



EUROPEAN PRACTICES ON IMPLEMENTATION OF POLICY DOCUMENTS AND LIAISON OFFICES THAT SUPPORT CIVIL SOCIETY DEVELOPMENT

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I. INTRODUCTION

This research paper¹ on *European Practices on Implementation of Policy Documents and Liaison offices that Support Civil Society Development* is prepared to provide the background information and analysis of examples from countries in Europe concerning the development and implementation of policy documents with a focus on government bodies which are responsible for fostering cooperation and implementation of the policy documents. The research paper aims to support the implementation of the *Cabinet of Ministers of Ukraine Decree N.1035-p on approval of the Concept of Executive Authorities Promoting the Development of Civil Society*.

In response to the questions, the research is structured in four main chapters, dealing with (i) policy documents for support of civil society development (theory and examples from countries), (ii) the implementation issues and (iii) offices which support cooperation and implementation of policy documents and (iv) implementation plans as basis for enforcing the commitments in the policy documents and monitoring of the results. The paper relies on experience of European countries, but provides thorough examples of five in particular – Croatia, England, Estonia, France and Hungary to elaborate the issues in more detail.

The European Center for Not-for-Profit Law (ECNL) works to strengthen a supportive legal environment for civil society in Europe by developing expertise and building capacity on legal issues affecting civil society organizations and public participation. It has supported the development and implementation of policy documents and mechanisms for cooperation on national and local in several countries across Europe and the Commonwealth of Independent States (CIS).²

We hope that this paper will contribute to the efforts of the partners in Ukraine to implement the principles and undertakings of the *Concept of Executive Authorities Promoting the Development of the Civil Society*.

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² For more information on ECNL and its work please see: www.ecnl.org

II. THE BROADER CONTEXT: POLICY DOCUMENTS FOR SUPPORT OF CIVIL SOCIETY DEVELOPMENT

Policy documents which aim to support the development of civil society and foster cooperation between the state and NGOs express the perceptions and visions of the sector, highlight the role of NGOs 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.³

1. Types of Policy Documents

The diversity of models that can be found in the European countries show that 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. They may 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. Examples of such documents exist in Croatia, Estonia, England, Scotland and France. In England for example, the *Compact on Relations between Government and the Voluntary and Community Sector* is described as “*the agreement between government and the voluntary and community sector to improve their relationship for mutual advantage and community gain.*”⁴



³ For more information on the types, goals and purposes see: Bullain, N., and Toftisova, R., “A Comparative Analysis of European Policies and Practices of NGO/Government Cooperation” (2005), *International Journal of Not-for-Profit Law*, Vol. 7, Issue 4, www.icnl.org/knowledge/ijnl/vol7iss4/art_1.htm

⁴ Since it was agreed in 1998, the application of the Compact has been extended so the Compact now also applies to the wider third sector, and to non-departmental public bodies and local authorities www.thecompact.org.uk

⁵ The image is an illustration of the definition of the Compact in England as posted on www.thecompact.org.uk/information/100018/101234/keypartners



Bilateral documents are signed by both sides. For example, the Compact in England was agreed with the Government and was signed by the Prime Minister.⁶ In France the *State-Association Charter* was signed on July 1, 2001 by the Prime Minister on the one hand and the President of the Standing Conference of Associative Coordinations (CPCA) on the other. The *Memorandum of Understanding between NGOs and the Government of Latvia* was signed between the Primer Minister and representatives of several NGOs in 2005.

Bilateral documents may be formally adopted (e.g., *Estonian Civil Society Development Concept - EKAK*⁷ which was adopted by the Parliament) or not (England Compact, France Charter).

The elements of negotiation and partnership in development of these agreements are crucial as **the concept of a bilateral agreement presupposes a fully voluntary commitment of both parties to the process, the document and its implementation, and participation of both parties as equals in the process.**

In general, NGOs have played a leading role in those countries that have developed a compact. In England, the National Council for Voluntary Organisations (NCVO) was the prime mover behind the compact process, while in Estonia, the process was co-ordinated by the widest-recognised umbrella organisation of Estonian NGOs, the Network of Estonian Non-Profit Organisations (NENO).⁸ The idea of the French Charter was elaborated by Fonda, a French umbrella organization and think tank. It organized several events starting in the mid-90's which led the way to the charter; it conducted research on comparative experiences of developing compacts and the existing examples of documents which support cooperation in France. The draft of the Charter developed by Fonda, was then further developed by the Standing Conference of Associative Coordinations (CPCA)⁹, a national umbrella body.¹⁰

- **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. Examples of unilateral documents can be found for example in Hungary, Croatia, Slovenia, Denmark, Macedonia.

In general, policy documents can be adopted by different state bodies:

⁶ www.ncvo-vol.org.uk/advice-support/compact-advocacy/faqs

⁷ www.ngo.ee/1030

⁸ www.ngo.ee

⁹ Bourel, E., "*Historique et enjeux de la démarche de charte d'engagements réciproques*", *Seminaire d'Avignon, La Tribune de la Fonda*, 180-181, aout-octobre 2006, p.34-36.

¹⁰ The CPCA was created on February 21, 1992 and was established as an association on November 20, 1999. The CPCA currently unites 16 umbrella bodies, in total more than 500,000 local organizations. The CPCA works to promote the diversity of the sector and the development of the civil dialogue in France. As a national umbrella body, the CPCA deals with cross-sectoral issues of voluntary organizations, represents and promotes their common interests to the Public Authorities and the French institutions.
www.cPCA.asso.fr/?article41



- Parliament (Estonia, Moldova);
- Government (Hungary, Croatia, Macedonia, Sweden, England);
- Ministries (Denmark, England, Hungary Sweden);
- Municipality (Municipality of Budapest).

Policy documents may address the development of and cooperation by the government with the whole sector by addressing a range of issues (for example such policy documents have been adopted in Croatia, England, Estonia, Hungary, Latvia and Macedonia).¹¹ Further, they may aim to foster cooperation and support in a particular field, for example foreign aid development (e.g., Denmark¹²), social services (e.g., Sweden¹³), or cooperation in delivering public services of a certain Ministry (e.g., England).¹⁴ In Slovakia, there is no policy document which would address the issues of cooperation and civil society support on a national level, however, there are some individual agreements with sectoral ministries – for example the Social and Charitable Section of the Gremium of the Third Sector signed an agreement with the Ministry of Social Affairs, Labor and Family in 1999, the environmental platform of NGOs EcoForum signed an agreement with the Ministry of Environment in 1999.

2. The Process of Development and Implementation

The process of bringing to life a policy document and ensuring that it remains a vibrant document has several phases shown in the chart below. It is important to recognize each of these phases as the parties embark on the initiative, because each step will determine the next and will have an effect on the successful accomplishment of the goals of the document. For example, if the Government wants to adopt a unilateral strategy for development of the sector and does not include NGOs in its process of conceptualization, then many key important needs of the sector may be excluded. For example, in case the government wants to promote social service provision by NGOs but does not address the need to allocate funding or other type of support which would help strengthen the NGOs capacity for such activities, then NGOs may not be able to fully and successfully undertake such provision of services.

