



Technical Assistance for
Civil Society Organisations
www.tacso.org
This project is funded by the European Union.



KEEPING UP THE MOMENTUM: Improving Cooperation Between Public Institutions and Civil Society in the Western Balkans and Turkey

draft Report
prepared by the European Center for Not-for-Profit Law

The draft report will be discussed during the conference “Keep up the momentum: Improving Cooperation Between Public Institutions and Civil Society in the Western Balkans and Turkey” and will be finalized after the conference.

This Publication has been produced with the assistance of the European Union. The contents of this Publication are the sole responsibility of the TACSO Project and can in no way be taken to reflect the views of the European Union.

Preface

We are pleased to present the final draft of the first regional report on the state of cooperation between civil society organisations (CSOs) and public authorities in the countries of the Western Balkans and Turkey. TACSO developed the concept for this report in the spring of 2012 and the report was researched and written by the European Centre for Not-for-Profit Law (ECNL) in the summer and autumn of 2012. The report covers the following countries: Albania, Bosnia and Herzegovina, Croatia, Kosovo*, the former Yugoslav Republic of Macedonia (hereinafter referred to as Macedonia), Montenegro, Serbia and Turkey, and focuses on national policies and mechanisms for cooperation between the two sectors.

TACSO's initial intention was to prepare a report as a background material for its regional conference on cooperation between CSOs and public institutions, "**Keeping up the Momentum: Improving Cooperation between Public Institutions and the Civil Society in the Western Balkans and Turkey**" in Skopje, November 2012. However, it has become apparent that the report fills a significant gap, and provides a much-needed snapshot of the current state of cooperation between the two sectors in the region.

The report will be finalised after the Skopje conference. We hope that you will find it useful.

Palle Westergaard
TACSO Team Leader

24 October 2012

The Report was commissioned by:



Technical Assistance for
Civil Society Organisations
www.tacso.org

This project is funded by the European Union.

The technical assistance service contract for the implementation of **“Capacity Building of Civil Society in the Instrument for Pre-Accession Assistance (IPA) countries and Territories”** (Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Kosovo,^{*1} Montenegro, Serbia and Turkey) known as the project Technical Assistance for Civil Society Organisations (TACSO) is an EU-funded project (EuropeAid/127427/C/SER/Multi-additional services) led by SIPU International AB on behalf of a consortium from Bosnia and Herzegovina, Turkey, Poland and Romania. The main purpose of the project is to increase the capacity of civil society organisations and to strengthen their role within a participative democracy. The main expected outcomes of this project are: increased influence of CSOs in democratic decision-making processes; strengthened capacity of CSOs to further their agenda; improved capacity of CSOs in service delivery; strengthened cooperation and networking among the CSOs and between external stakeholders and CSOs; raised public awareness of the CSOs, improved public image of the CSOs.

The Report was developed by:



The **European Center for Not-for-Profit Law (ECNL)** is a leading European resource and research center in the field of civil society law, based in Budapest. It aims to promote an enabling legal and fiscal environment for civil society in Europe and to convey European experiences – especially from countries that underwent democratic transition – to other parts of the world. ECNL has unparalleled expertise in helping to develop and implement laws and policies in key areas affecting the development of civil society. These include: government - civil society cooperation, compacts and other policy documents; government funding of civil society; sustainability of civil society organizations (CSOs); CSO participation in decision-making; contracting of CSOs for social services provision; and volunteering, among others. ECNL staff has more than 10 years of experience in promoting CSO law reform and have provided support that has directly and positively influenced more than 50 laws affecting CSOs across Central and Eastern Europe (CEE) and the Commonwealth of Independent States (CIS). For more information see www.ecnl.org.

1 This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Table of Contents

I.	INTRODUCTION	5
II.	A FRAMEWORK FOR INSTITUTIONAL COOPERATION BETWEEN PUBLIC AUTHORITIES AND CIVIL SOCIETY ORGANIZATIONS	6
1.	Framework for institutional collaboration	6
2.	Mechanisms of cooperation: emergence, benefits and factors	8
3.	Institutional mechanisms and international initiatives.	11
III.	AN OVERVIEW OF THE EXISTING INSTITUTIONAL MECHANISMS AND DOCUMENTS ON COLLABORATION.	12
1.	Public bodies that support collaboration and development of the sector	12
1.1.	Public bodies with primary role to support cooperation with CSOs	12
1.2.	Other public bodies playing a role in forging cooperation with CSOs.	13
1.3.	Description of bodes with primary role to support cooperation with CSOs	14
2.	Contact persons within different line ministries	16
3.	Civil society representation in Parliament	17
4.	Advisory bodies for civil society.	18
4.1.	Councils for civil society development	18
4.2.	Other advisory bodies focusing on specific areas or issues.	20
5.	Public foundations (agencies) for civil society development	21
6.	Policy documents supporting civil society.	23
IV.	A RESEARCH ON INSTITUTIONAL COOPERATION BETWEEN PUBLIC AUTHORITIES AND CSOs: CHALLENGES AND ACCOMPLISHMENTS	26
1.	Background information	26
2.	Results of the research	27
2.1.	Institutional mechanisms and policy documents in place	27
2.2.	Major achievements	27
2.3.	Major challenges	31
2.4.	The Impact of EU integration.	34
2.5.	The impact on EU integration	35
2.6.	The impact on cooperation between public authorities and CSOs	35
2.7.	Monitoring the Implementation	36

2.8. Steps to improve the mechanisms in place	37
2.9. Examples of best practices	38

V. RECOMMENDATIONS ON HOW TO FURTHER IMPROVE THE INSTITUTIONAL MECHANISMS FOR COLLABORATION/POLICY DOCUMENTS IN PLACE.	40
---	-----------

SELECTED BIBLIOGRAPHY	42
--	-----------

Relevant documents	43
-------------------------------------	-----------

Albania	43
-------------------	----

Bosnia and Herzegovina:	43
-----------------------------------	----

Croatia:	43
--------------------	----

Macedonia	43
---------------------	----

Kosovo	43
------------------	----

Montenegro.	44
---------------------	----

Serbia	44
------------------	----

Turkey.	44
-----------------	----

Useful links	45
-------------------------------	-----------

Annex I: Questionnaire sent to respondents	46
---	-----------

Annex II: Respondents to the questionnaire	48
---	-----------

I. INTRODUCTION

The European Center for Not-for-Profit Law (ECNL)² has entered into an agreement with the Regional Office of the Technical Assistance for Civil Society Organizations (TACSO), to prepare a report on institutional cooperation between the public authorities (government/parliament) and civil society organizations in the Western Balkans and Turkey. This Report is to be presented at the TACSO regional conference: *“Keeping up the Momentum: Improving Cooperation Between Public Institutions and Civil Society in the Western Balkans and Turkey”*, which will be held in Skopje on November 7-8, 2012.

The overall aim of the Report is to present the current state of institutional cooperation between the government/parliament and civil society organizations (hereinafter: “CSOs”) in the countries of the Western Balkans and Turkey by: providing an analyses of the rationale and the ensuing benefits of cooperation; outlining critical issues; and providing recommendations as to how improve the current mechanisms of institutional cooperation and increase the role of CSOs in that process.³ It seeks to highlight good practices, outline key factors for success, identify challenges, and facilitate the sharing of experiences and lessons learnt among the countries concerned. The Report deals with the institutional mechanisms of cooperation and policy documents at the national level only. The Report specifically covers the following countries: Albania, Bosnia and Herzegovina (also referred throughout the Report as “BiH”), Croatia, Kosovo, former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey.

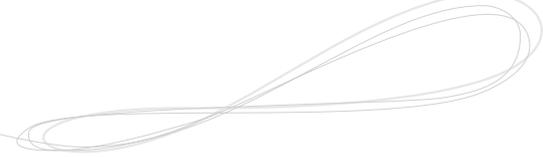
As for the methodology, the Report is developed based on the desk research and the outcomes of the questionnaire which was developed by ECNL, in consultation with TACSO (see Annex I), and filled out by key stakeholders in the countries concerned, as well as based on extensive consultations with TACSO resident advisers and other knowledgeable individuals.

Recognizing that any comparison of national regimes is a formidable task, an effort is made in the Report to build comparisons on common denominators that are sufficiently loose to integrate less significant variations among the countries that are examined, but sufficiently specific to produce meaningful comparisons.

The Report is divided into five chapters. Following the introduction, Chapter II provides an analytical framework of government/parliament cooperation with CSOs. This section reflects on the underlying rationale and the ensuring benefits of institutional mechanisms of cooperation. It also reflects on how and why this process came about in Europe, with focus on the Western Balkans and Turkey; what are its main features; what is the EU policy perspective on these processes, and

2 This Report was developed by ECNL experts: Dragan Golubovic, Eszter Hartay and Katerina Hadzi-Miceva Evans.

3 For the purpose of the report, the notion: *civil society organizations* (CSOs) is understood to encompass any organization which meets the following criteria: 1) it is established voluntarily; 2) it is established by a private instrument (contract, act on establishment), rather than by law; 3) it may be membership or non-membership organization; 4) it is not part of the government structure; 5) it is established to pursue public or mutual benefit goals, rather than generate profit. Therefore, the notion includes associations, foundations, private institutions, not-for-profit corporations, and any other organization fulfilling the foregoing criteria. The notion; *non-governmental organizations* (NGOs), which is often times used inter-changeably with the notion CSO is used in the report only insofar as it is part of the official name of a particular institutional instrument for cooperation.



the role of the European Union (hereinafter: “EU”) integration processes in the development of those mechanisms. Chapter III provides an overview of the existing policy tools and mechanisms that have supported and facilitated cooperation between government/parliament and CSOs, as well as highlights successful models for cooperation that may be considered in other countries. It focuses on the following institutional mechanisms on national level:

1. Government offices/units/departments for cooperation with CSOs;
2. Contact persons in various line ministries responsible for cooperation with CSOs,
3. Advisory bodies tasked to further public authorities – CSO cooperation (councils or similar cross-sector bodies);
4. Public foundations or similar type of entities (e.g., agencies) providing financial support for civil society development and increasing the capacity of CSOs;

In addition, pertinent policy documents and their underlying role and content, are also discussed in this chapter. Chapter IV provides analyses of the results of the research which was conducted among key stakeholders in the countries concerned, and which was based on the comprehensive questionnaire which ECNL developed in cooperation with TACSO. Based on the results of the research, Chapter IV identifies key strengths and challenges of the current mechanisms of cooperation in place, examines the role of EU integration in this process and highlights examples of good practices. Chapter V provides recommendations as to how to respond to major challenges identified in the research.

II. A FRAMEWORK FOR INSTITUTIONAL COOPERATION BETWEEN PUBLIC AUTHORITIES AND CIVIL SOCIETY ORGANIZATIONS

The following section provides an introductory overview of issues this Report seeks to address, by reflecting on the underlying rationale of the institutional mechanisms of collaboration between public authorities (government officials/civil servants and parliamentarians) and civil society. It also reflects on how this process came about in Europe, with focus on the Western Balkans and Turkey; what is the EU policy perspective on these processes; and the role of the EU integration processes in the development of those mechanisms.

1. Framework for institutional collaboration

A framework for institutional collaboration between public authorities and CSOs is understood to encompass various structures, bodies and mechanisms that are geared to implementing specific responsibilities related to cooperation between public authorities and CSOs. Those include government/parliament’s body or a designated person with the government/parliament whose primary mandate is to nurture and support collaboration between those institutions and CSOs, such as the government’s offices/units/departments for cooperation with CSOs; contact persons with various line ministries, or with parliament; public foundations/agencies for civil society; the government’s council on civil society, or similar cross-sector advisory bodies (see *infra*, Chapter III).

These mechanisms are widely referred to as ‘institutional’ because of the underlying reason for their introduction: **setting a platform and a framework for a sustainable and going partnership with the civil society as a primary function;**⁴ hence they are referred throughout the Report as “institutional mechanisms for collaboration”.

In addition, the adoption of policy documents pertinent to CSO cooperation with public authorities are also discussed in the Report, because they are considered an integral part of the system which supports longer term and more structured cooperation between public authorities and CSOs. Policy documents include strategies for civil society or other policy documents: compacts, memorandums of understanding and other documents which aim to create a structured dialogue with public authorities, promote development of the sector and citizen participation (see *infra*, Chapter III).

It is important to emphasize that **cooperation between public authorities and CSOs occurs beyond the institutional mechanisms in place** - and indeed, is **not necessarily** dependent on the existence of those mechanisms. There are many notable examples of partnership between public authorities and CSOs, which have developed despite the lack of a particular institutional mechanism and legal instrument governing such collaboration. For example, there are numerous examples of cooperation between public authorities and CSOs, which are not specifically regulated.

For example, in **Turkey** there are several examples of successful collaboration in legislative processes on government level. But there is also a notable example of the Parliamentary Compromise Commission for Development of New Constitution in Turkey (Commission), which marks a unique participatory experience for CSOs. The process was initiated with the call of the Government to all stakeholders to make the “Civil Constitution” that Turkey needed. CSOs set up platforms, networks and civic initiatives to engage in this dialogue and submitted their comments and proposals to the Parliamentary Committee for Developing the Constitution Proposal. The Commission established a website for sharing those comments and proposals. Overall, 401 civil society initiatives and 82.232 citizens submitted their comments and proposals on the new constitution.

In former Yugoslav Republic of **Macedonia**, line ministries included CSOs in their working bodies on various occasions. Among others, representatives from civil society were involved in the working groups commissioned with preparing the Law on Pro Bono Legal Assistance; the amendments and supplements to the Electoral Code; and the Law and the Strategy on Volunteerism.⁵

In **Montenegro**, the enactment of the 2012 NGO Law was one of many examples of a successful cooperation between the Government and CSOs. This cooperation was facilitated by the Government’s commitment to cooperate with CSOs, as part of its European Agenda.

In **Serbia** a notable example are the so-called Civil Society Focal Points, which were created during the implementation of the Poverty Reduction Strategy, and which included more than 650 CSOs

4 A **partnership** between public authorities and CSOs presumes that CSOs **voluntary** participate in those mechanisms and on **equal footing** with the public authorities.

5 The process of adoption of the Law on Volunteerism has been promoted as an example of successful cooperation between the Government and CSOs. See: Laws and Practices that Affect Volunteers Since 2001, ICNL, ECNL, United Nations Programme Volunteers, 2009 and Drafting and Implementing Volunteerism Laws and Policies, United Nations Programme Volunteers, 2011.

and social partners. The establishment of this mechanism was supported by the Government of Serbia (Deputy Prime Minister Office for European Integration) from 2007-2009. These CSO platforms have been engaged in preparation of dozens of laws, national strategies and policies impacting on to the social inclusion of the vulnerable groups. Later on, they started building their capacities in monitoring the expenditures allocated for the vulnerable groups in the state and local budgets. These platforms still exist and successfully undertake activities in cooperation with the Government. In addition, the enactment of the Law on Youth in 2011 was preceded with an extensive and elaborate consultative process with youth organizations and other stakeholders, which was praised by the Council of Europe. Representatives of major youth organizations were also members of the working group commissioned to prepare the Law.

