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POLICY PAPERS ON COOPERATION BETWEEN THE STATE AND CIVIL SOCIETY ORGANIZATIONS

A COMPARATIVE ANALYSIS

March 2016

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The present comparative analysis provides an overview of policy papers on cooperation between the state bodies and civil society organizations in Bulgaria, Georgia, Moldova, Estonia, Croatia, and the Philippines. The publication aims to support the process of drafting, adoption and implementation of a similar policy document on cooperation in Kyrgyz Republic through share of good European and international practices. The publication is designed for high readership.

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1. INTRODUCTION

Policy documents promoting cooperation between the state (public authorities – government and parliament) and civil society organizations (CSOs)¹ are important not only because they support collaboration on jointly identified themes, but can also be tool of confidence and trust building. Policy documents typically outline jointly agreed goals, commitments and actions necessary to support civil society, to increase communication and cooperation between the parties and encourage participation. They were first adopted in Europe in the 1990s² and became increasingly popular since. They may be developed as unilateral documents which contain specific commitments for public authorities (strategies, charters) or also bilateral documents which also include commitments for NGOs (agreement, compact, and memorandum). They may cover issues relevant for the entire civil society, or a particular area (taxation, volunteering).³

The following paper provides an overview of such policies in Bulgaria, Georgia, Moldova, Estonia, Croatia and the Philippines. The paper aims to support the process of drafting, adoption and implementation of a similar policy document on cooperation in Kyrgyz Republic through share of good European and international practices. The paper was developed based on the desktop review of the policy papers, expert publications, assessment reports and other available resources. The author also interviewed local partners and experts especially on the aspects regarding implementation.

The country profiles and their analysis are organized around following main issues:

- Process of initiating and developing of the policy paper;
- Mechanisms for cooperation envisaged in the policy paper;
- Key obstacles in development of the policy paper and its implementation;
- Authority that signed or approved the final text;
- Overview of the implementation and impact.

The paper is divided into three major sections: (1) overview of the 6 country profiles; (2) key findings from the country profiles; and (3) recommendations derived from the country practices to support the efforts of partners in Kyrgyzstan to adopt a policy document on cooperation.

¹ The terms “CSO” referring to the civil society organization and “NGO” referring to the non-governmental organization are used interchangeably and encompass the narrow definition of civil society which relies on the following criteria: 1) it is a voluntarily organization established by a private instrument (contract, act on establishment), rather than by law; 2) it may be membership or non-membership based; 3) it is not part of the government structure; 4) it is established to pursue public or mutual benefit goals; 5) it is not for-profit. Therefore, the term includes associations, foundations, private institutions, centres, not-for profit corporations, and any other organization falling under the above criteria and are subject of the policy document of the specific country.

² The first formal instrument of collaboration was developed in England, in the form of the agreement of cooperation (also known as compact) signed by the Government and CSO representatives in 1998.

³ For more see: Hadzi-Miceva Evans, Katerina, European Practices on Implementation of Policy Documents and Liaison Offices that Support Civil Society Development, ECNL/ ICNL, 2009; <http://www.icnl.org/research/resources/ngogovcoop/index.html>

2. OVERVIEW OF THE COUNTRY PROFILES

The following section presents an overview of 6 countries that adopted, or started the process of adoption of a policy document on cooperation between the state and civil society. As envisaged in the introduction, each country profile is organized around several issues of particular interest for the Kyrgyz civil society.

2.1. BULGARIA

2.1.1. Summary

Name of the document	Bulgarian Strategy for Support to the Development of Civic Organizations in the Republic of Bulgaria (2012-2015)
Initiators	Group of CSOs
Purpose	<ul style="list-style-type: none">• To establish a working partnership between the state and CSOs;• To achieve financial sustainability of CSOs in Bulgaria;• To create conditions for civic engagement.
Adoption	Adopted by the Council of Ministers on 5 September 2012.
Implementation described in	Implementation Plan of the Strategy

2.1.2. Process of initiating and developing of the policy paper

The process for the development of the **Bulgarian Strategy for Support to the Development of Civic Organizations in the Republic of Bulgaria (2012-2015)**⁴ was initiated in 2010 by a group of CSOs, including the Center for Independent Living, the Center for Inclusive Education, the National Network for Children, the Bulgarian Donors' Forum, PACEL Foundation and the Bulgarian Center for Not-for-Profit Law (BCNL). They recognized a need to analyze and reform the system of state funding for CSOs. The analysis developed by BCNL showed that majority of funding was allocated directly to CSOs listed in the state budget without open competition. There is no clear idea or strategy on what types of programs or projects need to be supported. Therefore, one of the key recommendations in the analysis was that there is a clear need to develop a strategy for CSOs.

The results of the analysis were presented to key decision-makers, together with comparative overview of Bulgaria and other countries. A study visit to Estonia was organized by BCNL for a select group of decision-makers. As a result of these initiatives, the Minister for Managing EU Funds organized a roundtable discussion in the beginning of 2012 where key recommendations from the analysis were presented. This led to a decision to establish a **joint CSO-Government working group** tasked with developing a vision and a draft strategy for civil society development.

CSO participants in the roundtable discussion were invited to nominate four representatives in the working group, in addition to the nationally representative organizations of people with disabilities who also appointed their representatives. From the government side, the working group included representatives from key ministries (Ministry of Finance, Ministry of Labor and Social Policy, Ministry of Justice and Council of Ministers), as well as a member of Parliament. It was chaired by the Minister for Managing EU Funds. This large working group selected a smaller operative group at its first meeting to develop first draft texts of the strategy, to be discussed and approved by the large working group. This

⁴ Strategy for Support to the Development of Civic Organizations in the Republic of Bulgaria (2012-2015), available at: <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=775>.

facilitated the process and helped bring quick results. The inclusion of CSOs in the working group was very important because it helped build their trust but it was important when talking about cooperation, to also do it in practice. Moreover, CSOs really felt as if this is their strategy as they participated in drafting and discussing the key issues.

In May 2012 the first draft of the Strategy was ready and uploaded for public consultation on the website where draft strategies and laws are published for consultations.⁵ More than 130 comments from 44 organizations and citizens were received during the written consultation (28 May – 15 June 2012). In addition, on 26 June 2012 a public discussion was organized by the Minister for Managing EU Grants with all organizations that have submitted comments or showed interest in the draft.

Finally, the Strategy was circulated among various ministries as part of the official coordination procedure of the Council of Ministers. At the end, the Strategy was adopted by the Council of Ministers on 5 September 2012. A separate document, attached to the Strategy included the Vision for Creating a Mechanism to Finance the Civic Sector.

2.1.3. Mechanisms for cooperation envisaged in the policy paper

The vision of the CSO Strategy is: “CSOs in the Republic of Bulgaria are active, independent, sustainable and associated with the people.”

The Strategy included 3 main measures:

- Measure 1. To establish a working partnership between the state and CSOs.
- Measure 2. Achieving financial sustainability of CSOs in Bulgaria
- Measure 3. Creating conditions for civic engagement

Under each measure a set of activities was planned. These activities were further detailed in the Plan for Implementing the Strategy⁶ which included deadlines for each activity, a responsible institution and expected results. Two key institutions that the Strategy planned to establish were:

- **Council for Civil Society Development**, under the authority of the Prime Minister
- **Mechanism for funding of the civic sector in Bulgaria**, the document envisions either an establishment of an institution (a fund) or designation of an existing organization to provide funding to support the development of civil society.

The Council for Civil Society Development was designated as the main body tasked with monitoring the implementation of the Strategy, however the Council was eventually not established.

2.1.4. Key obstacles in development of the policy paper and its implementation

There are several obstacles that hindered the implementation of the CSO Strategy:

- a) **Political situation** – only 3 months after the Implementation Plan for the Strategy was adopted, the government had to resign. In fact, it could not start the implementation of the Strategy because the working group created under the Ministry of Justice to implement the first actions under the Strategy could not complete its tasks. Its work would have ensured the key

⁵ The website for public consultations available at: www.strategy.bg

⁶ Available at: http://www.bcnl.org/uploadfiles/documents/news_docs/2012/action_plan_strategie_ngo_oktober_2012_final.pdf.

institutions – the Council for Civil Society development and the Fund to support CSOs – are legislatively guaranteed.

In the next 2 years 4 governments changed, including 2 interim governments whose main task was preparing elections. Moreover, after the elections in 2013, unprecedented public protests took place which asked for the new government to resign. This led to an increased tension between a large part of civil society and the government and blocked all steps for joint work. Only at the end of 2014 work on the Strategy was restarted.

- b) **Unclear responsibility for implementation** – The Council is designated as a key institution for implementing several measures, however, it has not even been created yet. Another key institution responsible for implementing measures is the Minister for Managing EU Funds, however, there was no such minister since March 2013. In an official reply⁷ the Council of Ministers has noted that some of the measures were not implemented because the responsible institutions do not exist. In addition, many activities include more than one responsible institution and their responsibility is unclear.
- c) **Lack of a single body responsible for the overall implementation** – While the Council was expected to take this function, it was never created. Therefore, it is not possible to analyze whether this option was feasible. Moreover, it is not sure that such primarily consultative body would have the institutional power to ensure the Strategy implementation.
- d) **Lack of funding** – The implementation of the Strategy was not supported by funding and that is why some institutions, for example, the Statistical Institute, claimed they did not carry out the activity assigned to them. The Ministry of Finance never provided funding for the establishment of the Fund.

2.1.5. Who signed or approved final text?

The Strategy was adopted by the **Council of Ministers** in September 2012. In addition, the Council of Ministers developed an Implementation Plan, adopted in December 2012.⁸

2.1.6. Overview of the implementation

Out of the 20 activities listed in the Implementation Plan of the Strategy, seven activities have begun implementation.⁹ The Strategy covers the period 2012 – 2015, meaning, most of the Strategy has not been implemented and no measure was fully completed.

Some of the planned activities were implemented without or independently from the Strategy. The examples include:

- The activity related to the inclusion of civic education in pre-school and school curricula. The Ministry of Education was the responsible body but it took no actions. On the other hand, an active MP introduced a new Law on pre-school and school education where this issue was regulated and adopted.

⁷ A reply to a request for information under the Access to Information Law sent by BCNL in July 2015.

⁸ The Implementation plan available at: <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=775>.

⁹ Assessment of the Strategy Implementation carried out by BCNL and the PACEL Foundation in October 2015. http://www.bcnl.org/uploadfiles/documents/analyses/pregled_ngo_strategy_2012_2015_final_draft.pdf.

- The drafting of a Law on volunteerism was the responsibility of the Ministry of Culture, which at the time of adoption of the Strategy already had a draft law ready. But it showed no interest to push for its adoption. Currently, the process re-started after an initiative of a group of MPs and support from the Ministry of Youth and Sports.

Despite the fact that the activities under the Strategy have not been implemented, there are several **important learning points** which need to be noted:

- 1) The Strategy is the first document of its kind in Bulgaria and it declares that CSOs are important. The document contains clear undertaking by the government to support CSOs.
- 2) The Strategy has been used as an important argument by CSOs when working with various parts of the administration.
- 3) There has been specific results that could be attributed to the existence of the Strategy:
 - a) The proposed amendments to the NGO Law were proposed in early 2013 and their main purpose was to establish the legal basis for the creation of a Fund and a Council. At the end of 2014, the work on these amendments was restarted and a wide public consultation was launched. As part of this process, it was decided that the Ministry of Justice can transfer CSO registration from the regional courts (where registration was slower and more expensive) to the Registry Agency.
 - b) Due to the existing Strategy, CSOs were able to advocate for the establishment of a separate priority in one of the EU operational programs (on good governance) related to citizen participation in decision-making; as a result 10 million EUR will be provided to CSOs under this programming.
 - c) CSO development was included in other government documents such as the plans for the Open Government Partnership and the Roadmap for the State Administration Strategy where specific measures that are included in the CSO Strategy were referenced (e.g. in the OGP Plan the establishment of the Council for Civil Society development is listed as a specific measure).