Issues of implementation of the document will have to be considered as early as the first stage and be part of discussion through all stages.

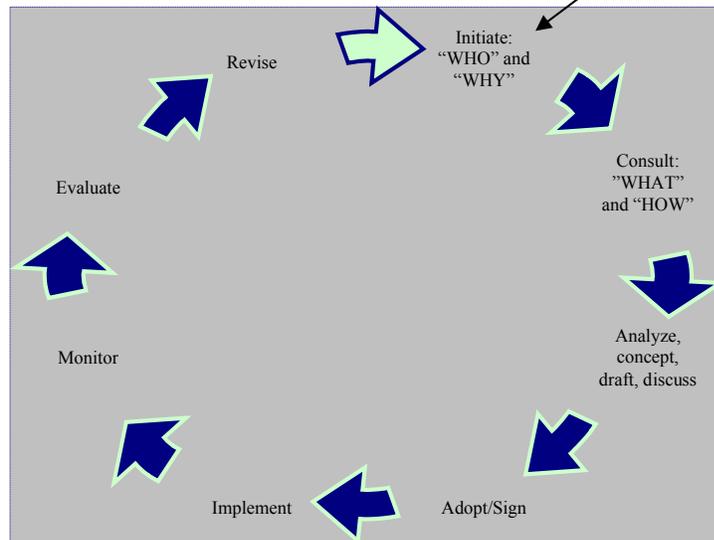
¹¹ A full list of policy documents identified through the research is available in Annex 1 which accompanies this paper.

¹² Strategy for Danish Support to Civil Society in Developing Countries - including Cooperation with the Danish NGOs; 2000; www.um.dk/en/servicemenu/publications/developmentpolicy/strategycivilsociety

¹³ Agreement between the Swedish Government, National Idea-based Organisations in the Social Sphere and the Swedish Associations of Local Authorities and Regions (see description in: Estonian Open Foundation and ECAS "A European Framework Agreement with Civil Society for a less Distant European, A Comparison of national Compacts", January 2009)

¹⁴ Ministry of Justice, Third Sector Strategy Improving Policies and Securing Better Public Services through Effective Partnerships, 2008: www.justice.gov.uk/consultations/docs/third-sector-strategy.pdf

IMPLEMENTATION ISSUES



Why should implementation issues be considered as early in the process? For example, the government or parliament initiates a policy on development of the sector and it wants the document to be a bilateral document - a signed agreement of commitments from both parties. However, it involves only a small pre-selected group of NGOs, rather than a broader representation of the sector. In this case, the stage of implementation may suffer as not all NGOs may be willing to comply with the undertakings of “few” on the behalf of the “whole”. Or, as another example, if the policy document is a “strategy” then the burden for implementation of the goals and action will lie on the side of the government. In this case, when planning for implementation, resources will need to be allocated to ensure that all responsible government officials understand their assignments, have the means to execute their tasks and comply with the commitments. The resources needed for implementation may determine the scope of the document and commitments by different government bodies. If the policy document is an “agreement” then the document will need to be drafted in a way that it clearly outlines the responsibilities and undertakings of both parties and appropriate resources for implementation of the goals will need to be also considered by both parties. The issue of how much can the sector and the government invest in the implementation will determine what will be part of the document itself. **Only with consideration of the implementation aspects at the beginning and through all the stages, a drafting of realistic goals and actions can be achieved and the certainty for their accomplishment will be stronger.**

The type of document will also help determine which body will be responsible for enforcement. If it is bilateral document, the experience of countries of Europe show that implementation is more effective when there is a joint body or collaboration by both parties undertaking these tasks (see, England and Estonia below). Nevertheless, the participation of NGOs in the implementation of strategies, either directly or through specific bodies for that purpose (e.g., Croatia) can help guarantee more successful monitoring and enforcement of strategies as well.



In sum, implementation issues must be discussed at the earliest stage of development of the concept in order to ensure that they are considered in the process, that the responsibilities and undertakings in the document are realistic and that resources are allocated for their realization.

III. IMPLEMENTATION OF POLICY DOCUMENTS: ISSUES TO CONSIDER

Implementation of policy documents is perhaps the most challenging aspect of the whole process. **Implementation is the moment when the commitments are put into effect; it is the element which validates the existence of the document.** As explained above the development of a policy and its implementation are closely connected, and the implementation issues should be an integral part of the deliberation and drafting of policies.

In order to be successfully implemented it is important to distinguish the different types of provisions that the policy documents contain. First, these documents contain *general commitments*, which require observance and respect by the parties; and they also contain *specific commitments* which require action. The parties must reach an agreement on both in case of bilateral documents; where in case of strategies the governments should consider and incorporate to the extent possible the opinion of the NGOs. For example, if the parties agree that the principle of transparency and accountability (which would mean openness and responsible way of work) are important underlying principles of cooperation and support of the sector, then both parties will need to be ready to stand up for it. The specific commitment will make sure that the general one is put into practice. Thus, in case of the principle of accountability and transparency, the specific commitment may require that the processes of funding distribution is open and is based on clear criteria and familiar to all. At the same time the spending of the government money by the NGOs may be required to be in line with the project and conditions based on which the money was allocated. In addition to commitments' the policy document should contain concrete measures which would ensure that the commitments are put into effect practically. Using the same case, the document may envision a concrete measure – adoption of a code or a regulation for allocating and spending government money.

Further, implementation documents must be **developed in highly participatory manner to ensure that the document is addressing real needs and to create ownership among the parties** – this is key to successful implementation. When we speak about ownership, we mean having an understanding of the key provisions of the document, the main goals and aspirations, the responsibilities that need to be undertaken and feeling that everybody involved has contributed to it; the parties feel the document as 'theirs' and they will make sure that it is effectuated in practice. Participation should be open to all those who are anticipated to be responsible for the implementation and those who are affected by the document.

Participatory process ensures that the parties get to know each other and undertake responsibility for the outcomes!



