THE IMPORTANCE OF CIVIL SOCIETY AND ITS INTERPLAY WITH PARLIAMENTS AND OTHER DEMOCRATICALLY ELECTED ASSEMBLIES FOR THE MATURING AND DEVELOPMENT OF DEMOCRACY

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I.   INTRODUCTION

A global civil society?

The tsunami disaster at the close of 2004 had terrible consequences. But the destruction also unleashed a wave of creative action that quickly spread throughout the world. Hundreds of thousands of people on several continents had been affected, and as a result, the human will to help and to comfort produced a kind of global mobilization, bringing citizens in many countries closer together.

The part of society intensively engaged in this spontaneous campaign, carrying out relief measures and organizing the collection of funds, was the social sector we often call "civil society" - a heterogeneous collection of organizations, groupings and individuals built bottom-up, stemming from grass-root initiatives and acting according to their own ideals and organizational models. Although the reaction to the tsunami disaster was unique, it illustrates in a convincing way the enormous power stored in the disparate forms and structures of the world's civil society.

Why this report?

As the IPU and its Members discuss the role of civil society and its ability to contribute to the growth of democracy, that discussion should begin with the observation that civil society is strong and rich, and a considerable part of its strength arises from a globalization process at grass-roots level. If parliamentarians from across the world succeed in guaranteeing freedom of action for this force, if they succeed in offering this sector stable platforms for positive new initiatives, and if they succeed in establishing fruitful collaboration with these popular movements, then they will also help to enhance democracy in all their countries. If parliaments carefully examine the positive political changes set in motion by the popular movements in countries plagued by conflict, corruption and sometimes terror, they will see that reform became possible at the very moment when people started believing that democratic change could be accomplished and was worth fighting for. In fact, the whole chain reaction that led to

the fall of so many dictatorships between the late twentieth century and the beginning of the new millennium is a clear illustration of this simple truth, a truth so simple it is difficult to grasp. It was not that terror had weakened, or that the mechanisms of suppression had lost control over the population when, for example, Ceausescu was suddenly booed by the crowd at the Palace Square in Bucharest. What had weakened was people's fear, their instinctive withdrawal into passivity and silent acceptance.

When all this was taking place, there was practically no room for independent organizations in Romania. Yet civil society was playing a role in liberating Romanians from fear. Peaceful rebellion was based, as in many other countries, on the experiences of often illegal but truly independent trade unions, churches, religious communities and small human rights organizations that had opposed repression for decades.

An arena for the poor and the oppressed

In Pinochet's Chile, it was the women's rights organizations which in their demonstrations always drew attention to the crimes of the dictatorship against human rights. Likewise, in Argentina, the mothers of Plaza de Mayo held aloft the standard of resistance, and slowly but surely they managed to loosen the grip of terror around people's thoughts and actions.

When certain political parties are banned and freedom fighters are jailed for long terms, there is a great deal civil society can do. For many years, South African trade unions and organizations representing pupils, students and women carried with them their belief in freedom. They repeatedly demonstrated under the slogan "Free Mandela", making the name of their imprisoned leader a symbol of all political prisoners in South Africa. The mass demonstrations sang and chanted the name of the imprisoned leader, and the continuous political campaign managed to mobilize world opinion. In his autobiography, Nelson Mandela describes this mass movement consisting of several independent groups as a vital factor in the transition from apartheid to democracy.

As most of civil society's activities are based on voluntary work for which participants have both the time and the motivation, the potential of the "third sector" (as civil society is often called) is endless. The Free Mandela Movement did not start with the collection of funds and the organizing of public relations campaigns - it started with people taking to the streets carrying hand-painted slogans. Another respected African effort demonstrates the same truth: the Wangari Maathai Movement, which plants trees in Kenya and is thus considerably improving both the environment and the economy, was similarly started without any large-scale economic preparations or lengthy periods of organizational planning. As everybody can find time and energy, civil society is able to carry on even when it is seriously lacking in funds. Thus, the sector easily becomes an open arena for the most oppressed, a lobby and public relations centre for the poor.

