IMPROVING US AND EU IMMIGRATION SYSTEMS

The Role of Civil Society in EU Migration Policy: Perspectives on the European Union's Engagement in its Neighborhood

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Executive Summary

Civil society provides a crucial link between governments and the communities they represent —infusing policy processes with grassroots knowledge to which governments may not otherwise have access and lending legitimacy to government actions. But thus far, civil-society organizations have had a limited role in European policy debates.[1]

One of the primary hurdles is caused by states lacking the willingness or capacity to engage civil-society organizations. In parallel, these organizations often lack internal coordination or timely information about policy processes, have insufficient capacity or policy knowledge, and fear being seen as part of the "elite" because of a close working relationship with governments. Beyond these barriers, the greater problem today may be that government bodies have the intent to cooperate but do not know *how* or *whom* to engage.

> *Thus far, civil-society organizations have had a limited role in European policy debates.*

As the European Union (EU) seeks to reach out to developing regions in its "neighborhood" of nearby countries, most recently in North Africa, it has emphasized the importance of involving civil society in both agenda-setting and implementation. Yet EU policymakers have not clearly articulated how this engagement might be structured. In effect, the question is not whether to engage, but *how* to do so. The challenge will be to go beyond pro forma consultations that merely check off a box that civil society was represented. State-civil society interactions — whether formal or informal — should yield benefits to both sets of actors that justify the investments of limited time and resources.

Several preconditions that can facilitate successful engagement are:

- *More centralized civil-society representation.* Articulating a common platform (e.g. through a network of civil-society organizations with common goals) provides governments with a single interlocutor and can boost civil society's collective advocacy efforts.

- *A strong culture of cooperation on both sides.* Civil-society leadership (especially in transitioning countries) needs to first build internal capacity to engage in policymaking processes, but a culture of cooperation must exist *within* governments as well.

- *Emphasis on the function rather than the form of engagement.* Simply creating mechanisms for dialogue and consultation does not necessarily ensure quality interactions and exchanges between civil society and government; these exercises will remain pro forma unless underpinned by a genuine will to cooperate on both sides.

- *Continuous (rather than one-off) engagement.* In order to build a sense of ownership and ensure sustainability, civil society must be involved at every stage, instead of through sporadic invitations to deliberations or when governments require their temporary expertise.

- *Strong civil society ownership.* A sense of local ownership is a necessary precondition to ensure the success and sustainability of any donor-supported initiative; local actors know what works best in their communities and can carry work forward when funding ends.

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1   For the purposes of this paper, the term civil society is used to mean a diverse range of nonstate actors who may influence formal and informal migration-related rules, practices, and processes, such as migrant-run nongovernmental organizations (including diaspora organizations), professional associations, religious or faith-based institutions, trade unions, charities, human-rights organizations, women's associations, and advocacy groups. See Box 1 for a fuller discussion.

- ***Capitalizing on existing momentum for reform.*** EU institutions should seek propitious moments to engage; for example, capitalizing on civil society's historic role in the "Arab spring" uprisings to harness the enthusiasm for reform in their efforts to engage the region.

- ***Innovative capacity building.*** Governments must build civil society capacity in innovative ways, supporting local, organic coalitions of civil-society groups not just with money, but through operational assistance and creative use of new technologies.

1.   Introduction

There is a growing acknowledgment that the complex, transnational migration challenges facing societies cannot be managed by any one state — indeed, any one *actor* — in isolation. Already, the state is no longer the only (or even most important) player in migration. A panoply of others, from smugglers and diasporas to recruiters and employers, plays a decisive role in where and how people decide to move.[2] And while many of these actors (such as organized-crime syndicates or unscrupulous intermediaries) operate outside of legal channels, others, such as civil society and the private sector, are increasingly building formal and informal relationships with states.

State partnerships with civil-society organizations (CSOs) — that is, a diverse range of actors such as nongovernmental organizations, diaspora groups, religious institutions, trade unions, advocacy groups, etc. (see Box 1) — are known to infuse policy debates with new perspectives and critical on-the-ground knowledge of what migrants need and want. For example, CSOs are well positioned to provide accurate, grassroots intelligence regarding the conditions under which migrants transit, work, and live (to which governments often have limited access); help define a set of rights-based principles to guide migration policymaking; and monitor the effectiveness of policies and programs targeted to migrants. Finally, because they operate outside government, they are also uniquely positioned to serve as watchdogs to ensure that governments are held accountable.[3]

The European Union's migration and development strategy has increasingly invoked the need for deeper partnerships with civil society. The European Union's Global Approach to Migration (first adopted in 2005) is being reoriented around a migrant-centered avenue to development that calls for greater involvement

> **Box 1. Definition of Civil Society**
>
> There is no universally accepted (or legal) definition of what comprises "civil society," though most working definitions build off the premise that civil society is the principal structure of society outside of government or public administration. In the specific context of migration, we use the term "civil society" to mean a diverse range of nonstate actors who may influence formal and informal migration-related rules, practices, and processes, which may include: migrant-run nongovernmental organizations (including diaspora organizations), professional associations, religious or faith-based institutions, trade unions, charities, human-rights organizations, women's associations, advocacy groups, and many more. It must be noted that this definition is not a static concept, but one whose meaning is constantly evolving alongside changing migration trends. For the purposes of this report, we do not include the private sector in this definition, as their different goals, strategic advantages, constraints, and mechanisms for engaging with government require a different analysis.