Here are some examples of positive approaches of inclusive participation:

- **Croatia:** The preparation of the *2000 Program for Cooperation between the Government of the Republic of Croatia and the Non-government, Non-profit Sector in the Republic of Croatia*¹⁵ is notable for its high degree of participation, even though the final product was not a compact, but a government strategy document. More than 16,000 NGOs were invited to participate in the process. Few were initially interested, although many more became interested over time, thanks to ongoing outreach efforts by the Croatian Government and leading NGOs. A cross-sectoral working group was formed to draft the document, and several public discussions (one at the national level, four at the local level) were held to present the draft document and solicit feedback.
- **Hungary:** The *Strategy Paper of the Government of Hungary on Civil Society*¹⁶ from 2002 was drafted in light of needs previously articulated by NGOs; the draft was then shared with NGOs and the general public for additional input. Several consultation sessions were held and comments from NGOs were integrated into the final document.
- **England:** over 25,000 organizations were consulted on the Compact before its launch in 1998. The broad consultation across the sector ensured widespread ownership of the document. In addition, it was agreed across Government, not just one department, and members of the opposition political parties were also consulted in the process.
- **Slovenia:** Representatives of all line ministries, government offices, and agencies that cooperate with NGOs in the course of their work participated in the preparation of the *Strategy of Cooperation of the Government of the Republic of Slovenia with Non-Governmental Organisations*.¹⁷ NGOs were subsequently invited to provide input into the draft document.
- **Sweden:** The *Agreement between the Swedish Government, National Idea-based organisations in the Social Sphere and the Swedish Associations of Local Authorities and Regions* was the result of a working group composed of members of the NGOs working in the social sector (including two large platforms of associations and representatives of the government coming from the Ministry of Integration and Equal Opportunities and the Ministry of Social Affairs. After the drafting of a first text, a wider consultation took place, before being submitted to the government for signature. Civil society participation in drawing up the text was in two stages: drafting by a small “elected” group and subsequent input from a wider group.¹⁸

¹⁵ www.uzuvrh.hr/page.aspx?pageID=73

¹⁶ www.nonprofit.hu/files/6/6/9/669_Hungariangovernmentstrategy2002.doc

¹⁷ www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/nevladne_organizacije/strategija-angl.pdf

¹⁸ Estonian Open Foundation and ECAS (European Citizens Action Service) “A European Framework Agreement with Civil Society for a less Distant Europe, A Comparison of national Compacts”, January 2009; www.oef.org.ee/_repository/document/Civil%20society%20national%20compacts%202009.pdf



*The case of Estonia*¹⁹

The Estonian Civil Society Development Concept (EKAK) resulted from bilateral initiatives and nationwide public discussions. Local experts describe the process as an international success story. A meeting of leaders of several umbrella organizations, scientists and politicians (MPs both from the governmental coalition and its opposition) was organized to discuss the project and brainstorm possible goals and strategies. Subsequently, a “*Memorandum of Cooperation between Estonian Political Parties and Third Sector Umbrella Organizations*” was signed by the ten biggest NGO umbrella organisations and the ten political parties represented in the Riigikogu (the Estonian Parliament). The project was coordinated by the national umbrella organisation of Estonian NGOs, the Network of Estonian Non-Profit Organisations (NENO) and was funded mainly by UNDP. After a first failed attempt to develop a draft agreed by all NGOs, a Roundtable of Estonian NGOs was organized. The Roundtable became a major public forum for the NGOs to provide their opinions on the draft.

“Long process allowed participation of hundreds of NGOs – the project managers toured the country, met with NGOs at public roundtables and drew up bulky charts of amendments and proposals from people living in the remotest villages –, and the feeling of ‘ownership’ of NGO community over EKAK, thus making it a truly legitimate voice of the NGOs and not just a creation of one umbrella organisation. Moreover, writing the document and later seeing it adopted by Riigikogu certainly gave the Estonian NGO community a boost of self-esteem and self-recognition as a united force in society.”²⁰

Members of the political parties were consulted in order to obtain their support in the process. The draft was also discussed in a committee composed of two NGOs and MPs in the Parliament before a final version was developed and submitted for adoption. The only set back was the fact that members of the Government were not very actively involved in the process, which later posed problems in the implementation of the document due to the lack of their ownership, commitment and awareness. EKAK was adopted unanimously by all political parties represented in the Riigikogu.

The **political commitment** is also very important for the implementation of the strategy or bilateral document. In France due to the changes in the political regime, the implementation of the Charter was stalled: “*2001 was a year for celebrating associations but unfortunately it was followed by a presidential campaign in 2002 when priorities changed. The French charter fell by the wayside and the window of opportunity was closed.*”²¹

¹⁹ For detailed information on the process and the challenges in the first years described here, see: Liiv, D., Randma-Liiv, T., Lepp, U., “*Institutionalising Relationships between Government and the Third Sector: the Case of the Estonian ‘Compact’*”, ESF Workshop, “The Third Sector in a Changing Europe: Key Trends and Challenges”, Budapest, December 5-7, 2006

²⁰ Kubar, U., “*Estonian Civil Society Development Concept (EKAK): Framework for Cooperation between Third and Public Sector: Brief Overview and Some Learning Points*”, European Conference „How to foster civil dialogue in Europe“, Brussels, May 15, 2008

²¹ Kubar, U., “*Estonian Civil Society Development Concept (EKAK): Framework for Cooperation between Third and Public Sector: Brief Overview and Some Learning Points*”, European Conference „How to foster civil dialogue in Europe“, Brussels, May 15, 2008



Some of the Central and Eastern European countries have also had to deal with the issue of stalled implementation due to lack of interest of the government or parliament. As USAID reports, for example in Latvia the Memorandum for Cooperation is not fully implemented although the special Council was established for the purpose of implementation. The main reason is that the Prime Minister did not follow through the obligations; he either regularly cancelled meetings or failed to live up to the obligations and involve NGOs in discussions on policy matters although he was expected to do so under the provisions of the Memorandum.²² NGOs can play an important role at such times and with their concerted efforts to advocate for the implementation of the policy documents and undertake activities to promote the document they can contribute toward a better implementation.

The inclusion of all stakeholders, including opposition parties will ensure that the document is not seen as a product of one government, but as a document beyond the parties; as an overall commitment by the state to the sector.

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 Hungary, Croatia, England, show that more important factors are the political commitment, participation and buy-in by the sector and the departments which will implement it.

Implementation requires certain level of flexibility. The policy documents are live documents which respond to a certain stage of legislative, political, social, cultural development. Therefore, they should be subject to **reviews and evaluation** which would ensure that steps are undertaken to adjust the planned actions to the specific changing circumstances. For example, currently in England there is an ongoing consultation about revising and improving the Compact. A revised Compact is expected to be launched in 2010.²³

Finally, some countries have also included **redress for non-compliance** to ensure that the document is implemented as planned. For example, in England, the NCVO's Compact Advocacy Program provides advice and support to voluntary organisations that are concerned about a government partner's practice. In addition, a Compact Mediation Scheme is run by the Centre for Effective Dispute Resolution and is open to all government departments and voluntary and community sector organisations who feel that another party has not acted in line with the Compact.²⁴ Finally, the Commission for the Compact (see below) aims to identify lessons from individual breaches of the Compact and it may intervene when issues potentially have a predominantly negative outcome on voluntary and community organisations in particular.