During the last few years, concerns have been raised about the accountability of civil society. The debate on civil society organization accountability cannot be properly understood without examining several of the key trends affecting current notions of governance, democracy and public participation. When *The Economist* posed the now famous question: "Who guards the guardians?", it pointed implicitly to a dramatically changed political and social backdrop, in which citizens' groups and movements – the "guardians" of popular interests in many societies – have assumed a much higher profile and level of influence than ever before.

They have emerged on the scene as powerful new political actors at a time when popular trust in many institutions is on the decline. These new guardians must, in their turn, be the subject of rigorous control and self-control.

As stated in a report of the United Nations Research Institute for Social Development (UNRISD), "The need to strengthen civil society has become a truism within the development debate - something that can be stated without further analysis or discussion. But civil society is a complex of different forms of organization, developing within specific contexts. Placing too great a faith in civil society, vaguely defined, glosses over important differences between non-governmental organizations (NGOs), grass-roots organizations, social movements and other forms of civic action. It also ignores an array of problems inherent in local politics and social relations".

A sound interaction

Because of its unique nature as a collection of groups and organizations built on grass-roots initiatives and shaped by the free will of individuals and communities, civil society is characterized by diversity and independence – a variety of structures and directions and a relatively free position in relation to other structures in society. Preserving the identity and traditions of the family has been a source of inspiration for centuries and continues to be so for groups organized around the family unit; protecting personal interests once brought together wage earners into trade unions and entrepreneurs into employers' associations, and continues to be the driving force for women's movements and minority organizations. The will to share and to support gave rise to humanitarian organizations. A philosophy of life and spiritual aspirations have always dominated religious communities, but they are now also gaining importance in organizations fighting for peace and human rights, in modern environmental movements and among those working for animal rights. Passion for an activity - be it sport, language, art or some other kind of hobby - can likewise bring people together.

The development of civil society is naturally affected by the other sectors of society - the political system, the public sector and the private business community. Civil society can retain its distinctive character and vitality only if the other sectors of society respect its diversity and relative independence and allow it sufficient freedom of action.

It is important that rules, laws and conditions be flexible. Enacting laws and rules that too narrowly define the confines of civil society can stifle creativity. The private business community too can contribute to the development of civil society by showing its acceptance of it.

The United Nations, the European Union, the Council of Europe and the Norwegian Nobel Committee, which awards the Nobel Peace Prize, are all large international players who have already in various ways shown respect for, and a willingness to cooperate with, civil society. As non-governmental organizations (NGOs), independent groupings are increasingly gaining influence in the international community. The decision to give one of the world's most important awards, the Nobel Peace Prize, to Wangari Maathai, who heads the civil society movement referred to earlier in this report, is an expression of appreciation at the highest level of the value of voluntary efforts.

II.   THE GROWING IMPORTANCE OF CIVIL SOCIETY

Our purpose: "If the United Nations global agenda is to be properly addressed, a partnership with civil society at large is not an option; it is a necessity" said United Nations Secretary-General Kofi Annan in Montreal in 1999. Whatever the actual role of civil society is at present, or should be, the reality is that civil society organizations are quickly becoming some of the primary actors in political life. This report seeks to highlight some central issues in regard to civil society around the world, and examines how these social entities can widen the participation of vulnerable and marginalized constituencies in the democratic process.

The growing importance of civil society: The idea of "civil society" has achieved considerable attention in political and developmental discourse over the past two decades, particularly in connection with successive waves of democratization, beginning in Latin America, Africa and Eastern Europe, and spreading across the developing world. In normative terms, civil society has been widely seen as an increasingly crucial agent for limiting authoritarian government, strengthening popular empowerment, reducing the socially atomizing and unsettling effects of market forces, enforcing political accountability and improving the quality and inclusiveness of governance. Reconsideration of the limits of state action has also led to an increased awareness of the potential role of civic organizations in the provision of public goods and social services, either separately or in some kind of "synergistic" relationship with state institutions. Because of its unique nature as a collection of groups and organizations built on grass-roots initiatives and shaped by the free will of individuals and communities, civil society is characterized by diversity and independence – a variety of structures and directions, and a relatively free position in relation to other structures in society.