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2   See Kathleen Newland, "The Governance of International Migration: Mechanisms, Processes, and Institutions," *Global Governance: A Review of Multilateralism and International Organizations* 16, no. 3 (2010): 331-43.

3   See, for example, the European Commission's "Structured Dialogue on the Involvement of Civil Society and Local Authorities," launched in March 2010 (co-organized with the Hungarian Presidency of the European Union, with a final conference in May 2011), http://ec.europa.eu/europeaid/who/partners/civil-society/structured-dialogue_en.htm.

of civil-society groups.[4] The recent "Arab spring" uprisings in North Africa[5] have further pushed the European Union to make an explicit commitment to work with and empower nongovernmental actors in the region, in countries such as Egypt, declaring that forging stronger partnerships with civil society is one of the three pillars on which their engagement in the region should be built.[6] Specifically, the European Union has called on civil society to help set a rights-based, inclusive agenda during these transitions of power, implement projects on the ground, facilitate regional exchanges and mobility, and rebuild institutions and societies in North Africa.[7]

The question is no longer whether to engage but how.

While the need for such partnerships has been clearly stated, the mechanisms to effectively deepen the relationship between states and nongovernmental actors in developing regions — and for the European Union to harness the reform potential on the ground — are less understood. Successful interactions between government and civil society require significant and sustained investments on both sides, and may take limited time and resources away from other goals; meaning that misguided investments can even be counterproductive.

At a time when governmental institutions have made explicit rhetorical commitments to involve civil society in policymaking, the question is no longer whether to engage but how. Specifically looking at the European Union's efforts to engage with civil society in its "neighborhood," this report examines the benefits, challenges, and mechanisms to building meaningful dialogue and cooperation on migration and development.[8]

II.   Overview of Civil-Society Engagement in Migration

Civil-society actors engage in migration-related policymaking in a variety of different ways. On one end of the spectrum are operational groups that provide services directly to migrants, which historically comprised the bulk of civil society activity on migration. On the other end are groups that lend their voice to the design and formulation of public policies that affect migrants (see Table 1). Traditionally these categories have not overlapped, though increasing levels of intersection and convergence are occurring as more and more actors become involved in migration.

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4   Africa and Europe in Partnership, "The EC consults for a migrant centered approach to Migration for Development," (news release, April 29, 2011), www.africa-eu-partnership.org/news/ec-consults-migrant-centered-approach-migration-development.

5   The countries of North Africa are also referred to as the Southern Mediterranean in the European Union (EU) context — which also include certain states in the Middle East (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Occupied Palestinian Territory, Syria, and Tunisia).

6   The communication states: "A thriving civil society can uphold human rights and contribute to democracy building and good governance, playing an important role in checking government excesses." European Commission, "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean," Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (March 8, 2011), http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf.

7   For example, the declaration of the European Council from its "extraordinary meeting" March 11, 2011, states: "A new push should be given to concrete measures and projects so as to strengthen democratic institutions, freedom of expression, including unhindered access to internet, reinforce civil societies, support the economy, reduce poverty and address social injustice." www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119780.pdf.

8   The conclusions in this paper draw in part from two recent MPI workshops: "The Governance of International Migration: Ideas for Building a Better System in the Next Decade," held in Brussels, Belgium, on October 6, 2010; and "Civil Society's Role in International Migration Policy: The Cases of Diasporas & Mobility Partnerships," held in Brussels on April 12, 2011.

Table 1 begins to illustrate the great diversity among civil-society organizations, which extends to the resources available to them, their functions and goals, their capacity to engage with government (directly related to their level of development and professionalization), and their influence and reach. In addition, civil-society organizations may operate at the local, national, regional, or international level. Given this diversity, "civil society" cannot be spoken of as a homogenous group; indeed, there is no single, coherent "voice" of migrants or of civil society, and different groups may have a number of different objectives, some complementary, some potentially conflicting. The European Union must consider this entire tapestry of activity in pursuing its goal of engaging civil society writ large.

Table 1. Typology of Civil-Society Organizations Working in Migration

Type	Description	Examples	Trends
Service Provision	Groups that provide operational assistance to migrants, such as basic needs, legal services, or (re)integration aid.	International Catholic Migration Commission (ICMC)	Historically, this category comprised the bulk of NGOs working in migration, and most are still perceived in this light.
Advocacy	Groups that advocate for specific migration-related principles. In addition, the creation of nongovernment-led forums to give voice to these causes.	Amnesty International; Human Rights Watch	Most of this work is still very narrowly focused, and a coalition of groups is needed to engage in migration policy writ large.
Policy Formulation	Groups invited to participate in negotiations during official state-led policymaking forums, or as part of working groups tasked with contributing to and/or drafting policy.	Civil Society Days of the Global Forum on Migration and Development; The European Integration Forum	While most governmental bodies now have some mechanism to consult with civil society, it may be discretionary rather than a constituent part of the process.
Implementation and Monitoring	Groups that are subcontracted to implement or evaluate government policies, but are not involved in policy decisions.	Structural Adjustment Participatory Review Initiative (SAPRI)	By necessity, groups that fulfill a watchdog function must operate outside of official structures.
Umbrella Groups	Groups that thread together multiple organizations with common goals, creating a stronger collective voice and broader global reach.	Migrants' Rights Network (MRN); European-wide African Diaspora Platform for Development (EADPD)	Coalitions and networks have developed to give advocates a common platform and governments an interface.