The Strategy is still relevant to the issues CSOs currently face – a survey among 128 CSOs carried out in June 2015 shows that 86 % of all CSOs consider there is a need for continuous state policy towards CSOs.

Currently there is a discussion as to what needs to happen with the Strategy. BCNL carried out an evaluation of the Strategy implementation and the recommendations were discussed at a roundtable in November 2015 with more than 60 CSOs participating. The key recommendation is for the government to extend the timeline of the Strategy and to adopt a revised Action Plan that updates some of the activities and proposes couple of new ones.

2.2. CROATIA

2.2.1. Summary

Name of the document	National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016
Initiators	CSOs, experts and public administration representatives at the NGO Days in 2011
Purpose	<i>“To create conditions for community development in which citizens and civil society organizations, in synergy with other sectors, actively, equally and responsibly, in line with the principles of sustainable development and acting for public benefit, participate in building a society of wellbeing and equal opportunities for all.”</i>
Adoption	Adopted by the government on July 12, 2012
Implementation described in	Inherent part of the text of the National Strategy

2.2.2. Process of initiating and developing of the policy paper

The **National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016 (“the Strategy”)**¹⁰ is a second national policy document on cooperation between the Government and civil society. Croatian Government was interested in adoption of a policy document on cooperation because of the important role CSOs play in the social and economic development of the country. Also, Croatia was preparing for the EU accession and effective cooperation between the state and CSOs is key to shaping and implementing EU policies. The reasons for initiating and adopting the second Strategy was to continue pursuing the objectives of the first strategy and support the development of civil society in Croatia. Many objectives from the first document fell short on the implementation, particularly due to the vaguely set indicators for monitoring the implementation as well as insufficient capacities of the competent implementing bodies.

According to the text of the current Strategy, the objective is *“to create conditions for community development in which citizens and civil society organizations, in synergy with other sectors, actively, equally and responsibly, in line with the principles of sustainable development and acting for public benefit, participate in building a society of wellbeing and equal opportunities for all.”*

The **procedure of drawing up the Strategy** began officially at the NGO Days 2011. The event was attended by around two hundred participants (CSOs, experts and public administration representatives) that jointly developed the proposals for the vision of civil society development in Croatia. NGO Days 2011 conference was based on Open Space structure without pre-determined agenda, including highly interactive framework. This framework made possible for all participants to actively engage and give their contribution to the vision of civil society development in Croatia.¹¹

¹⁰ National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016, available at: <https://udruga.gov.hr/UserDocsImages/UserFiles/File/National%20Strategy-Civil%20Society-Croatia-2012-2016-eng.pdf>.

¹¹ For more information about the structure of the conference please refer to the Evaluation Report from the NGO days 2011, available at: <https://udruga.gov.hr/UserDocsImages/UserFiles/File/Evaluation%20report%20NGO%20Days%202011%20fin.pdf>.

As a continuation of this process, a discussion on a draft vision for developing the Strategy took place in June 2011. About thirty participants, representatives of state administration bodies and CSOs, took part in the discussion. It was agreed that, starting in September 2011, **fifty representatives of CSOs will be involved as volunteers in writing up the draft for the Strategy**. These representatives were not selected through an open call as the involvement in the drafting of the document was voluntary-based and open for everyone interested. In order to ensure necessary expertise, the Office for NGOs and National Council for CSO development asked CSOs with more capacities and expertise in particular areas to volunteer their in-house experts.

CSO representatives were divided into several working groups based on key topics determined in the vision from NGO Days conference and took several months to complete the first draft. Following that, public consultations on the draft Strategy were conducted from 22 May to 6 July 2012 including a public debate with CSOs and public administration representatives on 4 June 2012. A few expert meetings were also held on specific measures and activities from the draft Strategy, for example, social service provision and non-profit media activities. Furthermore, CSOs were given the opportunity of equal participation in all phases of the draft development. The final consultation was organized at the NGO Days 2012 (14-16 June), where CSO representatives offered additional comments to the draft Strategy.

Representatives of the public authorities were involved at all stages of the development of the document. They participated at the NGO days, some were giving comments at the stage of drafting, as well as at later stage, when the first draft was developed, during targeted expert meetings. All ministries also gave their final opinion during the consultations on draft strategy prior its official adoption.

The Government adopted the Proposal of the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012-2016 on July 12, 2012. Thanks to the broad range of participants involved in the process of drafting the Strategy, the document reflects a consensus of key stakeholders on the measures that need to be taken in the CSO development in Croatia.

2.2.3. Mechanisms for cooperation envisaged in the policy paper

The Strategy is organized around four main areas, each including set of measures, deadlines and bodies responsible for the implementation of specific activities.

According to the Strategy, the basic institutional framework for civil society development support in the Republic of Croatia comprises:

- **the Government Office for Cooperation with NGOs**, established in 1998;
- **the Council for Civil Society Development**, established by the Government in 2002, which is currently in its fourth mandate; and
- **the National Foundation for Civil Society Development** established in 2003.

There are also regional foundations and networks for support to civil society development which together create a framework for cooperation between the state administration and local and regional self-governments and civil society organizations.¹²

¹² Available at: <http://zaklada.civilnodrustvo.hr/category/241/subcategory/242/1504>.

2.2.4. Key obstacles in development of the policy paper and its implementation

The development of a second Croatian Strategy was led by the lessons learned from the development of the first Croatian Strategy on cooperation. The **main challenges** to be addressed included:

- How to develop a strategy in the most inclusive manner?
- Who has a legitimacy to prepare the first draft of the strategy, setting up key issues and topics for consultation and discussion?
- How to ensure proper implementation of the objectives?

These challenges were overcome with the application of following measures:

- a) Utilization of the **"open space" methodology** event with a high number of interested CSOs to develop first version of key areas/topics and vision for the new strategy (pre-draft) - the open space event where the pre-draft has been developed was further described in the section 2 of this profile;
- b) Organization of the **working groups** consisting of volunteering CSO members and experts to draft ideas for measures and activities on specific topics;
- c) Inclusion of **several rounds of regional public consultations and expert meetings** on development of specific topics;
- d) **Inclusion of representatives from state administration bodies in the drafting process**, to add expertise and realistic timeline. In addition, the final draft was prepared for wide national consultations, including online consultations;
- e) **Adoption of detailed measures, deadlines and assigning clear responsibility to government institutions**, for helping to indicate the implementation of the document.

The **example of the obstacle in implementation** of the Strategy was experienced while implementing the *Activity No. 7.1. Amending the Rules of Procedure of the Croatian Government to prescribe that submission of draft law proposals to the Government sessions must be accompanied by a report on the consultation procedure to the draft law.*¹³ This activity falls within the **Measure No. 7: Enhancing the effectiveness of consultation with civil society organizations in procedures of adopting laws, other regulations and acts**. The measure aims to fill the gap in the obligation to consult the draft regulations with wider public. According to the existing regulatory impact assessment procedure ("RIA"), only certain type of legislation has to be consulted, excluding for example any kind of bylaws.

However, **the Government's Legislative Support Office** was not consulted when this measure was drafted and adopted by the government, and it resisted implementing it in practice. The Office claimed that the RIA procedure was enough to guarantee the quality of legislation and consultation process. It was an interesting and unusual situation where the policy-making decision-makers, such as high government officials and parliamentarians, were in favor of this measure, but government's expertise service was firmly against it.

In the end, the obstacle was overcome by the persistent explaining and advocacy by CSOs as well as the inclusion of the measure into the **Open Government Partnership Action Plan 2012**, which proved to be a very useful advocacy and transparency tool. CSOs managed to demonstrate how a wider consultative process would benefit all government bodies and ensure smoother implementation of legislation and bylaws.¹⁴

¹³ More on the implementation of this activity available at: <http://strategija.uzuvrh.hr/index.php/aktivnosti/id-71-izmjenom-poslovnika-vlade-rh-propisati-upucivanje-prijedloga-nacrta-propisa-u-obvezan-postupak-savjetovanja-sukladno-kodek.html>.

¹⁴ More about OGP Initiative in Croatia available at: <http://www.opengovpartnership.org/country/croatia>.

2.2.5. Who signed or approved final text?

The National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016 was adopted at the session of the **Croatian Government** which was held on 12 July 2012.

2.2.6. Overview of the implementation

Croatian Strategy defines objectives it aims to achieve as well as the measures and activities necessary for their implementation under each area of the Strategy. It designates implementing bodies and co-implementing partners, as well as the necessary funding for the proper implementation. The Office for Cooperation with NGOs is tasked with the coordination of the implementation and monitoring of the strategy.¹⁵

In order to facilitate the evaluation of the progress and implementation, each activity also includes monitoring and evaluation indicators. The document lists in total 26 objectives, 27 measures and 91 implementation activities.

One of the measures envisaged in the Implementation plan is to **establish an online system for monitoring the implementation of the Strategy**.¹⁶ The tool is user friendly and organized, the same as the Strategy itself, around four implementing areas. The implementation status of the specific activity under each are displayed in color: **red**- the implementation has not yet begun, **yellow**- the implementation is in progress, **green**- the implementation has been completed. Implementation process of each completed activity is then further described and complemented with additional documents and/or pictures.

The following examples demonstrate good practice in the implementation of the Strategy:

- **Implementation of the Measure No. 5: Setting up a transparent procedure of allocating premises owned by the state and local self-government units to civil society organizations for the purpose of implementing project and programs in the interest of the public benefit.**

Activity No. 5.1.: Establish criteria for the allocation of premises owned by the Republic of Croatia to civil society organizations for the purpose of implementing programs and projects in the interest of the public benefit¹⁷

The Agency for State Property Management (AUDIO) adopted the *Decision on the criteria, standards and procedures for the allocation of space owned by the Republic of Croatia* to be used by civil society organizations for the implementation of programs and projects of interest to common good on February 6, 2013.¹⁸ The Decision was taken after a public consultation organized by the

¹⁵ Official website of the Office for Cooperation with NGOs, to be accessed at: <https://udruge.gov.hr/en>.

¹⁶ Please refer to: <http://strategija.uzuvrh.hr/index.php/pocetna.html>.

¹⁷ More on the implementation of this activity available at: <http://strategija.uzuvrh.hr/index.php/aktivnosti/id-51-utvrđiti-kriterije-za-dodjelu-prostora-u-vlasnistvu-republike-hrvatske-na-koristenje-organizacijama-civilnoga-drustva-radi.html>.

¹⁸ Decision on the criteria, standards and procedures for the allocation of space owned by the Republic of Croatia, available at: <http://www.duudi.hr/wp-content/uploads/2013/10/Kriteriji-dodjele-prostora-na-koristenje-organizacijama-civilnog-drustva.pdf>.

Government Office for NGOs, a proposal of the decision was available online for consultations for one month. Agency and Government Office for NGOs have done an analysis of the received comments and suggestions in public consultation, accepted constructive suggestions and made a final draft of the Decision which was proposed for adoption.