2. Mechanisms of cooperation: emergence, benefits and factors

There is no one model of institutional mechanism of collaboration in Europe. Those mechanisms evolved over a long period of time, first in the Western Europe and for the past 10-15 years in Eastern Europe, following somewhat different paths, though. In Western Europe, the institutional mechanism for cooperation emerged in some specific areas where an actual need for partnership was recognized and drove the stakeholders towards collaboration. Typically, this occurred in the field of social services, environmental protection, or international aid development. Over time, the principles and models that emerged from those sporadic examples of successful collaboration evolved into the mainstream practices and eventually became more formalized (e.g., access to information, public funding, consultation and participation).⁶

Looking back in history, the first formal instrument of collaboration between public authorities and CSOs was developed in England, in the form of the agreement on cooperation (compact) signed by the Government and CSO representatives. The document emerged as a result of the 1996 "Deakin Report", which provided 61 recommendations as to how to improve the relationship between the Government and the third sector. Among the main recommendations in the report was a proposal for an 'agreement/concordat' between government and the third sector setting out a framework for their relationship. Those recommendations were largely incorporated in the Labour Party Program and in 1998 following on its election promises the Government launched the [Compact on Relations between the Government and the Voluntary and Community Sector](#). The Compact is a legally non-binding document which sought to promote a better working relationship, including the funding and procurement relationship, between the government and the third sector. Along with the compact five codes of good practices were also put together to promote the implementation of the Compact provisions.⁷

After England, various documents and other institutional mechanisms of cooperation were adopted/established in other European countries (France, Denmark, Slovakia, Czech Republic, Hungary, Poland, Estonia, etc). Following these examples the countries of the Western Balkan have also proceeded with the establishment of similar mechanisms and instruments.

There are several perceived [policy considerations/benefits](#) associated with the development of the institutional mechanisms of collaboration:

6 Nilda Bullain and Radost Toftisova, A Comparative Analysis of European Policies and Practices of NGO – Government Cooperation, ECNL 2004

7 The compact in England was revised in 2009, and renewed in 2010 <http://www.compactvoice.org.uk/>

- *Promotion of the concept of open, collaborative and transparent governance.* All institutional mechanisms in place envision civil society participation and influence on public policies – which is the critical ingredient of a vibrant, democratic society.
- *Facilitating communication and creating platforms for structured and ongoing dialogue and collaboration.* The mechanisms give recognition of the existing practices and benefits, they send a message of political commitment and openness, and they give direction to future cooperation. For example, the policy documents include issues which are relevant to the sector and set priorities for government's support, as well as joint action with the CSOs. The government offices or focal points have made it easier for CSOs in some countries to approach public authorities, and to voice opinions of their constituencies in addressing citizens' needs. The advisory councils on civil society have created a forum for debate and sharing responsibility for setting sector-wide policies.

“EU integration certainly played a role in the operation of the institutional mechanisms of collaboration, as we can say that the process of EU integration has had positive effect on the development of CSOs – both on their expert and financial capacities. This is especially true for advocacy CSOs which have in the process of EU integration developed additional skills and knowledge regarding the advocacy, policy analysis etc.; as result of which they became an actor that could not be ignored but should have been more and more looked as the partner, especially taking into an account the big expertise that CSO gained in their fields of interest.”

Respondent from Croatia

- *Supporting CSOs development.* The mechanisms provide for a means for CSOs to receive increased support for their work and hence to expand the areas of their activity which are in the interest of society. For example, national foundations provide funding for civil society development – through grants for institutional support not only project activities.
- *Increasing involvement in policy making processes,* especially on issues that affect the sector. While public authorities involve CSOs in policy and law making processes on various issues that affect their constituencies, the mechanisms for cooperation allow for joint policy making on issues that influence the development of the sector as such (funding, legal environment etc).
- *Involving civil society in EU integration processes* was also recognized and is the drive behind increased practices for cooperation. The civil society is seen to play an important role in the process of the accession, from the view of political aspect (mobilization of citizens for European values, promotion of advantages of EU integration, etc.) and economic and institutional aspects (strengthening capacities for the optimal use of available EU funds).

The establishment of institutional mechanisms of collaboration in the Western Balkan countries has also been influenced by **external factors**.

- First, *the influence of the EU engagement and the overall accession process in the countries;* this was well documented in the research conducted (see *infra*, Chapter IV). The EU in its various documents related to the Western Balkans emphasized the important role of civil societies.

In its 2007 Enlargement Strategy, the European Commission (hereinafter: “EC”) for the first time identified civil society development and civil society dialogue as a core priority of the enlargement process in the Western Balkans, and defined that *“support for civil society is key to*

mutual understanding and to strengthening the fabric of democracy across society”⁸ It has supported this statement by setting up funding facility for civil society in addition to the then existing financial instruments. In the Progress Report on the Countries of Western Balkans on their road to EU of 2008⁹, the EC noted the significance of civil society in the process of comprehensive reforms in these countries, as well as the necessity of creating adequate institutional conditions for development and operation of the civil society organizations.

The EU through its progress reports and financial instruments directly contributed to building the cooperation framework. EU funded project in former Yugoslav Republic of **Macedonia** supported the establishment of the office for collaboration, including capacity building of staff and the two strategies, and is currently tendering for similar type of support to provide in Serbia. In **Albania**, the EU integration is also credited to play an important role in the development of the Agency for the Support of Civil Society. In **Montenegro** the EU financially supported the signing of the *Memorandum on collaboration between the Montenegro Parliament and democratisation and human rights CSOs*.

In **Kosovo***, the EC gave significance to the institutional models by invoking the lack of them in progress reports, and by extending the regular Stabilization Association Process dialogue to civil society, which is considered a unique approach. In **Turkey**, the focus on cross sectoral cooperation led to the establishment of the Provincial Advisory Councils on EU Integration which bring civil society and public institutions together for joint effort on the way to EU. Also, the establishment of Regional Development Agencies to enhance cross-sectoral partnership and create state funding for all sectors, including civil society, was encouraged by the EU Accession Process. Currently, a consortium of CSOs is working on the code of citizen participation with EU support in cooperation with Ministry of EU.

In all countries concerned, the EU integration process gave rise to a more prominent participation of CSOs in public policy processes, as well as in processes related to the EU accession. In former Yugoslav Republic of **Macedonia**, the National Council for European Integration was established as a result of the EU accession process as a multi-sectoral body within the Parliament with the aim to strengthen the activities and responsibilities of all the relevant public institutions and CSOs for securing a harmonized and coordinated action in the process of accession. In **Serbia**, the *Memorandum on Collaboration between the Government's Office for European Collaboration and CSOs* was signed, to create a framework for a more effective participation of CSO in public policies impacting on the EU integrations.

These messages and the financial support made available by the EU have contributed to the governments being more open to cooperation with CSOs, and have created momentum to proceed with the establishments of various mechanisms of cooperation.

- The other external factor is the **'peer influence'** - civil societies in the countries of the Western Balkans have forged a lasting and productive cooperation, which started in the fields of hu-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.)

8 Communication from the Commission to the European Parliament and the Council: Enlargement Strategy And Main Challenges 2007-2008, COM(2007) 663

9 Communication from the Commission to the European Parliament and the Council: Western Balkans: Enhancing the European perspective SEC (2008) 288.

man rights and gradually expanded to other areas, which has facilitated the promotion of institutional models of collaboration from one country to another.

This was met with governments' willingness, and in many ways preference, to consider examples of the neighbourhood, given deeply rooted common legacy. As a result, the models of cooperation and lessons learnt were shared between countries, with Croatia playing a leading and inspirational role: it established the first Government Office for Cooperation with NGOs in the Region, followed by the establishment of the National Foundation for Civil Society Development and the Council for Civil Society Development. Governments of BiH, former Yugoslav Republic of Macedonia and Montenegro followed the suit with the establishment of similar offices/units. Former Yugoslav Republic of Macedonia and Croatia are credited for having developed first strategies on civil societies, followed by the Government of Montenegro. Serbia is also gearing towards the same direction.

3. Institutional mechanisms and international initiatives

It is important to note also that the governments recognize and include the institutional mechanisms and policy documents in pertinent international initiatives. A most recent example is the *Open Government Partnership Initiative*.¹⁰

For example, Albania, Croatia, former Yugoslav Republic of Macedonia, Montenegro, Turkey and Serbia have joined this initiative and all countries but Serbia have submitted their respective action plans which include commitments towards the goals. In the Action Plan of **Albania**, the Government commits to draft a specific law which would create structured consultation processes with civil society and other stakeholders. In **Croatia**, the Government Office for Collaboration with NGOs (Office) was instrumental in the development of the action plan in participatory process. Among others, the plan identifies tasks that need to be implemented by the Office and the National Foundation for Development of Civil Society, in order to further partnership, consultation and ensure inclusion of civil society in implementation of the commitments undertaken by the Government. The **Macedonian** Government specifically included the implementation of the Government's Strategy for Cooperation with the Civil Sector among its commitments in the action plan. The **Montenegrin** Government invokes the Government's Strategy for Cooperation with Non-Governmental Organizations to highlight positive partnership and efforts regarding cooperation, and as a basis for further involvement of CSOs in initiatives in the action plan. In the Action plan of **Turkey**, establishment of a web platform is foreseen where all laws and regulations will be publicized to initiate public consultations for active participation of civil society and other stakeholders. The aim is to increase the level of public participation in policy making and implementation processes.

10 The Open Government Partnership is a new multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. As part of this initiative each country must develop an action plan which will contain commitments towards these goals. For more information see: <http://www.opengovpartnership.org>

III. AN OVERVIEW OF THE EXISTING INSTITUTIONAL MECHANISMS AND DOCUMENTS ON COLLABORATION

As described earlier there are different forms of institutional mechanisms for collaboration and policy document between public authorities and civil society existing in the Western Balkan countries and Turkey. This Chapter will present those mechanisms and their features. Specifically, it will describe the following mechanisms and models: (1) public bodies that support collaboration and development of the sector; (2) contact persons in line ministries; (3) civil society representation in Parliament; (4) advisory bodies for civil society; (5) public foundations/agencies and (6) policy documents for civil society collaboration and support.

1. Public bodies that support collaboration and development of the sector

Several countries in the Western Balkan region have set up a separate office or department/unit with a main mandate to foster cooperation with and support the development of the civil sector. The tendency was marked with the establishment of the Government Office for Cooperation with NGOs in Croatia in 1998, followed by the establishment of the Unit for Cooperation with Non-Government Organizations in former Yugoslav Republic of Macedonia (2004), the Government's Office for Cooperation with NGOs in Montenegro (2007), and most recently, the Office for Cooperation with Civil Society in Serbia (2011). In Bosnia and Herzegovina (BiH) the Department for Cooperation with Civil Society was established in 2008. All these offices/unit were set up with the primary role of facilitating collaboration and supporting the development of the sector as a whole. This chapter will focus on analysing mainly these bodies and will briefly address other types of bodies that exist.

1.1. Public bodies with primary role to support cooperation with CSOs

As mentioned above, several countries established bodies whose main function is to promote collaboration, structural dialogue and partnership with CSOs across the board.

In **BiH**, the **Department for Cooperation with Civil Society** was set up by the Government (Council of Ministers) within the Ministry of Justice.¹¹ The Department has a broadly defined mandate, but it does not enjoy sufficient political support within the Ministry (or for that matter within the Government), and thus has struggled to play a prominent role in the structural dialogue and cooperation with CSOs.¹²

The **Croatian Government Office for Cooperation with NGOs** was established in October 1998 by the Act of the Government and was a first step in developing comprehensive institutional mechanisms for cooperation with CSOs.

11 In addition, in the Republika Srpska (one of the two entities in BiH), there is a Department for Cooperation with Civil Society with the Ministry of State Administration and Local Self-Governance, which is currently employs one person only.

12 TACSO Needs Assessment Report, Bosnia and Herzegovina; Sarajevo, 2011.

In former Yugoslav Republic of **Macedonia**, **the Unit for Cooperation with Non-Governmental Organizations** was established in 2004, based on the initiative of civil servants from the Secretariat for European Affairs and discussions involving CSOs, which underscored the significance of such bodies. The Unit falls under the Sector for Policy Analysis and Coordination within the General Secretariat of the Government.

The **Montenegrin Office for Cooperation with NGOs** was established in 2007, following the enactment of Government's document "*Basis of Cooperation Between the Government of the Republic of Montenegro and Nongovernmental Organizations*" in May 2006. This document, which was the first of the kind, was the result of a bottom-up approach and was created following an initiative of the Coalition of NGOs. The Office Unit falls under the General Secretariat of the Government.

In **Serbia**, **the Office for Cooperation with Civil Society** was established by the Government in 2010, and became operational in 2011. The establishment of the Office was a result of a multi-year advocacy campaign led by a coalition of CSOs and represents an important step towards a more structural cooperation between the Government and civil society. The Office is directly responsible to the Prime Minister.

1.2. Other public bodies playing a role in forging cooperation with CSOs

In addition to the bodies described in the section above, there are examples of other bodies (offices, departments, commissions) within the government/ministries which are entrusted to play a role in collaboration with CSOs. However, it is important to note that their role is rather modest, does not pertain to cooperation with CSOs across the board, and is primarily confined to certain fields and activities (e.g., social affairs, EU accession etc).

In **Kosovo**, there are two such bodies. The **Office for Good Governance** is situated within the Office of the Prime Minister and was established with the Regulation 2001/19 on the Executive Branch. The mandate of the Office includes supervision of and advice to the Government in areas of good governance, human rights and equal opportunities. The Office is required to be pro-active regarding the citizen participation in public policies, and therefore cooperated with civil society in drafting various strategies and action plans related to human rights, minorities and gender issues.¹³ In addition, there is the **Department for NGO Registration and Liaison** with the Ministry of Public Administration. The Department is responsible for the registration of CSOs and has very limited role in liaising with CSOs.

In **Turkey** there is the **Directorate for Civil Society, Communication and Cooperation** which is facilitating communication with CSOs in one specific area, the EU accession process. The Directorate was established in June 2009 and its main aim is to include civil society in the Turkey's EU accession process, as well as to receive their recommendations and contributions. More specifically, it is responsible for 1) informing domestic and international public about the EU and Turkey's accession process; 2) preparing and implementing the EU's communication strategy; 3) managing financial resources for the projects within the framework of the EU Communication Strategy (EUCS); 4) cooperating with the private sector, local authorities, CSOs and universities, and assisting in coordination of their activities. The Directorate has so far organized five dialogue meetings with civil society with a view to enable CSOs to have their voice on various themes with regard to the Turkey's EU accession process. For example, the Minister for EU Affairs has met with

¹³ TACSO Needs Assessment Report, Kosovo, 2011.

more than 300 representatives of the CSOs representing different faith groups on the meeting organized by the Directorate on 14 February 2012.