²² United States Agency for International Development (USAID), "The 2008 NGO Sustainability Index for Central and Eastern Europe and Eurasia"

www.usaid.gov/locations/europe_urasia/dem_gov/ngoindex/2008/latvia.pdf

²³ www.thecompact.org.uk/information/129473/

²⁴ www.compactvoice.org.uk/information/100835/100888/essential_information/#how



IV. INSTITUTIONALIZING THE COOPERATION: OFFICES FOR COOPERATION AND IMPLEMENTATION

1. Bodies that Support the Cooperation and Development of Policies

The examples from Europe show that the offices for cooperation with NGOs and policy implementation can be established before a policy document is adopted. These offices are envisioned more than just being a unit within the government and Parliament. They do not serve only as liaison bodies; but they can be powerful leaders in providing strategic directions for the state as to civil society needs and fields it should support and in ensuring participation of NGOs in policy and law making processes.

The offices for cooperation between the state and NGOs can play an important role in cultivating and advancing the cooperation. They should be recognized as mechanism which can contribute not only to communication and exchange of information, but a vehicle for participation, education of the two sectors, and leader of the broader policy aspects which are embraced in the collaboration.

Most of the offices in the region have multiple roles. The *functions* of the offices are different. In general they are responsible for: drafting and managing process of consultation concerning laws that affect the sector; contributing towards policy development on funding for the sector; distribution of government funding or providing support to bodies which distribute government funding; 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.

Whilst most of the offices take part or lead the process of development of policies, the implementation may be done in collaboration with other bodies, or be fully vested in another body. For clarity this paper presents the models separately – by outlining those offices which have responsibility for development of policies and advancement of the cooperation and then presenting the offices which are responsible for implementation.

The examples also show that in general offices can be: (1) established by the government and work as stand alone bodies, (2) set up as advisory bodies, (3) a government body which works in collaboration with an advisory body, (4) a part of a bigger scheme which supports the cooperation and the development of the sector together with other bodies (the Croatian model) and (5) established by an NGO. In addition to having an office, several countries have assigned special coordinators or departments responsible for fostering the cooperation with the sector. Each model carries its own positive sides and challenges. The success of the offices depends on several factors analysed below.



Here we briefly reference some of the models.

Government offices for NGOs

- **France:** In 2009, the Government created the *High Commissary on Active Solidarities Against Poverty*. The High Commissary was established with a Decree (No. 2009-57 of 16 January), which stipulates that the High Commissary acts by delegation of the Prime Minister as a government body created to be in charge of the Government policy towards youth and the associative sector. The High Commissary also shares some responsibilities with the Ministry of Health and Sports. By delegation of the Prime Minister, the High Commissary on Youth prepares and implements the Government policy regarding Youth and the development of the associative sector. The High Commissary oversees both solidarity and youth policies, including public policy regarding youth, popular education, and associative life. The High Commissary is also in charge of leading the preparations for the upcoming National Conference of Associative Life (scheduled for December 2009) where issues covered by the Charter will also be addressed.

England: The *Office of the Third Sector* was established in May 2006 under the Cabinet Office²⁵ as recognition of the value, influence and importance of the third sector and the impact that its work has on society and the economy.²⁶ In addition, a post of a Minister for the Third Sector was also created to whom the Office reports. The Office was established with the *Transfer of Functions (Third Sector, Communities and Equality) Order 2006* which moved competences related to civil society, previously conferred to the Secretary of State for the Home Department, to the Office. The specific functions include: charity law and regulation, volunteering and charitable giving, the delivery of public services by the sector, the Government's relationship with the sector, and sector capacity building.²⁷ The Office is led by a Director and it consists of six teams.²⁸

The new Office of the Third Sector will bring together the current work from across Government [...]. The opportunity this represents is that for the first time, there will be a dedicated office coordinating the work done on the third sector and a minister for the third sector, whose primary responsibilities lie in working with the sector. Furthermore, with the work on the third sector now being done at the centre of government, it puts your work at the heart of the Government, reflecting the way in which the sector has such a great impact on so many parts of our national life. [...] The establishment of an Office of the Third Sector goes along with recognition of how diverse the sector is in its needs and interests. [...] I want also to emphasize that the establishment of the new office does not somehow imply that only the Cabinet Office is now responsible for working with you. Quite the opposite. Every department is and must be a 'third sector' department. We in the Cabinet Office will be coordinators, and deliverers in certain areas, but

²⁵ The Cabinet Office is a department of the Government of the United Kingdom responsible for supporting the Prime Minister and the Cabinet of the United Kingdom (which is a governing body composed of the Prime Minister and cabinet members).

²⁶ www.cabinetoffice.gov.uk/the_third_sector.aspx.

²⁷ Explanatory Memorandum to the Transfer of Functions (Third Sector, Communities and Equality) Order 2006, 2006 No. 2951; www.opsi.gov.uk/si/em2006/uksem_20062951_en.pdf

²⁸ For the structure of the Office see: www.cabinetoffice.gov.uk/media/230943/ots%20organogram2009.pdf



with the increased role the third sector plays in so many areas, every department is directly concerned with the third sector. [...] Therefore in the Cabinet Office one of our responsibilities will be to work with colleagues across every government department on third sector issues. Every government department must weigh up a whole series of issues in making decisions. I see part of my job as trying to make sure the interests and needs of the third sector— as part of the government's overall approach—are central in those decisions. My aim: to be a voice across government for the third sector.²⁹

The Office of the Third Sector coordinates activities across the government in order to support the development of the third sector, to improve partnership and ensure better conditions for engagement between the government and the third sector. It invests in programs to support the sector's development and promotion³⁰ and undertakes analysis to better inform the work of the Government and third sector. The Office deals with the legislation affecting NGOs in order to ensure that it supports their activities. It was responsible for the reform of the Charity Act, it follows its implementation and identifies and develops proposals for improving the legal framework. The Office is conducting consultations on wide range of issues, and it is also involved in consultations led by other parties. NGOs can obtain information about on-going and past consultation on the web site of the Office. The web site also hosts all documentation necessary for the NGOs to be involved in the consultation processes.

Importantly, together with the HM Treasury's Charity and Third Sector Finance Unit, the Office carried out a “*Review of the Third Sector*”, which outlined a strategy for the Government to work with third sector in order to promote social and economic regeneration. The report sets out plans to promote the partnership between the Government and the third sector, and entrusts the Office to implement most of the measures contained in the report.³¹ In order to provide advice to the Office and other Ministries in implementation of this strategy, an advisory body was set up in 2008. This body recently published a report on the implementation of the commitments and priorities of this strategy.³² The report outlined as significant development the facts that the Office had clear strategy, more staff and funding, high profile position in the Cabinet Office at the heart of government, and an ability to influence other Government Departments.

