in 2005, the Law
was adopted in April 2010, as a result of its prioritisation in the moves towards EU integration, and following the campaigns of civil society. Civil society used a successful model from the Inter-party Parliamentary Lobby Group (IPPLG): there was a joint approach by 11 organisations in an alliance, Macedonia without Discrimination (MWD), and there was a national coordination body established which included politicians (MPs), civil servants, experts, interested CSOs and international organisations. A representative of MWD participated in the working group on the law at MLSP which resulted in a draft law supported by civil society. The government then decided to introduce significant changes to the draft law and cut out about one third of the articles, submitting the reduced law to parliament. One part of civil society asked for the draft law to be withdrawn and submitted the initial version to the procedure instead, with the support of the left opposition (SDSM); however, Parliament did not accept it. Another part of civil society continued to work with the conservative parliamentary majority (VMRO-DPMNE, DUI) which resulted in 11 adopted amendments in Parliament. The result was an example of a procedural and sensitising influence and a partial substantive influence. The partial substantive influence is due to the big ideological difference between the interests of (part of) civil society and (part of) the conservative ruling party. Civil society entered into a late interaction with the key opponents of the law (Mangova, I., 2011), and the exercise was also one of defining expectations, and addressing the question of whether it is realistic for civil society to hope to achieve a victory in an ideological battle, or to strive for an optimal consensus position. The lesson here is that defining expectations influences the assessment of success; the formulation of unreachably high expectations can strengthen the ensuing perception of failure.
External environment includes the conditions (socio-economic, political, legal and socio-cultural context) within which civil society operates. Most organizations perceived the legal regulations for CSOs to be enabling and have not had experience of unlawful limitations or restrictions forced on them by the various levels of government. The environment is, however, hindered by an only partially effective state, corruption in the public sector and a deep lack of public trust. As part of this, trust in civil society is low. More encouraging is that CSOs feel the legal environment has improved in the last five years: a Strategy for Cooperation of the Government with the Civil Sector; a new Law on Associations and Foundations; Law and Strategy on Volunteerism; and Law on Donations and Sponsorships of Public Activities have been adopted since 2006, when parts of these policies were recommended by CSI. Representatives of CSOs participate in working groups for drafting laws and strategies, but there is no centrally established system for participation in policy-making. Also, there is no established, transparent system for provision of state funds to CSOs.

Key Changes in the New Law on Associations and Foundations

The new Law makes it possible for associations to be established by numerous different groups including individuals, foreign persons, and minors under certain conditions, compared to previous regulations which limited these to adult citizens of Macedonia. This can be seen as a direct contribution towards the overall fulfilment of the right to free association, in accordance with the European Convention for Protection of Human Rights and Basic Liberties, practices of the European Court for Human Rights and recommendations of the NGOs of the Council of Europe. The new Law gives equal rights to local and foreign persons, allowing greater freedom to establish foreign organisations. Also, the new Law does not specifically mention informal associations, and therefore does not put any restrictions on them.

The new Law conforms with practice in most European countries, and importantly allows organisations to generate income, which will contribute to the financial sustainability of the civil sector.

The biggest change is the introduction of a public benefit organisation (PBO) status, which encourages organisations to work in areas of public interest, by providing conditions that will enable these organisations to improve their sustainability, which looking forward, could include greater tax incentives as the law works through. The introduction of this status was the result of a demand put forward by CSOs in the previous ten years. The usage of the concept, and the implementation of the regulations for it will be one of the biggest challenges for the future, both for government and CSOs.

The Law also intends to contribute to the good governance of organisations, determining the basic bodies that associations and foundations should have. The Law calls for a division of functions in organisations between management and executive functions, especially with organisations with a public interest status.

A number of regulations are intended to contribute to increased transparency of both organisations and government administration. In this regard, there is a request for transparency and openness of the work of organisations (Article 11), as well as a stipulation for work to be non-partisan.
To encourage the further development of CSOs and civil society in general, Macedonia should build on existing strengths and opportunities for civil society:

- **Civil society is most active in the field of human rights.** With its high level of commitment and diverse activities, civil society exerts significant influence over policies related to the protection of human rights and equality. Civil society has initiated the adoption of numerous laws in the field of human rights and equality, e.g. the Law on Equal Opportunities of Women and Men and the Law on Prevention and Protection against Discrimination as leading examples.

