

The Civil Society Landscape in the Republic of Moldova

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Summary:

- In Moldova, the Law on Transparency in Decision Making regulates the possibilities for civil society to get involved in decision making. For the last several years, pressure on civil society organizations has been increasing.
- The challenges and the pressure led to more solidarity between the civil society organizations and increased their resilience. Four main coalition platforms allow their members to strengthen their activities.
- Thanks to these platforms, the civil society organizations are in a better position to prevent attacks or intimidation, to improve their financial situation, to coordinate their policy agenda, and to exchange expertise.
- Nevertheless, many civil society organizations, primarily regional and local organizations, face financial shortcomings.
- In this respect, international donors are crucial for many Moldovan civil society organizations. The EU is one of the most important partners supporting the strengthening of civil society. In 2017, the EU provided 7 million euros as support to the development of civil society in Moldova. Other important donors are the USA, Switzerland, the UN and its specialized agencies as well as European and international foundations.
- In the light of recent experience, international donors should not only support projects of civil society organizations, but also address their capacity building and the communication on the importance of their work.

Fact Sheet

More than 11,600 non-commercial organizations are registered in the Republic of Moldova, including 8,570 non-governmental organizations. Nevertheless, more than half of the organizations are not active.

More than 60% of NGOs are registered in Chisinau. Most organizations are active in areas related to mobility and contacts between people, while over 26% are active in the country in order to strengthen good governance. Over 18% of the organizations focus on economic development and market opportunities. Most organizations carry out training and community development activities, promote public discussion and provide social services. On the other hand, a few non-governmental organizations conduct policy research activities.

In March 2018, the Parliament of the Republic of Moldova adopted a new Civil Society Development Strategy for the years 2018-2020. The new strategy aims to (i) strengthen the framework for NGO participation in the development and monitoring of public policy implementation; (ii) promote and strengthen the financial sustainability of NGOs ; (iii) develop active civic engagement and volunteering.

Introduction

For the last several years, there has been growing concern that the civil society environment in the Republic of Moldova is narrowing because of attacks on non-governmental organizations that have a critical attitude towards government policies. This trend took a sharper shape before the upcoming parliamentary elections in Moldova in March 2019.

Most of the civil society organizations (CSOs), especially local ones, are facing financial difficulties and have limited access to capacity building programs. However, Moldovan society is becoming more active and vocal. There are new civic movements and initiatives spurring around the country tackling civic participation and activism.

In this context, this paper brings into discussion the idea of resilience of civil society in a crisis period in Moldova. It analyses two essential factors for civil society resilience, i.e. coalition capacity of civil society and cooperation opportunities with development partners in promoting and developing respect for fundamental rights and freedoms as well as reform efforts.

Context

In Moldova, possibilities for civil society to get involved in decision making are mainly regulated through the Law on Transparency in Decision Making¹, which provides the legal framework for the participation in consultation, for access to information and for watchdog activities. Also, in the context of the EU-Moldova Association Agreement, the government of Moldova committed to adopt a number of laws and regulations that generally favour the participation and inclusiveness of policy making. However, the impact of CSOs on public policy-making remains limited, in particular when the

¹ <http://lex.justice.md/md/329849/>

Parliament or other decision-making bodies ignore the public consultations or if last-minute changes are introduced in the legislative process.

The shrinking space for civil society has become even more evident since the second half of 2017, following a series of critical views and statements supported by active Moldovan CSOs on electoral reform, the fiscal and capital amnesty, and the low rate of bank fraud investigations.

A radiography² of attacks against NGOs in Moldova published in February last year revealed several cases where independent CSOs were the targets of defamation actions, in particular in 2017. Similar practices continued in 2018. A critical point was when, in summer 2017, the Ministry of Justice tried to introduce last-minute changes in the draft of the new law on non-profit organizations. The objective was to limit foreign funding for organizations with "political activity".