The IPU and civil society: The IPU has addressed the issue of civil society on various occasions and has constantly emphasized its central role in broadening democratic participation. In the Universal Declaration on Democracy that the Union adopted in 1997, it asserted that the existence of an active civil society is an essential element of democracy. In its view, for civil society to be effective, it is important to put in place conditions that allow citizens to participate in democratic processes. Equality, transparency and education are part of those conditions. Measures need to be taken to remove obstacles such as ignorance, intolerance, apathy and a lack of genuine choices and alternatives. Steps should be taken to redress imbalances or discrimination of a social, cultural, religious and racial nature, or those that are based on gender.

With regard to the Panel of Eminent Persons on United Nations-Civil Society Relations, including parliaments and parliamentarians (the Cardoso Panel), and following substantive consultation, it was agreed that the IPU should take the lead in seeking the views of the international parliamentary community on how this relationship can best evolve, and present its findings at the Second World Conference of Speakers of Parliaments, in September 2005. This position was reflected in the IPU Secretary General's report for 2004. The decision was formally acknowledged in United Nations General Assembly resolution 59/19.

III.   THE UNITED NATIONS AND CIVIL SOCIETY

The World Civil Society Forum, held for the first time in 2002, attracted about a thousand participants, representing over 500 organizations from about 70 countries, of which a majority were developing countries. The aim of the World Civil Society Forum is to strengthen

international cooperation. It has focused on the four objectives adopted during the preparatory process:

- To facilitate cooperation between civil society and the United Nations system, including specialized agencies and other international organizations;
- To promote cooperation among civil society organizations across the world working in different fields of activity, especially with developing countries and indigenous peoples;
- To create a space for dialogue on the relation between the different stakeholders of the international scene, such as civil society organizations, international organizations, governments and the private sector;
- To consider the constitution of a permanent forum.

IV.   CURRENT MODELS AND PATTERNS OF CIVIL SOCIETY

Definitions and classification: The issue is complex, as there is no globally accepted definition of what civil society actually is and how to classify the different manifestations of civil society organizations. An essential aspect of civil society is that it should be a sphere autonomous of the State, that it should not be determined by the State or politics, but that it has a life of its own, and that it grows out of initiatives at the grass-roots level. Civil society is seen by many as a cornerstone and an engine for democratization. For others, civil society organizations should not be utilized as a means of achieving greater political and economic goals. A shift is also taking place from the local to the global arena, with new kinds of social movements and networks replacing and/or competing with established national NGOs and charities. The term "third sector" is one traditional way of placing civil society organizations, or NGOs, between the first sector (the government) and the second sector (the market). Civil society is also sometimes labelled as the "voluntary sector", or a sector composed of charities, run by unpaid boards of trustees with a high input of volunteers. This is also a changing reality, as many civil society organizations are becoming more professional and entrepreneurial. Sustainability has also become an important factor in this sector: "social enterprise, social economy and microfinance institutions" trade for social purposes with self-generated income, which is being channelled towards vulnerable groups and marginalized people. An important trend is also the transformation of the sector from traditional charitable groups towards a developmental approach, from service delivery to advocacy and from individual, ad hoc assistance to long-term community commitments, building on a rights-based approach and on the principle of self-help. In defining civil society, we must also consider undesirable influences. There are groups whose support is fostered by fundamentalism and intolerance and who promote violence and hatred. These groups sometimes present themselves as a part of mainstream civil society.

Common features: In summary, what civil society organizations have in common is that they are grass-roots based, non-profit and voluntary (non-compulsory); they pursue a social or cultural purpose which is directed by the desire for the public benefit; they are organized (formally or informally); they are self-governed; and they are not directly part of the apparatus of government.