Source: Author's categorization

A.   *Benefits and Challenges of Engagement*

The European Union's rationale for enhanced cooperation with civil society on migration policy — particularly as part of its larger efforts to deepen relations in its neighborhood — can be thought of as falling into two broad (though nonexhaustive) categories:

Bridging the state and society. Civil society plays a role connecting the state and its constituents, providing useful information to which governments would not otherwise have access, and maintaining deep roots in communities that policymakers seek to engage. This facilitates a two-way dissemination of information between the state and marginalized segments of the population, who might lack information and otherwise would not be directly represented in policymaking. However, this link is only as strong as the investments made by both sides. Simply creating the mechanisms for exchanges between government and civil society (such as online consultative platforms or annual conferences) does not guarantee that the goal of infusing policy with ideas from the ground will be met.

Increasing political legitimacy. Including the voice of civil society in decision-making can often lend greater credibility to government actions, by showing that policies are accepted by all stakeholders. EU development efforts in neighboring regions, for example, could be viewed with mistrust as "top-down" initiatives if not for civil society support.[9] However, in order to increase legitimacy, governments must be able to identify interlocutors who are genuinely representative of their constituencies and have the ability to engage with policy processes.

Despite the stated benefits of state-civil society collaboration, civil-society organizations have had a limited role in policy debates thus far.[10] The first and perhaps most important barrier to engagement is that states often lack the willingness and capacity to engage with civil society in meaningful ways. There is a fear that bringing civil society to the table would require taking certain items off the agenda, thus watering down high-level negotiations. Even when the intent exists, local, national, and supranational governments have uneven structures available to accommodate the participation of nongovernmental actors and incorporate their ideas and input into policy. They may struggle to identify the appropriate interlocutors within civil society (their counterparts around the negotiating table), and often suffer from lack of capacity and ability to coordinate internally.

Second, there are parallel disparities in the capacity and ability of CSOs to engage with governments. Civil-society organizations often have insufficient information about policy processes (and are sometimes not informed until the window to contribute ideas or engage in consultations has passed),[11] have insufficient capacity to engage with government bureaucracies and absorb large amounts of funding,[12] and lack a "coalition of interests" that can sustain the level of collaboration and coordination needed *within* civil society itself.[13] As groups become more effective and efficient in the political realm, one internal concern is that they may begin to be seen as part of the "elite" and thus no longer legitimate representatives of the people. In this way, the parallel goals of improving policy and retaining legitimacy can sometimes be in

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9   The argument for using civil society participation to bolster government legitimacy is well known and echoed in other contexts as well. For example, the International Organization for Migration-funded official assessment of regional consultative processes has also found this to be true. Randall Hansen and Jobst Koehler, "The Future of Migration Governance and Regional Consultative Processes," (IOM Background Paper, World Migration Report 2010), http://publications.iom.int/bookstore/free/WMR2010_governance_regional_consultative_processes.pdf.

10 See for example Colleen Thouez, "The Role of Civil Society in Shaping the Migration Policy Debate," (Global Migration Perspectives Paper Series, Global Commission on International Migration, 2004), www.gcim.org/gmp/Global%20Migration%20Perspectives%20No%2012.pdf.

11 For example, during the consultation process leading up to the 2008 negotiation of the European Union's mobility partnerships in Cape Verde, Georgia, and Moldova, several civil-society organizations in these countries confirmed that they heard of the mobility partnerships for the first time only through the media — well after the window of opportunity to participate in consultations had passed. The Arab NGO Network for Development (ANND) echoed this same critique in its response to the European Union's communication on the Southern Mediterranean, stating that "CSOs are ... challenged by the lack of access to information, which limits their awareness and capacities to address and impact policymaking processes ...," emphasizing that the European Union needs to facilitate "continuous, adequate, and accurate flow of information and open consultations" with CSOs to enable their active engagement. ANND, *Civil Society Reaction to the Joint Communication: A Partnership for Democracy and Shared Prosperity* (Beirut: ANND, 2011). www.annd.org/userfiles/file/latestnews/Civil%20Society%20Reaction%20to%20the%20Joint%20Communication%20on%20MENA%20partnership_final%20version.pdf.

12 Nongovernmental organizations (NGOs) still face major capacity challenges; the threat of overfunding is especially acute for fledgling organizations in countries of transition, which do not have the means to absorb large amounts of money.

13 A "coalition of interests" within the civil-society world can be a very powerful advocacy tool, whereas discord and conflicting positions can mean lost opportunities to achieve progress. Thouez, "The Role of Civil Society in Shaping the Migration Policy Debate."

conflict.