- **Estonia:** Analyzing, planning and coordinating policy concerning civil society development is a responsibility of the Ministry of Interior. The Minister was appointed with this assignment because the development of civil society was set as a priority in the

²⁹ Ed Miliband speech at the Third Sector Review launch event, May 15, 2006, from his time as a first Minister for the Third Sector

³⁰ The Office of the Third Sector funding does not offer direct funding assistance to individual projects but its funding is delivered through five key programs. For information see:

³¹ For this purpose the Office was to will invest more than £515 million in third sector program to support organisations across the country. For details see: The Future Role of the Third Sector in Social and Economic Regeneration: Final Report,, HM Treasury and Cabinet Office, 2007 www.hm-treasury.gov.uk/d/thirdsectorreview_finalreport.pdf

³² Office of the Third Sector Advisory Body, “*Health Check of the Office of the Third Sector*”, April 2009 www.cabinetoffice.gov.uk/media/197878/health%20check%20final.pdf



coalition agreement and so the Government saw the need to appoint a separate minister to deal with the matters. The Ministry of the Interior has two Ministers, the Minister of the Interior and the Minister for Regional Affairs. The *Local Government and Regional Affairs Department* under the auspices of the Minister of Regional Affairs³³ is specifically tasked to undertake activities to support the development of civil society. In the department two chief specialists are responsible for analyzing, planning and coordinating the active community development and the co-operation between the state and NGOs.

Activities of the Department in the field of civil society:³⁴

- Analyzing practices in use and strategic planning for the civil society;
- Introducing best practices;
- Coordinating cooperation between sectors and institutions on the issue of civil participation;
- Improving the supporting infrastructure development for citizen participation; providing expert knowledge on the issue-counseling society organizations, participating in committees, working groups;
- Policy making on active community building;
- Local democracy development;
- Supporting community initiatives;
- Promoting volunteer activities;
- Developing the county support system for civic initiative www.eas.ee/index.php?setlang=en-GB (17 third sector consultants are active in the county development centers. Counseling and training courses have been organized corresponding to the needs of the NGOs in each county free of charge.);
- Supporting and funding of NGOs through the National Foundation of Civil Society;
- Increasing awareness about civic initiatives;
- Developing the principles for contracting out public services (local authorities level) to NGOs;
- Supporting civic education (non-formal educational level);
- Developing principles of financing NGOs from the state budget;
- Supporting the work and preparing materials and documents for the Joint Committee of the Government and NGO representatives

³³ In addition to civil society issues, other responsibilities of the Minister of Regional Affairs include: directing the structural units of the ministry of Internal Affairs engaged in the planning and co-ordination of local government, regional administration and regional development, including the co-ordination of the development and implementation of regional planning, and issues related to vital statistics, and the organisation of matters related to churches and congregations.

www.legaltext.ee/en/andmebaas/ava.asp?m=022

³⁴ Email to ECNL from Ms. Aveli Ainsalu, Chief Specialist in the field of the Civil Society, Local Government and Regional Administration Department



- Implementing and managing the Development Plan for Civic Initiative Support (2007-2010) – KATA; coordinating and monitoring the implementation of the Development Plan and its compliance with the goals specified.

The Minister chairs the Joint Committee for Implementation of EKAK and coordinates its work. Representative of this office sits on the Supervisory Board of the National Foundation for Civil Society³⁵, and the Minister appoints its members. There is no clear formal procedure concerning communication and cooperation with NGOs which is seen as somewhat problematic by both the public sector and the NGOs.³⁶ The Minister has limited powers over other ministries and their work with NGOs; and it can make recommendations about that cooperation. The Minister of Regional Affairs delivered report on the implementation of EKAK during a Parliamentary session when the results of the achievement of the document were discussed.

At the level of the Parliament, there is a special *Civil Society Support Group*³⁷, which includes representatives of all parties and it is one of the largest of its kind. It was established based on a decision of MPs to form such a group and it does not have separate legal status or separate administrative rules. It uses the parliamentary administrative support and receives no separate funding. The purposes of this group are to attend to issues concerning civil society and to initiate legislation in support of the development of the third sector. The Chair of the Group also delivered a report, during the above mentioned Parliamentary session which evaluated the achievement of the EKAK.³⁸ There is no rule which requires that they approve civil society related legislation before it is discussed in the Parliament.

- **Hungary:** In 1998, a *Department for Civil Relations* was first established in the Prime Minister's Office, and now operates under the Ministry of Labor and Social Affairs.

When it created the Department, the Hungarian government was led by the motivation to ensure that there is coordination among the different projects that various ministries and agencies undertook relating to civil society, especially relating to transparency of government funds (e.g. introduction of a system of tendering proposals). By that time, civil society and the NGO sector has grown substantially, not least due to US and EU funding programs that were launched in the mid-nineties. NGOs became more vocal and more adept at advocating with the different ministries, government institutions for

³⁵ The National Foundation for Civil Society (a.k.a. the Civil Society Fund), is a legal entity established by the Government in order to increase the capacity of the NGOs and shape an environment that fosters civic initiative. It provides funding for institutional capacity building of NGOs and innovative projects, which also includes support for implementation of activities related to EKAK. For more see: <http://www.kysk.ee/?s=21>

³⁶ Email from Ms. Mall Hellam, Executive Director, Open Estonia Foundation, dated November 16, 2009.

³⁷ There are several associations, unions and support groups of MPs functioning in the Estonian Riigikogu. See: <http://www.riigikogu.ee/index.php?id=34605>

³⁸ Reinsalu, U., Report at the session on the implementation of the Estonian civil society concept and the development of civil society held in the Riigikogu on December 13, 2007; www.ngo.ee/20508



funding and policy change and various initiatives emerged within the government. In addition, in the previous years, a host of new legislation was introduced relating to NGOs (i.e. the 1997 Law on Public Benefit Organizations and the 1996 law which introduced the percentage mechanism³⁹), and a point came when the need emerged to have a central depository of information and good practice relating to NGOs within the government. In 2002, the new Government appointed a renowned person as the Head of Department who came from the NGO sector and was keen for the Department to take a more active role in the development of civil society (beyond transparency and coordination). The high level decision-makers of the new government were open to this and at the time, there was little resistance to government spending, so the *Strategy Paper of the Government of Hungary on Civil Society* was adopted and a year later, the National Civil Fund established (see below). Furthermore, the government decided to invest in infrastructure development for civil society - or rather, to help ensure sustainability of already existing NGO centers and other support infrastructure (e.g. research), the donors of which were phasing out as the EU accession approached. The governing coalition was re-elected in 2006 (the dominant party is still in power today) and reinforced its commitment to NGO-development with a renewed strategy/resolution in 2007. At this point, following EU accession, implementation of the consultation principle across the board was an important feature of the strategy (rather than further funding or infrastructure investments).

