Towards a more effective partnership with civil society
1. CIVIL SOCIETY SPACE AND ENVIRONMENT IN THE COUNTRY

Since 2011, civil society in Tunisia have led their own revolution, by gaining independence and leverage in order to better contribute to the construction of a more democratic and transparent society. Among the most relevant changes are: the expansion of CSOs (more than 9000 CSOs created in the last few years), the promulgation of the law for association that establishes for the first time rights and obligations for these organisations (Decree-Law 88/2011) and the law on public funding of associations (Decree 2013-5183), the new Constitution (which reinforces freedom of association and human rights protections, for which civil society has contributed and approved in January 2014), and the renewal of the appointment of a minister for relations with civil society and human rights organisations.

The roles of civil society were also enlarged, as CSOs played a crucial role in mobilisation and mediation in the transition, becoming increasingly active in the reinforcement of democracy and rule of law. There is however a considerable gap between urban and rural organisations (e.g. access to information and participation in the discussions, funding opportunities, coordination), an evident division between “historical” and “emergent” CSOs, and insufficient capacity of coordination through networks or platforms.

Despite the positive developments, the Euro-Mediterranean region has been paradigmatic of the recently narrowing of civil society space, and the situation in Tunisia has also experienced some changes, as the discourse against NGOs in the region have been copied by the national media and a rhetoric criticising CSOs spread, particularly after the terrorist attacks in 2015. In direct contravention of Article 33 of Decree-Law 88/2011 (which states that organisations can only be suspended or dissolved following a judicial decision), the government recently suspended hundreds of organisations for alleged links to terrorism. In reaction to the arguments that the defence of human rights undermines the fight against terrorism, a coalition of Tunisian associations presented a manifesto in April 2016 demanding that security policies are not used to restrict human rights. The recent declaration and extension of the state of emergency also raised concerns amongst CSOs who fear that it permits authorities to implement arbitrary and prohibitive measures to curtail fundamental freedoms (e.g. suppression of social protests or undermining freedom of expression).

Besides lack of funds and capacities, the politicisation of CS is a concern. There is still also a reciprocal lack of trust between CSOs and public authorities, which raises questions not only for the dialogue at central level, but also in the process of decentralisation and in participative democracy at local level. Although the right to holding governments into account and to participate in the definition of public policies is enshrined in the legal framework, the openness to civil society participation is greater in some sectors (such as gender equality or justice) than in others (such as migration or security). This participation and monitoring of public policies is also limited by lack of adequate and timely information in some areas (e.g. security, corruption).

2. SUPPORTING AN ENABLING ENVIRONMENT FOR CSOs IN TUNISIA

The EU support to civil society has been instrumental in the transition period, particularly in 2011, when the EUD was able to support more than twenty new civil society initiatives across the country through several instruments, in order to strengthen the capacity building of these actors and promote an open dialogue. One of those instruments – the Neighbourhood Civil Society Facility - was created as a response to the Arab Spring in order to reinforce democratic participation and civil society’ actions in the region; in Tunisia the facility provided extra funding for measures offering local added value for community development and reaching the most deprived regions (see point on funding).

In the 2011-2014 period, the EUD was engaged in some of the processes supporting an enabling national legal framework, such as the code for civil society in 2013 (to complement the above mentioned 2011 law on associations) proposed by the government with the support of EU experts, in order to harmonise several codes with impact on CSOs, although the process was suspended with the changes in government.

In 2015, the revision of the European Neighbourhood Policy (ENP) provided an opportunity for the EU and Member States to

1 According to the CIVICUS monitor, the status in Civic Space in Tunisia is classified as “obstructed”. For a detailed analysis of civil society space in the country, see CIVICUS monitor (https://monitor.civicus.org/country/tunisia) and Human Rights Watch Report 2017 (www.hrw.org/world-report/2017/country-chapters/tunisia).

