

Forum Summary, ANNEX V (V)
Baltic Sea NGO Forum 2006, Stockholm, Sweden
5-7 October 2006
www.bsngoforum.org

ANNEX V

Summary of the Workshops on NGO-Legislation, Legal Security and Civil Society, October 6

Introduction Seminar_____	2
Workshop: NGO Legislation_____	4
Workshop: “How can we raise Civil Society dialogue in the region?” _____	5

Please observe that this is an annex of the document ”6th Baltic Sea NGO Forum Summary”, which can be found at www.bsngoforum.org.

Introduction Seminar

Participants: Denmark, Norway, Island, Finland, Sweden, Belarus, Russia, Germany, Latvia, Estonia, Lithuania, Poland
Legislators, NGOs, Nordic Council of Ministers, Consultants, CBSS, researchers/academia

Nina Belyeva, “We, Citizens!”, Russia

The Council of Europe has done initiatives to clarify the guidelines for NGO legislative environment. There is no principle of the Presumption of innocence for NGOs in Russia. The legislative environment is restrictive. European Guidelines on NGOs relations should be applied to Russia and other CBSS countries and NGO monitoring groups should be created in all CBSS countries to monitor the implementation of these guidelines. Good practices and final monitoring results should be exchanged.

In fact NGOs' concerns about legislation in Russia and EU countries, the whole Baltic area, were part of Conclusions of a previous NGO Forum. We only need to follow-up.

Rasma Pipike, Civic Alliance Latvia, Latvia

In Latvia – Law of 2004 for re-registration of NGOs. NGO network organizations joined forces to oppose the complicated procedures. In Latvia there was a huge information campaign against NGOs especially those working with Soros Foundation. NGOs were said not being supposed to work with political issues.

A New Law on public benefit status – special criteria and definition were developed to identify organizations, which can obtain public benefit status. The problem here is with NGOs working on sports and culture – abusing the funds obtained (doing business avoiding paying taxes). NGOs in the Baltic Sea region should work together to find a workable solution to deal with public benefit status application to sports and cultural organizations. Last years – vast state support to NGOs. NGOs were in all election programs of political parties, but much of it only lip-service.

When Latvia joined EU, donors opted to an exodus strategy. NGOs started to cooperate among themselves, tried to merge interests and find compromise and cooperate with political parties. NGOs should rely less on foreign funding and created local sources of funding.

There were some successes including the VAT deduction for social services. Memo of Understanding was signed with the Government. MoU was signed with the Parliament (NGOs from regions should be involved, there should be an annual NGO Forum, information from the Parliament should be more accessible to NGOs). The year 2005 – Marathon of Memorandums in Latvia. There are a number of working groups operating in the Parliament.

NGOs should overcome the problem of lobbying (advocacy) being something bad. New skills should be acquired and legislative division should be made between advocacy and lobbying.

NGOs are often treated as social elite not being close to citizens, not being able to influence upon citizens.

DDD – Democracy Dialogue Debate. Politicians promised to make consultations with the public but nothing of that materialized. The EU strategy for public consultations is almost all linked with new technologies and e-consultations. In Latvia the digital gap is still wide not allowing for many citizens to engage.

In development cooperation and international assistance – there is a “meeting culture”. There are doubts how big an impact can simple meetings have (for example Georgian NGOs to come and have meetings in Latvia).

Bente Dahl, member of the Danish Parliament and the Nordic Council of Ministers, the speech can be found at www.bsngoforum.org

Nordic Council of Ministers works with strengthening civil society in NW Russia and Belarus. Civil society should be able to make its voice heard before important political decisions are made.

Budget 2007 priorities: Arctic cooperation, voluntary cooperation in the Baltic area and cooperation in fighting drugs.

Comment by Nina: exchange between Nordic and Russia parliamentarians.

Use the experience of information centers and mechanisms of the Aarhus convention to broaden its application to other areas: justice, access to information, etc.

Andrei Yahorau, Agency for Humanitarian Technology, Belarus

It is irrelevant to speak about NGO legislation in Belarus, as it is not observed anyway, because legislation is applied only to those actors, which are loyal to the authorities.