There is therefore a tradeoff that civil society needs to consider between cultivating informal organizations that retain a deep connection to the grassroots level (and thus are seen as more in touch with the needs of their constituents), versus developing more formal organizations that have greater access to government (and thus may have more opportunities to be involved in decision-making processes). However, gaining greater access to government does not automatically translate into greater *influence*. A crucial part of success is developing "professionalized" staff within the ranks of civil society who know how to obtain information policymakers need and deliver it at the opportune moments.

Finally, there are some situations in which the goals and priorities of government and civil society may actually clash. The European Union's mobility partnerships[14] offer a prime example of this tension, as the European Union launched this tool as a means to stem illegal migration and improve security, while civil-society groups lament the lack of emphasis on creating opportunities for mobility between regions, and particularly the lack of emphasis on migrants' rights.[15]

Ultimately, the state determines what political opportunities are available; therefore, civil society's ability to engage is contingent upon the willingness of government to include them in decision-making processes. However, even when states have clear incentives to include civil society — as in the European Union-North Africa case — the greater problem may be figuring out how to structure these interactions so that the benefits of engagement are greater than the costs (and risks) for both sets of actors.

B.   Structure of Civil-Society Relationships with Government

The manner in which civil-society actors are consulted in policymaking is critical. Democratic governments may give civil society a pro forma seat at the table in discussions to appear inclusive and transparent, but this does not necessarily mean their recommendations are taken seriously or incorporated into policy. What differentiates checking off a box that "civil society was represented" and actual policy influence is the intelligence and resources that civil-society actors bring to the table — and whether policymakers recognize this as pertinent information to which they would not otherwise have access.[16]

The manner in which civil-society actors are consulted in policymaking is critical.

There is a great range of civil society involvement in migration-related decision-making, spanning a spectrum from informal and ad hoc mechanisms to formal mechanisms (see Table 2). Some government organizations have institutionalized processes for including CSOs (for instance, the EU Directorate-General for Employment and Social Affairs), but most lack a requirement to consult civil society within their policy mechanisms. In the area of EU immigration, this is most developed with respect to the European Integration Forum, coordinated by the European Economic and Social Council (in collaboration with the EU Directorate-General for Home Affairs). No parallel forum currently exists to discuss

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14   Jean-Pierre Cassarino, "EU Mobility Partnerships: Expression of a New Compromise," *Migration Information Source*, September 2009, www.migrationinformation.org/Feature/display.cfm?ID=741.

15   And even this is too simplistic, as the negotiations between Moldova and the European Union showed that greater mobility was not always the goal on the sending country side. Moldova's goal was rather to create genuine opportunities for migrants to stay at home. See Agnieszka Weinar, *The EU's Cooperative Approach to Migration Management: Mobility Partnerships* (New York: Open Society Foundations and Migration Policy Institute, forthcoming) and Nele Verbruggen, *Mobility Partnerships: The Civil-Society Perspective* (New York: Open Society Foundations and Migration Policy Institute, forthcoming).

16   Conclusions from the Transatlantic Council on Migration-Open Society Foundations Roundtable on "The Governance of International Migration: Ideas for Building a Better System in the Next Decade," (Washington, DC: MPI, 2011).

immigration policy.[17]

Being at the table with government is not the only way to influence migration policy. Civil society can also play a major role through informal consultations, implementation, and monitoring, so it may be counterproductive to view formal participation in the policymaking processes as the sole or principal goal.

Table 2. Spectrum of Policy Engagement of Civil-Society Organizations

External Actor	Observer	Participant	Constituent
Not involved in government-led policy processes: *May be leading or involved in parallel process.*	**Informal participation in processes:** *May participate in discretionary consultations.*	**Formal participation in processes:** *Participation is institutionalized, but may be nonvoting, or otherwise not equal to that of governments.*	**Involved in core governance structure:** *Civil society as one of the formal constituents of governance structure.*
Civil Society Days of the Global Forum on Migration and Development (GFMD), Regional Network of Civil Society Organizations on Migration (RNCOM) participation in Puebla Process (on separate day from government)	Global Migration Group (GMG), European Commission "online platforms" (like the European Citizen's Initiative)	NGOs accredited to the Economic and Social Council of the United Nations (ECOSOC)	The Global Fund to Fight AIDS, Tuberculosis, and Malaria is an example of the "constituency model"; The International Labour Organization's tripartite decision-making structure

Source: Author's categorization

As Table 2 shows, engagement can be viewed as a process, from ad hoc consultations all the way to true multi-stakeholder governance. On one end of the spectrum are "shadow" processes — usually held on the margins of official state-led processes to which nongovernmental actors do not have access — in which civil-society actors can assume a lead role (the Civil Society Days of the Global Forum on Migration and Development are perhaps the best example of this). Creating a separate civil-society track elevates the role of nongovernmental actors, and ensures their independence (and thus authenticity), but it may unintentionally result in isolating them. Investing in these parallel endeavors does not necessarily open a conduit for ideas to filter into government deliberations.

On the other end of the spectrum is creating a formal role for civil society within an official governance framework — for example, making them formal (even if nonvoting) participants, or granting official consultations. This makes the benefits of policy engagement more tangible for nongovernmental actors. However, institutionalizing the role of civil society requires significant capacity on both sides. The very act of engaging in bureaucratic processes requires financial resources, manpower, and policy savvy, including a deep understanding of government processes and insights into how and when to get involved. As mentioned previously, the process can be stalled because of lack of clear interlocutors, capacity, and incentives to get involved (sometimes including fear of cooptation).