The Department, consists of approximately 10 officials and among others it is responsible for initiating laws for the development of the third sector (e.g., in 2005 it was closely engaged in the drafting of the Volunteering Act) and facilitating dialogue with NGOs. It was also responsible for drafting the 2002 Government Strategy towards Civil Society and the *2007 Resolution on Provisions serving the development of government-civil relations*⁴⁰. The Department also provides information about available European Union funds and supervises the implementation and work of the National Civil Fund.

Another relevant body operating in Hungary is the *National Civil Fund*, which aims to strengthen the operation of NGOs and develop the third sector through allocating grant support for operational costs of NGOs, research on the third sector and other types of activities. By developing its own policy on funding mechanisms, it also determines the priorities and directions of the development of the sector. The Fund is administered by a Council and a number of regionally based Colleges; elected NGO representatives sit on committees tasked with deciding on the distribution of the funds.⁴¹

³⁹ Full name of the law is: Act CXXVI of 1996 on the Use of a Specified Portion of Personal Income Tax According to the Designation of the Taxpayer. See also, Act CXXI of 2000 amending Act CXXVI of 1996 on the Use of a Specified Portion of Personal Income Tax According to the Designation of the Taxpayer. These laws are available at: www.icnl.org/knowledge/library/index.php

⁴⁰ www.szmm.gov.hu/download.php?ctag=download&docID=14876

⁴¹ For more see: Hadzi-Miceva, K., "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



In addition, the Hungarian Parliament also hosts a *Civil Office*, which fulfils an informational role; e.g. maintains a database of NGOs to which it sends out the Parliament's legislative agenda sorted by area of interest (e.g. if an NGO wants to receive the legislative plans on environment related laws, they can sign up for such option); answers NGO inquiries; coordinates and arranges NGO participation in the various Committee meetings etc. The Civil Office is operating as a unit of the Speaker's Cabinet within the Office of the Hungarian Parliament. Its legal status is regulated by the organizational and operational statutes of the Office of the Parliament and its activities are funded through the yearly budget of the Office. The Civil Office currently employs four people.

- ***Macedonia:*** The *Unit for Cooperation with Non-governmental Organizations*⁴² was set up in 2004 with the Initiative for the Establishment of the Unit for Cooperation with Non-governmental Organization. It functions under the Sector for Policy Analysis and Coordination within the General Secretariat of the Government.⁴³ Currently the Unit employs nine people, who are civil servants, a Head of the Unit and advisors. The Unit is a permanent and coordinative body which facilitates cooperation between the Government and NGOs. It was responsible for preparing a *Strategy for Cooperation between the Government and the Civil Society Organizations*⁴⁴; it is overseeing its implementation and is preparing a report on the status of the implementation. The employees of the Unit can be invited to serve as members of cross-sector government bodies which work on policy documents and laws that affect NGOs (e.g., currently they are part of the working group on the revision of the Law on Associations and Foundations; and of the working group which was preparing the Law on Volunteering, and is currently preparing a government strategy on volunteering). The Unit is also responsible for organizing the process of distribution of financial resources from the government towards the NGOs, coordinating inter-ministerial cooperation and others. It is funded from the State budget; however some of its activities are also implemented with funding from the EU and other donors.⁴⁵

Advisory Bodies

The *Council of the Government of the Slovakia for Non-Governmental Non-Profit Organisations* in Slovakia is a coordinating and advisory body to the Government which aims to support NGO activities. It is based at the office of the Vice-Prime Minister for Minorities and Human Rights. It consists of members of the government, other central public administration bodies working with NGOs and representatives of key NGO umbrella bodies. The Vice-Prime

⁴² www.nvosorabotka.gov.mk/en/

⁴³ The General Secretariat of the Government comprises of 8 sectors one of them being the Sector for Policy Analysis and Coordination, which is responsible for advancing cooperation with NGOs and which hosts the Unit for Cooperation with NGOs. For more information see: www.vlada.mk/?q=node/2793

⁴⁴ http://ecnl.org/dindocuments/150_Government%20Strategy%20for%20Cooperation.pdf

⁴⁵ For more information see: Report From the Conference Participation of Citizens and Civic Organizations in Policy and Decision Making Processes, Skopje, December 11, 2007, http://ecnl.org/dindocuments/161_Report%20Conference%20citizen%20participation%20%28en%29.pdf



Minister appoints the members of the Council, and there is no other representative mechanism to fill in the slots on behalf of NGOs. The main competences of the Council are elaborating and assessing governmental policies, drafting legislation concerning the development and support of NGOs, including NGO financing, supporting cooperation between the state and NGOs, and proposing appropriate NGO representations in decision-making, monitoring and assessment bodies. The Council can also establish expert working groups to solve specially complicated problems.⁴⁶

The *Governmental Council for Non-State Non-profit Organisations (GCNGO) of Czech Republic* is an advisory body of the Government. It was established in 1992 as a Council for Foundations, and was transformed in 1998 to become GCNGO. Currently, it is the only body on the state administration level dealing with the development of the NGO sector and mutual relations between NGO sector and the state. GCNGO gathers and publishes information on the NGO sector and on its relations with state authorities; it started an inter-ministerial co-operation in this area, initiated the creation of a public information system on NGOs, prepared an analysis of NGO financing from the state and public budgets and on annual basis it prepares a proposal of main areas of NGO support for the Government. Its Chairman is a member of the Government (currently it is the Minister of Government of the Czech Republic for Human Rights) while the Council also has its own Secretariat (expert office of the GCNGO) composed of members of ministries and NGO representatives. As it is explained on the web site of GCNGO this composition and position gives the GCNGO a unique opportunity to positively influence the situation of the sector and its relations with the public administration because the NGOs have a mechanism to directly influence state measures connected to the status of the sector.⁴⁷

Government Body and an Advisory Body

In Poland, there is an example of a government body responsible for development of policy towards NGOs and a consultative body which works on supporting implementation of one aspect of the policy – specifically the public benefit status. Namely, the *Department of Public Benefit Activity*, which is part of the Ministry of Labor and Social Policy, is responsible for establishing institutional and legal conditions that promote development of the Polish NGO sector. The Department also provides administrative and office services to the *Council for Public Benefit Activities*. The Law on Public Benefit Activity and Volunteerism (2003) established this Council, an advisory body whose responsibilities include: to express opinions on issues concerning the application of the Law; express opinions about government draft legal acts concerning public benefit activity and volunteering; provide support and express opinions in cases of disputes between institutions of public administration and public benefit organizations; and, in cooperation with NGOs, create mechanisms for informing about the standards for conducting public benefit activity and about cases of breaches of these standards. The Council consists of five representatives of the institutions of government administration, five representatives of local government, and ten representatives of NGOs, their alliances, unions, and certain other specified

⁴⁶ Marček, E., “*Dialogue Between the Government and Civil Society in Slovakia*”, Organizacje pozarządowe i władza publiczna, Drogi do partnerstwa, by the Institute of Public Affairs, Poland, 2008

⁴⁷ www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/rmno/archiv/governmental-council-for-non-state-non-profit-organisations-3948/



types of organizations. The NGO members of the Council are appointed by the Minister of Labor and Social Policy, based on nominations submitted by the NGOs. The Minister has the right of free choice as long as the elected persons are from the list.