Authoritarian regime: completely controlled media, imprisonment of opposition politicians, etc. Restoration of regime is now taking place in Belarus after a short period of democratization of the early 1990-ies.

To change the regime people have to act from within the country. Anti-totalitarian movement is working to organize various actors of civil society (including NGOs) to act against the regime. We think that the majority of citizens are in favor of the regime, but there are many people who consider freedom to be the primary value. The changes in the criminal code allow to imprison people to providing data different then data of official statistics. Many NGOs are not able to officially register and have to operate illegally.

All decision-making about changes in Belarus were made outside: in early 1990-ies in Moscow and now also in EU. Belarus citizens appear to be customers of external programs. All external programs should be adjusted to local interests and agreed with local actors. However, this is only possible when opposition and civil society are consolidated.

Donors do not coordinate their aid programs to Belarus (and other countries) with Belarusian democratic actors. If coordinated, this may create the necessary changes.

It is hard for NGOs to coordinate their work, as there is no public sphere in the country and NGOs cannot publicly discuss matters.

Jakob Erle, Denmark

There are consequences of globalization for nation-states and CSOs. A strong global and national civil society is essential in bringing in democracy to the global governance.

Workshop: NGO Legislation

Moderator: Mikhail Gorny, Center Strategy, Russia

Rapporteur: Liliana Proskuryakova, Center Strategy, Russia

Michael Gorny, “Presentation on Prevention of Corruption”

Preparation of legal acts in Russia is required:

- access to information
- transparent budget
- lobbyism
- public participation in the Administrative reform

NGOs could become an important partner in corruption prevention through advancement of access to information, making budget process more transparent and assuring public participation in decision-making.

Concrete recommendations from Danish delegation on the development of the Working Group on legislation:

- The participations of the session agreed to form the Working Group on legislation.
- Members of the WG could be NGOs and individuals from the CBSS member-states.
- The members agree on the importance of free and independent NGOs for the democratic political process in all countries at all levels.
- Members of the session agree the importance of international cooperation between NGOs in order to sustain piece and economic development in the CBSS member-states and beyond.
- Members of the session agree that free and independent NGOs should be complimented by free and independent media.
- The WG will work in solidarity for legal regulations and corresponding implementation of such legislation assuring free and independent NGOs and media in the CBSS member-states.
- The members propose that the CBSS Working Group on Democratic Institutions will arrange a meeting at which they will analyze NGO legislation and experiences. NGO Forum will invite Focal Points representatives to present cases.

Workshop: “How can we raise Civil Society dialogue in the region?”

Moderator: Jakob Erle

Rapporteur: Flemming Thøgersen

Recommendations:

NB. Some of the recommendations are aimed at NGOs in the Baltic Sea region, while others are aimed at the CBSS.

- 1) Initiative group on monitoring NGO-legal environment. To follow not only the legislation, but also how the laws are interpreted. Do all states follow the EU-guidelines for NGOs? All the states in the region have signed the Aarhus Convention; it should also be monitored whether they are observing this convention. For more information on the Aarhus Convention see: <http://www.unece.org/env/pp/>
The focal points can provide information about good practice as well as a list of problems concerning the relations between NGOs and the state and the market.
- 2) Exchange of parliamentarians in order to learn about NGO-cooperation, including parliamentarians such as workshop lecturer Bente Dahl, who has personal experience in working in NGOs.
- 3) Focus on regional cooperation.
- 4) Regular consultations between NGOs (CC and the national Focal Points) and the CBSS Working Group for Democratic Institutions as well as close contact with other special bodies of CBSS. Information about CBSS and parallel bodies in the Baltic Sea Region should be given to the NGOs.
- 5) Set up a working group on democratization of Belarus with representatives from focal points (or other national NGOs).
- 6) CBSS in closer cooperation with Nordic Council and the Council of Europe regarding policies on NGOs, guidelines, funding etc., but also on observance of Human Rights. It is useful to include also Polish and German NGOs in projects for the Nordic and neighbouring countries that are supported by The Nordic Council of Ministers.
- 7) Focal Points of the Baltic Sea NGO Network should initiate the discussions on the role of the civil society.
- 8) Make efforts to publicize information about existing NGO-networks in the region.