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17 The European Commission, "A platform for dialogue on migration integration," accessed June 16, 2011, http://ec.europa.eu/ewsi/en/policy/legal.cfm.

> **Box 2. The Role of New Technologies**
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> Technology has transformed the previous models of civic organizing. First, it has flooded the market with instantaneous information at no cost, which comes in stark contrast to the severe lack of information that civil-society actors faced in the past. Second, it has enabled activists to use cheap —and easily accessed — technologies (such as the Internet, mobile phones, and social networking sites) to reach larger audiences than ever before. While this kind of mobilization is not new in North Africa, the National Democratic Institute's regional expert Amira Maaty convincingly argues that it has dramatically expanded the number of people who can be reached with limited resources (including traditional methods of distribution, such as leaflets); "today, youth-led NGOs are training other youth to create civic education materials using new technologies such as film, music videos, animations, blogs, or even Facebook pages; these products reach thousands in a matter of seconds and there is no additional cost based on the breadth of distribution."[18]
>
> Before 2000, training materials for CSOs in Egypt were either nonexistent or produced outside of Egypt (mainly in the West) and provided no case studies from the actual Egyptian context.[19] Technology has upended this reality. In just one example, the American University in Cairo is now advertising free public training sessions for civil-society leaders on Facebook; a recent one focused on lessons learned from other transitioning countries on managing elections, and the role of civil society in the design, monitoring, and promoting awareness of elections.[20]
>
> It is now possible to share information more easily and efficiently with nongovernmental actors, and at no extra cost. However, this may make it even easier for government actors to engage in "passive" consultations that do not meaningfully incorporate civil-society voices into decision-making. Online consultations with civil society are already common practice for the European Commission, but many of these forums are criticized for being pro forma.

With respect to the European Union's engagement in its neighborhood, the middle of this spectrum is most relevant: creating functioning mechanisms for policy dialogue and consultations — whether formal or informal — between civil society and government. While their very informality means that engagement is contingent upon the goodwill and discretion of governments, informal policy consultations are an important (and more feasible) stepping stone toward true collaboration.

III. Path Forward: New Means of Engagement

The European Union has a history of engaging civil-society actors in the process of deepening its relationship with neighboring countries, especially those undergoing major social and political transitions. For example, the involvement of CSOs in the pre-accession process to the European Union is one of the main instruments used to boost public support for accession-related reforms mandated by the European Union.[21] This is echoed in the current engagement strategy for North Africa, where the European Commission's Directorate-General for Development and Cooperation – EuropeAid has defined a

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18   Amira Maaty, "Democracy, Dissent, and Digital Media in the Arab World," Speech for the Center for International Media Assistance (March 1, 2011).

19   Mahi Khallaf, "Civil Society in Egypt: A Literature Review," (Amman: Foundation for the Future, 2010), http://foundationforfuture.org/files/Civil_Society_in_Egypt_Mahi%20Khallaf_English.pdf.

20   The School of Global Affairs and Public Policy Training at American University in Cairo, "Free and Fair Elections Public Training," www.facebook.com/notes/the-school-of-global-affairs-and-public-policy-at-auc/free-and-fair-elections-public-training/203809972977378.

21   Balkan Civil Society Development Network (BCSDN), *Progress Report 2010: Background Analysis on Civil Society and Civil Dialogue Benchmarks* (Skopje, Macedonia: BCSDN, 2010), www.euclidnetwork.eu/data/files/resources/832/en/BCSDN.pdf.

vision for "strengthening the capacity of non-state actors to become key actors of democratic governance processes."[22] The European Union's current challenge is how to bring the lessons above to bear on its priorities for engagement in North Africa, and structure its cooperation with civil society in effective and meaningful ways.

Box 3. Lessons from the EU's Engagement in the Western Balkans

The European Union's flagship proposal for engaging and supporting civil society in North Africa is the "Civil Society Neighborhood Facility," which aims to build the advocacy capacity of civil-society organizations in neighboring regions. It is worth examining this instrument's predecessor, the Civil Society Facility (CSF), created in 2007 to strengthen the role of civil society in the democratization processes taking place in EU candidate countries in the Western Balkans.

The European Union established a formal obligation to consult civil-society actors in countries in EU accession negotiations in its Instrument for Pre-Accession Assistance (IPA), noting that civil society plays a vital role in determining pace and quality of the accession process, advocating for its citizens (for example, working toward obtaining visa-free travel to the European Union), as well as generating public support for accession.[23] CSF aims to develop a strong regional partnership dialogue between CSOs from Western Balkan countries and their EU counterparts and public authorities, as well as to enhance the CSO transparency and the accountability.

This requirement to involve civil society in policy programming, implementation, and evaluation — and the financial support given to build capacity among civil society in order to achieve it — raised expectations among civil society that this would contribute to a new generation of partnerships.

CSF for the Balkans consists of three strands (which echoes the European Union's engagement in North Africa): [24]
1. **Capacity-building** to strengthen the role of civil society at the local and national levels, and support for civic initiatives.
2. A **"People 2 People"** program that support visits to EU institutions to exchange experiences, knowledge, and good practices between beneficiaries and CSOs.
3. **Partnership actions** carried out between beneficiary and CSOs, leading to a transfer of knowledge and the creation and strengthening of networks.