In addition, the **Department of Associations** within the Ministry of Interior is a rather unique body in that in addition to being responsible for registration and supervision of associations, it performs some other duties. Specifically, the Department: 1) provides *grants* to CSOs under the name of “project support” (nearly 14 Million TL, equivalent to approximately 6 million Europe to around 280 associations); 2) undertakes research on best practices of CSO-Government cooperation; 3) provides technical assistance, trainings and seminars to CSOs, and produces handbooks and guidelines for legal compliance for associations; 4) drafts laws and regulations pertinent to associations; 5) launches public consultation process inviting CSOs (e.g., to comment on changes in by-law for registration of associations regarding the launch of an online system); 6) promotes funding opportunities for associations via its website.

Finally, the **General Directorate of Foundations** under the Prime Ministry Office, which is responsible for the registration and audit of foundations, also perform some tasks which may facilitate cooperation between the Government and foundations. Specifically, it is mandated to 1) carry out training, research, development, cultural and publication activities on issues related to foundations; and 2) draft and review laws and regulations impacting on foundations.¹⁴ The Foundations Council¹⁵ is the highest decision-making body of the Foundations. The Council has a total of 15 members: 5 members are from the Directorate General; 5 members are appointed by the Prime Ministry; and 5 members are designated by foundations via an open call on the Directorate’s website. The Foundation Council is a decision making cross-sectoral body that enables CSOs to take part in the decision making processes for developing policies and strategies, drafts laws and regulations impacting on foundations and also plays a role in the implementation of the legal framework thereof.

1.3. Description of bodies with primary role to support cooperation with CSOs

Roles and responsibilities

The actual tasks of these bodies vary country by country and largely depend on when a body was established and whether a country has other institutional mechanisms of cooperation in place (e.g. Council or National Foundation as the case of Croatia). Where other mechanisms exist, the office is considered as part of the scheme which generally coordinates and supports the functioning of other mechanisms.

The offices/unit are responsible for numerous tasks: drafting and managing process of consultation concerning laws that affect the sector; contributing towards policy of ensuring the financial sustainability of the sector; distributing government funding or providing support to bodies which distribute such funds; coordinating different ministries who are responsible for nurturing cooperation with the sector; training and education of civil servants concerning government policies towards the sector and their implementation; encouraging civic participation, open governance, and social dialogue; promoting the activities of the sector, philanthropy and promoting partnerships on regional and local level. Their specific functions can be presented under the following main areas:

¹⁴ Specifically, the Legal Counselling Department of Directorate of Foundations is responsible for that.

¹⁵ <http://www.tusev.org.tr/content/detail.aspx?cn=318&c=68>

- 1) Government strategy
 - Preparation of Government strategy and programme for cooperation with CSOs (Croatia, former Yugoslav Republic of Macedonia, Montenegro, Serbia);
 - Monitoring of the implementation of the National Strategy (Croatia, former Yugoslav Republic of Macedonia).
- 2) Capacity building
 - Organize events (roundtables, conferences, public discussion) and publish publications (Serbia, Croatia);
 - Cooperation and exchange of experience with similar government institutions abroad (Serbia, Croatia);
 - Educations and trainings for Office employees and state officials (Montenegro, Croatia);
 - Study trips and comprehensive trainings for CSOs in the key areas of civil society, CSO management (former Yugoslav Republic of Macedonia).
- 3) Cooperation
 - Maintain cooperation with CSOs and public authorities (Serbia, former Yugoslav Republic of Macedonia, Croatia);
 - Initiate dialogue with civil society on issues of common interest (Serbia, Croatia);
 - Collect and distribute information relevant to CSOs (Serbia);
 - Maintain a website, providing information relevant to CSOs such as financing opportunities, database of funding programs, database on participation, database on consultations etc. (Croatia);
 - Regional and international cooperation (Croatia, Montenegro).
- 4) Coordination
 - Coordinate the work of the line ministries and other state institutions in the field of cooperation with CSOs, public funding and consultation (former Yugoslav Republic of Macedonia, Croatia, Serbia, Montenegro);
 - Mediation of the inter-ministerial cooperation, as well as other state authorities and civil society sector (former Yugoslav Republic of Macedonia, Croatia).
- 5) Supporting advisory Government bodies
 - Provide logistical and other support to advisory Government bodies in terms of the development of civil society (Croatia);
 - Administrative and technical support (Montenegro), professional and financial support (Croatia).
- 6) Legislation affecting CSOs at large
 - Prepare a review of the existing legislation and its continuous updating (former Yugoslav Republic of Macedonia);
 - Initiate the adoption of strategic documents, rules, regulations and other documents relevant to the creation of an enabling environment for CSOs and monitor the implementation of such documents (former Yugoslav Republic of Macedonia, Croatia and Serbia).
- 7) Financing civil society at large
 - Anticipate the allocation of financial resources for partially financing projects of public benefit (former Yugoslav Republic of Macedonia);

- Administration and evaluation of project proposals submitted by CSOs at open calls for allocation of part of the budget for CSOs as well as monitoring the awarded projects (former Yugoslav Republic of Macedonia);
- Assess public fund allocations for supporting CSOs (Croatia, Serbia);
- Participate in the preparation of joint reports on spending of funds granted to CSOs from the public sources (Serbia);
- Preparation of annual reports on spending of public funds granted to CSOs from the state budget and local communities budgets (Croatia);
- Focal point for the Community Program “Europe for Citizens” (e.g., Croatia, soon Serbia);
- Participate in the programming of EU pre-accession funds supporting civil society (IPA funds) and others (Croatia, Serbia);
- Provide technical assistance for the preparation of application documents for programs open for CSOs (Serbia);
- Monitor the usage of pre-accession funds to civil society and co-financing of CSO’s own participation in providing EU projects (Croatia);
- Organize monitoring visits by the Office employees to CSOs providing EU projects (Croatia).

However, in some countries the above tasks are not fully implemented so far. As an example, in Serbia, the first year of the Office in operation was spent with building the internal capacities, developing its own strategy and positioning itself as a key governmental institution to deal with civil society.¹⁶

Human and financial capacities

In the researched countries the offices are equipped with diverse human and financial capacities. They currently have between 3 (Montenegro) and 14 employees (Croatia, Serbia¹⁷). It is noted that the Office in Montenegro lacks the necessary human resources capacity to carry out their duties. Due to the limited staffing it is critical to have a qualified and committed staff to take on the office’s responsibilities.

Both in case of former Yugoslav Republic of Macedonia and Montenegro the fact that the offices are situated in the General Secretariat of the Government hinders them to act independently in terms of resource allocation (*infra*, Chapter IV).¹⁸ In addition, they both lack clear and specifically allocated budget.

2. Contact persons within different line ministries

Some countries have the so-called “contact persons” for CSOs at the ministerial level. The significance of these persons/departments is that they can be instrumental in the process of implementation of state policies concerning the development of the sector. When a bilateral document or strategy needs to be enforced, for example, they can be the assigned to coordinate

¹⁶ TACSO Needs Assessment Report, Serbia. Belgrade, 2011.

¹⁷ At the moment, there are 14 employees in the Croatian Office, with a plan for additional 5 to be employed by the end of the year.

¹⁸ TACSO Needs Assessment Report, Montenegro. Podgorica, 2011. TACSO Needs Assessment Report. Skopje, 2011,

the implementation of the specific task within the line ministry.¹⁹ In the Region there are contact persons in line ministries in Bosnia and Herzegovina (BiH), Croatia, former Yugoslav Republic of Macedonia, Montenegro and Serbia.

For example, at the Government of **BiH** (Council of Ministers) there are contact persons for collaboration with CSOs in every ministry. The Government of the Federation of BiH (the other entity in BiH) has also rendered a decision on the establishment of the institutional mechanism of cooperation with civil society; however, this decision has not yet been implemented.

In former Yugoslav Republic of **Macedonia** all ministries have nominated contact persons for cooperation with CSOs who are connected in the inter-institutional network coordinated by the Unit for Cooperation with NGOs. Cooperation between ministries and CSOs takes place in the following forms: consultations prior to adoption of policies and laws; inclusion of representatives from the civil society in working groups, working bodies and alike established by the ministry; development and implementation of joint projects financed by the ministries, co-financed by organizations or financed by other donors; direct financing of CSOs; organization of informative events; involvement of organisations in regional and international initiatives.

3. Civil society representation in Parliament

Assigning a contact person in the Parliament, setting up body within parliament responsible for civil society issues or creating a mechanisms for involvement of CSO representative in parliamentary committees, as a more permanent mechanism, can serve an important role in the legislative process and enable the civil sector to voice their opinions even after the draft laws are submitted to Parliament. Nevertheless, both having a contact person, or body, and ensuring continuous CSO representative in Parliament are still rare in the region. Notably, in **Kosovo**, the Strategic Planning Office of the Parliament recently opened a vacancy for “CSO contact officer” and the recruitment procedure is expected to be brought to a conclusion in the fall of 2012.

Nevertheless, the countries increasingly involve CSO in processes in Parliaments through their representation in parliament committees or working bodies. In **Croatia** the parliamentary working committees comprise of more than 100 representatives of interest groups, selected on the basis of public call, which are serving permanent committee members and having therefore regular access to Parliament decision-makers. The participation of CSO representatives as members, guests or observers proved to be useful institutional mechanism for cooperation and contributed, as an example, to the improvement of a great number of environmental legislation (e.g., the Law on Environmental Protection, the Law on Waters, the Law on Waste). In **Montenegro**, as a result of the signed *Memorandum on collaboration between the Montenegro Parliament and democratisation and human rights CSOs*, CSOs have gained more access to Parliamentary committees; in 2011 they took part in 9 out of 11 committees. Comparing to 2009 and 2010 when around 3-4 CSOs would be invited, recently their number increased to 35.

In former Yugoslav Republic of **Macedonia**, the *National Council for European Integration* is an important body bringing together parliamentary, governmental and non-governmental officials. The Council was established in 2007 and undertakes continuous and genuine dialogue on the negotiation positions of former Yugoslav Republic of Macedonia and harmonization of its

¹⁹ Katerina Hadzi-Miceva Evans: European practices on implementation of policy documents and liaison offices that support civil society development. ECNL and ICNL, 2009.

legislation with the *acquis communautaire*. Civil society has one representative in this body, and in 2012 the Council discussed the draft Strategy of the Government for Collaboration with Civil Society in one of its sessions.

In **Turkey** CSOs are invited to Parliamentary commissions for consultations on a regular basis where their area of expertise applies to the work of the Commission. *The Women and Men Equal Opportunities Parliamentary Commission (KEFEK)* which has become a regular cooperation platform for CSOs working on gender equality issue and MPs. It holds regular consultations with CSOs and provides opinions to the MPs for draft laws and regulations. It also has the authority to supervise and inspect public authorities' actions related to gender equality.

It is also interesting to highlight the example of former Yugoslav Republic of **Macedonia** where the association MOST was running the *Office for Contact between NGOs and Parliament of the Republic of Macedonia*. The motive behind the establishment of the Office was the need to increase citizen participation in public policies, and to improve the skills of MPs to advocate on behalf of citizens. The Office managed to fill the "missing link" in CSO efforts to address Parliament and present their positions and opinions. Before the Office was established, the Memorandum of Understanding was signed between MOST and Parliament. The Office maintained a website with laws and amendments adopted by the Parliament, the Constitutional Court's decisions, the international treaties, as well as other materials pertinent to the legislative processes and CSO advocacy. In addition, it conducted a research to support the policy and law making processes.²⁰ According to MOST, the office organized 305 meetings, 82 at the request of citizens, 173 at the request of CSOs, 16 at the request of members of Parliament and 9 at the request of Parliament's departments. In 2009 MOST transformed the Office into an "Advocacy centre" which is operational and assists CSOs in their lobbying and advocacy efforts.²¹

4. Advisory bodies for civil society

The research showed that advisory bodies may be established in order to focus on cross-sector issues affecting all CSOs (also known as councils for civil society development) or only on a sub-sectorial issue affecting one area of CSO activities. The Report presents them accordingly.

4.1. Councils for civil society development

Establishment

In the Western Balkan region government councils on civil society exist in **Croatia**²² and **Montenegro**. The first Council, namely the Council for Civil Society Development, was set up in Croatia in 2002. The Montenegrin Council for Cooperation between Government and Non-governmental organizations was established in 2010, and became fully operational in 2011.

20 Katerina Hadzi-Miceva Evans: European practices on implementation of policy documents and liaison offices that support civil society development. ECNL and ICNL, 2009.

21 <http://www.most.org.mk/index.php/mk/realized-projects/office-for-contact-between-ngos-and-the-parliament-programsprojects-36> and <http://advocacy.org.mk/>

22 Currently a process of evaluation of the work of the council is undergoing which may result in changes of the functioning of this body.

The Croatian Council was established based on the need to provide a legitimate platform for regular government - civil society interaction in shaping public policies. In Montenegro, the Government's Strategy for Cooperation with NGOs envisaged the establishment of the Council *inter alia* to monitor the implementation of the Strategy and the ensuing Action Plan.

Roles and responsibilities

Councils serve as an **advisory body to the Government**. They don't have veto right over government's decisions but can initiate different discussions important for civil society development. Their main aim is to improve the legal, financial and institutional conditions for the sustainable development of civil society and to strengthen the role of CSOs as active participants of the national policy-making processes. More specifically, the responsibilities of the Councils are as follows:

1) **Monitoring and analysis of public policies referring to or affecting civil society development and cross sector cooperation.**

In Montenegro, the Council considers interim and annual reports of state administration bodies on cooperation with CSOs and on allocated funds for the projects of CSOs and reports to the Government on the extent of achieved cooperation. In addition, every year it is expected to propose new areas for financing CSOs. The Croatian Council collaborates in: 1) planning priorities for the national programmes for public funding of programmes and projects of CSOs along with the analysis of annual reports of the ministries and offices of the Government of the Republic of Croatia about projects and programmes financed; and also in 2) monitoring of the implementation of the National Strategy, in development of which Council members also take part as members of working group.

2) **Playing a role in legislation impacting on civil society.**

The Council in Montenegro considered all key documents in its first four sessions held in the first half of 2011, including the Draft Law on NGOs, the draft Decree on distribution of revenues from games of chance, draft acts on cooperation between state administration bodies and NGOs, draft act on public debate in law drafting. Similar activities were undertaken by the Croatian Council.