A major economic and social force: The NGO sector is a major economic and social force in the world. It has been reported that by the mid-1990s, this sector accounted for more than US$ 1.2 trillion in expenditure and had more than 31 million employees - six times more paid employees than worked in the largest private firms in each of the countries studied,

during a comparative study of the non-profit sector in 26 countries. Education, social services and health account for 73 per cent of total employment in non-profit organizations in Western Europe. The revenues funding the NGO sector come from the public sector, private donations and through membership fees and charges. Employment in non-profit organizations has a tendency to grow much faster than overall employment in both developing and developed countries; in some countries more than three times faster. In the developed world, the share of civil society organizations in total (non-agricultural) employment ranges between 6 and 14 per cent, and in the underdeveloped world it is under 1 per cent. The number of non-profit organizations per 1,000 people ranges between 4 and 20 in Western Europe and the United States of America, while in a region like the Middle East and North Africa, with a clear democracy deficit, there are between 0.017 and 1.3 organizations per population of 1,000. In real figures, European countries such as Sweden have 195,000 registered NGOs, and England and Wales have 188,000 registered charities (and approximately 600,000 incorporated voluntary organizations). In the Arab world, one of the regions with the lowest proportion of civil society organizations, there are some 233,000 registered NGOs in a population of less than 300 million people, which averages out to 0.8 organizations per population of 1,000.

The principal activities of civil society organizations, as described and analysed by prominent scholars, mainly fall into the following 12 areas: social services, education and research, health, environment, development, culture and recreation, civic services and advocacy, philanthropy, international work, religion, professional/union activities and others. Research shows that almost a third of civil society organizations are active in the social services sector, and more than 25 per cent in the cultural area. For the other areas, the level of involvement ranges from 7.8 per cent (development) to 1.6 per cent (international work). There are, however, important cultural and national deviations and diversities to take into consideration. The level of participation of civil society organizations in social action is, for instance, much higher in Latin America than in the Scandinavian countries (8 per cent in Sweden, versus 97 per cent in Peru). These perplexing differences have to be seen in the context of how well developed the welfare State is, the level of social welfare spending, and how the sector as a whole addresses social needs.

Other relevant issues of common concern relate to the problematic situation of some formerly well-established civil society organizations which have problems with declining civic participation and shrinking membership bases. On the other hand, new social movements, groups and networks are being formed, which provides ample room for creative and dynamic initiatives. An important phenomenon is the solid and sustainable growth of social movements and NGOs in the developing countries. Another challenge impacting on civil society organizations relates to the issue of accountability. There are several major factors contributing to the rise of this particular debate. As civil society organizations have proliferated and become more visible, while remaining relatively unregulated in many parts of the world (compared to government and the private sector), questions have been raised about the basic "checks and balances" on civil society activity. This is obviously not the case worldwide. There are unfortunately too many examples of countries where the space for civil society is severely constrained, either by deliberate government policy, or owing to conflict and/or extreme poverty.

V.   THE INTERPLAY WITH PARLIAMENTS

The interplay between parliaments and civil society manifests itself through general and specific political relations between them. The guiding values and principles of the interplay

should emphasize the importance of diversity and variations of organizational expressions of civil society in different political, national, cultural, social and religious contexts.

In modern democracies, the role of parliaments has become more clearly defined, and presupposes the active involvement of many role players, not least civil society. Parliamentary committees have become valuable platforms for civil society's interaction with parliaments. They play a major role in the work of parliaments, and indications are clear that they will increasingly be used as an interface between parliaments, civil society and other role players. Although not discussed in this paper, some multilingual countries are faced with the added challenge of making provision for participation in committees in various languages.

Specifically, parliamentary committees are essential in ensuring accountability by and supervision of the executive branch. They put into practice the constitutional concept of participatory democracy by holding public hearings and affording the public the opportunity to contribute to their deliberations. The notion of public participation and supervision should be clearly entrenched in constitutional provisions, and parliamentary committees should conduct their business in an open manner, in public.

In sum, parliament can and should play a central role as a bridge between various local civil society organizations, government, private business and the public.