- **Civil society empowers citizens.** Civil society successfully informs and educates citizens, predominantly by focusing on the marginalized and poor.

- **A strong degree of networking, communication and cooperation is evident among CSOs.** CSOs have relatively well developed mutual relations and there is a significant level of connectivity in the form of networks, alliances and groupings of similar organisations. Participation in networks and coalitions contributes to greater inclusion in the policy creation processes.

- **Corruption in civil society is a rare event.** This fact is confirmed by other international surveys relevant to the CSI, such as the Global Corruption Barometer, which ranks civil society as the least corrupt sector in society (Transparency International, 2009).

- **Civil society has capacity to raise funds from diverse sources.** This includes financing from foreign and international sources, including from the European Union; from membership fees; and from government at both local and national levels.

- **Further liberalisation of freedom of association is possible.** In the Law on Associations and Foundations adopted in April 2010, expansion of the freedom of association was one of the most crucial changes for civil society. The possibility given to legal entities, foreign persons and minors to establish associations, as well as the opportunity for informal association, is a direct contribution to enable citizens to fully exercise their right to free association.

- **New legal measures for financial sustainability are in place.** Other benefits from the new Law on Associations and Foundations include opportunities related to performing economic activities and the status of organisations of public benefit.

- **European Union (EU) integration processes offer a positive potential for change.** In the past, the EU has demonstrated significant support to civil society by giving it a special significance and place in the regular reports on the EU accession progress. The abilities, know-how and skills of CSOs can certainly contribute to Macedonia’s negotiations for membership of the EU.
Through these strengths above Macedonian civil society could deal with the main weaknesses and threats which are:

- **Poverty eradication has low priority, and actions are only ad-hoc.** Although poverty is regarded as the main social problem in Macedonia, with CSOs considering it as a priority, actions undertaken and the degree of influence of organisations in this field are insufficient in light of the magnitude of the problem.

- **Insufficient activities are targeting the national budget.** Inclusion in, monitoring of, and influence over the drafting of the national budget is the area where civil society is practically absent.

- **Civil society is not a role model.** Members of civil society are not any more tolerant or have higher public spirit than other citizens in Macedonia. They have only insignificantly higher general public trust as opposed to other groups.

- **Insufficient involvement of citizens in civil society is evident.** Activities of civil society are not “attractive” enough to provoke the attention and interests of citizens to become part of them, or even to a greater extent, to volunteer in them.

- **A minority of organisations have paid staff.** The small number of “professionally engaged” staff may lead to long-term decline in the quality of work performed. Further, volunteering cannot be taken into consideration as a serious alternative as it is on low level.

- **Organisations are insufficiently committed to their relations with members, citizens and other actors.** Foreign donors remain the major source of funding of civic organisations in Macedonia. This leads to the establishment of upward accountability relations primarily with foreign donors, rather than internal relations with members, downward connections to citizens, or even horizontal linkages with other actors.

- **Corruption and “captured civil society” is a fear.** Financing and funding from the EU are a source of concern. There is fear of abuse of the incoming larger sources that will be distributed through state administration bodies. This fear is well founded if one remembers experiences from new member countries of the EU, such as Bulgaria.

- **Public trust is low.** General trust, including trust in civil society, is low in Macedonia. This is most probably one of the causes of low civic engagement, both of its extent and depth. This low level of civic engagement can hamper the future development of civil society.
RECOMMENDATIONS

- Civil society needs to become a leading force for poverty eradication and the fight against corruption: Poverty eradication has long been a challenge for civil society, and will remain a huge issue for years to come. Shifting poverty from a marginal topic to a primary focus of civil society will significantly change the problem. This needs to include revealing the cause-and-effect relations of poverty, as well as fundamental social-economic injustices, as these are challenges that will have to be tackled by civil society in the future.

- Civil society needs to move beyond advocacy for policies to monitoring of implementation and budgets: Moderate success has been registered in influencing public policies in the past. For a better assessment of the impact civil society is having on public policies, there is a need for a common understanding of priorities, expectations and indicators to be established. Following this, what is required is to pay more attention to the implementation of laws, including influencing the national budget, as well as monitoring the implementation of policies and the utilisation of budget funds. In order to achieve this, CSOs need to strengthen their own capacity.