This Decision provides for the establishment of the *Commission for the allocation of space for civil society organizations*. The Commission is responsible to perform the technical and administrative tasks, such as the preparation of the text of the open call, reviewing and evaluating applications submitted, proposing decision to Director of the Agency regarding the use of space, evaluation of use of space. The Agency for State Property Management issued a decision on the selection of members of the Commission for the allocation of space for civil society organizations. Commission is comprised of representative of the Agency for State Property Management, the Government Office for NGOs, the Council for Civil Society Development, Ministry of Culture, the Ministry of Veterans, the Ministry of Social Policy and Youth and the National Foundation for Civil Society Development (total of 7).¹⁹

- **Implementation of the Measure No.7: Enhancing the effectiveness of consultation with civil society organizations in procedures of adopting laws, other regulations and acts.**

*Activity No. 7.2.: Establish and implement a system of regular monitoring of the implementation of the Code consultation at national and local level*²⁰

Government's Office for Cooperation with NGOs publishes an annual report on the implementation of consultation with the interested public in procedures of adopting laws, other regulations and acts. For 2014, the Office collected and processed the reports of ministries, government offices and state administrative organizations, government offices, agencies on their consultation process carried out in 2014, pursuant to the Code on consultation²¹. Of the 57 public bodies that are requested to report, 31 of them carried out consultations in 2014 and, accordingly, submitted to the Office for NGOs report on conducted consultations. According to data, these 31 government bodies in 2014 conducted a consultation process for 504 laws, other regulations and acts. In addition, 40 consultations were conducted in accordance with the Regulatory Impact Assessment Act.²² Therefore, the total of 544 public consultations on draft laws, other regulations and acts were conducted in 2014. This is 45% more consultations compared to 2013 when 374 were carried out. Compared to 2012 when state bodies conducted 144 public consultations, this is an increase of 277%, and compared to 2011 when they conducted 48 consultations, it is an increase of 1,033%. From 11,587 comments received by the public in 2014, the bodies accepted 3,366, with additional 2,743 comments partially accepted. Bodies published 334 reports with clear explanations of the reasons of non-acceptance of certain comments. The report estimates that the improvement in the number of consultations carried out, but also a greater public interest in participating in the process of shaping public policy, is a result of the successful promotion of the Code on consultations and systematic training of relevant government officials on the implementation of the Code.

¹⁹ The Agency for State Property Management ceased its operations on September 30 2013 - the State Office for State Property Management is now the central body for the management and disposal of state property and the coordination of management and disposition of property owned by the government.

²⁰ More about the implementation of this activity available at: <http://strategija.uzuvrh.hr/index.php/aktivnosti/id-72-uspostaviti-i-provoditi-sustav-redovitog-pracenja-provedbe-kodeksa-savjetovanja-na-nacionalnoj-i-lokalnoj-razini.html>.

²¹ Code on Consultation with the interested public in procedures of adopting laws, other regulations and acts.

²² Regulatory Impact Assessment Act "Official Gazette" no. 90/2011

Activity No. 7.3.: Conduct systematic training of coordinators or civil servants in the state administration and local and regional (regional) governments - for the effective application of the Code of consultation²³

Government's Office for Cooperation with NGOs has developed a one-day training program on the implementation of effective consultation with the interested public in procedures of adopting laws, other regulations and acts. The program is included in the curriculum of the National School of Public Administration. In addition, during 2014, there were two workshops held on "How to involve civil society in the preparation and implementation of local programs of public interest?" for local level officials.

²³ More about the implementation of this activity available at: <http://strategija.uzuvrh.hr/index.php/aktivnosti/id-73-provoditi-sustavnu-izobrazbu-koordinatora-za-savjetovanje-i-ostalnih-drzavnih-sluzbenika-u-tjelima-drzavne-uprave-i-jedini.html>.

2.3. ESTONIA

2.3.1. Summary

Name of the document	Estonian Civil Society Development Concept
Initiators	Network of Estonian Non-Profit Organizations (NENO)
Purpose	<i>“To phrase the basis of partnership between nonprofit associations and the public sector, and a framework to promote civic initiative and strengthen democracy in Estonia.”</i>
Adoption	Adopted by the Estonian Parliament in December 2002.
Implementation described in	Four activity/action plans, adopted subsequently, each after the expiration of the previous plan. The most recent one is the Civil Society Development Plan 2015-2020 (KODAR)

2.3.2. Process of initiating and developing of the policy paper

The Estonian Civil Society Development Concept (“EKAK” in Estonian as an abbreviation from Eesti Kodanikuühiskonna Arengukontseptsioon)²⁴ is a policy document on cooperation developed through a nationwide participatory process. The initiative was launched and coordinated by the Network of Estonian Non-Profit Organizations (NENO), a national umbrella organization, with a financial support from UNDP. **The main goal and purpose for the adoption of the document** was to *“phrases the basis of partnership between nonprofit associations and the public sector, and a framework to promote civic initiative and strengthen democracy in Estonia.”*

In 1999, a meeting of leaders of several umbrella organizations, scientists and MPs from both ruling parties and opposition was convened by the NENO. Participants discussed the initiative to develop a policy document on cooperation and brainstormed on possible goals and strategies. Following the meeting, the **Memorandum of Cooperation between Estonian Political Parties and Third Sector Umbrella Organizations** was signed between the ten biggest NGO umbrella organizations and the ten political parties represented in the Estonian Parliament.

Due to the unsuccessful attempt to develop a first joint draft agreed by all CSOs, **the Estonian Nonprofit Roundtable** was established, active from 2000 to 2004. The Roundtable served as a main public forum open for all Estonian CSOs to comment and discuss the draft. The first meeting of Roundtable with 272 participants was held in February 2011. All the participants were divided into following five chambers: registered nonprofit organizations; umbrella organizations; foundations; non-registered nonprofit organizations (informal partnerships); and organizations for minorities. Each chamber, delegated three representatives (except of the largest one for the registered organizations that delegated five) to the **Representative Council of the Roundtable**. Since the Roundtable was not registered as a legal entity, it did not have a fixed membership and hence the Representative Council was re-elected every year according to the organizations that participated in the general Roundtable.²⁵

The document was fully revised three times, before it was approved by the Roundtable in 2001. The lengthy process of drafting the document enabled hundreds of CSOs from all over the country to provide their comments and participate in the development of the Concept. Even CSOs from the remote villages were able to share their proposals to the draft at the public roundtables, organized in

²⁴ The Estonian Civil Society Development Concept, available at: <http://www.ngo.ee/node/1090>.

²⁵ The process of the Concept for the Estonian Civil Society Development (EKAK), available at: https://ukrainepublicdialogue.files.wordpress.com/2007/09/21-ekak_process.pdf.

almost every corner of the country. Thanks to this, the Estonian civil society feels an ownership over the document, representing a truly legitimate voice of the entire sector.²⁶

The draft Concept was additionally discussed in a committee composed of two CSOs and MPs in the Parliament before a final version was submitted. In addition, members of the political parties were consulted, in order to secure their support in the process of adoption of the document. The negative side of the process was that the Government representatives were not actively involved in the consultations, which later caused problems in the implementation of the document.

The Estonian Parliament adopted the EKAK after more than a year of process - the delay was not caused by the lack of the political will, but the confusion about which parliamentary commission is responsible for this issue. Finally it was done in joint cooperation of culture, social and constitutional commissions. The document was adopted unanimously by all political parties represented in the Estonian Parliament in December 2002.²⁷

2.3.3. Mechanisms for cooperation envisaged in the policy paper

Current **Civil Society Development Plan 2015-2020 (KODAR)** acknowledges the positive impact of the previous Plan and is organized around three main objectives:

- 1) The participation of civil society organizations in policy-making is a natural and valued in society;
- 2) The impact of civil society organizations in the prevention and solving of societal problems and improving people's well-being has increased social innovation, social entrepreneurship, and the provision of public services;
- 3) Capable CSOs with sufficient resources for the development and the effective functioning.

Following are the two institutional mechanisms for cooperation:

- **Two assigned officials at Department for Local Government and Regional Affairs in the Ministry of Interior.** They are responsible for analysing, planning and coordinating the active community development and the cooperation between the state and CSOs;
- **The Joint Committee for Implementation of the Estonian Strategy under the Ministry of Interior.**

2.3.4. Key obstacles in development of the policy paper and its implementation

Several obstacles were identified that hindered the development and implementation of the document. However, it has to be noted, that some of them have been overcome throughout the 13 years of the implementation of EKAK:

- a) **Lack of commitment from the side of the government:** EKAK was developed through a lengthy and participative procedure with the involvement of all types of stakeholders, including regional CSOs. However, the Government representatives were not actively involved in the consultations. This proved to be problematic for the implementation of the document, because the Government representatives were lacking the feeling of ownership over the document, as well as the commitment to implement its goals.

²⁶ ECNL: European Practices on Implementation of Policy Documents and Liaison Offices that Support Civil Society Development, 2009. Available at: <http://www.icnl.org/research/resources/ngogovcoop/paperpol.pdf>.

²⁷ Kubar, U., "Estonian Civil Society Development Concept (EKAK): Framework for Cooperation between Third and Public Sector: Brief Overview and Some Learning Points", European Conference „How to foster civil dialogue in Europe“, Brussels, May 15, 2008. Available at: [http://www.ngo.ee/sites/default/files/files/EKAK_brussels%20\(1\).pdf](http://www.ngo.ee/sites/default/files/files/EKAK_brussels%20(1).pdf).

- b) Insufficient allocation of the human and financial resources:** During the first years of the EKAK implementation, there has been a lack of human and financial resources allocated for the implementation. According to the local partner *“there is not only need for an activity plan or outline for future activities, this also needs to be accompanied with allocated responsibilities, human and financial resources by the government for implementation.”*²⁸

This obstacle has been overcome in the following years. For example, since 2014 there is an official concept of “strategic partners”. In practice, the Government selects a couple of CSOs to be responsible for carrying out certain activities: ranging from executing an operational program or just providing expertise.²⁹ The implementation of the activities is subsequently performed in cooperation between the CSOs and public authorities. In addition, the Implementation Plan for the latest Civil Society Development Plan 2015-2020 (KODAR) allocates the financial resources separately for the each implementing year to ensure there are sufficient resources throughout the whole implementation period.³⁰

- c) Challenges with designing adequate monitoring mechanisms:** In Estonia, the Ministry of Interior evaluates the progress of implementation plans, reporting annually to the government. However, the monitoring of the progress should be shared among all stakeholders, as they do not have to necessarily share the same vision on the implementation. According to the information from the local partner *“CSOs sometimes do not share the ministry’s optimism about progress and carry out shadow-reports for certain processes. For example, implementing the financing guideline progresses quite slowly, and this year NENO will analyse the current situation by itself, actually using its institutional support from the same ministry.”*³¹

In addition, finding adequate indicators for the upcoming 5 years proves to be often challenging. *“Even if you are able to measure this or that, it is difficult to tell was it really your work or omission behind it or some other factors. Some output you can evaluate annually of course, but the actual impact or outcome could be evaluated even after longer period than one implementation plan. In Estonia we have solved this with one large study of institutionalization of civil society (2005, 2009, and 2014).”*³²

- d) Lack of capacities of the implementers:** For many years there have been only two officials working for civil society development at the Ministry of Interior in Estonia. Successful implementation of the activities depended largely on their capacities and commitment. According the local partner: *“The diversity of the third sector means that expectations varied greatly; different organizations saw the practical value of the Concept differently. In addition, many smaller NGOs were not fully familiar with the content, objectives, and importance of the Concept. All in all, the third sector in Estonia is not yet completely ready for open consultation on public policy matters; more capacity-building activities are needed to achieve sector-wide competence.”*³³

²⁸ ECNL: Strategic documents for CSO cooperation, supporting implementation plans, and lessons learned in Europe, 2015.