3) **Encouraging cooperation between the Government and state administration bodies with CSOs.**

In Croatia the Council also participated in programming and setting priorities for the use of pre-accession programmes and EU funds, open for Croatia, based on an efficient system of consultation with the civil society organizations.

Composition

Since the councils are considered as cross-sector bodies they consist of representatives from the state bodies and the CSOs. In both countries the CSO members are representing different sectors of civil society while the representatives of the state bodies are delegated by different ministries.

The Croatian Council has 29 members out of which 14 representatives of government bodies, 15 representatives of CSOs (12 representatives of citizens associations, one representative of trade unions (nominated by the coordination of trade union federations), one representative of employers' associations (nominated by the Croatian Union of Employers) as well as 1 representative of foundations). The members of the Council are appointed for a three years period. The Montenegrin Council consists of 13 representatives of the Ministries and 12 representatives of non-governmental organizations.

The legitimacy of the CSO members of the Councils was achievable by allowing CSOs themselves to elect the CSO members through a transparent and democratic procedure on the basis of a public call. Besides, the elected CSOs are representing different sectors of civil society. In Croatia CSOs are entitled to nominate and then vote for the candidates from 12 different sectors of activities, including promotion and protection of human rights; protection of health and improvement of the quality of life; disabled persons care; child care; protection of environment and sustainable development; social welfare; youth activism; democracy, Rule of Law and Education; culture; organizations involved in homeland and veteran care; sports; technical culture.²³

Operation

The meetings of the Croatian Council take place at least every three months (or if necessary more regularly) while in Montenegro meetings of the Council are held once in a month. In Montenegro, the Council members receive compensation for their work on the basis of the Government's decision. Contrarily, the members of the Croatian Council do not receive remuneration for their work.

Both in case of Croatia and Montenegro the logistic and administrative work is provided to the Council by the Office for Cooperation with NGOs. In addition, both Councils have to submit an annual report on their activities to the Government.

4.2. Other advisory bodies focusing on specific areas or issues

In several countries there are other cross sector bodies which are serving as consultative and advisory bodies on specific issues, including the protection of child rights, human rights, human trafficking, disabilities, volunteering, corruption and European integration. Some of the bodies undertake vivid and fruitful dialogue between the stakeholders while others are operating less effectively.

Good examples can be found in Croatia where the representatives of CSOs are involved as members in more than 100 advisory cross-sector bodies (committees, standing working groups), involving more than 800 representatives of various organized interests in public policy making in various sectors. Both former Yugoslav Republic of **Macedonia** and **Croatia** have a *National Board for the Development of Volunteerism* which implements measures and activities with the purpose to promote and further develop volunteerism.

In **Albania**, the *National Council for the Protection of Children Rights* was recently established by the Government and the BKTF coalition (All United for Child Care and Protection) was invited to have a seat. In addition, civil society is represented at the *National Referral Mechanism for the Enhanced Identification and Assistance to Victims of Human Trafficking* which is considered as a good example for cooperation.

Similarly, there is an *Anti-trafficking Inter Ministerial Group* in **Kosovo** which was established by the Prime Minister Office in 2005 and consists of both governmental representatives and the representatives of 2 local CSOs. In addition, the Coalition of Disability Organizations initiated the establishment of the *National Council of People with Disabilities* which consists of the Prime Minister's Office, Ministers, Office on Good Governance and the representatives of national organizations of people with disabilities. The Council is meant to serve as a consultative and advisory body to

²³ More information on the nomination and election procedure: Emina Nuredinovska-Katerina Hadzi-Miceva Evans: Criteria and procedures for selection of civil society organizations in cross-sector bodies. Skopje, 2011.

the Government and the Assembly of Kosovo on disability matters, aiming to include disability issues in all government's legislative initiatives. However, the greatest achievement was the actual establishment of the Council and no concrete results have been achieved so far. Most recently, two national councils – the National Council against corruption and the National Council on European Integration- were established in 2011 with the aim to foster a broad consensus on the issues of national priority in Kosovo. The Councils are operating under the auspices of the President with the broad range of stakeholders, including prominent CSOs. Nevertheless, the influence of the CSOs and the overall influence of these Councils are rather limited.²⁴

In **Turkey**, the Ministry of EU Affairs hold annual meetings with CSOs to consult on EU accession process at national level and relevant CSOs are included in every *Sectoral Monitoring Committee* that monitors and assesses the efforts in the EU accession process. At local level; the EU Offices under Local Governorships in 81 provinces established advisory councils “*EU Advisory and Steering Committees*” bringing together civil society representatives and public authorities to enhance the efforts for EU accession. These mark a unique structured gathering of CSOs and public authorities established with a by-law of a ministry.

As a most recent example, the *Turkish Human Rights Board*²⁵ was established in 2012 under the Prime Ministry, with the mandate to promote human rights, monitor and evaluate implementation of legal framework, receive complaints and initiate necessary procedures. The Human Rights Board, with its governing organ the Human Rights Council, foresees two presidents and total of 11 members. Nine of the members can be proposed by CSOs and be selected from human rights activists and from those who have experience in human rights issues will be appointed by relevant public authorities. These nine members will select the two presidents of the Council. One of the tasks of the Council is to hold regular consultation meetings with CSOs and public authorities on three months bases; to present its activities and monitoring assessment to Parliamentary Commission for Human Rights on annual bases.

5. Public foundations (agencies) for civil society development

Beginning in the late 1990s²⁶ when foreign funding was significantly reduced and other sources of financing (especially private support and income from economic activity) were still insufficient, governments realized that the financial sustainability of the civil society sector was in jeopardy. As a result, governments established funds to support the development of civil society and build the capacity of CSOs through institutional and program support. In the researched region so far 2 countries set up a separate body which distributes funding to strengthen CSOs institutionally - **Croatia** and **Albania**.

Establishment

The **National Foundation for Civil Society Development** (National Foundation) was established with the adoption of the Act on the National Foundation for Civil Society Development on October 16, 2003 and it plays a crucial role in implementing a supportive funding framework and ensuring development of the sector. It is considered the most innovative and successful model in the CEE

24 Country report: Kosovo prepared by the Kosovar Civil Society Foundation for the regional civil society conference: FOR EUROPE OF THE WESTERN BALKANS, 26-28 September 2012, Zadar, Croatia

25 <http://www.resmigazete.gov.tr/eskiler/2012/06/20120630-2.htm>

26 This section considers outcomes from the “Comparative Analysis of Civil Society Foundations and Funds”, ECNL and ICNL, 2012.

Region and was built upon the years invested in the development of sound cooperation with the civil sector led by the Government Office for Cooperation with Associations and the Council for the Development of the Civil Society. The National Foundation contributes to the creation of policy concerning the sector by determining the priority areas and allocating funding which helps building the capacity of CSOs and supports the implementation of CSO activities. Since the establishment of the National Foundation four regional foundations were also established as the grant-making partners of the National Foundation.²⁷ The regional foundations significantly contributed to the diversification of funding and initiated a re-granting model.

The **Agency for Support of Civil Society** (Agency) was set up six years later in Albania. At the time of establishment the financial sustainability of the Albanian civil sector was jeopardized by the withdrawal of traditional donors supporting the civil society sector over the last 15 years; most of the CSOs struggled to raise the necessary financial resources to fulfil their mission and became even more vulnerable with the withdrawal of the international donors. In recognition of this situation and the fact that state support was not sufficient to meet the needs of the CSOs, the Government and CSO representatives initiated the Agency for Support of Civil Society. The establishment of the Agency was also in full compliance with the recommendations of the Copenhagen Criteria which considers the collaboration between governments and civil society as an important prerequisite of the accession process.

Sources of funding

The Croatian National Foundation is a public foundation, financed mainly from the state budget and lottery proceeds²⁸; over the past eight years these income sources represented around 90-95% of the total income of the Foundation. Besides, it has income from private donations, economic activities, its assets management, and contributions from international institutions.

The Albanian Agency is a central budgetary public entity and its main source of funding is provided for in a separate line in the Annual State Budget. In order to secure the sustainability of the Agency, the Law expressly stipulates that the annual funding secured from the State Budget cannot be smaller than that of the previous year.

Composition

The two main bodies of the Croatian National Foundation are the Management Board and the Director. The Management Board consists of the nine members out of which four represent state administration bodies (more specifically, ministries dealing with the issues of education, finance

27 Istrian County: Foundation for Partnership and Civil Society Development, <http://www.zaklada.civilnodrustvo-istra.hr/index.php?id=68>; East Croatia: Foundation Slagalica, <http://www.zaklada-slagalica.hr/eng/>; Central Croatia: Foundation Zamah, <http://www.zamah.hr/>; South Croatia: Foundation Kajo Dacic, <http://zaklada-dadic.hr/>

28 According to Law on Games of Chance and Competitions which was adopted in 2002, 50% of proceeds from games of chance are allocated for CSO programs, according to the criteria set out in a decree issued by the Government each year. Out of this 50%, 14.10% is allocated for the development of civil society, the majority of which is distributed via the Foundation. The rest of the money is distributed between different ministries to support sports, the needs of people with disabilities, combating drug use, social and humanitarian activities, culture, technical culture, extra-institutional learning, and child and youth development. In this way, the proceeds from lotteries are a constant and predictable income for the Foundation.

and European affairs)²⁹, five represents organizations for civil society development and 1 represents local and regional self-government. The members of the Management Board are appointed by the Government for four years with the possibility of re-election. The Director of the Foundation is appointed by the Management Board for four years and may be re-elected. The Foundation is supported by three departments which are responsible for day to day activities in the following fields: grants and development of programs; international cooperation and communication; and finance, internal audit and service manager.

The Albanian Agency is led by the Supervisory Board which approves the action plans, the detailed rules about the conditions and procedures for the distribution of funds, the annual budget and reports to the national Council of Ministers on the activity of the Agency. The Supervisory Board consists of nine members elected for a period of four years: five members of the Supervisory Board represent the CSOs while four members represent institutions of the central public administration.³⁰ The Executive Director directs the activity and the administration of the Agency and represents the Agency towards third parties. Apart from the Supervisory Board and the Executive Director, the Agency has 12 employees. The Agency consists of three departments: two directorates- the Directorate of Strategic Grants and Regional Development and the Directorate of Projects Development, International Cooperation and Communication- and the Sector of Finance and Internal Audit.

6. Policy documents supporting civil society

Policy documents which aim to support the development of civil society and foster cooperation between the state and CSOs express the perceptions and visions of the sector, highlight the role of CSOs in the society, outline the framework and the principles of cooperation and set up the grounds and directions for future partnership and/or development of the sector. Specifically, they highlight the results that they aspire to accomplish, list specific measures and activities that need to be undertaken, include indicators to facilitate monitoring of progress and assign responsibilities and timeline to specific bodies of the state administration to ensure that the documents will be implemented and aims achieved.

The policy documents may take different form depending on the content and goals they want to achieve. This diversity is important as these policy documents should reflect the particular local circumstances, drives, ambitions of the parties, and most importantly the specific vision of the civil society and the cooperation issues.

Policy documents in the European countries are usually the result of mutual efforts and negotiations between the two sides. As in other European countries, these documents in the Western Balkans appear as:

- **Bilateral documents** or also known as agreements or compacts are policy documents between a state body and representatives of the civil society which outline the goals and principles of cooperation and the responsibilities for both of the parties. Bilateral agreements are signed by both sides and may be formally adopted or not. They may deal with issues affecting the whole sector or part of the sector.

²⁹ Strategic Action Plan for 2008-2011.

³⁰ The representatives of the institutions are selected by the Council of Ministers from among the institutions that have greatest interaction with NGOs.

Such document exists in: **Bosnia and Herzegovina** (the Compact between the Council of Ministers of BiH and Civil Society), **Croatia** (Program of Cooperation between the Government and the Non-Government, Non-For-Profit Sector in the Republic Of Croatia), **Montenegro** (the Memorandum of Collaboration between Parliament of Montenegro and CSOs in the field of democratisation and human rights), and **Kosovo** (2007 Memorandum of Cooperation). What is common to all those documents is that they primarily set out general values and principles of collaboration which the parties adhere to, outlining areas where further action need to be undertaken by both parties. In **Serbia**, notable examples include: Serbia (the Memorandum of Collaboration between the Government's Office for European Integration and CSOs, the Memorandum of Understanding between the Ministry of Human and Minority Rights and 150 CSOs; Memorandum of Collaboration between Ministry of Environment and Spatial Planning and 120 CSOs, Programme of cooperation with civil society organisations in the area of development assistance planning, in particular programming and monitoring of the Instrument of pre-accession assistance, 2011).

- **Unilateral documents** or also known as strategies, concepts, are documents adopted by the particular state body which express commitments by one side only. These documents are also usually prepared with extensive input from civil society organizations.

The first documents for collaboration were adopted in 2007 in former Yugoslav Republic of **Macedonia** and **Croatia**, and most recently these countries adopted the second documents: the Strategy for Cooperation of the Government with the Civil Sector (2012-2017) in Macedonia and the National Strategy for the Creation of an enabling Environment for Civil Society Development (2012-2016) in Croatia. The Government's Strategy for Cooperation with Non-Governmental organizations in **Montenegro** was adopted in 2009 and a new strategy is underway.

The Government of **Kosovo** has included the drafting of the Strategy for Cooperation with Civil Society on its priority list as well. The draft of the Strategy is currently open for comments and suggestions via e-consultation. The official process was initiated by the Secretary General of the Office of the Prime Minister in September 2011 and it is planned to be approved in autumn 2012. The draft document is based on the Memorandum of Cooperation signed by the Government and the civil society in November 2007 which was the first formal document that sets out mutual commitment to institutional cooperation and genuine partnership. The CiviKos Platform is heavily involved in process of coordinating the drafting of the document and ensuring wide consultation with the relevant stakeholders.

These documents outline the principles for the cooperation and address challenges that need to be addressed in various areas of the cooperation and CSO functioning such as: the institutional framework for cooperation, legal framework for civil society development, development of participatory democracy, strengthening the role of the CSOs in the social and economic development, positioning CSOs in international initiatives. As a norm, policy documents are usually accompanied with an Action Plan/Operational Implementation Plan for the implementation of the policy document.

Development of the policy documents

In the course of developing the policy documents the following factors and conditions are usually considered: the current needs of the society that the cooperation can address; the current practices of collaboration; the state of the development of CSOs and areas which can help increase their role as vehicle for citizens' voices and interests and a partner in satisfying societal needs; the accomplished results since the adoption of the previous strategy (if such exists).