After strong opposition from the CSOs' community and development partners, the government cancelled the adoption of the law in September 2017. Although the draft law was approved by the Parliament in first reading in May 2018, adoption of the law in final reading has been delayed until today, fuelling the concern of CSOs over last-minute changes that might occur. In this regard, Moldovan CSOs have signalled repeated concerns about the fact that any changes (especially on external funding and other restrictions) might be included minutes before the adoption of the law³.

These challenges for the associations led to an increased solidarity between CSOs, fostered the development of advocacy platforms and lead to the emergence of informal civic movements such as the OccupyGuguta⁴. It remains to be seen whether these developments will be systematic and will contribute to strengthening the resilience of civil society.

Coalition capacity of Moldovan CSOs

One of the main platforms of coalition of CSOs is the National NGOs Council⁵, Parliament's main partner in the implementation of the Civil Society Development Strategy for the years 2018-2021 adopted in March 2018⁶.

Therewith, the National Council for Participation (Consiliul Național pentru Participare, CNP), established in 2010 as an advisory body of the Government, resumed its activity in 2017. The platform was created to enable civil society to participate in decision and policy making. However, many civil society experts have indicated that the current CNP was not fully representative and that its work did not contribute effectively to policy making and participation.

The National Platform of the Eastern Partnership Civil Society Forum is one of the most active platforms in promoting civil society positions in Moldova at national, regional and EU level. Lately, the number of member organizations has increased. Furthermore, the platform updated its internal regulations and developed public policy monitoring and promotion activities. It is active in taking

² <https://crim.org/wp-content/uploads/2018/03/2016-2017-radiography-NGO-attacks-EN.pdf>

³ <https://crim.org/wp-content/uploads/2018/05/2018-05-16-Apel-Parlament-promov-lege-ONC.pdf>

⁴ <https://occupyguguta.wordpress.com/tag/occupy-guguta/>

⁵ <http://www.consiliulong.md/>

⁶ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=375430>

action on domestic developments in the country by issuing appeals such as a statement against the limitation of the citizens' rights to initiate and carry out legislative referenda⁷, the "Statement on Invalidation of the Election of the Mayor of Chisinau Municipality"⁸, or declarations on the failure of the Moldovan Government to reform the judiciary.

The EU-Moldova Civil Society Association Platform established in 2016 is the main form of civil society participation in monitoring the implementation of the EU-Moldova Association Agreement⁹. Even if there are some overlaps between the two platforms of European relevance, the field of activity is different. The current state of play favoured the strengthening of their efforts to coordinate country wide activities, thus multiplying the impact of activities.

The existing forms of coalitions of civil society make it possible to strengthen its resilience and to tackle a number of challenges that CSOs are exposed to:

- Practices of attacks and intimidation of civil society organizations

The co-ordination of organizations and the consolidation of joint civil society initiatives increase the capacity to signal and prevent these negative phenomena more effectively.

- Limited financial resources

As many organizations often have limited institutional resources and capacities, platforms and coalitions tend to provide a sustainable basis in order to secure long-term and complex initiatives and projects.

- Poor policy agenda coordination

One of the main concerns of civil society is the ability to bring the relevant priorities to public attention and put them on the government agenda. In this sense, platforms and coalitions serve as consultation platforms. Common positions can be identified and promoted in relationship with the government and development partners.

- Sporadic actions and reduced experience

Civil society organizations associated in coalitions and platforms tend to exchange best practices and to strengthen their expertise on topics of common interest.

Cooperation with Development Partners

Despite the fact that CSOs continue to have insufficient financial resources to build their organizational capacities, they have generally improved their ties with citizens and their capacity to collect donations and contributions from their beneficiaries or supporters. Nevertheless, many civil society organizations, primarily regional and local organizations, face financial shortcomings and have limited access to funding and capacity building programs.