²⁹ Ibid.

³⁰ Civil Society Development Plan 2015-2020 (KODAR), together with the Implementation Plan for 2015-2018, could be accessed at: <https://www.siseministeerium.ee/et/tegevusvaldkonnad/kodanikuuhiskond>.

³¹ ECNL: Strategic documents for CSO cooperation, supporting implementation plans, and lessons learned in Europe, 2015.

³² Ibid.

³³ Ibid.

2.3.5. Who signed or approved final text?

The EKAK was adopted unanimously by the **Estonian Parliament**, Riigikogu, in December 2002.

2.3.6. Overview of the implementation

Up to date, the implementation of the EKAK was supported by four activity/action plans, adopted subsequently, each after the expiration of the previous plan:

- Activity Plan for implementing EKAK for 2004- 2006,³⁴
- Development Plan for Civic Initiative Support 2007-2010 (KATA),³⁵
- Civil Society Development Plan 2011-2014 (KODAR),³⁶
- Civil Society Development Plan 2015-2020 (KODAR).³⁷

Current **Civil Society Development Plan 2015-2020 (KODAR)** is organized around three main objectives, as described in the subsection 4 of this country profile. Each objective is supported with specific activities, bodies responsible for the implementation and funding, broken down into separate years. Some of the activities are directly linked to the previously developed activity plans.

The Ministry of the Interior prepares and submits to the Government annual progress reports on EKAK and KODAR. Every two years the Parliament convenes public hearings on EKAK implementation, where Ministry of Interior present its report, followed by a parallel report prepared by CSOs. After the presentations, discussions over the implementation take place. In addition, Ministry of Interior chairs and coordinates work of the Joint Committee for the implementation of EKAK that consists of 22 members, including a representative of the Parliament from the Civil Society Support Group, representatives from five line ministries, chancellors, heads of foundations, employers 'and employees' organization. Members of the Join Committee are approved by the Government and meet at least twice a year to review EKAK's implementation. Another important responsibility of the Joint Committee is to review complaints and appeals by public authorities as well as the CSO representatives regarding the EKAK implementation.³⁸

As no information about the implementation of KODAR 2015-2020 is yet available, we will focus on the implementation of the previous KODAR 2011-2014. In July 2015, a **Final report on the implementation of the Civil Society Development Plan 2011-2014 (“the Report”)** was approved by the Estonian Government.³⁹ The Report was developed by the several implementing ministries, coordinated by the Ministry of Interior.

³⁴ Activity Plan for implementing EKAK for 2004- 2006, available at:
<http://www.ngo.ee/sites/default/files/files/Activity%20Plan%202004-06.pdf>.

³⁵ Development Plan for Civic Initiative Support 2007-2010 (KATA), available at:
<http://ngo.ee/sites/default/files/files/Activity%20Plan%202007-10.pdf>.

³⁶ Civil Society Development Plan 2011-2014 (KODAR), available at:
<http://ngo.ee/sites/default/files/files/Civil%20Society%20Development%20Plan%202011-14.pdf>.

³⁷ Civil Society Development Plan 2015-2020 (KODAR), together with the Implementation Plan for 2015-2018, could be accessed at: <https://www.siseministeerium.ee/et/tegevusvaldkonnad/kodanikuuhiskond>.

³⁸ ECNL: *Institutional Mechanisms for Cooperation, Comparative examples from Croatia, Estonia, Latvia and Macedonia*, 2015.

³⁹ The report available at:
https://www.siseministeerium.ee/sites/default/files/dokumentid/Arengukavad/kodar_lopparuanne.pdf.

The Report provides complex set of data on the implementation of the activities throughout the reporting period, including data comparison in a form of comparative tables. Each objective of the KODAR 2011-2014 is evaluated in a separate chapter. The Report concludes that: *“In general, the activities from the Implementation plan were implemented as planned.”* It further explains that Estonian civil society has strongly developed in the past years and is characterized by cooperation, good legal environment and positive public image.

One of the success stories is the implementation of the objective to support CSO economic activities and CSO sustainability, through adoption of the amendments to the tax regulations. The amendments introduce more flexible approach in the taxation of the profit generated from the CSO economic activities and clarified the regulation of the non-taxable compensation of the volunteers.

2.4. GEORGIA

2.4.1. Summary

Name of the document	State Concept on CSOs' Development
Initiators	Working group of CSOs and members of Parliament
Purpose	<i>"To create a uniform policy to facilitate the development of CSOs."</i>
Adoption	The draft Concept was finalized and submitted to the Parliament in December 2014; however, the Parliament has not yet passed a resolution of approval.
Implementation described in	Action plan for the implementation period 2015-2018 (to be developed).

2.4.2. Process of initiating and developing of the policy paper

Until 2013, there was no institutionalized policy document on cooperation between Parliament and CSOs in Georgia. The initiative to draft the **Memorandum of Cooperation between the Georgian Parliament and CSOs** came from CSOs with active involvement of supportive members of the Parliament. The initial text of the Memorandum was drafted by Vako Natsvlishvili from the CSO Civil Society Institute. The text was further elaborated and modified by the six- members working group and submitted for a review to the Development Effectiveness Sub-Group of the Georgian National Platform for Eastern Partnership Civil Society Forum (EaP CSF)⁴⁰. Subsequently, the draft Memorandum was shared with 100 members of the EaP CSF National Platform for inputs and published.⁴¹ The final text was developed based on the received comments and consultations with the Parliament and was signed between the Speaker of the Parliament and more than 145 CSOs on December 12, 2013. The Memorandum is open for other CSOs to join. This Memorandum of Cooperation between the Georgian Parliament and CSOs paved the path for development of the strategic vision for the CSO sector development.⁴²

The Memorandum acknowledges the role and importance of the civil society in the democratic development of the country and provides basis for constructive cooperation. The document consists of 10 points, describing commitments of the Parliament towards civil society. From the outset, the Memorandum acknowledges the need for a uniform policy to facilitate the development of Civil Society Organizations. According to the Memorandum, *"Parties agree that a uniform policy on state support for Civil Society Organizations shall be elaborated and adopted in a manner consistent with the rules of procedure of the Parliament of Georgia, in cooperation with Civil Society Organizations and other stakeholders."*

Other priorities for cooperation include: improvement of legal and non-legal environment for CSOs, adopting various measures for ensuring the dialogue between state and CSOs, encouraging active participation of CSOs in the law making processes, ensuring a non-discrimination principle in cooperation. Importantly, initial monitoring mechanism for implementation is built into the

⁴⁰ The subgroup includes up to 30 CSO members.

⁴¹ Available at: http://csogeorgia.org/uploads/News_pdf/5940/vazha_salamadze_eng.pdf.

⁴² The Memorandum of Cooperation between the Parliament of Georgia and Civil Society Organizations unofficial English translation available at: http://csogeorgia.org/uploads/News_pdf/5655/Memorandum-eng.pdf.

Memorandum, i.e. at the beginning of each year the Parliament and CSOs commit to review objectives and challenges in implementation of the document.

Along with enactment of the Memorandum and based on its provisions, CSOs have set up a working group to develop the draft **State Concept on CSOs' Development**.⁴³ The working group was formed by representatives of active CSOs, including Georgian regional organizations and members of Parliament from both majority and minority parties. One of the key objectives of the working group was to ensure a **participatory process of drafting**. For example, the first draft Concept was discussed with CSOs from 8 cities: Tbilisi, Kutaisi, Zugdidi, Ozurgeti, Batumi, Akhaltsikhe, Gori and Telavi. These discussions were attended by the representatives of the local authorities, CSOs, as well as by civil activists.

The working group also **examined international practices** and cooperated with **European CSO experts** when developing the Concept. Prior to drafting of the document, the working group members consulted various strategic documents with examples of CSO specific and sectoral strategies from the United Kingdom, Canada, Estonia, Moldova, Latvia, Poland, Netherlands, Croatia and Hungary. On February 12, 2014 the Civil Society Institute together with the "CSO Development Effectiveness" sub-group of the Eastern Partnership Georgian National Platform⁴⁴ convened a national conference to discuss the draft Concept.⁴⁵ Georgian CSOs, MPs and donor organizations, as well as international experts participated in the Conference.

The initial draft Concept was revised in light of discussions and received comments from the Georgian and regional CSOs and European CSO experts. The new draft was **published online** for a second round of comments, this time in an electronic form. The final version, taking into consideration comments from all stakeholders, was submitted to the Parliament in December 2014. However, at the moment of writing this paper, the timeline for adoption of the draft Concept is unclear, due to other emerging political priorities of the Parliament.

2.4.3. Mechanisms for cooperation envisaged in the policy paper

The draft Concept envisages creation of an institutional mechanism for cooperation - **the Public Council ("the Council")**⁴⁶. The Council is a joint body to be established under the Bureau of the Parliament of Georgia. The main function of the Council is to serve as a platform for communication between the Parliament and CSOs. The exact set up and functions of the mechanism will be described in Council's regulations to be developed jointly with CSOs and to be approved by the Bureau of the Parliament of Georgia. The Bureau of the Parliament of Georgia will also organize within each parliamentary session at least two meetings with the Council.

2.4.4. Key obstacles in development of the policy paper and its implementation

The key obstacles in developing the draft Concept were related to **building up political support of the document, ensuring participatory process of drafting and incorporating opinions of CSOs from the regions** in the final text of the document. In the course of development of the draft Concept, several measures were taken in order to overcome these challenges:

⁴³ Draft Resolution of the Parliament of Georgia on the Approval of the "State Concept on CSOs' Development", available at: http://csogeorgia.org/uploads/News_pdf/Concept_%20Revised_%20Draft%20Final%20-%20ENG.pdf.

⁴⁴ The National Platform has 170 members.

⁴⁵ More information about the conference available at: <http://www.civilin.org/Eng/viewtopic.php?id=124>.

⁴⁶ The first draft of the Concept referred to this body as a permanent Parliament-CSO Liaison Council.

- a) **A joint working group was established** with the participation of CSOs and the members of Parliament;
- b) **A national conference was organized** for exchange of opinions on the first draft of the Concept, with participation of European and international experts and donors;
- c) Regional consultations were held to incorporate local priorities, through **involvement of CSOs in the regions**, as well as the civil activists
- d) In addition, given the prolonged adoption of the Concept, Civil Society Institute and other CSOs ensured the convergence of several processes and **incorporated the adoption of the Concept as a priority in the Georgia's Open Government Partnership Action plan 2015-2016**.⁴⁷

2.4.5. Who signed or approved final text?

The draft Concept was finalized and submitted to the **Parliament** in December 2014, however, the Parliament has not yet passed a resolution of approval.

2.4.6. Overview of the implementation

In the Concept, the Parliament tasks the Government of Georgia to develop an Action plan for implementation period 2015-2018⁴⁸.

According to the Concept, the body responsible for the implementation will be the Government. The key task of the Government is to develop an Action Plan for implementation of the Concept, initially for the period from 2015 to 2018 and subsequently for the period from 2018 to 2023. The Concept envisages broad involvement of CSOs and other interested parties, including regional CSOs, in the implementation of the Action Plan. The Government is obliged to take into consideration all opinions of CSOs and other interested parties in development of the Action Plan.

The evaluation of the implementation process will be vested in the Public Council of the Bureau of the Parliament. Prior to the establishment of the Council, a group of CSOs will be appointed by the Chairman of the Parliament in a consultation with the Public Defender to evaluate the implementation.

⁴⁷ Available at: <https://ogpblog.wordpress.com/2015/07/17/the-bureau-of-the-parliament-of-georgia-adopted-the-open-parliament-georgia-action-plan/>.