An independent CSO assessment found that while the European Commission tripled their financial support to civil society in EU candidate countries in 2008-10 (compared to the previous three-year period), this investment was not matched by efforts to involve local CSOs in the design and implementation of projects, including them in decision-making processes only in the latest stages, which bred frustration on both sides.[25]

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22 European Commission, Development and Cooperation – EuropeAid, "Civil society, a vital development partner," last updated April 26, 2011, http://ec.europa.eu/europeaid/who/partners/civil-society/index_en.htm.
23 European Commission, Directorate General for Enlargement, "Dialogue with Civil Society," last updated November 25, 2009, http://ec.europa.eu/enlargement/civil-society-development/index_en.htm.
24 See, for example, European Commission, "Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A new response to a changing Neighbourhood," COM(2011) 303, May 25, 2011: "A thriving civil society empowers citizens to express their concerns, contribute to policy-making and hold governments to account. It can also help ensure that economic growth becomes more inclusive. In-country EU Delegations will seek to bring partner countries' governments and civil society together in a structured dialogue on key areas of our cooperation. EU funding for such actions could be delivered through the establishment of a dedicated Civil Society Facility for the neighborhood," http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf.
25 BCSDN, *The Successes and Failures of EU Pre-Accession Policy in the Balkans: Support to Civil Society* (Skopje, Macedonia: BCSDN, 2009), www.balkancsd.net/images/stories/docs/The_successes_and_failures_of_EU_pre-accesion_policy_in_the_Balkans-Support_to_Civil_Society-ENG.pdf.

EU policymakers are facing the challenge of how to work with civil-society organizations in North Africa — some fledgling and lacking capacity, others established but potentially lacking legitimacy — and bring them into the conversation in Europe. There are several important preconditions that can facilitate meaningful engagement between the European Union and civil society in its neighborhood. These include the following:

More centralized civil-society representation. Civil-society organizations' focus on narrow, niche areas of migration makes it difficult for any one organization to engage in migration policy processes, which by their nature demand a cross-cutting understanding of multiple regions and fields (security, employment, trade, agriculture, etc.). One new trend is the formation and professionalization of NGO *networks* that can articulate a common platform and provide a unified interface for governments. Two recent examples are the European-wide African Diaspora Platform for Development (EADPD), which seeks to create an interface for governments while maintaining its representativeness within its larger network, and a forum of 11 Egyptian human-rights organizations that came together to advocate for civil society involvement in Egypt's transition to democracy, calling upon civil society to monitor this implementation.[26]

Coming together to articulate a common platform can boost collective bargaining power and increase these groups' abilities to advocate effectively, as each organization is able to leverage its own strengths within a larger movement. But like any collective mobilization effort, CSOs must strive to balance giving a platform to diverse migrant voices with developing a clear organizational message. There will always be a tradeoff between the benefits of collective action and the loss of individualized expertise and perspectives.

Strong culture of cooperation on both sides. EU Member States need strong partners who are able to reply to requests and engage with policymaking processes, yet governments and civil society alike in developing countries may not yet be organized well enough to deal with these issues. In transitioning countries such as Egypt, NGO activities were severely constrained — even suppressed — by the previous regime, meaning that the current civil-society leadership has no experience engaging in national policymaking processes — let alone international ones. Part of good governance involves proactively opening up civic space in partner countries to foster the involvement of new actors. In addition, a culture of cooperation must exist *within* governments as a precondition for civil-society involvement. Any discussion about EU engagement in North Africa, for example, spans multiple portfolios within national and supranational governing structures, requiring cooperation among departments charged with development, EU enlargement, trade, employment, agriculture, etc.

Part of the answer entails identifying the right partners. Governments often lament the challenge of identifying appropriate counterparts that are respected by governments as well as considered legitimate representatives by other members of civil society (as previously noted). Simply being part of civil society does not guarantee representativeness. Some groups become the de facto representatives at the European level because national governments consider them "safe actors" and they have some facility with the process, rather than because they are truly representative. In transitioning countries, it is even more difficult than usual to identify concrete counterparts to join government officials at the negotiating table.

In Egypt, for example, established civil society is sometimes seen as out of touch with reality on the ground, and there is a particular crisis of legitimacy with organizations seen as having ties to old regimes. There is the concern of government co-optation, transforming NGOs into what many are now calling "GONGOs" — government-organized nongovernmental organizations. Because they are supported directly by governments (including through funding and staffing), they are more likely to preserve the status quo than to instigate change.[27] The emergence of young digital activists using new

26   Forum of Independent Human Rights Organizations, "Roadmap for a nation of rights and the rule of law," (Forum statement, February 12, 2011), www.cihrs.org/English/NewsSystem/Articles/2756.aspx.
27   Shadi Hamid, "Civil Society in the Arab World and the Dilemma of Funding," (Washington, DC: The Brookings Institution,

platforms such as Facebook to reach their audiences (and who are well-positioned to take advantage of the opening of new political space for NGOs) presents a stark contrast to "organized" civil society, which may be out of touch with the street.