It is essentially important to develop the policy document in a highly participatory manner to ensure that the document is addressing real needs and to create ownership among the parties. The new **Macedonian Strategy** follows the commitments in the National Strategy for Integration of the Republic of Macedonia in the European Union and is in line with the European initiatives and trends of establishing good practices for institutionalizing and fostering cross-sector collaboration. The documents were developed with CSO and line-ministries participation in cross-sector working groups, and are based on input from a truly participatory process which included online consultations, working meetings, public discussions and tailored consultancy. In **Croatia** the recent National Strategy was developed by a working group comprising of representatives of ministries and CSOs. For the purpose of informing, consulting and encouraging the participation of civil society and interested public in the development of the National Strategy several public debates were organized, starting with the CSO's Days 2011. During these days, the participants started developing proposals for the vision of the civil society development and there was a public debate on what would be the starting points for the development of the new Strategy. It was agreed on this debate to set up a working group with representatives of CSOs, state administration, academia, business sector, and local self-governments responsible for drafting the new Strategy. The draft developed by the group was also open for broader consultations with all interested stakeholders at several events.

In **Montenegro** the process was led by a NGO Coalition established in 2006 by organizations from all fields of activities and focused on establishing a better dialogue and cooperation between the Government and the organizations. In a participatory process involving more than 400 organizations, it produced its own version of the Government's Strategy for Cooperation with NGOs in 2006, which envisaged all institutional mechanisms of cooperation that are now in place, and which was subsequently fully integrated into the 2009 Government's Strategy for Cooperation.³¹

Monitoring the implementation of the policy document

Implementation of policy documents is perhaps the most challenging aspect of the whole process. The legal nature of the document is important for implementation; if the document is binding it would generally have stronger guarantees for enforcement. However, the examples of the countries, especially Croatia, show that more important factors are the political commitment, participation and buy-in by the sector and the departments which will implement it.³² In addition, the existence of the advisory bodies in Croatia and Montenegro has also supported implementation. Following on this learning, the Macedonian Government also committed itself to establish an inter-sectorial consultative body which will monitor the implementation of the Strategy and will have a broader mandate to generate possibilities for further strengthening and promotion of the collaboration.

31 TACSO Needs Assessment Report, Montenegro, Podgorica, 2011

32 Katerina Hadzi-Miceva Evans: European Practices on implementation of policy documents and liaison offices that support civil society development. ECNL and ICNL, 2009.

IV. A RESEARCH ON INSTITUTIONAL COOPERATION BETWEEN PUBLIC AUTHORITIES AND CSOs: CHALLENGES AND ACCOMPLISHMENTS

1. Background information

As part of the Terms of Reference (*supra*, Chapter I.), ECNL conducted a research which took a closer look at how the institutional mechanisms of cooperation between public institutions (government/parliament) and CSOs (*institutional mechanisms*) and policy documents on civil society (*policy documents*) have been developed and implemented in targeted countries. The underlying goal of the research was to gather information necessary to identify critical issues, trends and challenges pertinent to the institutional mechanisms of cooperation and policy documents on civil society, rather than to provide a detailed country-by-country analyses in this respect. However, the research did gather a valuable body of information which can be utilized if such an analyses is preceded in a foreseeable future. Consistent with its goal, the research was qualitative in nature in that it targeted only a selected group of key stakeholders, government officials and CSOs representatives alike, in the countries concerned. In addition, staff of the delegations of the European Commission also provided valuable inputs to the research. The research focused on the state-level mechanisms of cooperation and policy documents, and was based on the questionnaire which ECNL developed with the feedback provided by the TACSO Regional Office and TACSO Resident Advisers (*infra*, Annex II). TACSO Resident Advisers (RAs) played an instrumental role in selecting stakeholders and facilitating their filling out of the questionnaires.

To ensure to the extent possible that information gathered are not biased, which is an inherent risk with a research involving government officials, in particular, respondents had an option to remain anonymous. However, the overwhelming majority of respondents chose to identify themselves. In addition, they were primarily selected as knowledgeable individuals, rather than representatives of their respective institutions and organizations. However, a number of respondents participated in the research as representatives of their respective institutions/organizations, which is duly acknowledged in Annex II of the Report. To ensure participatory process, TACSO RAs provided comments on the earlier versions of the Report, including Chapter IV. In addition, they circulated the revised draft Report among respondents to the questionnaire, to get their feedback as to how their responses were incorporated in the Report.

In order to process the information gathered in the appropriate context, ECNL developed a matrix of consolidated responses for each of the country concerned, which was closely patterned to the questionnaire. The information gathered were double-checked with RA for their accuracy, and therefore the information which turned out to be wrong on facts was not part of the proceeding analyses. Legitimate differences among respondents, however, as to how those mechanisms operate in practice and what are their perceived successes and failures are duly taken into an account.

2. Results of the research

2.1. Institutional mechanisms and policy documents in place

As detailed in Chapter III, all countries concerned, save for Kosovo have developed some general institutional mechanisms of cooperation or policy documents on civil society, however, efforts are also on the way in Kosovo to move towards the establishment of a more structural dialogue and mechanism of cooperation with CSOs (*supra*, Chapter III).

As for the process of how those mechanisms came about, **there has not been a single, universal approach**; both approaches, from top-down and bottom-up are reported. Interestingly, why - at least in theory - bottom-up approach is preferred in order to ensure wider recognition of all stakeholders and proper ownership, the top-down approach is not necessarily associated with the lack of ownership and recognition. For example, **Croatia**, which in many ways has played a pioneering and inspirational role in developing the institutional mechanisms of cooperation in the Southern Europe (*supra*, Chapter III), provides an example of a largely top-down approach with respect to the establishment of the Government Office for Cooperation with NGOs (Government Office) and the National Foundation for Civil Society (National Foundation). However, it is not reported to have impacted adversely on the perception of those institutions as genuine “allies” of civil society. One possible explanation for that, at least in the case of the National Foundation, is that while the idea to establish the Foundation had been spawned by the (then) Head of the Government Office, it was well received among CSOs, which were fully engaged in a successful campaign leading up to the establishment of the Foundation. On the other side, **Bosnia and Herzegovina** is an example of a country in which top-down approach has yielded negative results, in that CSOs to a large extent do not recognize the current institutional mechanism in place (the Department for Civil Society with the Ministry of Justice) as a genuine partner for cooperation.³³ **Montenegro** is primer of the successful bottom-up approach in that all institutional mechanisms of cooperation in place were developed at the initiative of CSOs (*supra*, Chapter III). The establishment of the Government of Serbia Office of Cooperation with Civil Society (Government Office) is another successful example of a bottom-up approach.

Importantly, regardless of how those institutional mechanisms came about, to the extent they were involved in the development of policy documents on civil society (Croatia, former Yugoslav Republic of Macedonia, Montenegro) they pursued a participatory approach (*infra*, 2.2.).

2.2. Major achievements

The research revealed that **respondents recognize multiplied benefits** associated with institutional mechanisms of cooperation currently in place. Put in a logical frame, those benefits include: 1) educating government officials/Parliamentarians about the role of CSOs in a democratic society, as well as educating governments/Parliamentarians and CSOs about the opportunities the institutional mechanisms and policy documents present for civil society and citizen participation development; 2) creating a platform for structured dialogue of key stakeholders; 3) furthering CSO legal reforms; 4) fostering citizen participation in legislative processes; and, 5) increasing financial sustainability of CSOs.

³³ It is not clear from the responses received to what extent the generally negative attitude towards state institutions among certain categories of citizens in BiH has contributed to this negative perception.

Few respondents from Albania, BiH, Montenegro, and Serbia, respectively, could not identify any notable achievements of institutional mechanisms/policy documents in place. All respondents belonging to this group noted that the introduction of those mechanisms/policy documents presents a relatively nascent development and thus more time is needed for their impact to be felt. In addition, few pointed to poor capacity as a contributing factor to the lack of notable successes (Albania, BiH, Montenegro, *infra* 3).

1) Educational and awareness role. In all the countries concerned which have some institutional mechanisms of cooperation in place, the educational and raising awareness role of those mechanisms features as a common denominator in the responses received. This perception is shared across the board, among government officials and CSOs. For example, several respondents from former Yugoslav Republic of **Macedonia** noted that the establishment of the Unit for Cooperation with NGOs, despite on-going challenges, has nevertheless contributed to fostering partnership and building trust between the Government/Parliament and CSOs. A number of responses indicated that the educational and awareness role of institutional mechanisms in place pertains to government officials/parliamentarians, in particular. For example, a respondent from **Croatia** noted that: “all of the mechanisms are useful mechanisms for educating government officials and parliamentarians about the role of CSOs in a democratic society”. Similarly, a respondent from **BiH** noted that the institutional mechanism of cooperation at the state level (the Department for Civil Society with the Ministry of Justice) has broadened the horizons of government officials about the opportunities and the ensuing benefits of institutional cooperation with CSOs.

The educational role of the institutional mechanism in place features in lesser frequency in responses from **Albania**. Based on the responses received, this has to do with the fact that the overall focus of the Agency for the Support of Civil Society (Agency) has been the provision of financial support to CSOs through its grants scheme, despite the fact that its mandate, at least on paper, also includes facilitating citizen participation and inter-sectorial cooperation.³⁴ A number of respondents also argued that the mandate of the Agency is too narrowly defined to enable it to play an awareness role. The recently drafted Strategy of the Agency (2012-2015) might bring about the necessary changes in this respect.

“An important achievement (of the establishment of the Government’s Office for Cooperation with NGOs, our remark), not easy to precisely measure though, is increased awareness among stakeholders about the need for cooperation and less confrontational attitude between the public sector and civil society; however, it is still work in progress”.

-Respondent from Montenegro

2) Platform for ongoing dialogue. Respondents from a number of countries (Serbia, Montenegro, and Croatia) noted that institutional mechanisms of cooperation have created a platform for an on-going dialogue between public authorities and CSOs. This accomplishment features in particular frequency in the case of Croatia, whereas several respondents from Serbia and Montenegro noted that those platforms need yet to be fully utilized. Respondents from **Croatia** identified several mechanisms in place which either

³⁴ <http://www.amshc.gov.al/ligji.php.htm>

facilitated a dialogue (the Government Office, the National Foundation) - or created a platform for such a dialogue (the Government's Council for Civil Society). The frequencies of those responses in the case of Croatia have to do with the fact that the foregoing mechanisms of cooperation have been in place for some time (*supra*, Chapter III), which enabled those institutions to create conditions and develop instruments necessary for such a dialogue to take place. In addition, respondents praised leadership of those institutions for their vision and commitment, which were seen as instrumental in facilitating that dialogue.

"The activities of the Council have greatly contributed to the promotion of the concept of open and transparent governance. It does so by introducing a new dynamic into the policy-making processes in Croatia, thereby contributing to the quality of policy debates".

- Respondent from Croatia

- 3) **Furthering CSO legal reforms.** Respondents from the countries concerned, with the exception of BiH, provided evidence that *institutional mechanisms of cooperation* have contributed to furthering CSO law reforms (CSOs framework regulation, CSO tax regulation, public funding of CSO, citizen participation, etc). Respondents from **Albania** noted the role of the Agency in developing the Charter for Civil Society, a political document setting out a road map for CSOs legislative reforms, which was subsequently endorsed by the Government, but is still pending before Parliament. Respondents from **Croatia** pointed to the role of the Government Office and the Council for Civil Society, in particular, in creating an enabling legal and financial environment for CSOs; in fact there is virtually no piece of CSO legislation or other legal instruments (code of good practices) enacted in Croatia in which those institutions are not recognized to play a critical role. In former Yugoslav Republic of **Macedonia**, the Unit for Cooperation with NGOs was involved in several legislative initiatives and plays a secretarial role to the Commission in charge of granting the public benefit status to CSOs. Respondents from **Montenegro** pointed to the role of the Government Office for Cooperation with NGOs in drafting a 2011 NGO Law and pursuing other legal reforms pertinent to CSOs. Respondents from **Serbia** noted the role of the Government's Office in current efforts to create a more enabling legal environment for citizen participation in legislative processes.

As already noted, respondent from BiH did not recognize the role of the institutional mechanism in furthering CSO legal reforms. Although respondents did not further elaborate on this point, in case of BiH, this can be attributed to the complex constitutional structure of BiH; limited jurisdiction of the State; and, limited capacity of the Department for Civil Society.

The *role of the strategy for civil society* and other policy documents in furthering CSO legal reforms merits further consideration. In countries which have policy documents/strategies on civil society in place (Croatia, Macedonia, and Montenegro), respondents offered ample evidence that the enactment of those documents significantly impacted on CSO legal reforms. For example, respondents from **Croatia** credited the previous Strategy for Civil Society for the development of "*an enabling legal environment for CSOs and citizenship participation*". Similarly, respondents from former Yugoslav Republic of **Macedonia** credited the previous Strategy (2007-2011) for playing a critical role in the enactment of

the new Law on Associations and Foundations, the Law on Voluntary Work, and the code of good practices in distribution of public funds and also the code on participation others. In **Montenegro**, the 2009 Government's Strategy for Cooperation with NGOs was credited, among others, for the establishment of the Government's Council for Cooperation with NGOs in 2011. These findings are self-explanatory: the underpinning role of a strategy as a policy instrument, among others, is to outline issues which require legislative intervention, identify key stakeholders in that process, and set out a general time frame for those issues to be addressed, all of that are necessary ingredients for furthering legal reforms, in particular in case in which the enactment of a strategy is proceeded with specific action plan, which is now a norm in the Region.

Changes and improvements in the legal framework for CSOs largely occurred as a result of the Government's Strategy for Cooperation with Civil Society. If those were not identified therein as measures that needed to be taken, the legal framework for CSOs would not have been improved".

-Respondent from former Yugoslav Republic of Macedonia

- 4) **Fostering citizen participation.** Respondents from Croatia, Macedonia and Montenegro specifically recognized the positive impact of the institutional mechanisms on citizen participation in legislative processes. Respondents from Croatia noted the role of the Council for Civil Society in persuading the Government to embrace the principles of openness, transparency, participation and accountability, and the role of the Government's Office in ensuring citizen participation in drafting legislation impacting on CSOs. A respondent from former Yugoslav Republic of **Macedonia** noted that *"the Law on Voluntary Work was adopted in an exceptionally participatory process"*. Respondents from **Montenegro** pointed to the participatory process which led to the enactment of the new NGO Law of 2011 and the role of the Government's Office therein; this included preparing a report on critical issues in the previous NGO Law; facilitating the formation of inter-sectorial group which was commissioned to prepare a draft Law, and participating in public discussions on the draft Law in several cities.

Policy documents on civil society also impacted positively on citizen participation. Respondents from countries which have strategies in place, Croatia, Macedonia, and Montenegro, respectively, noted that the enactment of civil society strategies in those countries was preceded by public discussions, which allowed for CSOs meaningful participation in the process, and that draft strategies were prepared by inter-sectorial working groups, to ensure proper ownership.

"The Government Office has already engaged in efforts to create a more enabling legal environment for citizen participation in legislative processes".