2 An example of the recognition of this role in mediation has been the 2015 Nobel Peace Prize to the National Dialogue Quartet that comprised four key organizations in Tunisian civil society; the Tunisian General Labour Union (UGTT, Union Générale Tunisienne du Travail), the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA, Union Tunisienne de l’Industrie, du Commerce et de l’Artisanat), the Tunisian Human Rights League (LTDH, La Ligue Tunisienne pour la Défense des Droits de l’Homme), and the Tunisian Order of Lawyers (Ordre National des Avocats de Tunisie).

3 Available at http://www.euromedrights.org/publication/tunisia-no-to-terrorism-yes-to-human-rights/

4 The European Neighbourhood Policy (ENP) governs the EU’s relations with 16 of the EU’s closest Eastern and Southern Neighbours and its main financial instrument is the European Neighbourhood Instrument (ENPI) for the period 2014-2020, which have succeeded to European Neighbourhood and Partnership Instrument (ENPI). More on https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/overview_en
strengthen the promotion and protection of human rights and the fight against the shrinking space of civil society in these countries, although the regional dimension and coherence is not always ensured. A key element of the ENP is to strengthen and promote the role of civil society actors in reforms and democratic changes taking place in the EU Neighbourhood countries, particularly local civil society organisations and their capacity to engage with public authorities. In Tunisia, a first programming document - the Single Support Framework 2014-2016 - has been adopted, and the plan of action that defines the agenda of EU-Tunisia political cooperation until 2017 establishes 13 priorities, one being the reinforcement of civil society’s roles and capacities.

Regarding the support to an enabling environment and the participation of civil society in dialogue with public authorities, the establishment and reinforcement of the tripartite dialogue (EU, Tunisian authorities, civil society) is a best practice that allows CSOs to express their concerns and positions in dialogue with public authorities in a number of key issues and challenges facing the country today. In this context, the EU proposed that each official EU-Tunisia meeting (in the framework of the Association Council, the Association Committee and sub-Committees) and each official negotiation session are preceded of a meeting with civil society. In practice, the EUD has been acting mainly as facilitator for the tripartite dialogue that currently encompasses thematic multi-stakeholder committees on issues such as migration, justice, social and economic rights or gender equality, usually taking place before the official meetings. One relevant aspect is that the participation of public authorities entails not only the central government but also local authorities and parliamentarians. The most recent meetings on counter terrorism and security, and on human rights, rule of law and democracy show a very open dialogue and consultations on sensitive issues. The participation of CSOs in the preparation of laws and reforms at national level is however still limited in certain sectors; the revision of the penal code and law on drugs are examples where civil society claim the need to have been consulted and expressed these concerns in the tripartite dialogue. The participation of CSOs in this framework is coordinated and supported by the Euro-Mediterranean Human rights Network (REMHD) thanks to an EU funded project (through the European Instrument for Democracy and Human Rights - EIDHR). In the future, the objective would be to widen this dialogue by extending it to new CSOs and beyond the capital, in order to allow the diversity of Tunisian regions and associations to be represented in thematic working groups.

The support to capacity-building of CSOs and reinforcement of their advocacy capacities has been mainly implemented between 2014 and 2016 through the PASC – Programme d’Appui a la Société Civile en Tunisie, financed by European Neighbourhood and Partnership Instrument (ENPI). The programme established six local offices and was implemented through four pillars: reinforcement of CSOs skills and capacities, initiatives to ameliorate the legal framework, the coordination and partnership between actors, and the identification of good practices and pilot actions. The most relevant actions of the programme were on dialogue (meetings, public debates with CSOs and public/local authorities, coordination between CSOs), and on capacity-building and professionalisation (technical assistance and trainings both for CSOs and local authorities and media). A new project to support CSOs capacities is scheduled to start in 2018, including lessons from the previous programme.

Some EU Member States are also supporting programmes aiming to reinforce CSOs advocacy capacities, to build institutional capacity and to generally strengthening civil society’s voice in the context of public policies. The Netherlands supports a project to reinforce advocacy and communication capacities of local CSOs, implemented by Oxfam and mainly focused on human rights. France supports civil society through PCPA Tunisia (Programme Concerté Pluri-acteurs “Soyons Actifs/Active”), focused on the collaboration between French and Tunisian organisations in reducing inequalities in access to rights, and PISCCA (Projets Innovants des Sociétés Civiles et Coalitions d’Acteurs) mainly implemented through calls to support local projects by small organisations across the country.