Emphasis on the function rather than the form of engagement. There has been a flurry of different forums for dialogue, consultation processes, and platforms to interact with civil society in the European Union's neighborhood, but these vehicles do not necessarily ensure quality interactions and exchanges between civil society and government.[28] The most important takeaway from these experiences is that the act of creating mechanisms for consultation (the "form") is meaningless unless it is underpinned by a genuine will to cooperate — on both sides (the "function"). A common complaint among civil-society leaders is that they are not considered true partners of existing, government-led processes. Even if there is a requirement for consultation (as in the Western Balkans), they feel they are "token" nongovernmental representatives, and their presence is perfunctory.

While civil-society activists commend the creation of the Civil Society Facility for North Africa (see Box 2), some caution that it is simply another "top-down" institution. In order for it to be a truly meaningful initiative, the Arab NGO Network for Development (ANND) notes that "its structure should be established in full participation and consultation with CSOs from the region, rather than providing them a structure designed merely by the EU, not necessarily reflecting their own concerns and priorities."[29] If the European Union's Civil Society Neighborhood Facility is developed and implemented in genuine partnership with civil society, then it would be a viable alternative to the lack of permanent institutional consultation processes between civil society and government. In other words, the form will not matter if the emphasis is on function.

Continuous (rather than one-off) engagement. The only way to accomplish the European Union's ambitious long-term goals of democracy building and development is through continuous engagement with its partners. To build a sense of ownership and ensure sustainability, civil society must be involved at every stage, instead of through sporadic invitations to deliberations or when governments require their temporary expertise. The evaluation completed on the European Union's Community Assistance for Reconstruction, Development and Stabilization (CARDS) program by the European Agency for Reconstruction stated that "short-term one-off grants with total program duration of three years might have been appropriate for reconstruction projects, but they were not well-suited to developing the longer term capacity of civil society development."[30]

Civil-society ownership. A sense of local ownership is a necessary precondition to ensure the success and sustainability of any donor-supported initiative. The Balkan Civil Society Development Network (BCSDN) notes that there were few success stories within the CARDS program, but the ones that showed prospects of sustainability owed their success to the fact that this was "an indigenous phenomenon, driven by the problems, needs, and priorities of its membership and not necessarily by those of external stakeholders, such as the European Commission."[31] Egyptian activists have made this point in the context of the European Union's development and democratization efforts in the region, saying they should draw upon local knowledge and talent to devise innovative solutions to problems on the ground — donors and governments must take their lead from the grass roots.[32] The recently created African Diaspora

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October 2010), www.brookings.edu/articles/2010/10_middle_east_hamid.aspx.

28   Examples include the Africa-EU "Platform for dialogue" on governance and human rights launched in 2010, the European Commission-United Nations Joint Migration and Development Initiative (JMDI), and the Africa EU Joint Task Force. See Africa and Europe in Partnership, "Africa EU Joint Task Force Meeting 4-5 April 2011, Brussels," www.africa-eu-partnership.org/sites/default/files/doc_auue_jtf_meeting_201104_en.pdf.

29   ANND, *Civil Society Reaction to the Joint Communication.*

30   Nick Chapman, Jon Bennett, Milford Bateman, Paul Thornton, Johanna Pennarz, and Marsaili Fraser, "Regional Programme Evaluation: Western Balkans," (United Kingdom Department for International Development Evaluation Report EV693, October 2008), www.dfid.gov.uk/Documents/publications1/evaluation/ev693.pdf.

31   BCSDN, *Successes and Failures of EU Pre-Accession Policy in the Balkans.*

32   Brookings Institution panel discussion, "The Role of Civil Society in a New Egypt," March 24, 2011, www.brookings.edu/events/2011/0324_egypt_civil_society.aspx.

Platform for Development (EADPD) appears to heed this lesson, as they receive administrative support from organizations such as the International Center for Migration Policy Development (ICMPD), but these administrative partners are careful not to impose an agenda, instead allowing the network itself to retain ownership. They are following the idea that the donor role should not come with "strings attached" that compromise the authenticity of the project.

Local ownership will also ensure these processes do not lose momentum after the project or funding cycle ends. The European Commission review of the CARDS project illustrates how the outreach to civil society faltered because it was short-term oriented and lacked sustainability measures for when European Commission assistance would end.[33] Linking to existing processes or structures can be important to getting started, but governments need to take certain steps to ensure these initial investments lead to sustained engagement in the long term. Making civil society consultations part of the European Union's accession process was useful in that it created an impetus for engagement. However, it can be argued that because this partnership became a box to check for accession, it was not motivated by the desire for long-term, sustainable change.

Capitalizing on existing momentum. In the North African context, it will be useful to capitalize on existing momentum and build projects that reflect the existing desire for change and reform on the ground. Civil society's historic role in dismantling nonrepresentative regimes during the "Arab spring" uprisings creates an expectation that they will continue to pressure for democratic reforms (for instance, playing a role in electoral design), and keep the momentum for change going. In contrast, some of the European Union's interventions in the early Balkans failed to take the pulse of the needs and desires on the ground. The CARDS program proposed a capacity-building plan for civil society in Macedonia that was rejected by civil-society leaders on the ground because it was so "foreign" to their needs and desires.[34]

These nascent partnerships need to build confidence and trust around specific, concrete avenues for change. In Egypt, a prime example is empowering civil society to advocate for the repeal of repressive laws that severely restrict NGO activities (which as of May 2011 are still in effect).