-Respondent from Serbia

- 5) **Improving CSOs financial sustainability.** In a number of countries concerned, respondents specifically referred to a role of institutional mechanisms of cooperation in supporting financial sustainability of CSOs. In **Albania**, a number of respondents noted the positive role of the Agency in contributing to a greater financial sustainability of CSOs, by providing additional sources of funding for CSOs. One respondent pointed to a large number of CSOs benefiting from those funds, despite their modest size. However, while prevailing, this

perception is not universally shared. For example, one respondent stated that: *“the majority of community based CSO do not recognize the Agency as a mechanism of support of civil society. They rather perceive it as a mechanism of the government to provide funds to CSOs closely linked with the Government. The majority of local community CSOs do not even now that it exists as a structure”*. On the other hand, in **Croatia**, respondents agree that, in words of one of them, *“sustainable system of public financing of CSOs is perhaps the greatest accomplishments of the institutional mechanisms for cooperation in place”*. The National Foundation and its grant scheme is credited for this accomplishment, in particular. Respondents praised the Foundation for its participatory process in selecting priority issues; for its decentralized mechanism of grants distribution which better responds to the needs of local communities; and for providing institutional grants for local CSOs, which are otherwise hard to come by. In former Yugoslav Republic of **Macedonia**, as already noted, respondents credited the previous Strategy on Civil Society for facilitating the development of a more transparent mechanism of public funds distribution to CSOs (the enactment of the code on public grants distribution) and the role of the Government Unit for Cooperation with NGOs in the process of distribution. In **Montenegro**, which has a multiplied mechanisms of institutional cooperation in place (*supra*, Chapter III), none of those mechanisms were specifically credited for contributing to the financial sustainability of CSOs, which is largely due to the fact that there is a separate inter-sectorial body (Commission) in charge of distribution of lottery proceeds to CSOs. In **Serbia**, one respondent noted that the Government’s Office has played a role in efforts to create a more transparent mechanism of public funding of CSOs, although it is still work in progress.

“The Agency has definitely contributed to a greater financial sustainability of CSOs”.

-Respondent from Albania

2.3. Major challenges

Respondents identified several major challenges in ensuring the fair and consistent implementation of the institutional mechanisms of cooperation and policy documents. Put in a log frame, those challenges include: 1) the lack of political will; 2) the ill-conceived mandate and composition of the mechanisms in place; 3) the lack of capacity and resources; and, 4) focus on cooperation with large CSO and networks.

A respondent from **Kosovo** noted that *“advocating for having an institutional mechanism of cooperation in place would require as a pre-condition a more robust civil society”*. One respondent from **Turkey** neatly summarized a major challenge pertinent to the institutional mechanisms of cooperation there: *“the greatest challenge is the general lack of trust on both state/governmental officials and civil society activists. This lack of trust is fed by patronizing approach of state and government, taking advantage of civil society participation by state actors to pursue their own agenda whenever it occurs (such as ad hoc consultation meetings on specific issues or occasions), and/or confrontation-based relationship adopted by both sides”*. In **Serbia**, one respondent identified the need to ensure the ongoing flow of information and exchange of knowledge between the Government and CSOs, through both institutional and informal mechanisms, as a key challenge to ensure proper participation of CSOs in policy-making processes.

These challenges are discussed below.

“Civil society is still underdeveloped in terms of its influence in policy-making”.

- Respondent from Kosovo

- 1) **Lack of political will.** Respondents from all target countries, safe for Croatia, and particularly those from Albania, BiH, former Yugoslav Republic of Macedonia, and Montenegro, perceive the lack of political will as a challenge and risk in the implementation of the institutional mechanisms of cooperation in place. This can be attributed to several factors: a) frequent changes of governments/parliaments and inside governments which - in the environment of weak institutions lacking capacity and institutional memory - impact adversely on the previous commitments of the government/parliament towards civil society;³⁵ b) governments/parliaments still do not recognize fully the ensuing benefits of having those mechanisms in place; and 3) those mechanisms often time came about as a result of outside political pressure, rather than local ownership and therefore the commitment of public authorities in this respect is measured by and is dependent on the level of outside pressure exerted (*infra*, EU integration).

“Politicians still do not understand the concept of civil society and the ensuing benefits of cooperation with civil society”.

-Respondent from BiH

- 2) **Ill-conceived mandate and composition.** These challenges are identified in BiH, Montenegro and at a single instance in Croatia -- and have primarily to do with the place of those mechanisms in the overall structure of the government, rather than with its mandate. For example, respondents from **BiH** pointed to the fact that the Department for Civil Society is an integral part of the Ministry of Justice, rather than a distinct body with the Government, while a respondent from Montenegro noted that the Office for Cooperation is *“only a part of the General Secretariat of the Government, which is an impediment for its better functioning”, since its scope of work is incorporated into the overall responsibilities of the General Secretariat*”.
- 3) **Lack of capacity and resources.** These challenges feature prominently in all the countries concerned, except in Croatia. In **Albania**, respondents from civil society seem particularly concerned with this issue. One respondent noted that the Agency lacks *“both financial and human resources... and motivation to carry out its defined tasks and responsibilities”*. Another respondent noted that the lack of resources and capacity prevented the Agency from promoting good cooperation of CSO’s with state institutions, which is *“sustainable and in public interest”*. The lack of capacity is also blamed for the Agency not being successful in generating funds from other sources (foreign aid agencies and private donors). Respondents from **BiH** and **Montenegro**, noted the lack of capacity with the current mechanisms in place. This perception is shared by both government officials and CSOs and can be attributed to some extent to the place of those mechanisms in the structures of the respective governments (*supra*, 2). A respondent from **Montenegro** also noted the lack of capacity of the contact persons with the line ministries responsible for cooperation with CSOs. This was attributed to their stretched responsibilities and frequent turnaround within

35 Safe in the case of Montenegro, which has the longest serving Government in the Region.

the government. The lack of capacity and resources on the government's side was also noted with regard to the implementation of regulations governing citizen participation in legislative processes as well as the regulation governing cooperation between the state administration and CSOs. In **Croatia**, the lack of resources and capacity features sporadically in responses received, and only with regard to the Council for Civil Society.

A respondent from former Yugoslav Republic of **Macedonia** noted that the Unit for Collaboration with NGOs does not lack financial resources, however, its staffing is alleged to be problematic, due to its poor exposure to civil society issues: *"the people in the Unit are not from CSOs, they do not understand the sector, and are not being proactive"*.

As for the policy documents, in all the countries which have strategies for civil society in place (Croatia, former Yugoslav Republic of Macedonia, Montenegro), the lack of financial resources to support the accomplishments of goals set out in those strategies is perceived as a major challenge.

- 4) **Focus on cooperation with large CSOs.** This challenge features prominently in all the countries concerned, except for Serbia,³⁶ and Croatia, and in particular in Albania, BiH, and Montenegro. There is a general perception that large CSOs and their networks stand to benefit most from the institutional mechanisms of cooperation in place, while small endogenous CSOs are often times overlooked. As a result, there is the perceived danger of monopolizing channels of communication with the government by large CSOs, which impacts adversely on nurturing vibrant civil society. Significantly, this perception is shared among the government officials across the board, and to a somewhat lesser extent among CSOs. A government official from **BiH** noted that: *"a big problem pose a small core of big, elite, and well-resourced CSOs, which have pushed grass roots CSOs on the margin of this process"*. Similarly, a government official from **Montenegro** noted that: *"there is a perception that it is large CSOs operating from the capital which stand to benefit most from institutional mechanisms of cooperation in place, but this is our reality"*. This development can be attributed to twofold factors: institutional mechanisms are meant, among others, to offer a structured dialogue between public institutions and CSOs, which in itself encourages and facilitate CSOs networking; and, as noted above (*supra*, 3), those mechanisms often times lack resources and capacities to reach out to local communities.

"It is mainly the poor outreach of local CSO's and overly focus on cooperation with large and well resourced CSOs that operate in capital Tirana and/or in other district centers. It is the core challenge when it comes to the implementation of the institutional mechanism of cooperation and policy documents"

Respondent from Albania

36 This is also attributed to the fact that the Office for Cooperation became operational only in 2011 and is still in the inception phase of development.

2.4. The Impact of EU integration

In all the countries concerned the EU integration processes *have impacted positively on the development* of at least some institutional mechanisms of cooperation currently in place and policy documents. This perception is shared among government officials and CSOs across the board. As several respondents pointed out, this has largely to do with the Copenhagen criteria for EU membership, which include democracy and by an extension a vibrant civil society and citizen participation. The practice of the European Commission to monitor the state of civil society and citizen participation in candidate-countries when measuring quarterly progress of those countries towards full-membership is largely perceived to have provided critical incentive for the government/parliament action in this respect.

A respondent from **Albania** noted that: *"It is a known fact that CSO's in the EU play a very much proactive role in nurturing greater cooperation with the government. Having this objective as a milestone, and taking into consideration the aspirations to be a EU member, both government and CSO's in Albania seek to meet the set standard in this respect"*. Another respondent noted that, despite challenges, the process of EU integration played a very positive role in the establishment and operation of the Agency. Similarly, a respondent from **BiH** noted a positive impact of EU integration on increasing the capacity of the Department for Civil Society. A respondent from **Croatia** noted that EU integrations: *"contributed only modestly to the process, as the major mechanisms (the Office, the National Foundation, and the Council for Civil Society our remark) were established before the process of integration got up to speed"*. However, respondents noted the positive impact of EU integration on policy documents, specifically on the enactment of the National Strategy for Civil Society Development, *"which was a precondition for Croatia to use funds from the PHARE program"*. Respondents from Croatia also noted the role of EU integration in increasing the capacity of institutional mechanisms in place. One respondent stated that two "most important mechanisms" (the Government's Office and the National Foundation) are in the process of strengthening their capacities (hiring additional staff) as they will become part of the European Social Fund Operating Structure. A respondent from former Yugoslav Republic of **Macedonia** noted that in developing the institutional mechanism of cooperation *"everything had been done so far because of the "pressure" by the EU, not because the Government thinks it is important for the development of the country"*. A respondent from **Montenegro** noted that the EU integrations have resulted in the government being more open to civil society, since one of seven priorities set out in the European Commission's opinion on the application of Montenegro for a full membership in EU is the Government's cooperation with civil society. Respondents also noted that signing of the Memorandum on cooperation between the Montenegro Parliament and CSOs in the field of democratization and human rights was a result of the project funded by EU. Respondents from Serbia credited the EU integration for signing the memorandum of cooperation between the Government's Office for European Integration and CSOs, and for developing the mechanism of participation of CSOs umbrella organizations in the IPA programming, in particular.

The positive impact of EU integration on government/Parliament cooperation with CSOs is also felt in Kosovo and Turkey. Respondents from **Kosovo** noted that the EU integration process has influenced the Government to consider changing its approach towards civil society, moving from ad-hoc and non-transparent interaction with civil society to a more formal and structured cooperation. One respondent cited the EC Progress Report for Kosovo 2011, which states that *"there is no institutional platform that would allow for a regular dialogue between Parliament and civil society organizations"*, which resulted in Parliament being more open towards civil society

and proceeding with the establishment of a distinct unit for cooperation and dialogue with civil society. The first results of those efforts are expected this year, although no significant strides have been made thus far. Respondents from **Turkey** also credited EU for its efforts to encourage the government to open up to civil society; however, they also noted a fading influence of the EU in this respect.

“In the beginning, the EU had an important role, but now Turkey does not have the same motivation to be a member of the EU as it used to”.

-Respondent from Turkey

2.5. The impact on EU integration

There is evidence presented that ***institutional mechanisms of cooperation support the EU integration processes***. In **Albania** participants noted the role of the Agency, rather limited though, in educating citizens about the ensuing benefits of EU integrations and providing grants to projects which reflect the country’s priorities with regard to the EU integration. In Croatia the role of the institutional mechanisms in place is recognized with regard to raising CSO awareness and promoting policy dialogue on issues pertinent to the EU integration; programming and distributing EU funds for civil society; and, increasing capacities of CSOs to absorb those funds. In former Yugoslav Republic of **Macedonia**, the Unit for Collaboration with NGOs is noted to have a modest role in the EU integration processes. Part of the reason for that is that there is a separate body, the National Council on European Integration in the Parliament, described above. In **Montenegro**, the 2009 Government’s Strategy for Cooperation with NGOs envisages an increased role of CSOs in the process of EU integrations and identifies six capacity-building measures in this respect. A role of the Government’s Council for Cooperation with NGOs in the development of the Action Plan for Monitoring the Implementations of the EU Commission’s Recommendation is also noted. In **Serbia**, the memorandum of cooperation between the Office for European Integration and CSOs sets out an institutional framework for CSOs to be included in raising awareness and policy dialogue on the EU integration issues. In addition, the Government’s Office is also noted to have engaged in efforts to increase the capacity of CSOs to participate in a policy dialogue in this respect.

“The Government Office and the National Foundation have promoted a policy dialogue on issues pertinent to the EU integration”.

-Respondent from Croatia

2.6. The impact on cooperation between public authorities and CSOs

The research provides some evidence of the positive impact of the institutional mechanisms cooperation with regard to the openness of public authorities towards cooperation with CSOs. However, given that in most of the cases those mechanisms have been recently introduced, it will take some time before more conclusive evidence can be presented in this respect. This is reflected in a response from **Albania** which states that: *“given the short life and limited capacities of the Agency its impact as the main institutional mechanism is relatively positive”*. A respondent from

Croatia noted that: *“they (the institutional mechanisms, our note) have without the doubt impacted positively on cooperation between the government, line ministries and CSO”*. As a result, an increasing number of laws and policy documents are being developed in close cooperation with CSOs, whose representatives are more often included in government/parliament’s working groups and advisory bodies. A respondent from former Yugoslav Republic of **Macedonia** noted that thus far the Unit for Collaboration with NGOs has primarily focused on creating a better regulatory environment for CSOs, and that it has to focus more on facilitating cooperation between CSOs and line ministries. Several respondents from **Montenegro** noted that institutional mechanisms in place contributed to better education of the government’s official/Parliamentarians on the ensuing benefits of such cooperation and building trust between the government and civil society, however, this perception is not universally shared. Another respondent pointed to the positive impact on the regulation governing cooperation of the state administration and CSOs in that it significantly facilitated the transparent appointment of CSO representatives in the working groups commissioned by the government to draft laws and other policy instruments. This process has led to the *“increased quality of approved public policies and has facilitated the appointment of CSO representatives in the Government’s working group for the preparation of the accession talks with EU”*. Respondents from **Serbia** noted efforts of the Government’s Office for Cooperation in educating government officials on the ensuing benefits of citizen participation in public policy processes, which has already resulted in increased cooperation between the line ministries and CSOs.

