

# The OSCE Human Dimension Seminar on Building Blocks for Civic Society: Freedom of Association and NGOS

Warsaw, April 4-7, 1995



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**A Report Prepared by the Staff of the  
Commission on Security and Cooperation in Europe**

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## **ABOUT THE ORGANIZATION (OSCE)**

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

## **ABOUT THE COMMISSION (CSCE)**

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

**THE OSCE HUMAN DIMENSION SEMINAR ON BUILDING BLOCKS FOR CIVIC  
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**THE OSCE SEMINAR ON FREEDOM OF ASSOCIATION AND NGOS**

A diverse and dynamic group of NGO representatives converged on Warsaw recently for a seminar, sponsored by the Organization on Security and Cooperation in Europe (OSCE), entitled, "Building Blocks for Civic Society: Freedom of Association and NGOs." The seminar is one in a series of conferences organized by the OSCE's Warsaw-based Office of Democratic Institutions and Human Rights (ODIHR). All told, over 120 non-governmental organizations were present, as well as officials from over 40 OSCE participating States. The United States Information Agency, in keeping with past practice, provided assistance grants to individuals from Albania, Romania, Georgia, Kazakhstan, and Kyrgyzstan, enabling them to attend the seminar. In an extraordinary display of determination, the lone Bosnian NGO representative at the seminar travelled for two days, through contested areas of her country, in order to reach Warsaw. NGOs ranged from those focused on human rights and democratization, which formed the majority, to those concerned with the environment, economic reform, and security. Several international organizations and other observers were also in attendance.

The discussions at the seminar focused largely on practical problems confronting NGOs. Views and experiences were exchanged on a wide range of topics from administrative, legal, and financial aspects of NGO operations, to how to build successful programs that attract public support and influence government policy. The seminar was marked by an unprecedented degree of openness and access for private individuals and groups.

Reflecting the importance the United States attaches to private participation in the OSCE process, the official delegation of the U.S. included five NGO representatives on its official delegation in Warsaw. Mr. Fred Wertheimer, of Common Cause, served as head of delegation. Other public members were Mariam Bell, Childhelp USA; Edwin Rekosh, International Human Rights Law Group; Barry Steinhardt, American Civil Liberties Union; and Orna Tamches, League of Women Voters. Helsinki Commission staff and State Department officials also participated. There were a number of U.S. NGOs present as well.

The seminar was opened with a keynote address by Irena Lasota, President of the Institute for Democracy in Eastern Europe. Lasota presented an historical overview of the development of grassroots organizations since the signing of the Helsinki Final Act in 1975. She emphasized the role of the Helsinki monitoring committees—"dissidents' groups of very courageous people, who risked their liberty, and sometimes even life, to monitor and report on the violations of human and civil rights. Often they were the seed of the future civic societies." In commenting on the fundamental changes currently underway in the emerging democracies and the role of NGOs in the process of building civic societies in the aftermath of communism, she noted the resistance frequently experienced by activists. A common difficulty is the lack of a legal framework for NGO activities or overly restrictive laws adopted by governments unwilling to relinquish power. She concluded by raising a series of fundamental questions touching on what constitutes an NGO.

In plenary remarks, U.S. delegation head, Fred Wertheimer, underscored the critical role played by NGOs in a participatory democracy, and reiterated the important role they have played in the Helsinki process. He alluded to the inherent tension in the relationship between governments and NGOs, especially evident when such groups challenge the positions taken by their governments and seek to influence policy. Governments should recognize that NGOs are created by citizens, not the state, and the freedom of citizens to associate in such groups to promote and advance their views is an essential part of the democratic process, he said. At the same time, NGOs must be publicly credible and need to adopt internal rules and governing procedures to ensure their integrity and credibility.

Members of the U.S. delegation were particularly active in discussions in two working groups: “Right to Association—Administrative, Legal, and Financial Aspects;” and “How to Build Successful Programmes that Attract the Public and Influence Governments.”