⁴⁸ The Concept and Action Plan, however, have not yet been adopted by the Parliament; hence we are not able to provide any information about the implementation, nor factual evidence examples.

2.5. MOLDOVA

2.5.1. Summary

Name of the document	Strategy for the Development of Civil Society in the Republic of Moldova for 2012-2015
Initiators	Civil society
Purpose	<i>“To create a favorable framework for developing active civil society, capable to progressively contribute to the democratic development of Moldova, to stimulate social cohesion, and to develop social capital.”</i>
Adoption	Adopted by the Moldovan Parliament on September 28, 2012.
Implementation described in	Action Plan on Implementation of the Strategy for Development of Civil Society in the Republic of Moldova for 2012-2015

2.5.2. Process of initiating and developing of the policy paper

The **Strategy for the Development of Civil Society in the Republic of Moldova for 2012-2015** (“the Strategy”) is the second strategy adopted in Moldova.⁴⁹ An integral part of the Strategy is a detailed **Action Plan on Implementation of the Strategy for Development of Civil Society in the Republic of Moldova for 2012-2015** (“the Action Plan”).⁵⁰

The first Moldovan document on the topic of cooperation, titled **Cooperation Concept between Parliament and Civil Society** was adopted in December 2005. The Concept for cooperation was followed by the first **Civil Society Development Strategy for 2009-2011**⁵¹. Discussions on the first strategic policy document for the sector were launched in February 2008 under the auspices of the President of the Parliament. The first 11 pages of the draft document were prepared and presented by Mr. Ilya Trombitsky, CSO Eco—TIRAS, at the Parliament’s conference on cooperation with civil society. Further work on the document was carried out by a joint working group with participation of CSOs and MPs. The first Strategy was adopted by the Parliament in December 2008.⁵² It addressed major values and principles of cooperation and set strategic priorities for the sector’s development, such as consultations and participation, enabling legal and fiscal basis for CSOs, and development of civic activism and volunteering. According to the Strategy, the government was tasked with preparing and adopting implementation plan within four months. However, due to the political change in April 2009, the implementation plan stayed in its draft form. Nevertheless, some of the ministries followed the draft plan and implemented the envisaged activities and measures of the implementation plan.

With the lessons learned from the previous Strategy, Moldovan stakeholders joined their efforts to develop a new policy document in 2012. As the result the current Strategy 2012-2015, together with the Action Plan as its integral part, was adopted in September 2012. The purpose of the document is

⁴⁹ Strategy for the Development of Civil Society in the Republic of Moldova for 2012-2015, unofficial English translation available at: http://www.fhi360.md/docs/MD_Strategy_2012-2015_unofficial_translation_ENG.pdf.

⁵⁰ Annex No. 2 of the Strategy.

⁵¹ The adopted text of the first Strategy in Russian accessible here: <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330319&lang=2>.

⁵² The information provided by Ilya Trombitsky.

“to create a favorable framework for developing active civil society, capable to progressively contribute to the democratic development of Moldova, to stimulate social cohesion, and to develop social capital.”

The development of the Strategy 2012-2015 was coordinated by the Parliament in close cooperation with representatives of the NGO Council and National Participation Council. On December 29, 2011, the Speaker of the Parliament invited heads of Parliamentary Commissions, ministers and Vice ministers, representatives of State Chancellery to a joint meeting with National NGO Council and civil society. The purpose of the meeting was to evaluate the implementation of Civil Society Development Strategy 2009-2011 and to plan a new Strategy for the period 2012-2015.

During the first meeting concerning the new Strategy, Vice-Speaker of the Parliament was appointed to be a coordinator of the inter-sectorial group on development of the document. Also, it was decided that the Strategy will be developed for a period of 3 years, with an annual evaluation of the implementation. In February 2012, three working groups were formed to develop the Strategy:

- **The first group was coordinated by the National Participation Council⁵³.** The focus of the group was on the objective No. 1 of the Strategy: *Strengthening the framework for civil society participation in developing and monitoring implementation of public policies;*
- **The second group, coordinated by the National NGO Council of Moldova⁵⁴,** was discussing and elaborating on how to achieve the objective No. 2 of the Strategy: *Promotion and strengthening of the financial sustainability of civil society organizations;*
- **The third group was coordinated by the Coalition for promoting volunteering law and activities⁵⁵,** and was assigned to work on the objective No. 3 of the Strategy: *Development of active civic and volunteering spirit.⁵⁶*

In total, around 35 meetings of the working groups were organized, including joint meetings of the groups hosted and led by Vice-Speaker of the Parliament. **Both the Strategy and the Action Plan were developed through an inclusive and participatory process.** The drafting was led by an external independent consultant who coordinated inputs from working groups and fed in the outcomes of the discussions into the document draft. The state bodies involved in the working groups include representatives of the Ministry of Labor, Social Protection and Family; Ministry of Health; Ministry of Youth and Sports; Ministry of Education; Ministry of Economy; Ministry of Finance and Ministry of Environment, State Chancellery. Civil society was represented by the coordinators of the working groups, e.g. members of the National NGO Council of Moldova. In addition, several meetings of the working groups with the participation of CSO representatives were organized, too.

⁵³ National Council for Participation (CNP) is created on the initiative of the Government of Moldova as an advisory body, constituted of 30 representatives of civil society. More about the Council available at: <http://www.cnp.md/>.

⁵⁴ The National NGO Council of Moldova is a representative body informally appointed by NGO Forum from Moldova, which aims to help strengthen the efforts of NGOs in promoting the development of civil society in Moldova. <http://www.consiliulong.md/councils-regulation/>.

⁵⁵ The Coalition for promoting the activities and the law of volunteering was created in August 2006 by 5 NGOs and 2 network of NGO's in partnership with The General Direction of Education, Youth and Sport of Chisinau and The Ministry of Education and Youth as a consequence of the need of creating, editing and promoting volunteering law. <https://tdvmoldova.wordpress.com/2009/07/09/pozitia-coalitiei-pentru-promovarea-legii-si-activitatilor-de-voluntariat-referitor-la-declararea-de-catre-comisia-europeana-a-anului-2011-%E2%80%93-anul-european-al-voluntariatului/>.

⁵⁶ ECNL: Strategy for the Development of Civil Society in the Republic of Moldova for 2012- 2015: Assessment of the objectives and planned implementation steps, 2013, available at: http://www.fhi360.md/docs/Anexa%201_Assessment_of_the_objectives_and_planned_implementation_steps.pdf.

Based on the lessons learned from the first strategy, the Government representatives were invited to participate in the working groups and to consult the drafts from the initial stage. Involving the Government representatives in the process from the very beginning and ensuring their contribution to the development of the Strategy builds better commitment to implementation. However, the government representatives involved in the process were not decision-makers from the ministries, but civil servants of middle rank. As the result, some of the discussed activities in the implementation plan were in the end refused by the ministries.⁵⁷

2.5.3. Mechanisms for cooperation envisaged in the policy paper

The Strategy is **organized around 3 objectives:**

1. Strengthening the framework for civil society participation in developing and monitoring implementation of public policies;
2. Promotion and strengthening of the financial sustainability of civil society organizations;
3. Development of active civic and volunteering spirit.

The implementation of the objectives is further described in the supporting Action Plan through a set of activities with bodies responsible for their implementation.

In addition, the Strategy envisages the **creation of an institutional mechanisms for cooperation:**

- A unit responsible for the cooperation with the civil society at the Government level⁵⁸;
- Mechanisms for supporting CSOs: specialized funds and/or National Fund for supporting the civil society.

2.5.4. Key obstacles in development of the policy paper and its implementation

Following obstacles were identified that hindered the proper implementation of the strategies:

- a) **Political instability in the country:** Most of line ministries responsible for implementation of the Strategy had their ministers replaced or removed, which resulted in change of strategic priorities for the ministries. In case of the first Strategy, the fact that the action plan was not adopted in time resulted in absence of the clear timeline for activities and no responsible officials assigned for implementation. Moreover, since **key decision-makers were not closely involved in the working groups**, some of the activities were later challenged by the ministries.⁵⁹
- b) **Challenges with the monitoring and evaluation.** Many objectives of the first Strategy failed short of being implemented due to the absence of monitoring and evaluation tools. Through putting in place monitoring mechanisms the Government and civil society can evaluate the success and areas for improvement in Strategy's implementation. **The lessons learnt were implemented in the new Strategy through following measures:**
 - Including the **Action Plan** with clear division of responsibilities, indicators and the timeline;

⁵⁷ For more information about the process, please consult:

<http://www.parlament.md/LinkClick.aspx?fileticket=3aKuRYRaGy8%3d&tabid=128&mid=506>

⁵⁸ Upon further assessment, a senior consultant at the Department for Policy Coordination and Strategic Planning at the State Chancellery was assigned with responsibility to coordinate ministries' work on Strategy implementation. She also serves as a focal point for the CSOs to communicate and receive assistance with reaching out public authorities.

⁵⁹ In case of the 2% designation mechanism, the Ministry of Justice got involved in the process only at a later stage after the concept of the mechanism was set up with responsibilities assigned to the ministry without its consent or consultation.

- Assigning a responsible person **in the State Chancellery Department for Policy Coordination and Strategic Planning** with the tasks on monitoring implementation of the Strategy and coordination of government's activities;
 - Setting up a **joint parliamentary Council** between CSOs and government representatives;
 - Conducting studies on the state of civil society in Moldova and drawing up **annual evaluation of the implementation**.
- c) **Lack of capacities.** Capacity building of both state actors and CSOs is considered as crucial for the monitoring of the implementation. According to Mr. Andrei Brighidin, the author of the Strategy: *"It would make sense to strengthen the capacity of the mixed inter-governmental working group responsible for monitoring of the Strategy on substantive areas covered by the strategy."*⁶⁰
- d) **Absence of budget resources to be allocated to the implementation of activities.** Most of the activities are to be covered from outside of the state budget, including from CSOs own resources. This does not ensure Government's commitment to supporting CSOs, nor guarantees the ownership of the results.⁶¹

2.5.5. Who signed or approved final text?

On September 28, 2012 by the **Moldovan Parliament** passed *Law no.205 on adopting the Strategy for Development of the Civil Society in the Republic of Moldova for 2012-2015 (the Strategy) and the Action Plan on Implementation of the Strategy for Development of Civil Society in the Republic of Moldova for 2012-2015 (the Action Plan)*. The Strategy was printed in the Official Gazette only in January 2013.

2.5.6. Overview of the implementation

The implementation of the Strategy is regulated in the Action Plan annexed to the text of the Strategy. The Action Plan is organized around 3 general objectives which are broken down into several specific objectives. Each objective is complemented by the activities, actions to be taken in order to implement the activity, timeframe for the execution, sources of funding, responsible bodies and partners for the implementation. In order to be able to monitor the implementation, each action has its own progress indicator.

A responsible person was assigned in the State Chancellery with the tasks to monitor the implementation and coordination of government's activities. They also develop an annual report on implementation of the strategy, which is presented at the Parliament.

According to the draft Resolution of the NGO Forum of November 2015, **"many objectives and expected results of the second Strategy were not achieved, largely because it seems government, parliament and politicians have not entirely fulfill their commitments towards civil society."**⁶² As a response, the NGO Forum called upon the Moldovan Government to establish a functioning mechanism for consultation with civil society, the Parliament to adopt the package of anti-corruption

⁶⁰ ECNL: Strategic documents for CSO cooperation, supporting implementation plans, and lessons learned in Europe, 2015.

⁶¹ Ibid.