On the other hand, the research also revealed a potentially adverse impact of institutional mechanisms on public authorities - CSOs cooperation, which is partially reflected in the foregoing response from former Yugoslav Republic of **Macedonia**: that the establishment of general institutional mechanism of cooperation may also serve as an excuse of line ministries not to engage in such cooperation.

“There is a concern that the establishment of institutional mechanism of cooperation might have an adverse impact on cooperation between the line ministries and CSOs”.

-Respondent from former Yugoslav Republic of Macedonia

2.7. Monitoring the Implementation

Several countries (Croatia, Macedonia and Montenegro) have tools to monitor the implementation of the institutional mechanisms and policy documents in place. Referring to the significance of those mechanisms, a respondent from **Albania** noted that *“due to the lack of monitoring tools there is no transparent process about the criteria of selection, the implementation of the projects and the overall activities of the Agency”*. In **Croatia**, the annual report of the National Foundation must be approved by Parliament, while the Government’s Office monitors the implementation of the Strategy for Civil Society and other pertinent policy documents (code on citizen participation, code on good practices in public financing of CSOs). Similarly, in former Yugoslav Republic of **Macedonia** the Unit for Collaboration with NGOs oversees the implementation of the Strategy for Civil Society. One respondent also noted several *“shadow reports”*, which are prepared by CSOs and which are pertinent to institutional mechanism and policy documents, but argued that *“the way forward is to include civil society representatives in independent cross-sectorial monitoring body”*. In **Montenegro**, the Government’s Council for Cooperation with NGOs is responsible for the implementation of the Strategy, as well as monitoring the implementation of other policy

documents pertinent to CSOs. Towards this end, it submits reports to the Government on the implementation of the Strategy, report on its own work as well as report on the collaboration of public institutions with CSOs.

“The Government’s Council for Cooperation with NGOs plays a key role in the implementation of the Strategy and other policy documents pertinent to CSOs”.

-Respondent from Montenegro

2.8. Steps to improve the mechanisms in place

Respondents identified a number of steps to improve the implementation of the current institutional mechanisms. In **Albania**, as far as CSO respondents are concerned, those are neatly summarized by a respondent who suggests that *“the mandate of the Agency needs to be improved, with a view to consolidate the capacities and outreach thereof.”* Several measures are suggested in this respect: 1) *Foster the mediation role of the Agency* with a view to increase cooperation of state institutions with CSOs; 2) *Assist the Agency to develop alternative mechanisms of cooperation at local level*; 3) *Improve the CSOs legislation* with a view to enable CSOs sustainability; 4) *The Agency’s board members should adopt a broader spectre of interaction with CSOs*; instead of simply providing grants they should also be involved in development of policy framework governing civil society; 5) *Increase capacities* of civil society at a macro level, and other related concepts (organizational development, strategic planning and management, fundraising and revenue generation, etc.); 6) *Be more accountable and responsible to the needs and constrains the civil society is facing* in the country related first of all with unfavourable legal and fiscal framework governing their activities; 7) *Expand the communication and interaction with other institution supporting the civil society* either at national or international level; 8) *Be acquainted and benefit from the best practices* of development of similar institutions operating in the Western Balkan countries. Another respondent, a government official, pointed to the efforts the Agency has already taken to increase its outreach to local communities i.e. the filed visits in all 12 districts to familiarize CSOs with application rules and procedures for the Agency’s grant scheme.

In **BiH** respondents noted the need to increase pressure on politicians and get them agree on the functional mechanism of cooperation. The need for continued education of key stakeholders on the ensuing benefits of such cooperation is also noted. Given significant frictions among major political parties on fundamental political issues, however, this is bound to be an uphill battle.

In **Croatia**, in addition to the need to invest more in on-going education of key stakeholders, respondents identified several other general steps which need to be undertaken, including investing more time and resources in building capacity of CSOs and their platforms, in order for them to play a meaningful role in cooperation, and developing more effective monitoring mechanisms, indicators and bench marks to monitor the implementation of those mechanisms. As for specific steps, one respondent noted the need for the Council for Civil Society to be more transparent and improve its channel of communication with CSOs.

In former Yugoslav Republic of **Macedonia**, respondents noted several steps that need to be taken: 1) upgrade the status of the Unit for Collaboration with NGOs within the Government’s structure, in order to gain more independence and preferably its own budget; 2) increase the outreach of the Unit outside the capital; 3) improve communication among civil servants responsible for the

implementation of the Strategy; 4) establish the Council for Civil Society as the Government's inter-sectorial advisory body, which will also be in charge with monitoring the implementation of the Strategy for civil society; 5) improve the capacity of key stakeholders, in order to ensure the full implementation of the institutional mechanisms in place.

In **Montenegro**, respondents also recognized several steps that need to be taken; some of them reflect the foregoing responses from Macedonia: 1) define the mandate of the Government's Office more precisely, upgrade its position within the Government's structure and allocate a separate budget for the Office; 2) increase capacity of the Government's officials (particularly those in senior positions) and CSOs to ensure proper implementation of the mechanisms in place; 3) ensure on-going monitoring and evaluation of the mechanisms in place, in order to determine what steps need to be taken (including the revision of their mandate and composition) in order to ensure their proper functioning; 4) ensure proper budget allocation of resources necessary to support operations of the Council for Civil Society.

In **Serbia**, respondents identified the following steps that need to be taken: 1) the enactment of the Government's strategy for civil society, which will inter alia identify issues pertinent to citizen participation which call for further legislative reforms, as well create an enabling legal and financial environment for CSOs; 2) building capacity of key stakeholders (government officials/Parliamentarians and CSOs) to fully utilize the mechanisms of cooperation

In **Kosovo**, respondents identified two steps pertinent to the establishment of the institutional mechanism of cooperation: 1) set up a Unit/Department with the Office of the Prime Minister for cooperation with CSOs. Setting up the Unit/Department with the Prime Minister office is deemed necessary because of its *"central role in overall coordination of law and policies"* which would ensure a smooth execution of coordination and monitoring role of the Unit/Department; and 2) invest in capacity building of key stakeholders.

In **Turkey**, participants pointed that there needs to be a public debate as to whether it would be justified to introduce a general mechanism of institutional cooperation with CSOs. In relation with that, they also noted the need for a legislation which would enable a larger role of CSOs in a decision making process.

"There needs to be a Unit/Department with the Office of the Prime Minister in charge of cooperation with CSOs, and more needs to be invested in the capacity of key stakeholders"

-Respondent from Kosovo

2.9. Examples of best practices

Respondents from several countries reported examples of best practices in development and implementation of the institutional mechanisms and policy documents in place. A respondent from **Croatia** pointed to the *National Foundation and its regional decentralization model of financing*, which is geared to providing support to small, grass root organizations and community foundations, as an example of best practices to follow. Respondents from former Yugoslav Republic of **Macedonia** noted the participatory process which led to the enactment of the *Strategy for Civil Society Development*, which ensured that CSOs are part of the working group responsible for drafting the Strategy and work together with responsible line-ministries on the text. The

Strategy was also discussed at the National Council on European Integration in the Parliament and was broadly consulted with CSOs. A respondent from **Montenegro** noted the *inclusion of CSOs representatives in several Government's working groups commissioned with preparation of negotiations of Montenegro's accession to the EU*; three CSO representatives are member of the working group responsible for Chapter 23 (judiciary and basic human rights) and two CSO representatives are included in the working group responsible for Chapter 24 of the negotiations (justice, freedom and security). A respondent from **Serbia** noted that during the annual revision of the so-called *Society Organization Sector Civil (SECO) mechanism* in April 2012 it was decided to continue with the development and strengthening of networks of CSOs around SECO, as well as to increase their capacity in the area of IPA planning and programming, in particular. A respondent from **Kosovo** noted that *amendments of the Law of Associations and the start of the process for drafting the cooperation strategy* between the Government and civil society might be distinguished as important first successful steps.

"The National Foundation is a good example by itself, but here I would like to stress the regional decentralization that Foundation has accomplished by creating partnership with regional coalitions of NGOs with the mission to provide support to grass-root CSOs and with local foundations on the mission of financial decentralization".

-Respondent from Croatia

V. RECOMMENDATIONS ON HOW TO FURTHER IMPROVE THE INSTITUTIONAL MECHANISMS FOR COLLABORATION/POLICY DOCUMENTS IN PLACE

Based on the outcome of the research conducted, the following general recommendations for key stakeholders (government officials, Parliamentarians, CSOs) can be extracted to improve the implementation of the current mechanisms/policy documents in place.

Recommendation 1: *Make sure that conditions necessary for the institutional mechanism of cooperation to be properly implemented are fulfilled.*

In order to be successful, the institutional mechanism of cooperation, and in particular the government's offices/units/departments for collaboration with CSOs, depend on the following factors, i.e., they must have:

- clear mandate;
- proper place in the government's/Parliament's structure;
- sufficient and preferably separate funding line;
- committed leadership; and
- competent staff.

Only with these conditions fulfilled, the mechanism can yield the desired results.

Recommendation 2: *Develop proper tools to monitor the implementation of institutional mechanisms.*

There is a need to develop tools to monitor the implementation of institutional mechanisms in place, in order to ensure the on-going assessment thereof, similar to those which already exist with regard to the implementation of the pertinent policy documents. It does not necessarily require the development of a new monitoring tool, but rather the utilization of those already in place, if any.

Recommendation 3: *Engage in capacity building.*

An on-going capacity building of key stakeholders (government officials, Parliamentarians, CSOs) is the key for the establishment and proper functioning of the institutional mechanisms for collaboration. Sharing pertinent experiences from the Region and beyond is also an important part of that process.

Recommendation 4: *Make sure institutional mechanisms do not overlap in their mandate and structure.*

Having more than one institutional mechanism in place may impact positively on civil society development, however, it may also pose a challenge and give rise to the issue of overlapping responsibilities and high transactional costs of implementation of those mechanisms.

Recommendation 5: *Make sure that government's responsibility for collaboration with CSOs does not end with the establishment of institutional mechanisms.*

Measures need to be taken to ensure that having an institutional mechanism of collaboration in place does not relinquish other government's officials or Parliament from their responsibilities for collaboration with CSOs. Indeed, putting an institutional mechanism of collaboration in place only creates conditions for a more sustained partnership with CSOs, however, it is essential that a mechanism is properly implemented and periodically reviewed, in order to allow for necessary adjustments thereof.

Recommendation 6: *Reach out to grass root CSOs.*

There is the perceived need for the institutional mechanisms of cooperation to reach out to small, community grass CSOs and focus more on increasing their capacity to engage in policy dialogue.

Recommendation 7: *Utilize the impact of EU integration.*

The EU integration provides a significant incentive for nurturing government-CSO collaboration in creating a platform for a broad social dialogue about the perceived benefits and challenges associated with the full membership in the EU. This requires the government to invest more in facilitating the dialogue with CSO as the "voice of the people" and support their networking.

Recommendation 8: *Ensure that policy documents for civil society development are realistic and evidence based.*

Given the competing government's priorities and stretched resources, there needs to be vigorous debate and realistic assessment as to the goals the policy documents pertinent to civil society seek to accomplish, to ensure they are realistically projected.

Recommendation 9: *One solution does not fit all.*

In countries which do not have institutional mechanisms in place, or have such mechanisms in rudimentary forms, there needs to be a vigorous debate across the board about the perceived benefits, challenges, risk and costs associated with having those mechanisms in place, before proceeding with any further steps in that direction. Country models need to be based on country needs assessment, and therefore it is incumbent on the local stakeholders to identify mechanisms which will best suit the local context.

SELECTED BIBLIOGRAPHY

- Bullain, Nilda, and Toftisova, Radost, "A Comparative Analysis of European Policies and Practices of NGO/Government Cooperation", *International Journal of Not-for-Profit Law*, Vol. 7, Issue 4, 2005, www.icnl.org/knowledge/ijnl/vol7iss4/art_1.htm
- Compact Voice, "How was the Compact written?"; www.compactvoice.org.uk/information/100835/100888/essential_information/#how.
- Golubovic Dragan, "Institutional Mechanisms for Cooperation between the Government and Civil Society: Comparative Experience and Recommendations for Serbia" (co-author, commissioned by the Government of Serbia, also available in Serbian), Belgrade, 2009
- GTZ: Strengthening Civil Society and Democratic Structures in Albania- Lessons Learnt. <http://www.gtz.de/en/dokumente/en-civil-society-democratic-structures-albania.pdf>
- Hadzi-Miceva, Katerina, "Legal and Institutional Mechanisms for Government-NGO Cooperation in Hungary, Estonia and Croatia", in "Organizacje pozarządowe. Dialog obywatelski. Polityka państwa," edited by Marek Rymśa, published by the Institute for Public Affairs, Poland.
- Hadzi-Miceva Evans Katerina, "European Practices on implementation of policy documents and liaison offices that support civil society development", ECNL/ ICNL, 2009
- Hartay Eszter, "Best Practices of Citizen Participation in the Western Balkan Countries and the EU Member States", ECNL and KCSF, 2011
- Hartay Eszter and Hadzi-Miceva-Evans Katerina, "A Comparative Analysis of Civil Society Foundations and Funds", ICNL / ECNL, 2012
- ICNL and ECNL, *Drafting and Implementing Volunteerism Laws and Policies – A Guidance Note*, commissioned by the United Nations Volunteers, 2011.
- ICNL and ECNL, *Laws and Practices that Affect Volunteers Since 2001*, commissioned by the United Nations Volunteers, 2009.
- Kosovar Civil Society Foundation, *Country Report: Kosovo*, prepared for the regional civil society conference: For Europe of the Western Balkans, 26-28 September 2012, Zadar, Croatia
- Nuredinovska Emina and Hadzi-Miceva Evans, Katerina, "Criteria and procedures for selection of civil society organizations in cross-sector bodies", OSCE, MCIC, ECNL, Skopje, 2011
- Toftisova Radost, "Implementation of NGO-Government Cooperation Policy Documents: Lessons Learned", *IJNL*, volume 8, issue 1; www.icnl.org/KNOWLEDGE/ijnl/vol8iss1/special_2.htm; accessed on October 15, 2009.
- Sterland Bill and Rizova Galina, "Civil Society Organisations' Capacities in the Western Balkans and Turkey: A comparative summary of the eight country CSO needs assessments", TACSO, 2010, http://www.tacso.org/doc/Report_CS0_Capacities.pdf
- TACSO *Needs Assessment Report, Albania*, 2011. http://tacso.org/doc/AL_NA_report.pdf
- TACSO *Needs Assessment Report, Bosnia and Herzegovina*, 2010. http://www.tacso.org/doc/02_nar_ba.pdf
- TACSO *Needs Assessment Report, Croatia*, 2011. http://www.tacso.org/doc/HR_NA_report.pdf; accessed on August 20, 2012.
- TACSO *Needs Assessment Report, Former Yugoslav Republic of Macedonia*, 2011.
- http://www.tacso.org/doc/mk_nar_sep2011.pdf
- TACSO *Needs Assessment Report, Kosovo*, 2011. http://tacso.org/doc/KO_NA_Report.pdf; accessed on August 20, 2012.