- Civil society should focus on intensifying public relations: The long-term emphasis on donor relations by CSOs contributed to less attention being paid to public relations needs; this involves relations with citizens and the organisational membership base. What is required in the future is that CSOs focus their efforts more intensively on their own constituencies and the general public. Building such relations will enable the proactive presentation of results from activities, which in turn will secure greater visibility of the organisations themselves. In the long run, such bonds will improve and enforce the trust and support received for CSOs.

- Strong partnerships are needed for a sustainable civil society – from legal framework structures to mutual acquaintance and recognition: Partnerships and permanent networks among CSOs, but also with other bodies, including the state and business sectors, are essential elements in order to ensure an effective and sustainable civil society. Previously, development and organisational growth focused more attention on building social capital with foreign donors than with other actors. CSOs in relationships with the state have focused on legal frameworks that enable cooperation, something already partly achieved. Socio-cultural limitations, such as low trust and tolerance, and national history, have made the problematic situation of mutual acquaintance and recognition evident. It is clear that the focus needs to move from the legal framework towards mutual respect. One of the first steps involved in this is to overcome the historical gap between political parties and CSOs. Next, further strengthening of cooperation with business associations, trade unions and civic organisations will be necessary.
Substantial civil and social dialogue is essential: There is a need to further build substantial civil and social dialogues, using the existing mechanisms and encouraging their further development. It is necessary for CSOs to be involved in parliamentary work, in working groups of the government, as well as in the processes of European integration. Good relations at a local level between municipalities and civil society should be further developed, as well as relations with the business sector. Further strengthening of national and sectoral platforms and alliances is necessary in order to strengthen the credibility of civil society.

The basic framework for participation of CSOs in policy-making is set out in the Constitution, the Law on Government and the Law on Local-Self Government., as well as in the Strategy for Cooperation of the Government with Civil Society. The main provisions of these acts are specified in two relevant documents: methodology for policy analysis and coordination, and methodology of regulatory impact assessment. Still, the willingness and capacities of ministries and other Government institutions for engaging with civil society is uneven. There is no system for ensuring participation of CSOs in the policy-making process. This includes the absence of a mechanism to facilitate the regular, timely and meaningful involvement of civil society in the process of European integration, as prescribed by the EC, including participation in the drafting of national development plans, operational programmes and the accompanying strategic documents. Although systems are not in place to enlist civil society in dialogue, there are positive examples where CSO representatives have participated in working groups tasked with drafting laws, such as: Working Group for the Law on Citizens’ Associations and Foundations, Working Group for Law on Volunteering and Working Group for the Law on Protection from Discrimination. In addition, a few ministries have made real steps to include civil society in policy dialogue and are better prepared, in terms of capacity, for this task, including Ministry of Labour and
Social Policy, the Agency of Youth and Sport and the Ministry of Environment and Physical Planning.

**Recommendations:**

- **Systematic solution on involvement of citizens in policy-making:** There is a need for adoption of one, legally binding document, e.g., a rulebook for inclusion of the public in the law adoption process, or alternatively a code of good practices for inclusion of the public in law adoption process. The same rules concerning participation in law-making should be applied in the preparation of by-laws or other implementing documents.

- **Defined clear and transparent mechanism for the selection of CSO representatives in the bodies that will draft policies and laws:** There is a need for a standard mechanism for the manner of selection of CSO representatives in the bodies that draft laws. Some examples of mechanisms are public competition for selection; clear criteria based on experience and expertise; selection made with voting by the interested organisations; and open registry of concerned parties, maintained by the ministries.

- **Capacities of state institutions and CSOs for substantial civic dialogue should be strengthened:**

  There is a need to strengthen CSO capacities for inclusion in creating policies, especially in the processes of law adoption, through trainings and direct consultations with the interested organisations. This includes capacity building of national CSO networks for organised contribution during the course of law preparation/implementation. There is a corresponding need to raise the awareness of public officials about the benefits of consultation and participation and the contribution that CSOs and other interested parties can make to the process.

