



# SITUATION ANALYSIS OF CIVIL SOCIETY IN GEORGIA

**(Report Summary)**

Author: Gemma Piñol Puig, Expert on Governance and Civil Society

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## **SITUATION ANALYSIS OF CIVIL SOCIETY IN GEORGIA**

### **Summary**

The following brief is based on the findings and recommendations derived from the stocktaking exercise commissioned by EPF, so as to have a fresh view of the environment in which civil society organizations (CSOs) operate in Georgia and to ascertain both incentives and disincentives for CSO operations on both national and local levels. Toward this end, the consultant was asked (1) to analyze the formal and informal factors that determine Government-CSO relations, (2) to identify key interests, incentives, and disincentives for civil society development and CSO participation in policy-making, (3) to assess the degree and impact of CSO influence on policy- and decision-making processes, and (4) to develop recommendations on how best to support CSOs so that they are able to respond to the needs and opportunities identified by the study.

The political economy analysis approach was used to carry out the study, as it focuses on analyzing what drives political behavior in given contexts and the effects these 'drivers' have on policy and development interventions. By putting CSOs at the core of the analysis, this approach allowed for identification and analysis of formal and informal institutions, power relations and incentives, as well as the ways in which the interactions of political and economic processes in Georgia have been important for the evolution of civil society, its particular structures, formal and informal rules, and power relations. The findings and recommendations of this study were drawn from the analysis of comprehensive documentary evidence and sixty semi-structured interviews with representatives of state institutions, political parties, development partners, civil society organizations, and other key informants undertaken during November – December 2015.

### **Overview**

Georgia's civil society organizations are widely known as being stronger, more vibrant and active than most in the region. Regardless of who is in power, civil society has been able to operate without undue interference by the authorities and it has proved to be an effective counterbalance to governments and has contributed to regime change. In fact, organizations within the civil society sector have been acknowledged to be more capable than those in the public and private sector. CSOs can act freely, without harassment from the authorities and they have had a number of significant advocacy accomplishments, such as ensuring peaceful democratic elections in 2012. The legal framework, although not perfect, is favorable to CSO development, as well as tolerant to their activities. Favorable conditions for CSOs' participation in policy- and decision-making process are also in place. There exist a large number of policy dialogue mechanisms in various sectors where CSOs are present and there are no difficulties in accessing public administration. International development community has also supported favorable environment for CSOs participation. Most relevant aid agencies in the country, mainly supported by the EU and the US, have contributed through financial and political support, as well as facilitating CSO engagement in policy process.

The enabling factors for CSO participation in public policy coexist with the non-enabling factors. Even with the existence of vibrant CSOs, there is great division within civil society landscape, between Human Rights (HHRR) and governance CSOs that mainly play a 'watchdog' role and those CSOs that work in social sectors and combine roles of citizens' awareness, provision of services, and advocacy. This division seems to determine access to resources, as well as to the media and the international development agencies operating in or focusing on Georgia. Additionally, political and religious cleavages are further hampering cooperation among CSOs within the same group and across the groups.

In general terms, CSOs enjoy limited legitimacy and weak internal governance. Internal governance is mainly hampered by weak organizational structures, which are, in best case scenario, only accountable to the donor community for some of their activities. Moreover, the existence of powerless citizens, combined with CSOs that have grown apart from them, has led to limited public trust and recognition for CSOs' work.

Whilst lack of technical skills and capacity is not a significant constraint, neither is access to public institutions and formal policy dialogues; there seem to be important political relationships and personal incentives that shape the behavior of both the state and civil society, creating disincentives for cooperation. Increasingly confrontational attitude of the government towards 'watchdog' CSOs has pushed CSOs to adopt strategies of action-reaction, rather than delve into key issues to hold government properly accountable. Furthermore, these dynamics seem to be affecting CSOs participation at regional level, where the context is even more complex. Although, there are regional CSOs that work intensively with citizens, they operate with extremely limited human and financial resources and face various difficulties and transaction costs when influencing national policies or reaching out to development aid agencies.