Discussion Group 1 concentrated on practical problems confronting NGOs and those seeking to exercise their right to freedom of association. Reference was made to several international instruments, including the International Covenant on Civil and Political Rights, which guarantee freedom of association and assembly. Constitutional provisions and general law were also examined, particularly those concerning the registration requirements for NGOs. While NGOs operate quite freely in many countries without registration, there was a general recognition that some form of registration might be necessary if such groups want to secure certain benefits from the state, such as tax exemptions, though the process should avoid undue politicization. Examples were given of attempts by governments to severely limit NGO activities. The importance of self-regulation and related mechanisms were also examined.

The participants agreed on the need for NGOs to have well-defined purposes. Concern was voiced over the fact that minimum membership enrollment requirements imposed by some states are overly restrictive. Many delegates supported a separation between NGOs and political parties. Some distinctions were made with respect to the operations of various categories of NGOs, including foundations, associations, trade unions, political parties, and religious organizations. There was general agreement that organizations should have considerable flexibility in their own governance.

Considerable time was devoted to questions of financing, with divergent views presented about private versus government sources of funding. Cultural differences over the role of government support, in the form of direct grants and contracts, as well as support through tax benefits, were evident throughout the discussion. A general consensus emerged that certain principles should govern state support: competition for government grants and contracts with objective criteria; flexibility in awarding general support grants as opposed to project-specific grants; transparency by NGOs, in the form of periodic reports, to ensure that public funds are appropriately used. Private sources of funding from individuals, corporations, and foundations were discussed, as well as fees, commercial activities, and funds from foreign and international organizations. The importance of transparency and credibility and the need for professionalism were stressed. Support for NGO activities through the establishment of umbrella organizations, networks, and the regional cooperation were also considered.

Discussion Group 2 focused on how to build successful programs that attract the public and influence governments. Specific topics included how to define success; how to define goals and strategies, and develop organizational structures to achieve these; why associating with NGOs is in the interests of governments; and relations between NGOs and inter-governmental organizations, particularly OSCE.

Many of the issues discussed were of a practical nature, such as NGO organizational structure and funding. Different perspectives emerged on the implications of NGOs accepting funding from governments and how that might affect their independence. NGOs and governmental delegates shared their countries' varying experiences of dealing with these funding questions. In another session, more experienced NGOs offered suggestions on strategies for influencing government policy, including how to affect legislation through lobbying and use of media, and using the legal system to promote change.

Different ways in which governments and NGOs cooperate were examined. Some of these ways include: regular consultation, advisory boards, and minorities councils. A considerable amount of time was devoted to NGOs and their role within the OSCE process. While recognizing that NGO participation in OSCE has evolved, there was general agreement among NGOs that the Vienna-based OSCE bodies, particularly the Permanent Council, should be more open to NGOs, while recognizing that complete openness is not realistic since the OSCE remains an inter-governmental process and some discussions benefit from confidentiality. Concrete suggestions included: the designation of a formal NGO contact point in Vienna, and clarification on how NGOs could most effectively distribute their materials within the OSCE, as well as receive information from OSCE bodies. NGO cooperation with OSCE in-country missions and in conflict prevention were also addressed.

The seminar also provided an opportunity for NGO representatives to present their views on ways to expand their role in the OSCE. The head of the OSCE Department of Chair-in-Office Support, Piotr Switalski, invited NGOs to an informal meeting to discuss the preparation of a report on this subject being prepared by the Secretary General as called for by the Budapest Summit meeting. A number of ideas were put forward in Warsaw, including better communications, participation of NGOs in selected OSCE operations, interaction with the Permanent Council in Vienna and the possibility of financial support for NGOs. A draft of the report is expected this summer, according to Switalski, with the final version to be completed later this year.

Time was also reserved for NGOs and governmental delegates to meet informally.

Despite the fact that those present came from very diverse circumstances, the seminar did provide a useful framework for NGOs to establish contacts with each other and share experiences on points of common interest. NGOs and government officials from countries with relatively little experience in citizen participation were able to hear from countries, such as the United States, where such a phenomenon is an integral component of society. For the countries of Eastern and Central Europe, the seminar discussion could provide immediate benefit, with, perhaps, more limited application in countries where the process of democratization is just getting underway. Nevertheless, a regional approach, as used in a number of previous OSCE seminars, might allow for more focused follow-up to the discussions initiated in Warsaw.

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