The rule of law and international standards of human rights: The basis for civil society is freedom of association, expression and assembly. Civil society can hardly exist and thrive outside the rule of law. The national authorities around the world should provide a legal framework for civil society organizations in their respective countries and shall facilitate action carried out by them. There are basic human rights and freedoms linked to the Universal Declaration of Human Rights such as the freedoms of association, expression and assembly, which cannot be ignored. These rights are also enshrined in the International Covenant on Civil and Political Rights. Other regional conventions on human rights, such as the Arab Charter on Human Rights, reaffirm the principles of the Universal Declaration of Human Rights and the provisions of the International Covenant on Civil and Political Rights.

Diversity and independence: Most observers and scholars would highlight the importance of diversity, independence and variations of organizational expressions of civil society in different political, national, cultural, social and religious contexts, which include huge solid and reputable organizations, as well as small groups of youth, women and vulnerable groups. Economic independence and financial sustainability for NGOs are important; they should not rely only on funding from the State and become pseudo-NGOs which in fact are extensions of the State. Civil society must be respected by the authorities as well as the public and private sectors.

Autonomy – dependence: The ongoing search for funding from limited sources creates a difficult environment of competition, which puts a lot of pressure on the voluntary sector to focus on fund-raising and to win government contracts and grants. Another weakness of the third sector is the lack of a long-term strategy, as well as limited collaboration within the sector. Voluntary organizations need space and funds in order to preserve their autonomy and to be able to carry out their activities; they should not be considered an extended arm of the State and the authorities. As long as the procedures are transparent and the autonomy of the voluntary sector is respected, different kinds of support and interaction by different civil society

actors should be promoted. Local and central governments have a growing interest in ensuring collaboration with NGOs through structured dialogue and contracts regarding service delivery.

Participation, transparency, accountability, sustainability, empowerment, volunteerism and tolerance are other core values which are very much linked to a thriving civil society, and are the building blocks to enhance and develop the voluntary sector in general.

Political/strategic vs. administrative/operational aspects: The role of civil society is important both in established and in fledgling democracies:

(a)   Civil society can be a partner in the process of governance, and as such can contribute by ensuring that the decisions of the government are both inclusive and representative;

(b)   Civil society has a proven record of adding fibre and creativity to government decisions;

(c)   Public participation in political processes strengthens and provides legitimacy to government policies, which in turn can only serve to strengthen democratic stability;

(d)   A lack thereof results in political lethargy and ineptitude.

Interaction between public, private, non-governmental and informal actors in the social and other fields: The development of civil society is naturally affected by the other sectors of society - the political system, the public sector and the private business community. Civil society can retain its distinctive character and vitality only if the other sectors of society respect its diversity and relative independence and allow it sufficient freedom of action. It is important that rules, laws and conditions be flexible. Enacting laws and rules that too narrowly define the confines of civil society can stifle creativity. Private business should not see civil society organizations as second-hand actors in the social arena or as illegitimate competitors. Both private business and civil society stimulate and develop each other by means of cooperation.

Lobbying and advocacy: NGOs have historically passed from being charity-oriented to a more community and developmental approach in service delivery. In recent years, lobbying, campaigning and advocacy have become an essential part of NGO activities. In some countries, this shift has not been welcomed, as it is being perceived as "political work" and a potential threat to the government. Most international and local NGOs are, however, pursuing advocacy agendas on crucial human rights issues linked for example to the welfare of children, women and vulnerable groups in society. This approach should be welcomed and promoted in a democratic and pluralistic society. It is a way of raising awareness, fighting for social justice, and in many cases enforcing existing laws and regulations. Parliaments should welcome the advocacy role of voluntary organizations.

The responsibilities of civil society: As an important partner in encouraging and sustaining democracy, civil society organizations have a number of responsibilities. First, networking between civil society organizations is desirable for the sharing of information and best practices. Second, civil society organizations have a responsibility to ensure that what is

being done or proposed at the international level reflects the realities of the affected nations; otherwise, there may be great difficulty in trying to garner support from some national parliaments.