⁶² Full text of the resolution could be accessed at: <http://www.consiliulong.md/resolution/>.

laws in consultation with civil society and called upon the Moldovan civil society to be more active in participating in the decision -making with the Government, Parliament and on the local level.⁶³

At the same time, the NGO Forum acknowledged the development of certain documents envisaged by the Strategy, including, for example, legal provisions and draft regulation on the 2% designation mechanism and regulation about host organizations for volunteers.⁶⁴

Positive example when the Strategy was implemented in practice is the adoption of the Regulation on operation of the Certification and Control Commission on meeting the minimal quality standards by the host institutions for volunteering. The regulation was adopted by the Ministry of Youth and Sports as envisaged in the Action Plan of the Strategy. The aim of the regulation is to ensure the minimum quality standards for volunteering. In addition, in August 2014, a draft policy document on promotion of volunteerism and strengthening the partnership between state authorities and civil society has been developed. The document has not yet been adopted due to the lack of human and financial resources.⁶⁵

⁶³ Available at: <http://www.consiliulong.md/rezolutia-forumului-ong-editia-a-viii-a/>.

⁶⁴ Ibid.

⁶⁵ National NGO Council: Monitoring Report on the implementation of Civil Society Development Strategy 2012-2015.

2.6. THE PHILIPPINES

2.6.1. Summary

Name of the document	Republic Act No. 9418 on Institutionalizing a Strategy for Rural Development, Strengthening Volunteerism and for Other Purposes, also known as Volunteer Act of 2007
Initiators	Philippine National Volunteer Service Coordinating Agency
Purpose	<i>“To provide a policy framework on volunteerism that shall underscore the fundamental principles necessary to harness and harmonize the broad and diverse efforts of the voluntary sector in the country into an integrative and effective partnership for local and national development as well as international cooperation and understanding.” The law also aims “to provide a conducive and enabling environment for volunteers and volunteer service organizations by setting mechanisms to protect volunteers’ rights and privileges, and give due recognition to their roles and contributions to society.”</i>
Adoption	Enacted by the Senate and House of Representatives of the Philippines in Congress assembled in April 2007.
Implementation described in	Implementing Rules and regulations of Republic Act No. 9418 on Institutionalizing a Strategy for Rural Development, Strengthening Volunteerism and for Other Purposes

2.6.2. Process of initiating and developing of the policy paper

The cooperation between the civil society and state authorities in the Philippines is regulated by the **Republic Act No. 9418 on Institutionalizing a Strategy for Rural Development, Strengthening Volunteerism and for Other Purposes**, also known as **Volunteer Act of 2007**.⁶⁶ The initiative to adopt the document came from the Philippine National Volunteer Service Coordinating Agency (“PNVSCA”), a government agency mandated to promote and coordinate volunteer programs and services in the Philippines.⁶⁷ The document is complemented with the **Implementing Rules and regulations of Republic Act No. 9418 on Institutionalizing a Strategy for Rural Development, Strengthening Volunteerism and for Other Purposes**.⁶⁸ This document has been approved in February 2009 by the Executive director of the PNVSCA in consultation with the Multi-Sectoral Advisory Body.⁶⁹

⁶⁶ Republic Act No. 9418 on Institutionalizing a Strategy for Rural Development, Strengthening Volunteerism and for Other Purposes, available at: https://www.senate.gov.ph/republic_acts/ra%209418.pdf.

⁶⁷ Official website of the Philippine National Volunteer Service Coordinating Agency available at: <http://www.pnvzca.gov.ph/>.

⁶⁸ Implementing Rules and regulations of Republic Act No. 9418 on Institutionalizing a Strategy for Rural Development, Strengthening Volunteerism and for Other Purposes, available at: <https://www.ammado.com/nonprofit/linkingvolunteers/library/1630+&cd=3&hl=sk&ct=clnk&gl=sk>.

⁶⁹ Please refer to the subsection 4 of this country profile for further information on the Multi-Sectoral Advisory Body.

The purpose of the Volunteer Act of 2007 is “to provide a policy framework on volunteerism that shall underscore the fundamental principles necessary to harness and harmonize the broad and diverse efforts of the voluntary sector in the country into an integrative and effective partnership for local and national development as well as international cooperation and understanding.” The law also aims “to provide a conducive and enabling environment for volunteers and volunteer service organizations by setting mechanisms to protect volunteers’ rights and privileges, and give due recognition to their roles and contributions to society.” The PNVSCA is mandated to oversee the implementation of this law.⁷⁰

2.6.3. Mechanisms for cooperation envisaged in the policy paper

The document mandates **the PNVSCA** to implement and execute the provisions of the Volunteer Act of 2007. According to the Section 9 of the Act, the PNVSCA shall have numerous functions, including, for example:

- a) Review and formulate policies and guidelines concerning the national volunteer service program consistent with national development priorities;
- b) Coordinate, monitor and evaluate the national volunteer service program in order that volunteer assistance may fit into the total national development goals;
- c) Provide technical services and support for capability building of volunteers and volunteer organizations.⁷¹

In addition, the document envisages the reconstitution of the already existing **Multi-Sectoral Advisory Body** (“MSAB”) to assist the PNVSCA. This body comprises of following members:

- a) National Economic and Development Authority (NEDA);
- b) Department of Education (DepEd);
- c) Department of Foreign Affairs (DFA);
- d) Department of Justice (DOJ);
- e) The Department of the Interior and Local Government(DILG);
- f) The Department of Social Welfare and Development (DSWD);
- g) The Commission on Higher Education (CHED);
- h) The Presidential Management Staff (PMS), Office of the President;
- i) The Representative/s from the corporate sector;
- j) The Representative/s from the private academe sector; and
- k) The Representatives/s from the non-profit sector.⁷²

2.6.4. Key obstacles in development of the policy paper and its implementation

2.6.5. Who signed or approved final text?

The final text has been adopted as the Republic Act No. 9418 on Institutionalizing a Strategy for Rural Development, Strengthening Volunteerism and for Other Purposes. It has been enacted by **the Senate and House of Representatives of the Philippines in Congress assembled**.

⁷⁰ A publication of the Committee Affairs Department, Vol. III No. 41, available at: [http://www.congress.gov.ph/download/commdaily/CDB%20Vol%20III%20No.%2041%20%20\(10.29.2015\).pdf](http://www.congress.gov.ph/download/commdaily/CDB%20Vol%20III%20No.%2041%20%20(10.29.2015).pdf).

⁷¹ Section 9 of the Volunteer Act of 2007.

⁷² Section 10 of the Volunteer Act 2007.

2.6.6. Overview of the implementation

The implementation of the Volunteer Act 2007 is supported by the Implementing Rules and Regulations. This document further elaborates on the provisions of the Act and provide more in-depth regulation of the planned implementing measures.

One of the objectives of the Volunteer Act 2007 as well as the Implementing Rules and Regulations is to establish a National Volunteer Infrastructure and Forum to “*improve coordination of volunteers and volunteer service organizations and to widen horizon for sharing and complementing volunteer information, experiences and resources.*”⁷³ The 1st National Forum on Volunteerism as a Strategy for Rural Development was convened on January 27, 2010 by the PNVSCA in cooperation with the Committee on Rural Development of the House of Representatives, Congress of the Philippines. During the Forum, the recommendations for the formulation of a Roadmap or Strategic Action Plan for the Voluntary Sector were presented. The recommendations were prepared prior the Forum through a series of focus group discussions.⁷⁴

⁷³ Section 12 of the Volunteer Act 2007 and Section 13 of the Implementing Rules and Regulations.

⁷⁴ Available at: http://www.pnvsca.gov.ph/resources/reference_ra9418.php.

3. KEY FINDINGS FROM THE COUNTRIES

The following section summarizes the key findings from the countries and their experience in developing and implementing the policy documents.

3.1. Process of initiating and developing of the policy papers.

3.1.1. Process of initiating the policy paper

The initiative to develop a policy document on cooperation typically comes from the civil society and is later joined by government representatives or MPs. In all reviewed countries, with the exception of the Philippines, **the idea to develop a policy paper on cooperation came either from or jointly with the civil society.**

In **Bulgaria, Estonia, Georgia and Moldova**, the initiative to develop a policy document on cooperation came from a group of CSOs or CSO umbrella organizations and was later on joined by the state representatives. In **Croatia**, the decision to develop the second cooperation strategy was confirmed during the NGO days 2011, attended by the CSOs, experts and public administration representatives. In the **Philippines**, the idea to adopt a document came from the Philippine National Volunteer Service Coordinating Agency, a government agency mandated to promote and coordinate volunteer programs and services in the Philippines.

While it can be noted that there is always a reason for adoption of a document on cooperation between state and civil society, particularly due to the key role CSOs play in democratic development of the countries, it is often not a priority issue of the state authorities. **The reasons why development of a cooperation document was initiated in the researched countries** were various, including, for example, to react on a current emerging need in the country, to comply with the European or international standards and commitments or to establish a sound framework for already existing cooperation between the state and CSOs.

For example, the **Bulgarian** Strategy was developed in a response to the findings of an analysis of the state funding for CSOs that revealed serious deficiencies in the process of allocating public funds. In **Croatia**, the second Strategy continues with the mission of the first one, which was developed on the margins of the preparations for the EU accession. Also, in **Georgia**, it is expected that the Concept will be adopted soon because it was included as a priority for adoption in the Open Government Partnership Action Plan 2015-2016, which the Government committed to implement. The reason for adoption of Volunteer Act 2007 in **the Philippines** was, besides the development of the voluntary sector, to provide an effective institutional mechanism to strengthen the role of PNVSCA to perform its mandate.

3.1.2. Purpose of the document

Each policy document on cooperation explains **its purpose**. As state authorities recognize the value of the active civil society in development of the countries, one of the common purposes is to **create a favorable framework for CSOs**. For example, the purpose of the **Georgian** State Concept on CSOs' Development is *"to create a uniform policy to facilitate the development of CSOs."*

The documents on cooperation can also **encourage civic engagement**. The **Moldovan** Strategy for the Development of Civil Society for 2012-2015 aims *"to create a favorable framework for developing active civil society, capable to progressively contribute to the democratic development of Moldova, to stimulate social cohesion, and to develop social capital."* The document adopted in **the Philippines** aims *"to provide a conducive and enabling environment for volunteers and volunteer service*

organizations by setting mechanisms to protect volunteers' rights and privileges, and give due recognition to their roles and contributions to society."

The other purpose of cooperation documents is the **establishment of basis for effective partnership between CSOs and the state**. For example, **Estonian** EKAK was developed to *"to phrase the basis of partnership between nonprofit associations and the public sector, and a framework to promote civic initiative and strengthen democracy in Estonia."*

3.1.3. Process of developing the document

When developing a policy document on cooperation, it is essential to **recognize and follow several phases of inclusive process**, because each step is determinant for the other and has an influence over the successful implementation of the document's objectives. For example, if state authorities wish to adopt a document on the development of the sector and they do not plan the involvement of CSOs with diverse size, location and field of activity, they may fail to identify and incorporate some of the critical issues to be addressed through the document.⁷⁵

As our research confirmed, another challenge may be to omit the detailed **planning of the implementation and adequate human and financial resources** in the very beginning of the process. If the future implementers of the policy document are not involved in the process at the early stage, they may not feel the commitment to implement the objectives or lack the necessary skills. Moreover, they cannot offer valuable information needed to develop implementation and monitoring tools. For example, in **Croatia**, indicators for monitoring the implementation of the first Strategy were vaguely defined while drafting the document, which resulted into an insufficient implementation of the document's objectives in practice. In addition, if there are no resources available for the implementation, the implementation process will most certainly fail. For example, in **Estonia**, the first Action plan for EKAK fell short on implementation due to the lack of financial resources planned while designing the document.