Last but not least is the persistent high level of international aid dependency. While CSOs working at local level as well as in social sectors have concerns around economic issues, sustainability does not seem to be a priority for HHRR and governance CSOs. The concentration of resources in HHRR and governance CSOs is not helping them to see sustainability as a problem in the long term. Limited diversification of CSOs benefiting from development partners' support seems to be further undermining the development of a plural civil society landscape. By financing CSOs with an aim to voice people's concerns and promote accountability without taking into account context and formal and informal institutions, development partners have promoted the rise of strong 'watchdog' CSOs that have grown apart from citizens and are only held accountable for activities and resources spent, rather than for their integrity and impact on democratic development, progress in human rights and citizens' welfare at large.

## **Key Findings**

### **Capacity of Civil Society Organizations to participate in policy-making processes**

#### Enabling Factors

- With time and well-invested funding, CSOs have been able to develop lobbying and advocacy instruments and capacities, as well as solid and transparent internal

structures and technical expertise, enhancing their ability to contribute to political and policy changes.

- Although levels of trust in CSOs remain relatively low, recent trends seem to point to their growing legitimacy and representativeness; by engaging with citizens, CSOs have created growing constituency-based support, which legitimates their voice vis-à-vis state institutions.
- As a result of donor influence requiring CSO political neutrality, as well as the CSOs' own attempts to obliterate soviet legacy, Georgian civil society has distanced itself from political parties, which has created possibilities to cooperate with them in the form of formal alignment or sporadic cooperation, while being able to avoid instrumentalization.
- Existing aid architecture provides a range of opportunities for CSOs, who have developed capacity to search for financial resources and answer grant-making programs effectively. Some HHRR and governance CSOs, as well as the 'infrastructure' CSOs (well-resourced and institutionally strong CSOs that have international roots and have core activities to support the development of civil society), enjoy core funding, enabling them to quickly analyze the changing reality and work on the most relevant and prioritized issues in line with their mandates. However, CSOs focusing on social issues receive aid funding mainly through projects from development aid agencies, as well as international non-governmental organizations, and therefore have limited freedom to adapt to the fast changing realities.

#### Disabling Factors

- Despite the aforementioned positive trends, CSOs still have limited representativeness and low support from their respective constituencies and are rather 'disconnected' from citizens. Some governance and HHRR organizations of recent creation have been implementing projects aimed at engaging with citizens, although most of these activities tend to be aid-driven or secondary, rather than a part of their mandate and responsibility towards those constituencies whom they claim to represent.
- The present study observed low levels of cooperation and unsustainable coordination and networking efforts of CSOs, limited to organizing donor-driven ad-hoc coalitions and campaigns, failing to overcome 'individualistic' patterns that have characterized mainstream Georgian CSOs.
- Despite the efforts to achieve greater sustainability, high level of aid dependency of CSOs is still persistent. Few CSOs have managed to diversify their economic resources, while the rest depend on funding from development agencies and INGOs.
- Due to the lack of theoretical and context-adapted notion of civil society, CSOs are frequently defined as 'watchdog' organizations aiming to promote democracy and development, rather than views as actors of change, builders of community sense and citizenship, and interlocutors between state and society. Consequently, CSOs have a limited space to define their own vision and long-term objectives and roles and to find their unique "niches" of work.

## **Social and political attitudes, legal framework and regime**

### Enabling Factors

- Current legislative environment is fairly liberal and does not hinder the development and participation of CSOs in the public arena, nor poses major legal or bureaucratic obstacles. The current regulatory framework defines the nature of relations between the State and civil society and requires a functional and democratic legal and judicial system to ensure the enforcement of the existing laws.
- The line ministries and state agencies often rely on CSO advice and capacity development to formulate policies and action plans and, less frequently, to provide social services.
- Large number of CSOs report on having relations with the Parliament as an institution and with individual members of the Parliament. In general, the Parliament is perceived as more open to dialogue with CSOs than the executive and therefore much easier to engage with on matters that concern CSOs and their constituencies.
- In 2014, a new Code on Local Self-Governance in Georgia was passed, envisaging the establishment of new forms of public participation in decision-making at a local level; it established a legal framework enabling regional CSOs to show their added value for facilitating relations of responsiveness and accountability between the Government and citizens,
- The efforts of development agencies have led to the development of an approach that systematically requires CSO participation in national government, in particular in foreign aid supported sectors. Over the years, these participatory approaches have reached a certain level of institutionalization and inspired the creation of others.