The participants presented their experiences and examples of NGO-activity in their own countries:

Latvia: A network of 70 NGOs called Sustento for people with disabilities has been working also before 1990, but has been reorganized and has now a totally different role. Does not work with disabled persons anymore, but does advocacy. Promoting awareness and making public outcries if needed.

Poland: NGOs try to support the government by pointing out mistakes - for example concerning issues such as education, helping children and medical help to show how the

government could be better. Citizens begin to think of NGO-cooperation. NGOs help raise the level of awareness and raise the standards of respecting the citizens.

Sweden has a long tradition of NGOs, but sometimes youth seem to forget the impact of NGOs. The contacts with the political world are not always positive, too close cooperation with the government might have made the NGOs lose their independent role. Part of this danger is funding.

From 1990/1 authorities have been giving money to support the development in East and South, this has been slightly more difficult because of the new EU memberships. Diversify civil society!

Denmark is in many aspects like Sweden. We have nearly 200 years of experience with democracy. According to Danish law NGO-activities for children and young people (for instance amateur sports and scouts) shall receive public funding. The same legislation applies to non-formal adult education (according to Danish law exams are not allowed in non-formal adult education). This funding is distributed locally by a committee composed of NGO-people and local politicians, in which the NGOs hold the majority. The law also stipulates that 10 % of the funding allotted for non-formal adult education must be applied to create debates on issues decided by the NGOs.

The Social Summit. In 1991 Chile proposed that a social summit was held under UN auspices. We called upon all NGOs to prepare for a social summit also for NGOs, cooperating with NGOs in other countries. The NGO-Social Summit was a success. Cooperation between NGOs and governments depend very much on the will to cooperate and to succeed.

Iceland has not got very much of a civic society yet. It has the traditional women's organisations, scouts, animal protection societies etc. In the 1970s the Icelandic society was shocked by a group of young people trying to protect a few old houses in Reykjavik. There has been a group of activist protesting the US Airbase at Keflavik, but they were ignored by the establishment. At some point Iceland received 400 Vietnamese refugees (who have been doing well for themselves), and from 1990 more immigrants have arrived in Iceland, mostly from Southeast Asia, but also from Russia and Ukraine. The International House in Reykjavik offers legal help, help with translations etc.

One success story: The gay and lesbian rights movement has succeeded in obtaining equal rights, they even have the right to adopt children. They have been fighting together to obtain these rights.

Norway: In this example a teacher of social work was sent to Lithuania to teach, but found no books, and the students never asked any questions. However, to get the students to ask questions, to participate more freely in the classes, and to think more about these issues, she organised a seminar on human rights and democracy through her NGOs. And it worked.

Finland: there is a slot machine organisation that donates its profits to NGO-activities. NGOs may also sell services to the citizens. There is a programme for women from ethnic groups where they can meet and work on different activities.

Belarus: the NGOs are looking for regional cooperation that can help them grow stronger. In 2005 there was an idea to run a specific forum (so-called organised activity game) for civil society actors to develop common strategy in new conditions. Half the funding was found inside B.R. but external funding was needed. The problem was that foreign donors have their own goals and don't recognise Belarusian local NGOs as a subject. But foreign NGOs or

donors cannot take responsibility for activities in B.R., and only one Swedish organisation agreed to change this attitude. The forum was held, a new strategy started and new change technology for Belarus has been developed. Now there is a great need to develop such approach and to find more partners in the region able to cooperate for real purposes but not just for donor's preferences.

In B.R. you live in another world, a different world from the rest of Europe. Encourages us, the other NGOs, to create a work or study group on Belarus in order to follow the developments in that country.

Russia: there is a network of networks, NGOs who work with ecology, human rights, migration, etc. and with different types of partners (neighbours either in Russia or abroad). Social contracts, municipal grants for clean projects.

The local laws are more democratic than the state ones, and local lobbying is possible.

Make a comparison of legal framework. Civic Forum held in 2001.

Public Chamber, initiated by the president, gives direct access to the Duma.

Businesses sponsor citizens' activities.

Looking for civic expertise, meaning that new laws should be debated among the citizens and be debated with the legislators.