Participatory process, including the elements of negotiation and partnership, where all parties involved are equally represented, is essential for the development of a document that addresses current needs and creates commitment to its implementation. In addition, the participatory process of drafting documents also strengthens collaboration between sectors and ensures joint ownership for the implementation of the documents. In all countries analyzed in this paper, with the exception of the Philippines, the cooperation documents were **developed through a participatory process**, with involvement of **CSO representatives and state authorities**. In almost all cases **civil society representatives played a key role in the development of all strategic documents**. This was particularly important as it ensured that the cooperation documents consider CSOs' and community needs.

Following are some good examples of inclusive participation in the **drafting of the document**:

- In **Croatia**, everyone was welcome to join the drafting process. CSOs with more capacities and expertise in particular areas volunteered their in-house experts to participate in the working groups. Public authorities were also involved at all stages of the process. They participated at the NGO days, were the initiative to develop the Strategy was launched, some were giving comments at the stage of drafting, as well as at later stage, when the first draft was developed.
- In **Bulgaria**, a group of CSOs and Minister for Management of EU funds played leading role in drafting of the document. In addition, representatives from the Ministry of Finance, the Ministry

⁷⁵ Hadzi-Miceva Evans, Katerina, *European Practices on Implementation of Policy Documents and Liaison Offices that Support Civil Society Development*, 2009. <http://www.icnl.org/research/resources/ngogovcoop/paperpol.pdf>, ICNL/ECNL

of Justice, the Ministry of Labor and Social Policy and the Council of Ministers were taking part in the working groups. Four CSO representatives were nominated by the participants of a CSO roundtable discussion, in addition to the nationally representative organizations of people with disabilities who also appointed their representatives.

- In **Moldova**, the drafting process was coordinated by the Parliament in close cooperation with the NGO Council and National Participation Council. Three working groups were organized around the main areas of the document. The working groups were coordinated by the representative bodies of CSOs, namely the National Participation Council, National NGO Council of Moldova and Coalition for promoting volunteering law and activities. Each working group was further composed of the MPs, civil servant and Government representatives from the Ministry of Labor, Social Protection and Family; Ministry of Health; Ministry of Youth and Sports; Ministry of Education; Ministry of Economy; Ministry of Finance and Ministry of Environment, State Chancellery.

To enable the input of the whole sector, development of the first draft is followed by **public discussions**. Public discussions are particularly important to allow the feedback of CSOs, civil activists and public authorities from all over the country, including the remote areas. In addition, nationwide public consultations ensure that the document represents a truly legitimate voice of the entire sector. Positive example could be found in **Estonia**, where extensive public discussion was organized all over the country, enabling hundreds of CSOs to provide their comments and participate in the development of the Concept.

Public consultations may be organized **electronically** to ensure wider reach. In **Georgia** the first draft Concept was discussed with CSOs from 8 cities, while the meetings were attended by the representatives of the local authorities, CSOs, as well as by civil activists. The first draft was revised in light of these discussions and the new, second draft, was **published online** for another round of comments, this time in an electronic form.

3.2. Mechanisms for cooperation envisaged in the policy paper.

Policy documents on cooperation between state and civil society may envisage **creation of an institutional mechanism for cooperation** that would coordinate the process and conduct regular monitoring and reporting on the implementation. Besides liaising between state and CSOs, it may play key role in the facilitation of the CSO involvement in decision-making, provide strategic directions for the development of civil society and engage in capacity building of both, state authorities and CSO representatives.

The mechanisms for cooperation vary in their set up, main functions and scope of work. In case of several countries, there is a government vested mechanism, which can be stronger in implementation and coordination functions, and a joint, cross-sector mechanism with participation of CSOs, which oftentimes has the function of monitoring implementation of the policy document. Following are the institutional set ups identified in the researched countries:

- **A Government Unit or Office:** This mechanism envisages the creation of a new structure within the Government that requires human and financial resources. The functions of this mechanism are typically related to the coordination of the overall development of the sector and implementation of the document on cooperation. Such mechanism exists for example in **the Philippines**. The PNVSCA is a government agency mandated to implement and execute the provisions of the Volunteer Act 2007. Prior the adoption of the document, the main role of the PNVSCA was to promote the development of the volunteer sector. Similarly, **Croatia's** Office for Cooperation with NGOs is in charge of the coordination and monitoring of the

implementation of the National Strategy. The Office was originally established to provide expert support to the Government on CSO related issues.

- **Assigned officials within the Government:** In this case, public officials are assigned additional responsibilities or new positions are created within already existing structures. Even though it may not be demanding in terms of resources, the implementation may be hampered in case of a change of the political power. Such mechanism exists, for example, in **Moldova**, where an official within the Policy Division at the State Chancellery was assigned to look over the implementation of the Strategy. Similarly, in **Estonia**, two state officials were assigned at the Ministry of Internal Affairs, who are tasked with the coordination on the implementation and monitoring of the results of the strategic document EKAK.
- **Joint Committee or Council:** Committees and Councils are cross-sectoral advisory expert bodies established with participation of various stakeholders. The members, including typically also CSO representatives, are nominated and elected for sector representation. They meet regularly and provide their insights on the implementation of the cooperation documents to the Government and Parliament. They may be established even if there is already an existing government unit, as it is the case, for example, in **the Philippines**. The Volunteer Act 2007 envisages the reconstitution of the already existing Multi-Sectoral Advisory Body to assist the PNVSCA with its mission. The members of the body include, for example, several state departments, representatives of the private sector, representatives of academia and CSOs. In **Georgia**, the draft Concept envisages creation of the Public Council, to be established under the Bureau of the Parliament of Georgia.⁷⁶

3.3. Legal nature of the document.

The official adoption of the document by Government or by the Parliament may play an important role in the implementation and enforcement of the document as it **becomes binding in its nature**. According to our research, documents are adopted equally either by the Parliament (Moldova, the Philippines and Georgia- to be adopted) or by the Government (Bulgaria, Croatia and Estonia). The evaluation of the implementation showed, that even more determinant for the successful implementation than the legal nature of the document is the political commitment and buy-in by the sector and implementing bodies.

3.4. Action plans.

The implementation of the policy document on cooperation can be strengthened through **adoption of a separate action plan**. The plans are composed of a set of objectives with the activities to be implemented for their successful achievement. The action plans may include allocated financial resources for each and every activity, bodies responsible for the implementation, together with their implementing partners and indicators for measuring the level of implementation. For example, this level of detail is included in **Moldova's** Action Plan. Similarly, in **Croatia** and **Estonia** implementation of the policy documents on cooperation are supported by well elaborated action plans.

3.5. Monitoring and reporting mechanisms on the implementation.

In order to ensure that the objectives of the policy document on cooperation are implemented as planned, it is essential to regularly monitor and evaluate the progress of the implementation. Monitoring and reporting on the progress of implementation is typically vested in the institutional mechanisms for

⁷⁶ This section was developed based on the previous research developed by ECNL: *Institutional Mechanisms for Cooperation, Comparative examples from Croatia, Estonia, Latvia and Macedonia*, 2015.

cooperation or key implementing ministries. There are various tools for monitoring and reporting, including, for example:

- **Regular internal reports:** summarizing the results from specific implementation period/activity, typically developed by the key implementing ministries and submitted to the institutional mechanisms in charge of coordination of the implementation. For example, in **Croatia**, Office for Cooperation with NGOs collects the reports from ministries, government offices, state administrative organizations and agencies on the implementation of the consultations on the law-making processes. Subsequently, the Office processes the information and submits an annual report on the implementation of the consultations.
- **Annual or biannual composite reports:** these reports are typically prepared by the responsible government units and evaluate the results of the implementation. In **Moldova**, a responsible person was assigned in the State Chancellery with the tasks to monitor the implementation and coordination of government's activities, including a development of an annual implementation report, which is presented at the Parliament.
- **Online tools for monitoring of the implementation:** performed through a continuous update of the implementation status on a special website dedicated to the document's implementation. Online monitoring tool was developed, for example, in **Croatia**. The website is organized around the same area as the policy document itself and includes detailed information on the completed activities from the implementation plan.

In addition, feedback from CSOs as key beneficiaries of the policy document is also essential for the monitoring process. For example, **Estonian** CSOs are involved in the monitoring process through: (1) the **public discussions** on the reports on implementation prepared by the state authorities; (2) **preparation of the shadow reports** by CSOs; and (3) **ongoing complaints procedure** to the responsible government bodies on delays in the implementations.

3.6. Key obstacles in development of the policy paper and its implementation.

Development of the documents on cooperation and their appropriate implementation may be challenged by various factors. Following are the most common obstacles identified in the countries under review in this paper:

- **Unfavorable political situation in the country and lack of political support:** Frequent changes of the political power in the country may have an affect on the adoption and implementation of the documents on cooperation, especially if such changes are also followed by changed in the civil servants responsible for implementing of these documents.

Several countries, including, for example, Bulgaria, Georgia and Moldova identified the unstable political situation in the country as the key challenge in the development of the cooperation document. In **Moldova**, most of the line ministries responsible for implementation of the Strategy had their ministers replaced, which resulted in change of their strategic priorities. In **Bulgaria**, the Government resigned 3 months after the adoption of the Implementation Plan for the Strategy, which had impact on implementation. With enduring political standstill in **Georgia**, the Parliament has not yet adopted the draft Concept.

- **Lack of ownership:** As described under the section on developing the policy document, absence of the feeling of ownership may cause significant challenges in the implementation of the strategic objectives of the document. In particular, the implementing parties may not feel committed to the goals and objectives of the policy document and will not always implement them in practice.

The lack of ownership and commitment in implementing the policy document was identified, for example, in Estonia and Croatia. The **Estonian** EKAK was developed through a participative procedure with the involvement of all types of stakeholders, however, excluding the Government representatives. This proved to be problematic as the Government has no commitment to implement the goals of the document. In **Croatia**, the Government's Legislative Support Office was resisting to implement the amendments to the regulation on the consultation of draft legislations, because it was not consulted while this measure was developed.

- **Insufficient or absence of resources for the implementation:** Resources matter a lot when it comes to the implementation of a comprehensive cooperation document with an extensive set of objectives and activities. Well-designed action plan may fall short on implementation, in case of absence of sufficient human and financial resources. In order to ensure proper and timely implementation of the planned activities, it is critical to set realistic budget commitments and assign clear tasks to the institutions responsible for the implementation.

This is the challenge for the implementation process in **Moldova** and **Bulgaria**. In Bulgaria, the implementation of the Strategy was not supported by the allocation of financial resources, so some implementing institutions claimed it as a reason for not carrying out the activity assigned to them. In addition, in **Estonia**, financial resources for the first EKAK implementing action plan were not sufficient, which was one of the reasons why the document was not fully implemented. The next action plans addressed this challenge and include a detailed allocation of the financial resources for each implementing activity.

- **Insufficient capacities of the key implementers:** Effective implementation of the activities envisaged by the cooperation document depends largely on the skills and capacities of the implementers. Hence, when planning the implementation of the document, it is essential to consider organization of a capacity building trainings for the key implementers and other stakeholders involved in the implementation.

This challenge was identified, for example, during the implementation of the first Strategy in **Croatia**. Many objectives of this document fell short on implementation due to the vaguely defined monitoring indicators and lack of capacities of the key implementers. According to the author of the Strategy in **Moldova**, there is a need to strengthen the capacity of the inter-governmental working group responsible for the monitoring of the implementation.