Innovative capacity-building. Governments must build civil-society capacity in innovative ways, supporting and fostering local, organic coalitions of civil-society groups not just with money, but also through technical and operational assistance and training. Because most NGOs cannot absorb or manage large grants (especially those in developing or transitioning countries), a delicate balance must be struck: project funding has to be large enough so as to be meaningful, but small enough to be able to be absorbed by groups who may have limited experience managing grants. The Joint Migration and Development Initiative (JMDI), for example, split its budget of 10 million euros into individual grants of 200,000 euros for each grantee, making resources available to small-scale actors engaging in activities at the local level that would not otherwise have been possible.

Governments can also be innovative by using fast-growing technologies (such as social networks and mobile phones) in order to share experiences and good practices across different contexts. Activists have called on international actors to help civil-society groups in Egypt by connecting them to members of civil society from countries which have recently undergone their own democratic transitions, such as those in Eastern Europe, Latin America, and Indonesia. In this way, civil-society leaders can be trained and even "professionalized" from within the ranks, preserving the authenticity of the effort.

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33   European Commission, *Evaluation of the Assistance to Balkan Countries under CARDS Regulation 2666/2000* Synthesis Report (Brussels: European Commission, 2004) http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/reports/cards/951651_vol3_en.pdf.
34   BCSDN, *Successes and Failures of EU Pre-Accession Policy in the Balkans.*

IV.   Conclusion

Civil society engagement may benefit governments by contributing to enhanced deliberation and more effective implementation of policies and/or delivery of public services, and increased "legitimacy" for government actors. This is contrasted with some of the critiques of greater civil-society involvement, including that the existence of such partnerships may compromise civil society's independence, including the ability to hold governments accountable (thus undercutting the watchdog value); and that it can impede consensus.

Given the challenges — and also the benefits — the way forward for the European Union's engagement with civil society in its neighborhood is partly a question of strategy, optimization, and timing. The first stage is simply institutionalizing a dialogue that is seen as beneficial by both sides, and therefore worthy of the significant investments of time and resources required for these interactions to succeed. True cooperation must begin with meaningful consultations, which can help set the policy agenda. In a second stage, governments must empower civil-society organizations to lead the work in the region (in terms of implementation, advocacy, and service provision).

Short-term methods of civil society engagement include:

- *Empowering diasporas:* In North Africa, there is a strong will to engage. Civil society was active in sparking the revolutions away from autocratic rule, and so has a clear role in the transition period.

- *Linking civil society in sending and receiving countries:* Diaspora groups are doubly helpful as bridge builders (for instance, in the JMDI project), and they can bring learning from developed countries to those in transition.

- *Capacity building of civil society in region:* Civil society needs to switch roles from critical watchdog to constructive builder: prior to the regime change in Egypt, civil society had acted as the opposition to the government; therefore, these groups are undergoing a transition of their own as they shift from opposing the government to partnering with it.

- *Linking civil society in the region to their own governments:* For this, an appropriate regulatory environment is necessary. Government should be regulating with transparency, not exercising blanket control; civil society wants to be seen as a partner, not as a competitor.

There are some important parallels between the European Union's experience in the Western Balkans and its current efforts to engage in North Africa. In both contexts, suppressive and restrictive governing regimes caused civil society to lie dormant for many years before the transitions to democracy, which means they face the dual challenge of advocating for an enabling legal and regulatory environment during the transition, as well as building core institutional capacity. In Serbia, for example, there was no clear legal framework for CSOs to operate until 2009,[35] which mirrors the challenges faced by civil society in Egypt, where repressive laws constraining civil society activity are still in effect. Today, due in large part to civil society mobilization, there is a decree to establish a state Office for Cooperation with civil-society organizations in Serbia.[36]

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35 David Moore, *The Role of Legal Reform in Supporting Civil Society: An Introductory Primer* (Budapest: International Center for Not-for-Profit Law and the United Nations Development Programme, 2009), www.ecnl.org/dindocuments/307_UNDP%20ICNL%20Primer.pdf.

36 Delegation of the European Union to the Republic of Serbia, "EU assistance for Serbian civil society," (news release, May 21, 2010), www.europa.rs/en/mediji/najnovije-vesti/571/New+EIDHR+2010+competition+for+the+Serbian+civil+society+organisations+.html.

The role of government actors — especially international actors — must be to cultivate and support indigenous reforms and ensure there is local ownership of activities. Bodies like the European Union can serve as catalysts, but must take as their starting point the efforts already underway on the ground. In Egypt, activists have made the argument that the European Union can engage in this process by establishing a framework for dialogue between the state and civil society, and by building capacity via technical and programmatic support.[37] International actors must look first at what is already working on the ground, otherwise their recommendations will be perceived as arrogance.

The way forward for the European Union's engagement with civil society in its neighborhood is partly a question of strategy, optimization, and timing.

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37   Brookings Institution panel discussion, "The Role of Civil Society in a New Egypt."

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