VI.   THE IMPACT OF PARLIAMENT-CIVIL SOCIETY INTERPLAY ON THE DEVELOPMENT AND MATURING OF DEMOCRACY

The need for maturation of democracy and the role of resocialization as one of the political tools for enhancing the interplay: Democracy is not a static process; it is constantly changing (hopefully growing). The interaction between parliament (as the "home" of democracy and those elected to represent the electorate) and civil society (the "body corporate" of those who have elected public representatives) is frequently cited in many countries as part of the effort to refine democracy, an effort which aims to broaden, enhance and refine the interplay between parliament and civil society, with a view to attaining a higher level of democracy that is highly participatory in character. Such efforts of resocialization are not only necessary for the refinement of democratic practices, but are also essential for a healthy transition to democracy in a country that has gone through the pains of dictatorship.

Impact and applicability: An interesting case deserves mentioning in this report. Since 1989, in Porto Alegre, the capital of Brazil's southernmost state, Rio Grande do Sul, three mayors and their staff have promoted increasingly popular and innovative programmes. Participatory budgeting is the centrepiece of Porto Alegre's reforms. In 1999 some 40,000 citizens participated in public meetings to allocate about half the city budget. Citizens thus take a healthy chunk of responsibility for governing the city, which has a population of 1.3 million. They decide on practical matters such as the location of new pavement or a new park, but what is even more important is that they become conscious of new and better possibilities for their lives. One index of the success of participatory budgeting is the increased level of participation. In Porto Alegre the number of participants in the budgeting process grew from fewer than a thousand in 1990 to more than 16,000 in 1998 and about 40,000 in 1999. In this case, there is evidence that the interplay of local elected assemblies, local governments and civil society organizations enhances social mobilization and strengthens participation in the democratic process.

What is the impact where interplay is absent, has distortions or is undermined? Civil society can be threatened from different political angles and directions. The main threats are from intolerant governments and ideologies which try to suppress independent movements or co-opt them into "official" structures in order to cover anti-democratic mechanisms behind the appearance of "civil society". Threats stem from ideologies of intolerance from above, but also from below: religious intolerance and fundamentalism, terrorist groups and other extremist anti-democratic forces, old and new kinds of racism, xenophobia, anti-Semitism, Islamophobia and fascism. It is of the utmost importance to react against these destructive forces by supporting and protecting new democratic movements and associations in the most marginalized neighbourhoods and villages and through the struggle for tolerance and coexistence in these environments. Even the modern welfare State would restrict the development of a strong, viable and independent civil society sector if it created monopolies over certain social functions and did not encourage the enhancement of diversity in the delivery or provision of social services. Restrictions and inflexibility from the State should be avoided.

What is the driving force of democratization? An involved citizenry has in many ways a pivotal role to play in the fostering of democracy. Governments and parliaments cannot function in a vacuum. Interaction between civil society, governments and parliaments offers the following opportunities:

(a)   To play a much-needed educational role to encourage citizen participation and foster the skills that are required in order to advocate effectively;
(b)   To ensure that many views are heard;
(c)   To generate civic pride;
(d)   To exercise a degree of control over the actions and decisions of governments and parliaments; and
(e)   To uphold their countries' constitutional principles.

A prerequisite for involved and active citizenry is awareness of change - citizens need to constantly analyse their efforts, visions and goals: Citizens of any country, once they are involved and active in the determination of their destiny, need to develop as conscious agents of change. It is easy for residents to attend meetings endlessly merely as passive participants. Certain prerequisites for creative involvement include:

(a)   Political pluralism, which allows the involvement of many citizens and which must be a central premise of civil society;
(b)   Diversity and independence, respect of the individual and organizational expressions that reflect different positions and approaches;
(c)   Meaningful engagement of ruling political parties - enhancing accountability, transparency and public scrutiny; and
(d)   Measures for empowerment of an involved citizenry.

VII.   THE EXPECTED OUTCOMES OF CIVIL SOCIETY'S INTERPLAY WITH PARLIAMENTS (AND OTHER DEMOCRATICALLY ELECTED ASSEMBLIES) AND THE DEVELOPMENT AND MATURING OF DEMOCRACY

The consequences of civic initiatives: An action started in civil society can go beyond a particular case and have a broader cultural, political or institutional impact on society. On some occasions, the attention that a particular case receives serves to place a more general issue on the public agenda and leads to the questioning of existing identities or practices.