Poland does not have a national policy document concerning the development of the sector; however there is an initiative on the way to launch the process of developing such document. Further, while there is no official monitoring of the implementation of existing policies concerning NGOs. The association Klon/Jawor is regularly conducting a survey on the sector and cooperation between the government and NGOs⁴⁸. The Polish main statistic office is using the Klon/Jawor data and database to assess the development of the sector.

The Croatian Model of Cooperation

Croatia has institutionalized a very interesting model which supports cooperation between the Government and NGOs. The model consists of three bodies: the Office for NGOs, the Council for the Development of Civil Society and the National Foundation for Civil Society Development. ***The Government Office for Cooperation with NGOs*** was established in October 1998 by the Act of the Government of Republic Croatia. It currently has 11 employees and is funded by the Government. The Office has a wide scope of activities, including creating and proposing new laws to support NGOs. Specific tasks include: developing and implementing the *2000 Program of Cooperation between the Croatian Government and Non-governmental Non-profit Sector* and the *National Strategy for the Creation of an Enabling Environment for Civil Society Development*⁴⁹ and the measures of the Operational Implementation Plan for the Strategy (2006-2011), improving the standards for financing NGOs from the state budget and implementing projects that support civil society development funded from the European Commission programs. Importantly, the Office coordinates the work of ministries, central state offices, Croatian Government offices and state administrative organizations, as well as administrative bodies at regional and local level in connection with monitoring and improving the cooperation with the NGOs.⁵⁰ The Office for Cooperation with NGOs offers technical, administrative, professional and financial support to the work of the Council.

The ***Council for the Development of Civil Society*** was established in 2002 as a governmental advisory and expert body responsible to support the implementation the Program of Cooperation, the National Strategy, the development of philanthropy, social capital, partner relations and cooperation among sectors. The role of the Council is to provide advice to the Government

⁴⁸ Klon/Jawor Association is a Polish nonprofit organization. Klon has built the largest resource centre for NGOs in the country and one of its most important activities is research on nonprofit organizations, their environment, social economy, volunteering and philanthropy in Poland and creating linkages between the NGOs and academic research activities, as well as initiating and strengthening the debate about civil society in Poland. Well connected with the academic community in Poland and abroad, and holding a significant position in the NGO world in Poland, Klon has the capacity to support the debate on civic engagement in Poland. In 2006 they conducted the Challenge of Solidarity CIVICUS Civil Society Index Report for Poland. www.civicus.org/media/CSI_Poland_Country_Report.pdf

⁴⁹ www.uzuvrh.hr/userfiles/file/Nacionalna_Strategija_ENG.pdf

⁵⁰ www.uzuvrh.hr



regarding NGO development and it oversees the implementation of policies and strategies. The Council has no veto power over Government's decisions, but can initiate different discussions important for civil society development. The Council is currently composed of 23 members: 10 representatives from the Ministries and 10 representatives of civil society and 3 experts from areas of international co-operation, cross-sectoral co-operation and the European integration. The Government Decision from 2002 and its subsequent amendments contain the fields of activities from which ministries, NGOs and experts are being selected.⁵¹ The members of the Council who represent civic organizations should work in preliminary defined fields (one representative is required for each field). Each organization can nominate candidates. All of the candidates who fall within the requirements (such as proper experience, letter of motivation, CV, etc.) are short-listed after the preliminary nominations. After that begins a 15-day period in which organizations vote by filling up and submitting by mail a special form, signed and stamped by the person who represents the organization. The Government Office for Cooperation with NGOs publishes a list including the winners and all the other candidates, as well as the number of votes for each candidate.⁵² The term of the members is three years, and some may be re-elected. The meetings have to take place at least every three months, and if necessary earlier than that. Members of the Council do not receive remuneration for their work, although their expenses can be reimbursed. The Council may establish Committees whose members may be remunerated depending on whether there is available funding for that. The Council has to submit an annual report on its activities to the Government.⁵³

In 2003 the Government established the *National Foundation for Civil Society Development* (National Foundation) as a public foundation, with the purpose of promoting and developing civil society in Croatia. The Government of the Republic of Croatia appoints the members of the management board and the director of the National Foundation. The management board has 9 members of which 3 are representatives of bodies of state administration (The Ministry of Finance, the Ministry for European Integration and the Ministry of Science, Education and Sport), one representative of units of local and regional self-government and five representatives of organizations and experts in the development of the civil society. The National Foundation is financed from lottery proceeds, private donations, income from economic activities and other sources. The National Foundation contributes to the creation of policy concerning the sector by determining the priority areas and allocating funding which helps build the capacity of NGOs and supports the implementation of NGO activities.⁵⁴

The introduction of this model was triggered by the need to support direct communication between various Ministries and NGOs, in order to enhance their cooperation in addressing particular social needs. Until then, the NGO-Government cooperation was mainly centralized and was functioning effectively only between the Office for Associations and NGOs. The relationship with the other states bodies was not so developed. The new model aimed to

⁵¹ See: www.uzuvrh.hr/page.aspx?pageID=75

⁵² Bulgarian Center for Not-for-Profit Law, "Mechanisms for nominating of NGO representatives", 2009

⁵³ See: Rules of Procedure for the Work of the Council for Development of Civil Society, <http://uzuvrh.hr/UserFiles/Poslovnik%20o%20radu%20savjeta.pdf>

⁵⁴ <http://zaklada.civilnodrustvo.hr>



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decentralize the cooperation and it encouraged Ministries to designate a person or unit responsible for fostering cooperating and dialogue with NGOs.⁵⁵

Liaison Offices Run by NGOs

Liaison offices may also be run by NGOs. For example, in Macedonia the citizens association MOST is running the *Office for Contact between NGOs and the Parliament of the Republic of Macedonia*⁵⁶, and they are considering developing a policy document which would facilitate cooperation between the Parliament and NGOs. The motive for establishment of such an office was the need to increase the participation of the citizens in the policy and decision making process, but also to contribute to the better quality of advocating for the interests of the citizens by the MPs. The Office managed to fill the “missing link” in NGO efforts to address the Assembly and to present their positions and opinions. For the set up of the Office a Memorandum of Understanding was signed between MOST and the Assembly. The Office maintains a web site with all the laws and amendments adopted by the Parliament, Constitutional Court decisions, international and European treaties and other materials relevant for the law making processes and advocating on side of NGOs. In addition, it conducts research to support the policy and law making processes.⁵⁷

Civil Society Contact Persons/Departments in Ministries

In addition to having liaison offices on government level, some countries also have so called civil society persons or civil society departments (e.g., Croatia, England, Hungary). For example, in England, Third Sector Champions lead the government’s third sector agenda both within their department and in the department’s relationships with other stakeholders. These are senior civil servants and meet three times a year. Further, the government departments have Third Sector Liaison Officers who support the Champions, and have a more direct implementation role in communicating with NGOs and promoting the Compact in their department.⁵⁸

The importance 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, they can be the assigned to coordinate the implementation of the specific task within the Ministry.