In this regard, the role of development partners remains essential to address the sustainability of civil society organizations. The European Union is one of the most important development partners supporting the strengthening of civil society in Moldova. This support is channelled through regional

⁷ <https://eap-csf.eu/moldovan-np-calls-on-international-partners-and-urges-authorities-to-reverse-limitation-to-the-right-of-citizens-to-initiate-national-referenda/>

⁸ <http://eap-csf.eu/wp-content/uploads/Statement-of-civil-society-on-non-conformation-of-local-elections-Chisinau-2018.pdf>

⁹ <https://www.eesc.europa.eu/en/sections-other-bodies/other/eu-moldova-civil-society-platform>

programs (e.g. EaP Civil Society Facility¹⁰), thematic programs (e.g. EIDHR¹¹) and bilateral support. In 2017, the EU provided 7 million euros as support to the development of civil society, especially at local level¹². In 2018, the EU Delegation in Moldova launched a new call worth 1.95 million euros for projects aimed at supporting CSOs and local authorities (CSO-LA)¹³. Indicative allocation of bilateral EU support to strengthen civil society in the period 2017-2020 is over 17 million euros. Another important contribution of the EU to CSOs' safeguarding was the appointment in early 2018 of a high-level adviser on the civil society development¹⁴.

To support civil society in Moldova is also a priority in its "European Joint Development Cooperation Strategy for the Republic of Moldova", adopted in February 2018¹⁵. It reaffirms the support of the EU, its member states and Switzerland. Recently, the EU approved a new "EU Country Roadmap for engagement with Civil Society in Moldova" for the years 2018-2020¹⁶. Its main objective is to support a wide range of non-state actors, including NGOs, local trade associations, workers' unions and other socio-economic actors. The roadmap acknowledges the added value of CSOs in the challenging period for the Republic of Moldova and is expected to even more elevate the role and EU political support for safeguarding CSOs' development.

Beside the EU, the US is an important actor for the non-governmental sector, which supports the development of civil society in Moldova. Thus, USAID has provided an important support in developing and implementing the Strategy for development of civil society, through the "Partnership for a sustainable civil society in Moldova" (MPSCS), implemented by the US American NGO FHI 360, with the support of a large number of local communities' associations.

Other development partners supporting civil society are the UN and its specialized agencies, the Swiss Agency for Cooperation and Development, the political foundations of the EU and the US as well as international foundations such as the Open Society Foundation (OSF).

Support from the international community helps to advance Civil Society both nationwide and local initiatives. Lately, donor support has become crucial in supporting monitoring and watchdog initiatives, for example support for local election monitoring, media monitoring and combating fake news.

Conclusions

Despite the fact that civil society organizations are facing various challenges, they continue to evolve and become more resilient, innovative and active. The resilience of civil society organizations

¹⁰ <http://eapcivilsociety.eu/>

¹¹ https://ec.europa.eu/europeaid/devco-aap-thematic/european-instrument-democracy-and-human-rights-eidhr_en

¹² <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderby=upd&orderbyad=Desc&searchtype=RS&aofr=152768>

¹³ <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderby=upd&orderbyad=Desc&searchtype=RS&apply=N&aofr=159524&userlanguage=en>

¹⁴ <http://www.eu-advisers.md/advisers/ancuta-vamesu.html>

¹⁵ https://eeas.europa.eu/headquarters/headquarters-homepage/40533/european-joint-development-cooperation-strategy-joint-programming-document-republic-moldova_en

¹⁶ https://eeas.europa.eu/delegations/moldova/53368/eu-roadmap-engagement-civil-society-republic-moldova-2018-2020_en

depends to a large extent on three pillars: first, on the functionality of the legal framework, which remains to be a soft ground for CSOs' sustainability; second, on the coalition capacity that is getting in a better shape but is still to be developed at the level of technical platforms; third, on the cooperation with development partners, which determines the financial viability of the CSOs. Any deviations in one of these three pillars may leave the CSOs exposed and shrink the registered progress in advancing CSOs' viability for many years to come. Therefore, the international community should not only address the support for operations and projects of CSOs, but also their capacity building and the communication on the importance of the CSOs' work.