### Disabling Factors

- The legacy of the totalitarian past continues to influence transition to democracy and this manifests itself in the way that the executive deals with the rest of the state institutions, as well as with civil society; frequently, legislatures' willingness to cooperate with civil society evolves into confrontational relations.
- Current fiscal framework provides incentives to the private sector in the form of income tax deduction, if they contribute to charitable organizations; although it does not envisage incentives for either individual donations or for economic or social entrepreneurial activities undertaken by CSO.
- The space for holding the government accountable is limited for the CSOs. Formal mechanisms for CSO participation in policy- and decision-making processes involve their engagement at the formulation and implementation levels through monitoring and service delivery. However, these mechanisms have not resulted in higher involvement of CSOs in assessing the government's performance.
- The watchdog organizations' efforts, combined with the fact that some of them are of recent creation by officials from the former executive, have led to an assumption that the "watchdog" CSOs are part of the opposition, resulting in increased tensions between CSOs and the Government. In addition, such polarization of CSOs affects their relations and opportunities for cooperation as well.
- The CSO-Parliament relations face certain challenges due to weak coordination capacities within the Parliament. Although the legislative processes formally require

CSO inputs and remarks, frequently, decisions are made at high speed, without much CSO participation.

- Regional state institutions have a poor understanding of CSOs' roles and lack capacities to engage in dialogue with them. These factors are translated into high reliance on CSOs to formulate projects and to have access to aid. Many regional CSOs report on their regular contact with public administration, however, there is a general impression that the latter have no interest in working with them.
- The Georgian Orthodox Church (GOC) is one of the most influential and trusted institutions in the politics of the country. However, due to different approaches to fundamental rights, the GOC and CSOs frequently encounter disagreements and cooperation seems to be feasible only in the framework of specific projects, where fewer political activities are delivered.
- Over the past few years, a general concern among CSOs has been raised around the possible existence of Russian aid funding for CSOs, while the way that funds are distributed is perceived as non-transparent. The Russian aid may have contributed to mushrooming of CSOs at community and regional levels, which are against western values and promote the worldview propagated from Moscow. This phenomenon could be causing higher CSOs' fragmentation and lack of trust towards faith-based organizations, Russian minority CSOs, and in general, CSOs that question western principles.

## **Relationships, cooperation and coordination among stakeholders**

### Enabling Factors

- An important tendency to involve CSOs in policy-making process can be observed through consultation processes, as well as more formal and lasting mechanisms for CSOs participation. At the formulation stage, CSOs are invited by line ministries to participate in formal and public consultations or even to support the government in carrying out consultations. At the policy implementation level, civil society's participation is secured through institutionalized participatory meetings within the framework of various interagency coordination bodies that bring together CSOs, relevant line ministries and public agencies, development partners, and other stakeholders.
- The Autonomous Republic of Adjara, enjoying a different political status from the rest of the Georgian regions, has established a more formalized mechanism to share information with CSOs and to reinforce long-term informal government-CSO relations. As for other regions, even in contexts with underdeveloped civil society, where attempts to establish dialogue between regional and local CSOs have not been successful, some CSOs have been able to engage with public authorities through providing added value.
- Civil Society benefits from very good relations with the media, which gives great coverage to their advocacy campaigns and the issues raised. Reliance on the media, while not receiving enough attention from the government, has been the most effective way for CSOs to put pressure on public authorities.
- CSOs are believed to be in the political agenda of development partners, mainly the EU and the US. In fact, it is striking the political relationships that CSOs have been to develop with the international community beyond a project approach. The closeness

between development partners and CSOs seems to result in a win-win situation. On the one hand, economic and political support to CSOs seems to increase the bargaining power of CSOs vis-à-vis the government. On the other hand, the development partners have access to information concerning governance and HHRR problems, as well as to other geopolitical issues, which they use to determine their political positioning and dialogue with the government.