- **Timely and organised participation of civil society in policy making:** The timeframe for solicited public comments and opinions in a consultation process should be made longer. Also, every ministry, as part of its annual plan for the preparation and amendment of laws should foresee minimal financial means necessary to conduct a solid and more wide-ranging consultative process.
Efforts should be made to ensure the financial sustainability of civil society: The sustainability of civil society is very worrying given the possible scenario of withdrawal of foreign resources. This would lead to a remodelling of civil society, on the basis of its ability to mobilise new resources. The various sub-sectors will need to develop different models of funding. These could include fees for mass organisations, such as trade unions or pensioners’ movements, or voluntary contributions where citizens recognise certain needs, such as for children and people with special needs. There is a need for the improvement and strengthening of direct government support (including incomes from games of chance). Indirect state support also needs to be improved through tax incentives and the development of the status of public benefit organisations, as well as through the development of volunteerism and increased service capacity of the civil society sector. In the mid-term period, civil society will require continued foreign support for projects on democracy and human rights, especially where civic organisations won’t be able to quickly mobilise new sources of resources.

CSOs ASK FOR TRANSPARENT AND INCREASED FINANCIAL SUPPORT BY THE STATE TO A LARGER NUMBER OF ORGANISATIONS

The general understanding in the Republic of Macedonia is that there is not sufficient direct state support to CSOs. However, a more detailed analysis of the national budget shows that in the last six years the amount of apportioned funds for “non-governmental organisations” is approximately 4,000,000 EUR. It seems that this amount is not so small, and the problem is the way in which funds are allocated, and the fact that part of the funds is not allocated to CSOs at all. Only a few state institutions distribute these funds through open call. Others most often distribute funds by decisions where beneficiary organisations are predetermined. More transparent procedures are applied only for one small portion of these funds (app. 245,000 EUR or 12% of the budget line for nongovernmental organisations in 2007). In the last two years there were efforts made to improve the transparency of the procedure for state funds distribution with approval of the Code of Good Practices for Financial Support of the Citizen Associations and Foundations from the Budget of the Republic of Macedonia. But the practice shows that the Code is not consistently applied. Additional improvement came in 2009 when the Government adopted the Decision for Criteria and Procedure for Distribution of the Funds for Programme Activities of the Citizen Associations and Foundations from the Budget of the Republic of Macedonia. The Decision also introduces programme criteria and scoring of applications against these criteria.

Recommendations:
- A law should determine the size of the amount (special percentage) of the funds which will be regularly apportioned from the budget and distributed to associations and foundations: This step will make known the size of the funds that the state allocates for support to the civil society sector and at the same time it will represent a long-term and clear strategy for support to the
civil society sector, which has been the case in the majority of countries in Europe.

- Amendments to the binding powers of the Code for Best Practices for Financial Support to the Associations and Foundations from the Budget of Republic of Macedonia: The proposed measures in the Code are in line with all European standards for a transparent procedure for distribution of funds from the budget, intended for CSOs. Should these become obligatory and consistently applied by the state administration bodies, the deficiencies listed above related to procedure will be overcome.

- Amendments to the Law on Games of Chance and Amusement Games which will result in increased financial support to larger number of organisations: It is required to amend the Law, with reference to provisions in Art. 4 which determines the distribution of income from games of chance and amusement games to certain annual programmes and activities of associations of citizens. Change, also is required in the amount of funds which are apportioned and in the scope of activities which are supported. The recommendation is to remove the limitation of the amount of funds and to expand the currently narrow scope of activities.

- Amendment of the criteria and procedure for distribution of income from games of chance and amusement games: A change is required to the existing procedure and criteria determined by the Ministry of Labour and Social Affairs for distribution of income from games of chance and amusement games which presently refer to funds that are distributed for support to only programmes of associations of people with disabilities.

- All state bodies to take into account the Article 49 of the Law on Associations and Foundations: This article clearly stipulates an obligation for all state administrative bodies to regulate the conditions for allocation and use of funds intended for associations and foundations, as well as to adopt annual plans and programmes for allocation of these funds.
The CIVICUS Civil Society Index Report for the Republic of Macedonia is prepared by the members of the National Index Team (NIT).

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For the Publisher
Sašo Klekovski, First Executive Director
Aleksandar Kržalovski, Executive Director

Authors
Sašo Klekovski
Daniela Stojanova
Gonce Jakovleska
Emina Nuredinoska

National Index Team Coordinator: Sašo Klekovski
Project Coordinator: Daniela Stojanova

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