International law and NGO legislation; some preconditions: In some countries, due to perceived internal or external security threats, the war against terror and/or other war-related situations, emergency laws have been put in place which restrict basic rights such as freedom of association, expression and assembly. In these cases, the parliament is sometimes marginalized and does not play its constitutional role. Support given by NGOs can help restore the position of parliament. The parliament should have a key role in putting forward legislation that can promote civil society and make it easier for voluntary organizations to register or to be incorporated.

Registration: Many countries need to update and improve their current NGO legislation in light of their own national conditions and facilitate the registration process for voluntary organizations. Some countries do not even have a legal framework for the voluntary sector. Some NGOs experience problems when contacting parliamentarians in order to lobby for easier registration procedures, to obtain support and understanding for this growing sector and

to promote transparent and reasonable ways of funding. Parliaments should facilitate these kinds of contacts and networking through hearings, round-table discussions and debates, and should provide access to the public on issues relating to civil society. Parliaments and their members can also learn from the sector and should encourage diversity and multisector cooperation at different levels.

Funding: NGOs are becoming more professional as potential partners in service delivery, as important development actors in fighting poverty and as advocates of equity and justice. The World Bank has in recent policy papers put forward proposals to promote and facilitate the increasing role of civil society and to streamline funding. One of the key issues is to have a solid procurement framework to sustain the expansion of civil society organizations into social services and development. There is a lack of flexibility in existing procurement frameworks. Parliaments play a crucial role in creating enabling financial environments for civil society organizations that could introduce new opportunities for collaboration and greater local ownership. The overall channelling of development assistance funds through NGOs has increased in the last 10 years, but is still marginal (less than 10 per cent of official development assistance, or ODA) compared to the bilateral and multilateral funding available. If there is to be a realistic way of reaching the United Nations Millennium Development Goals (MDGs), there is both a need to increase the overall ODA level globally, as well as the proportion of financial aid going to civil society organizations working within the eight MDG areas. New kinds of self-help groups, microfinance institutions and community-based organizations are increasing in number, but they too must be sustained and supported in an enabling financial environment.

Implementation: Once registered, incorporated and/or officially recognized, there are still many remaining practical problems and obstacles to overcome for civil society organizations. Sometimes the law is not enforced, and many civil society organizations cannot carry out their activities or are limited in different ways by bureaucracy, the absence of a social policy and a lack of awareness on the part of the authorities concerned. Many civil society organizations find it difficult to enter into partnerships with the public sector. New development and social assistance collaboration models need to be formed.

Human and social capital, the driving force in the democratization process: Parliaments around the world have a responsibility to pave the way for people-oriented social and economic policies which enhance the bonds of trust, mutual confidence and reciprocity among citizens. Social and human capital in the form of citizen participation and advocacy are key ingredients as driving forces in the democratization process and are as important as the financial and physical capital.

VIII.   RECOMMENDATIONS AND PROPOSALS

A.   Legislation and policies

Civil society and international human rights:

It is of the utmost importance for parliaments to support and when necessary enhance channels of political expression, the promotion of human rights and investment in human capital through legislation, policies and regulations that promote civil society;

A necessary precondition is to ensure the rights of freedom of assembly, association, speech and expression and other basic human rights. Restrictions imposed through emergency laws and/or other measures should be rooted in the rule of law, and must be implemented in compliance with international conventions on human rights;

- The certification/approval procedures applied by the authorities should be flexible and involve no unreasonable requirements or delays;

- The criteria for approval should be clear and in compliance with the rule of law.

International civil society code of conduct:

- Establish an international framework for guiding values and principles of the third sector;

- Draw upon international code of conduct or statement of principles to inspire and enhance civil society, and also to discourage those who wish to use civil society as an avenue to spread hatred and violence, and which could be included in an International Civil Society Convention.

International and national standards:

- National data and statistics, international standards, international coordination of the third sector: Gather data to be included in national statistics and public information.