- **Absence of an effective monitoring mechanism:** It was already explained that the well-functioning mechanisms for monitoring and implementation are key to the successful implementation of the objectives designed and envisaged by the policy paper. As the examples above show, some countries experienced/or are still experiencing challenges with the development of an effective monitoring mechanism for the implementation of the document.

3.7. Lessons learned and experience sharing

It has to be noted that three countries reviewed in this analysis, namely **Croatia**, **Estonia** and **Moldova**, have already developed more than just one policy document on cooperation. Throughout the years, they took their lessons learned from the process of development and implementation and successfully addressed some of the identified challenges when designing a new policy document. Some countries decided to consult European and international experts and neighbors from the region about **their experiences and lessons learned** from the development and implementation of the cooperation documents.

For example, **Georgian** Civil Society Institute together with the "CSO Development Effectiveness" subgroup of the Eastern Partnership Georgian National Platform convened a national conference to discuss the draft Concept. Numerous stakeholders, including Georgian CSOs, MPs and donor organizations, as well as international experts participated in the Conference to share their comments and opinions on the draft. In **Moldova**, the comparative European expertise was provided by ECNL through in-person consultations and written comments to the drafts based on the good European and regional practices.

4. RECOMMENDATIONS

Based on the above analysis of the examples from Bulgaria, Croatia, Estonia, Georgia, Moldova and the Philippines, following recommendations may be provided to support the development of the policy document on cooperation in Kyrgyz Republic:

- **Ensure the political support and commitment and ownership of the state actors over the document:**

Political support and the sense of ownership of the state actors over the document are crucial for their willingness to implement the document in practice. Involving representatives of the political parties, Government representatives and MPs in the drafting of the policy document from the initial stage helps to ensure commitment to implement the objectives envisaged in the final text of the document. In addition, involvement of the representatives of all political parties, including those that are not represented in the Government, may ensure continuity regardless of which party is in power.

- **Develop documents through participatory and inclusive process:**

In order to design a policy document that creates ownership, trust and commitment for the implementation, it is essential to ensure a participatory process of the strategy development and involve all the important stakeholders in drafting of the document (CSOs, state authorities and other interested parties). The strategies developed through participatory processes are considered as legitimate guidelines for the enhancement of the cooperation between the state and civil society by all parties involved in its implementation. Even more, the participatory processes can serve as good example how collaboration can be shaped and sustained in the implementation of the document.

- **Designate a department or stand-alone unit for implementation:**

Considering that the policy documents and actions plans address variety of issues and concern several government bodies, it is important to ensure appropriate coordination as well as monitoring of the implementation. Many countries have designated a separate body which is vested with the responsibility to coordinate the implementation, liaise with the different government bodies as well as CSOs, report on the results, monitor and provide recommendations for improvements. Such body however, must have human and financial resources necessary to accomplish the functions. Some countries did not establish a new body/unit, but assigned public officials within an already existing department to undertake these tasks.

- **Design well-functioning action plans with allocated resources for the implementation:**

Well-designed action plans are useful tools for facilitating the implementation of the strategic documents on cooperation. They further elaborate on the objectives of the policy documents and describe activities that need to be implemented for their successful achievement. However, every action plan falls short on the implementation when sufficient human and financial resources are not allocated for the implementation of each and every activity. In addition, there is a need to clearly assign responsible bodies and deadlines for the implementation of all the activities, to prevent confusions that may result in the failure to act.

- **Build capacities of the implementing parties:**

It is essential to plan for and build capacities of the implementing parties when designing the cooperation document and action plan. In the end, the appropriate implementation of the objectives and measures envisaged by the documents largely depends on their capacities and commitment to

implement the activities. State authorities, as well as the CSO representatives active in the implementation of the document should be familiarized with the content of the document and undergone trainings on how to effectively implement the set measures.

- **Develop well-functioning mechanism for the monitoring and evaluation of the implementation:**

In order to ensure that the objectives of the policy document are fully implemented in practice as planned in the policy document on the cooperation and the supporting action plan, well-functioning mechanism for monitoring the progress in the implementation of the document should be established. A special body/responsible person for the monitoring should be assigned with the clear task to regularly monitor the implementation of the planned activities. In addition, an evaluation of the implementation should take place at least once a year, where the results of the monitoring would be presented and publicly discussed among all key stakeholders. As a minimum, it is essential to at least compile reports from other institutions that are envisaged as implementers and submit and publish annual report to the government on the implementation of the document.

- **Encourage experience sharing at the regional and international level:**

As some of the success stories from the case studies suggested, sharing of best practices and experiences at the regional, as well as the international level, may positively support the design of effective policy documents on cooperation and action plans for their implementation. Analyzing the lessons learned from other countries may eliminate the challenging situations in the development of the policy document and prevent the obstacles potentially hampering its implementation.

5. LINKS TO THE POLICY DOCUMENTS ON COOPERATION AND OTHER ACCOMPANYING DOCUMENTS

Bulgaria

- Strategy for Support to the Development of Civic Organizations in the Republic of Bulgaria (2012-2015)
<http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bq-BG&Id=775>.
- Action Plan for the implementation of the Strategy for Support to the Development of Civic Organizations in the Republic of Bulgaria (2012-2015).
http://www.bcnl.org/uploadfiles/documents/news_docs/2012/action_plan_strategie_ngo_oktobe_r_2012_final.pdf

Croatia

- Code on Consultation with the interested public in procedures of adopting laws, other regulations and acts.
https://udruge.gov.hr/UserDocImages/UserFiles/File/code%20of%20practice%20on%20consultation-croatia_final.pdf
- National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016.
<https://udruge.gov.hr/UserDocImages/UserFiles/File/National%20Strategy-Civil%20Society-Croatia-2012-2016-eng.pdf>
- Regulatory Impact Assessment Act "Official Gazette" no. 90/2011.
https://zakonodavstvo.gov.hr/UserDocImages/arhiva/2.%20RIA%20Regulation_NN%206612_EN.pdf

Estonia

- Activity Plan for implementing EKAK for 2004- 2006.
<http://www.ngo.ee/sites/default/files/files/Activity%20Plan%202004-06.pdf>
- Civil Society Development Plan 2011-2014 (KODAR).
<http://ngo.ee/sites/default/files/files/Civil%20Society%20Development%20Plan%202011-14.pdf>
- Development Plan for Civic Initiative Support 2007-2010 (KATA).
<http://ngo.ee/sites/default/files/files/Activity%20Plan%202007-10.pdf>
- Estonia Civil Society Development Plan 2015-2020 (KODAR), together with the Implementation Plan for 2015-2018. <https://www.siseministeerium.ee/et/tegevusvaldkonnad/kodanikuuhiskond>
- Estonian Civil Society Development Concept.
<http://www.ngo.ee/node/1090>

Georgia

- Draft Resolution of the Parliament of Georgia on the Approval of the "State Concept on CSOs' Development".
http://csogeorgia.org/uploads/News_pdf/Concept_%20Revised_%20Draft%20Final%20-%20ENG.pdf

- Memorandum of Cooperation between the Parliament of Georgia and Civil Society Organizations, unofficial English translation.
http://csogeorgia.org/uploads/News_pdf/5655/Memorandum-eng.pdf
- Open Parliament Georgia Action Plan 2014-2015.
<https://ogpblog.wordpress.com/2015/07/17/the-bureau-of-the-parliament-of-georgia-adopted-the-open-parliament-georgia-action-plan/>

Moldova

- Civil Society Development Strategy for 2009-2011 in Russian.
<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330319&lang=2>
- Strategy for the Development of Civil Society in the Republic of Moldova for 2012-2015 and Action Plan for Implementing the Strategy, unofficial English translation.
http://www.fhi360.md/docs/MD_Strategy_2012-2015_unofficial_translation_ENG.pdf

Philippines

- A publication of the Committee Affairs Department, Vol. III No. 41
[http://www.congress.gov.ph/download/commdaily/CDB%20Vol%20III%20No.%2041%20%20\(10.29.2015\).pdf](http://www.congress.gov.ph/download/commdaily/CDB%20Vol%20III%20No.%2041%20%20(10.29.2015).pdf)
- Implementing Rules and Regulations of the Volunteer Act 2007.
http://www.pnvsca.gov.ph/resources/references/RA9418_IRR.pdf
- Volunteer Act 2007.
<http://www.pnvsca.gov.ph/resources/references/RA9418.pdf>

6. BIBLIOGRAPHY AND USEFUL RESOURCES

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http://www.bcnl.org/uploadfiles/documents/analyses/pregled_ngo_strategy_2012_2015_final_draft.pdf
- ECNL, *Strategic documents for CSO cooperation, supporting implementation plans, and lessons learned in Europe*, 2015
- ECNL, *Strategy for the Development of Civil Society in the Republic of Moldova for 2012- 2015 - Assessment of the objectives and planned implementation steps*, 2013.
http://www.fhi360.md/docs/Anexa%201_Assessment_of_the_objectives_and_planned_implementation_steps.pdf
- ECNL: *Institutional Mechanisms for Cooperation, Comparative examples from Croatia, Estonia, Latvia and Macedonia*, 2015.
- Evaluation Report of the NGO days 2011 - Civil Society in Croatia 2016 – Vision, strategy and action.
<https://udruge.gov.hr/UserDocsImages/UserFiles/File/Evaluation%20report%20NGO%20Days%202011%20fin.pdf>
- Final report on the implementation of the Civil Society Development Plan 2011-2014

https://www.siseministerium.ee/sites/default/files/dokumentid/Arengukavad/kodar_lopparuanne.pdf

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<http://www.icnl.org/research/resources/ngogovcoop/paperpol.pdf>
- Highlights of the 1st National Forum on Volunteerism as a Strategy for Development.
http://www.pnvsca.gov.ph/resources/reference_ra9418.php
- Kubar, U., *Estonian Civil Society Development Concept (EKAK): Framework for Cooperation between Third and Public Sector: Brief Overview and Some Learning Points*, European Conference „How to foster civil dialogue in Europe“, Brussels, May 15, 2008.
[http://www.ngo.ee/sites/default/files/files/EKAK_brussels%20\(1\).pdf](http://www.ngo.ee/sites/default/files/files/EKAK_brussels%20(1).pdf)
- National NGO Council, *Monitoring Report on the implementation of Civil Society Development Strategy 2012-2015*
- Official website of the Philippine National Volunteer Service Coordinating Agency
<http://www.pnvsca.gov.ph/>.
- Publication of the Committee Affairs Department, Vol. III No. 41.
[http://www.congress.gov.ph/download/commdaily/CDB%20Vol%20III%20No.%2041%20%20\(10.29.2015\).pdf](http://www.congress.gov.ph/download/commdaily/CDB%20Vol%20III%20No.%2041%20%20(10.29.2015).pdf)
- Resolution of the NGO Forum of November 2015 (draft).
<http://www.consiliulong.md/resolution/>
- The Coalition for promoting the activities and the law of volunteering (Moldova)
<https://tdvmoldova.wordpress.com/2009/07/09/pozitia-coalitie-pentru-promovarea-legii-si-activitatilor-de-voluntariat-referitor-la-declararea-de-catre-comisia-europeana-a-anului-2011-%E2%80%93-anul-european-al-voluntariatului/>
- The National Council for Participation (Moldova)
<http://www.cnp.md/>
- The National NGO Council of Moldova
<http://www.consiliulong.md/councils-regulation/>
- The process of the Concept for the Estonian Civil Society Development (EKAK)
https://ukrainepublicdialogue.files.wordpress.com/2007/09/21-ekak_process.pdf