- TACSO *Needs Assessment Report, Montenegro*, 2011. http://www.tacso.org/doc/MN_NA_Report.pdf; accessed on August 20, 2012.
- TACSO *Needs Assessment Report, Serbia*, 2011. http://www.tacso.org/doc/RS_NA_Report.pdf; accessed on August 20, 2012.
- TACSO *Needs Assessment Report, Turkey*, 2011. http://www.tacso.org/doc/TR_NA_Report.pdf; accessed on August 20, 2012.
- UNDP 2008 “*Civic Engagement in Legislation Making in Turkey Project*” dealing with citizen participation in legislative processes: <http://www.undp.org.tr/Gozlem2.aspx?WebSayfaNo=1272>.
- USAID, 2011 CSO Sustainability Index for Central and Eastern Europe and Eurasia

Relevant documents

Albania

- Comprehensive Annual Report 2010- Organization and Functioning of the Agency for Support of Civil Society and Financing of Nongovernmental Organizations in Albania in 2010
- Action Plan Open Government Partnership Initiative April 2012

Bosnia and Herzegovina:

- The Compact between the Council of Ministers of Bosnia and Herzegovina and Civil Society

Croatia:

- Program of Cooperation between the Government and the Non-Government, Non-For-Profit Sector in the Republic Of Croatia
- National Strategy for the Creation of an enabling Environment for Civil Society Development (2012-2016)
- Action Plan for the Implementation of the Initiative Open Government Partnership in the Republic of Croatia for Period 2012-2013
- National Foundation for Civil Society Development, Strategic Action Plan for 2008-2011

Macedonia

- Strategy for Cooperation of the Government with the Civil Sector (2012-2017)
- Action Plan on Open Government Partnership 2012

Kosovo

- Memorandum of Cooperation between the Government of Kosovo and civil society (represented by CiviKos Platform), 2007

Montenegro

- Memorandum of Collaboration between Parliament of Montenegro and CSOs in the field of democratisation and human rights, 2011
- Government's Strategy for Cooperation with Non-Governmental Organizations (2009-2011)
- Open Government Partnership Montenegro Action Plan

Serbia

- Memorandum of Collaboration between the Government's Office for European Integration and CSOs, 2006
- Programme of cooperation with civil society organisations in the area of development assistance planning, in particular programming and monitoring of the Instrument of pre-accession assistance, 2011

Turkey

- Open Government Partnership Turkey National Action Plan

Useful links:

1. Department for Civil Society, Bosnia and Herzegovina:
<http://www.mpr.gov.ba/ministarstvo/organizacija/?id=436>
2. Government Office for Cooperation with NG Os in Croatia:
<http://www.uzuvrh.hr/defaulteng.aspx>
3. National Foundation for Civil Society Development in Croatia:
<http://zaklada.civilnodrustvo.hr>
4. Council for Civil Society Development in Croatia:
<http://www.uzuvrh.hr/stranica.aspx?pageID=38>
5. The Unit for Cooperation with Non-Governmental Organizations in Macedonia:
<http://nvosorabotka.gov.mk/>
6. Government of Montenegro, Office for cooperation with NGOs:
http://www.gsv.gov.me/sekretarijat/Kancelarija_za_saradnju_s_NVO
7. Council for Cooperation between Government and Non-governmental Organizations in Montenegro:
http://www.gov.me/naslovna/Savjetodavna_tijela/Savjet_za_saradnju_Vlade_Crne_Gore_i_nevladinih_or/
8. The Office for Cooperation with Civil Society in Serbia:
<http://civilnodrustvo.gov.rs/>
9. Office of Good Governance in Kosovo:
<http://www.humanrights-ks.org/>
10. Department of registration and Liaison with NGOs in Kosovo:
<http://map.rks-gov.net/sq/>
11. Agency for the Support of Civil Society in Albania:
<http://www.amshc.gov.al/web/>
12. Ministry of Interior of Turkey, Department of Associations:
<http://www.dernekler.gov.tr/>
13. General Directorate of Foundations, Turkey:
<http://www.vgm.gov.tr/sayfa.aspx?ld=78>
14. Communication from the Commission to the European Parliament and the Council: Enlargement Strategy And Main Challenges 2007-2008, COM(2007) 663:
http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/strategy_paper_en.pdf
15. Communication from the Commission to the European Parliament and the Council: Western Balkans: Enhancing the European perspective SEC (2008) 288.
http://trade.ec.europa.eu/doclib/docs/2008/november/tradoc_141300.pdf
16. Open Government Partnership:
<http://www.opengovpartnership.org/>

Annex I: Questionnaire sent to respondents

Introduction: The Meaning of Major Terms Used in the Questionnaire

The term: *institutional mechanism for collaboration between the government/parliament and civil society organizations (CSO)* refers to a distinct government/parliament's body or a designated person with the government/parliament whose primary mandate is to nurture and support collaboration between the government/parliament and civil society organizations (CSO), as defined by pertinent laws, regulations or decisions. This may include, but is not limited, the following: the government's office for collaboration with CSOs; the government's council on civil society, or similar cross-sector advisory bodies, contact persons with various line ministries, or with parliament; public foundations for civil society, etc.

The term: *informal mechanism of collaboration* refers to good practices of collaboration between the government/parliament and CSOs, which are not necessarily regulated by law or any other legal instruments, but were rather developed despite the lack of a particular legal instrument governing such collaboration. For example, regular consultations with environmental protection CSOs, which a competent ministry introduced, despite the fact that such consultations are not mandated or prescribed by law.

The term: *policy document* refers to the government's strategies for civil society or other strategies and policy documents (compact, memorandum of understanding, code of citizen participation in public policy, etc.) dealing with the enabling environment for CSOs.

- 1) **Is there any state-level institutional mechanism of collaboration between the government and CSOs or a policy document on civil society in your country?** If so, mark one of the following (please provide a link to the document or office, in English if possible):
 - a) the government's office for collaboration with CSOs; b) the government's council on civil society or other advisory bodies; c) contact person with the line ministries; d) contact person with Parliament; e) national foundation for civil society; f) state level compact on cooperation between the government/parliament and CSOs; g) state level strategy of cooperation between government/parliament and CSOs; h) strategy for civil society development; e) others (*please specify*).
- 2) **Please specify when those mechanisms and policy documents have been developed, and briefly explain the underlying reasons for the establishment of the mechanisms of collaboration, or developing the policy documents** (i.e. whether they have been developed at the initiative of government/parliament (from the top to bottom), at the initiative of civil society (from bottom to the top) etc).
- 3) **What was the process leading up to the establishment of the institutional mechanism and policy documents?** Was it a collaborative effort of the selection of CSO representatives in the process were used?. Please provide links or documents which may describe the process further.
- 4) **What are the perceived greatest achievements of the institutional mechanism of collaboration and policy documents thus far?** Please explain the effects in relation to the goal for creating the mechanism and the documents, and include 1-2 specific examples that we should include in the report as successful case. If there is more than one state level institutional mechanism in place, please provide responses and explanations separately.

- 5) **What are the perceived greatest challenges in the implementation of the institutional mechanism of collaboration and policy documents?**
- 6) **What role, if any, has the process of EU integration played in the establishment and operation of the institutional mechanism of collaboration in place?** Specifically, was the development of institutional mechanism of collaboration, policy documents, or otherwise a greater collaboration between the government/parliament and CSOs one of the conditions for a country to advance in the process of EU integration? *If there is more than one state level institutional mechanism in place, please provide responses separately.*
- 7) **What role has the institutional mechanism of collaboration has played in the EU integration?** For example, has it contributed to a greater debate and awareness of the stakeholders of the ensuring benefits of the EU membership and challenges in the process of becoming a member? Has it taken a role in processing the EU funds designated for civil society development, such as the case in some countries, and if so how it has impacted on the overall ability of the mechanism to carry its underlying goals? *Please explain and include 1-2 specific examples that we should include in the report as successful case. If there is more than one state level institutional mechanism in place, please provide responses separately.*
- 8) **Have the institutional mechanism of collaboration and policy documents impacted positively or adversely on cooperation between the government, parliament, line ministries and CSOs - or the impact has been insignificant?** *Please explain and include 1-2 specific examples that we should include in the report as successful case. If there is more than one state level institutional mechanism in place, please provide responses separately.*
- 9) **Is there a tool or model in place to monitor the implementation of the institutional mechanism of collaboration and policy documents?** If yes, please describe it in detail.
- 10) **What steps need to be undertaken to ensure a better functioning of the current institutional mechanism of collaboration and policy documents in place?** (For example, does it have to revise its mandate? Invest more in capacity building of the government officials/parliamentarians? Invest more in the capacity building of civil society?) *Please state all the reasons and explain them in more detail. If there is more than one state level institutional mechanism in place, please provide responses separately.*
- 11) **For countries which do not have a particular institutional mechanism of collaboration or policy documents in place that the civil society may have wanted to have, what are the main reasons why such a mechanism or policy documents have not been introduced?** Is it the resistance on the side of the government? Is it the weak civil society which has not been successful in advocating for establishing such a mechanism? Is it the lack of understanding of the ensuing benefits of such a mechanism among key stakeholders? Other reasons? *Please explain.*
- 12) **Are there any informal mechanism of collaboration (good practices) between the government/Parliament and CSOs, in the absence of the institutional mechanisms of collaboration, or for that matter in addition to the institutional mechanism of collaboration?** *If so, please describe its main features and challenges, as well as the steps to address them.*
- 13) **What would be the best example of successful cooperation as a result of any of institutional or informal mechanisms of collaboration in your country, which you feel should be shared with others?**

Annex II: Respondents to the questionnaire

Name and surname		Institution/organization
ALBANIA		
1	Genci Pasko	TACSO Albania Office
2	Olsi Dekovi	Council of Europe
3	Rudi Bobrati	Agency for the Support of Civil Society
4	Eleni Jajcari	Me the Woman Association
5	Entela Lako	UNDP Albania
6	Mihallaq Qirjo	REC- Regional Environmental Centre
7	Petrit Dobi	RASP - Rural Association Support Programme
8	Sinan Tafaj	Association of Blind People
9	Fabiola Laco	Useful to Albanian Women
10	Ermelinda Mahmutaj	EDEN Centre
11	Jonuz Kola	ALB -AID Kukes
12	Adriana Kasa	Tjeter vizion Elbasan
13	Eriza Yzeiraj	World Vision
14	Altin Hazizaj	CRCA - Children's Human Rights Centre of Albania
15	Gent Puto	European Centre
16	Edlira Cepani	Women Network
17	Danjela Collaku	Transparency International Albania
BOSNIA AND HERZEGOVINA		
1.	Ranka Ninkovic Papic	Fondacija za socijalno uključivanje u BiH
2.	Amra Seleskovic	VESTA
3.	Elizabeta Lukacevic	Biro za ljudska prava Tuzla
4.	Sanja Stanic	VIKTORIJA
5.	Miodrag Dakic	Centar za zivotnu sredinu
6.	Suvad Zahirovic	IC LOTOS
7.	Milena Savic	CIPP
8.	Niko Grubestic	Ministarstvo pravde BiH
9.	Dzemal Hodzic	Delagation EU to BiH
10.	Sadeta Skaljic	Minstarstvo pravde BiH

Name and surname		Institution/organization
CROATIA		
1	Nikša Alfrević	Faculty of Economics Split
2	Mario Bajkuša	Forum for Freedom in Education
3	Sandra Benčić	Center for Peace Studies
4	Milan Bijelić	Association MI
5	Daniela Jovanova Ivanković	Green action
6	Branka Kaselj	Community Foundation Slagalica
7	Željka Leljak Gracin	Green action
8	Slađana Novota	SMART - Association for Civil Society Development
9	Sandra Pernar	Government Office for Cooperation with NGOs
10	Lejla Šehić Relić	Volunteer Centre Osijek
11	Nikolina Svalina	Independent Expert
KOSOVO		
1		Kosovar Civil Society Foundation
2		HANDIKOS
3		CIVIKOS Platform PVPT Center
4		Democracy for Development
5		Humanitarian Law Center
6		Syri i Vizionit
7		Kosova Rehabilitation Centre for Torture Victims
8		Center for Policy and Advocacy
MACEDONIA		
1	Suzana Nikodijevic Filiposka	General Secretariat of the Government
2	Suncica Sazdovska	TACSO Macedonian Office
3	Emina Nuredinoska	Macedonian Center for International Cooperation
4	Boris Sarkovski	Foundation for Local Community Development, Stip
5	Igor Tasevski	Center for Civic Initiatives, Prilep
6	Zoran Ilieski	Youth Coalition SEGA
7	Tanja Hafner Ademi	Balkan Civil Society Development Network

Name and surname		Institution/organization
MONTENEGRO		
1	Aleksandar Perović	NGO Ozon
2	Aleksandra Gligorović	NGO Association for Democratic Prosperity
3	Danka Latković	Government Office for Cooperation with CSOs
4	Ljupka Kovačević	NGO Anima
5	Mikan Medenica	NGO Natura
6	Petar Djukanovic	NGO Center for Civic Education
7	Ana Novakovic	Centre for Development of Non-Governmental Organisations
8	Marina Vujačić	Association of Disabled Youth of Montenegro
9	Milan Šaranović	Center for Antidiscrimination „Ekvista”
10	Marko Sošić	Institute Alternative
SERBIA		
1.	Milena Banovic	Government Office for Cooperation with Civil Society
2.	Milica Markovic Tomic	Serbia European Integration Office
3.	Gorana Odanovic	CSO Belgrade centre for security policy
4.	Vesna Piperski Tucakov	Provincial secretary for interregional cooperation and local self government
5.	Dejan Milosevic	CSO Protecta
6.	Jasmina Mikovic	CSO Praxis
7.	Endre Balasa	Municipality of Backa Topola
8.	Ivan Grujic	CSO Educative centre
9.	Dubravka Velat	CSO Civic initiative
TURKEY		
1		Department of Associations, Ministry of Interior
2		EU and External Affairs Department, Ministry of Interior
3		Political Affairs and Project Management Departments, Ministry of EU Affairs
4		YASADER – Legislative Association
5		TIKA – Turkish Cooperation and Coordination Agency of Prime Ministry
6		Department for Political Affairs with Balkan Countries, Ministry of Foreign Affairs
7		Ministry of Family and Social Policy

	Name and surname	Institution/organization
8		Ministry of Development
9		Presidency for Turks Abroad and Related Communities, Prime Ministry
10	Basak Ersen	TUSEV
11	Neslihan Ozgunes Oktem	TACSO