Promoting the advocacy role of NGOs:

- NGOs should be able to advocate issues relating to social affairs and public policies.

B.   Registration

Capacity-building and technical assistance:

- Provide technical support and capacity-building in order to develop the voluntary sector;

- Encourage the formation and strengthening of local civil society by providing necessary technical assistance, training and support.

Encourage an increase in the number of civil society organizations:

The number of civil society organizations is still very low in parts of the developing world. There is a global, regional and national need for clear benchmarks and indicators for the growth of civil society.

Obstacles and bureaucracy:

Civil society organizations should be consulted on this issue, as they often have very valuable information directly from the field, and can put forward proposals and possible solutions to overcome the legal and/or political problems and obstacles they face in the registration process. The procedures should be streamlined, easy to understand and rooted in

the rule of law. It should be simple for social organizations that would like to register to obtain the required information, and the government response should be prompt.

Regulation, mismanagement and penalization:

Misuse or mismanagement of voluntary organizations by persons or organizations should be penalized. Such abuses should be handled by the courts.

C.   Funding

Civil society and access to public funding:

-     NGOs should be able to obtain tax exemptions and/or contributions and support through access to public funding;

-     In-kind and cash contributions from the public should be encouraged by the authorities through incentives;

-     NGOs should have the right to implement service-delivery projects either with public funding or by collaborating with the public and private sectors, through fair contracts;

-     Short-term policies should be avoided. They are often inflexible, bureaucratic and make it difficult for NGOs to respond in a holistic fashion.

D.   Implementation

Partnerships and interaction between the public sector and NGOs:

-     Intensify collaboration with governments, parliaments, the public sector and private business;

-     Develop a framework of collaboration between the public, private and NGO sectors through incentives such as grants, loans, tax exemptions and contracts;

-     Enable NGOs to bid for contracts in a transparent and fair manner, through the publication of tenders and terms of reference of contracts;

-     Avoid social monopoly; promote diversity in social delivery.

Civil society and the corporate sector:

-     Corporate social responsibility is becoming a worldwide trend, with increasing possibilities of networking and partnership between corporations, NGOs and the public sector. Parliaments should invite representatives of the corporate sector and NGOs to hold a policy dialogue and to exchange and explore avenues of increased collaboration, especially in respect of long-term commitments in areas such as the MDGs, the environment and debt relief.

The promotion of NGOs as development actors:

-   Identify the obstacles that impede NGOs from making a contribution to the field of development;

-   Support the role of civil society organizations in job creation and economic development.

Public awareness and civic campaigns:

The public is not always aware of the growing importance of civil society, either locally or at the national and global levels. Many civic campaigns have been initiated around the world, often with very good results. A compendium of best practices should be established to illustrate when parliaments have been involved in stimulating and supporting their constituencies in civic action.

The crucial role of the media:

The IPU should promote itself as a global actor when it comes to the promotion of civil society. Projects, actions, conferences and meetings should be promoted through a new comprehensive media strategy which will make the IPU better known to the general public, and not only to specialists.

Civil society education and research:

Civil society organizations can play a major role in collaborating with schools on different social projects. Universities need additional support for civil society research, which may include the mapping of the sector, gathering financial data, policy research in relevant areas, the study of various governance and participation models and of NGOs as development actors, poverty reduction and the study of the various kinds of civil society organizations.

IX.   CONCLUSION

The most beautiful and inspiring promise that civil society carries within its groups is the promise of people power, empowerment. People gather their strength and act together to fulfil small or large dreams in order to realize universal ideals or local hopes of an improved everyday life. The parliamentarians of the world must work not only to enable this promise to be formulated, but also to give it credibility. Nowhere else can democracy find as many mighty soldiers willing to peacefully achieve great things than among the ranks of civil society. For herein lies the highest value embodied in civil society: in the impossibility of indifference and in the liberation from apathy, fear and quiet acquiescence. Civil society is today part and parcel of any nation, acting in the continuous confirmation and enrichment of the national identity and values, fully participating in the processes for the development of the nation's culture, and defending the most solid principles and interests of its ideals.