3. DIALOGUE AND INSTRUMENTS FOR ENGAGING WITH CIVIL SOCIETY

The dialogue with civil society has increased since 2011 and support to CSOs has become a pivotal aspect of EU cooperation in the country. This dialogue is marked by the fact that there is a regular and strategic EU-Tunisia high-level dialogue, a frame-

5 The 3 priorities are: (1) Socio-economic reforms; (2) Strengthening the democratic transition process; (3) Regional and local development. It mentions explicitly EU support to ensure CS participation in monitoring the reforms in the country and EU support to a more organised CS, though capacity development of CSOs and institutional/legal enabling environment. Available at http://ow.ly/YCvW308KVPL


8 http://pasctunisie.org/. The implementation of this programme is ensured by a consortium including the European Partnership for Democracy (EPD), the Forum Tunisien de Droits Economiques et Sociaux (FTDES), the Association Tunisienne d’Études et de Recherches en Démocratie et Affaires Locales (ATERDAL), the École Nationale Sociaux (FTDES), the Association Tunisienne d’Études et de Recherches (REMDH) thanks to an EU funded project (through the European Instrument for Democracy and Human Rights - EIDHR).

9 http://actives-actifs.org/ and http://www.piscca.tn/
work in which most important issues are defined, including several instruments and policies that are signed with no prior consultation of civil society, as shown by the mobility agreements. CSOs have nevertheless been able to express their positions regarding these and other agreements and policies, even if not on a prior basis, through the tripartite dialogue on several thematic areas, including on some sensitive issues such as terrorism and security, as well as on some bilateral agreements such as the Deep and Comprehensive Free Trade Agreement (DCFTA). CSOs are called to submit their contributions in the preparation of the EU-Tunisia sub-committees and to contribute to other relevant programming documents and policy papers, which have motivated a more coordinated work from these organisations. A more systematic reporting and follow-up of the proposals put forward on these meetings would however be useful to assess the real effect of these discussions and inputs in policy elaboration and implementation.

Civil society is consulted on bilateral cooperation, including on budget support and on the priority sectors of the EU Annual Action Plan. In addition, EUD have pushed for CSOs to be included in the steering committees of projects (e.g. implemented by ministries). However, the group of CSOs involved is these dialogues is not very diversified and usually limited to organisations receiving EU funding. As part of the ENP and the discussion of partnership priorities, the EU should therefore systematise the consultation of CSOs on an inclusive and diverse basis (including small organisations, CSOs working on remote areas, organisations representing minorities, etc.) and improve the feedback to CSOs on the results and integration of their inputs in bilateral or regional policies. The inclusion of indicators related to human rights and civil society promotion/protection in agreements and programmes would also be welcomed.

The diagnosis of Tunisian civil society conducted in 2012 by the EUD was an important basis to engage in a new phase of support and dialogue. The EUD has organised several coordination meetings with other external partners concerning the support to civil society, but these meetings are usually limited to information-sharing between donors about existing programmes and projects. While there are a few examples of co-financing between EU Member States, one could not speak of a real task division or coordination of support to civil society. In 2014, the joint support from EU and other partners (including EU member states) allowed the creation of the Jamaity.org online platform, providing information on the organisations, projects, resources, events, funding opportunities and tools, and bringing together more than 1600 Tunisian CSOs and over 120 partners. The findings of its evaluation, concluded in January 2017, point out the usefulness and credibility of this instrument about and for civil society in Tunisia, as well as the need to generate new resources for its continuation beyond the project timeframe.