### Disabling Factors

- The presence of mechanisms for creating enabling environment for the State-CSO interaction and dialogue does not automatically mean that CSOs are fully involved in the policy- and decision-making processes. Despite the existence of different formal participation spaces and informal channels for policy influence, the impact of CSOs on policy- and decision-making processes has not been tangible.
- Formal networks and coordination efforts of CSOs beyond the *ad hoc* coalitions and campaigns have been mainly donor-driven and failed once funding was over.
- Access to the media and the capacity to use it as a tool to influence is not equally enjoyed by all CSOs. This is especially the case for CSOs working in social sector, which receive limited attention from the media.
- Very little effort has been observed in aid coordination and information sharing among aid agencies. Even if there is a continuous dialogue between CSOs and development partners, it has not yet turned into a structured dialogue providing equal opportunities for CSOs to reach the international community.

### **Recommendations**

#### **1) Strengthen Capacities of CSOs to enhance CSO legitimacy and accountability, to develop their political and technical capacities related to policy performance, and to promote innovation in holding state institutions accountable**

##### **a) On CSOs legitimacy and accountability**

- Continue to support capacity development activities aimed at promoting innovative ways to advocate for reforms and to hold government accountable (e.g. project that involve social audits, outcome mapping for policy monitoring, etc.).
- Continue to promote principles of legitimacy, representativeness, responsiveness and accountability of CSOs.
- Support projects aimed at building citizenship and promoting civic education, which include feedback mechanisms from beneficiaries, as well as activities that promote direct citizen participation in the decision-making process.
- Establish conditions related to internal governance for eligibility, as well as for the disbursement of grants or release of tranches. In cases where internal governance is considered weak, but a project has great potential for impact, set milestones for improved internal governance in discussion with the CSO.
- Internal governance requirements should include the sustainability of the project, feedback from beneficiaries and proof that projects are aligned to organizations' vision and goals.

- Building citizenship and internal governance requires long-term investment; therefore, core funding is highly recommended. As this is a very risky modality, a step-by-step approach is recommended that could start with a project approach, in order to put in place basic conditions/structures and be followed by pull funding, bearing in mind that the ultimate outcome is to have a self-sufficient and an independent CSO.
- b) On developing political and technical capacities related to policy performance**
- Provide and engage in capacity building activities related to influencing policies, most especially for CSOs working in social sectors; support CSOs in learning how to readdress the issues and analyze and assess policy impact on citizens.
  - Support evidence-based research initiatives accompanied by development of related capacities such as data collection, evaluation of government interventions, cost-effectiveness of government investments, etc.
  - Enhance knowledge of government policy processes such as how budget is allocated, how priorities are defined by the executive, etc.
- c) On promoting innovation in raising voice and holding state institutions accountable**
- Promote the use of new technologies.
- 2) Promote changes in social, political attitudes and legal, regime value systems**
- a) On legal reforms:**
- As actively done by different development partners and infrastructure's CSOs, support legislative reforms that provide incentives for CSOs sustainability.
- b) On social and political attitudes:**
- Increase local authorities' awareness of CSOs roles. This could be done in line with the implementation of local advisory councils as foreseen by the Self-Governance Code.
  - Promote activities that encourage CSOs to lead by example demonstrating positive/societal contributions.
  - Educate and engage the media in reporting those CSO initiatives that are working in sectors other than governance and HHRR, including through linking HHRR and governance issues with policy performance in key social sectors.
  - Facilitate debate within and across CSOs about meaning of CSOs in Georgia and their contribution to democratic consolidation and development. Support development of own 'theories of change.'
  - Explore possibilities to cooperate and engage with faith-based organizations, in order to promote the universality and plurality of HHRR.
- 3) Facilitate cooperation and coordination among all actors to support CSOs in building and strengthening relations with each other and local governments and to promote the development of a pluralistic civil society**
- Increase support to initiatives that search for common ground and intend to build bridges between different types of CSOs from various sectors; facilitate



and support ongoing efforts to create sector or thematic CSO networks and platforms that can represent CSOs to government and/or at particular thematic forums or government ministries.

- Support projects aimed at widening current approaches to democratic governance e.g. linking governance and HHRR issues with citizens' concerns such as employment, education, health and/or infrastructure.
- Advocate for a more coordinated approach among development aid agencies to promote continuous aid support and capacity development of civil society in all its dimensions beyond HHRR and governance.