The Roadmap

The EU Country Roadmap for Engagement with Civil Society in Tunisia was jointly approved in December 2014 by the EUD and EU Member States\(^8\). The document is publicly available; it describes the main EUD and EU member states (Denmark, Spain, Finland, France, Italy, The Netherlands) programmes and instruments to support CSOs, and establishes 4 priorities: besides the 3 priorities linked to the 2012 EC Communication – reinforcement of CSOs’ capacities, enabling environment for CSOs’ actions, and participation of CSOs in political dialogue and national policies – it adds a 4th priority concerning the improvement in coordination between CSOs and external partners. Regarding this priority, a study about the perception of the partners’ support to civil society in Tunisia is foreseen, as well as the creation of an institutionalised dialogue and the definition of common procedures (e.g. joint partners-CSO elaboration of indicators for project evaluations), although these actions have not yet been implemented. Also regarding contents, it is one of the few roadmaps that include a section on the financial instruments for each priority in the plan of action. These are mainly the above mentioned Civil Society Support Programme in Tunisia (PASC) and Euro-Mediterranean Human rights Network (REMDH), but also include EU Member States projects (Italy and the Netherlands).

Although CSOs were consulted on the indicators for the roadmap and EU member states formally use the roadmap as a reference for bilateral projects, it is still early to talk about impact. The periodic meetings with CSOs for its implementation and monitoring (foreseen in the roadmap) are still to be held and it follow-up is not very clear, namely on what is expected from civil society and what are the responsibilities and task division among partners for the proposed actions. Some CSOs point out that this has been until now a very technical exercise, with limited practical changes in EUD-CSOs relations.

Funding

EU support to civil society entered a new phase from 2011 onwards, widening its scope and financing instruments. The EUD is currently responsible for over 70 projects implemented by local and international CSOs, and the projects are financed from a variety of instruments. In the last few years, civil society initiatives have been supported by SPRING funds (which were replaced by the so-called Umbrella Programme Fund under the 2014-2020 multiannual financial framework), by the ENI Civil Society Facility, by the Instrument contributing to Stability and Peace (IcSP), by the calls for proposals launched in the framework of the European Instrument for Democracy and Human Rights (DCFTA). CSOs are called to submit their contributions in the preparation of the EU-Tunisia sub-committees and to contribute to other relevant programming documents and policy papers, which have motivated a more coordinated work from these organisations. A more systematic reporting and follow-up of the proposals put forward on these meetings would however be useful to assess the real effect of these discussions and inputs in policy elaboration and implementation.

Rights (EIDHR) and the Non-State Actors and Local Authorities thematic programme (NSA-LA), and also by calls for proposals launched in the framework of bilateral programmes or sectors that are thus funded by the ENPI/ENI. The projects therefore cover mainly aspects related to human rights, freedom of expression and promotion of democratic values, the fight against torture, and the development of an independent and participative civil society (in the framework of EIDHR and NSA-LA), but also issues specifically related to sectoral policies such as education or local development (under the bilateral programmes in which a part of the budget is allocated to CSOs). This diversity of instruments does not always facilitate coordination, and a coherent implementation within an integrated approach is sometimes difficult, since major programmes are not always in contact with each other and there is a risk of duplication. CSOs seem not to be consulted on the formulation and priorities of the EUD calls, although they generally find this support as relevant in the current national context. In addition, access to funds is complicated and restricted, both by the limited capacities of CSOs (technical, institutional, financial) and by the burdensome procedures and complex requirements. Very few CSOs have the capacity to apply for the calls and to understand and speak the “EU language”; some mention that EU procedures are complicated in comparison with other donors and that the publication of calls in Arabic would be useful. As in other countries, there is an evident difficulty for smaller and grassroots organisations in accessing these funds and re-granting will therefore be an increasingly used instrument by EUD to reach these organisations, although the quality of these partnerships and the capacity building of smaller organisations are important aspects to take into account. A more systematic approach to capacity building, namely by the implementation of a specific programme (having as background an independent assessment and lessons learned from the PASC) would be an important sign of the EUD ongoing commitment to support CSOs in Tunisia.

The country brief is based on desk research, interviews and written questionnaires with the EUD and local civil society organisations or networks. For more information, please see the methodological note available online.

The brief mentions some of the findings specifically concerning Tunisia. For common findings and comprehensive analysis/recommendations regarding EUDs engagement with civil society, see the CONCORD EU Delegations Report 2017: Towards a more effective partnership https://concordeurope.org/what-we-do/promoting-civil-society-space/eu-delegation-report
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