⁵⁵ For details about this model see: Hadzi-Miceva, K., “Legal and Institutional Mechanisms for Government-NGO Cooperation in Hungary, Estonia and Croatia”, in “Organizacje pozarządowe. Dialog obywatelski. Polityka państwa,” edited by Marek Rymysza, published by the Institute for Public Affairs, Poland.

⁵⁶ Office for Contact between NGOs and the Parliament of the Republic of Macedonia, www.kancelarija.org.mk/mainENG.asp?jazik=ENG

⁵⁷ Report From the Conference Participation of Citizens and Civic Organizations in Policy and Decision Making Processes, Skopje, December 11, 2007, http://ecnl.org/dindocuments/161_Report%20Conference%20citizen%20participation%20%28en%29.pdf

⁵⁸ See: www.cabinetoffice.gov.uk/third_sector/Partnership_working/cross_government.aspx and www.thecompact.org.uk/information/100018/101234/101495/100273/government_third_sector_liaison_officers/



1.1. Factors that help ensure successful work of the office

The experiences of the countries which have such offices show that several factors play a key role in ensuring that the concept and the aims of the office can be achieved and that it is regarded as partner and liaison between the two sectors. Therefore, when deciding which model to adopt and adapt in Ukraine, or even when aiming to creating its own unique model, at the minimum the following factors should be considered for the model to be more successful:

- **The person leading the office:** it is perhaps a vital factor as the person who leads the office will ultimately be the one who will lead the government efforts and will need to understand NGOs, have knowledge about the issues which affect the sector, be able communicate feedback and needs of NGOs towards the government, and make sure those are integrated in different government policies. Offices with such people on board have been able to elevate the cooperation and find creative and innovative ways to energize the society, the NGOs and the government and to bring them together to address the wider needs (e.g., Croatia, England).
- **Decentralization of the cooperation:** it is important that the collaboration is not centralized in one office, but rather that NGOs also collaborate with the Ministries. The specific collaboration with Ministries ensures that they are able to exchange experiences, ideas and work together on issues which are of close concern to both. Otherwise, the cooperation can be reduced to one channel only, and compromise and neglect the diversity of needs and opportunities that need to be addressed. As noted above, Croatia adopted the new model of cooperation to ensure cooperation is horizontal – practices by different bodies and not centralized. Further, the Hungarian Government decided to adopt its Resolution in 2007 which decentralizes the cooperation and implementation by assigning different Ministries and their ‘civil persons’ with tasks to follow up on the activities.
- **Commitment and ownership by the government/parliament:** the office must be given be accepted, recognized and endorsed by the government or parliament in order to effectuate its being. Offices which have not had such support from the government or parliament are functioning only formally, and do not have the wide respect from the sector and are unable to maximize their potential. The office must be given appropriate space in order to be easily accessible by the NGOs and the public and most of all to be given funding in order to be able to implement the anticipated tasks and commitments.
- **NGO representation/commitment:** offices that collaborate with NGOs, either through their platforms or umbrella organizations (e.g., Hungary), or specially established cross-sectoral councils or advisory bodies (e.g., Croatia, England) are better able to fulfill their tasks and be confident that they are satisfying the needs of the sector. Such offices are much better accepted by the sector as well.

2. Government Bodies which Coordinate Implementation of Policies

The appropriate institutional arrangement for enforcement of the policy document depends on whether the document is bilateral or unilateral and of course the specific country context, local needs and assignments prescribed in the document. The examples from Europe show that the implementation can be allocated to a special unit within the government, or ministry, to several



line-ministries or it can be done in collaboration with the NGOs. Specifically, a government agency or line ministries are assigned as primarily responsible for the implementation of the government strategies and its monitoring processes. In the case of bilateral documents the implementation and monitoring are conducted in closer cooperation with the NGOs. However, regardless of the type of the policy document, the examples show that when the **implementation and monitoring is vested in both the government and the NGOs the documents are more likely to be implemented successfully and to achieve the desired results.**

Examples of countries where a **line ministry or a government agency/unit** is responsible for implementation and monitoring are the following:

- **Hungary:** the Department of Civil Relations, within the Ministry of Social Affairs and Labor and was primarily responsible for implementation of the 2002 Strategy. The 2007 Resolution assigns different ministries with the responsibilities to develop action plans and implement respective aspects of the Resolution; however, the overall coordination of policy development and implementation remained with the Ministry of Social Affairs and Labor.
- **Macedonia:** the Unit for Cooperation with Non-Governmental Organizations within the General Secretariat of the Government is generally responsible for monitoring and supporting the implementation of the Strategy. In addition, the action plan of the Strategy assigns specific responsibilities to line ministries and other government bodies to implement specific tasks and goals.
- **Slovenia:** the Ministry of Public Administration is responsible for fostering the relationships with NGOs, implementing the Governmental Strategy for cooperation with NGO⁵⁹ and adopting regulations and strategic documents to ensure cooperation with the public. In addition, the Government also appointed the Standing Interdepartmental Working Group to solve open questions in the field of Government-NGO cooperation. The group is expected to be responsible for supporting proper formulation and implementation of the Government policy towards NGO, for creating conditions for structuring and operation of various non-governmental structures and networks necessary for proper implementation of the dialogue.⁶⁰

The implementation of a policy document may not lay as responsibility of the state only. Ensuring that strategies and bilateral agreements are implemented may be conducted through a **mechanism which presupposes collaboration with representatives of the sector.** For example, in **Latvia** the Council for Implementation of the *2005 Cooperation Memorandum between Non-governmental Organizations and the Cabinet of Ministers* is responsible for implementation of the Memorandum. In addition, the Council aims to promote the Memorandum and to support involvement of the civil society in the decision-making process. The Council organizes, assesses

⁵⁹ In October 2003, the Government of the Republic of Slovenia accepted a Strategy on Cooperation with Non-governmental Organisations, in which it defined the widest framework for long-term cooperation, starting points, goals and priority tasks for cooperation by the government with NGOs. www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/nevladne_organizacije/strategija-angl.pdf

⁶⁰ Meznaric Irma, "Measures to strengthen the civil dialogue and partnership: The Slovenian experience" http://ec.europa.eu/regional_policy/conferences/od2006/doc/presentations/e/meznaric_10e02.doc.



and improves the implementation of the Memorandum, including the determination of respective state budget priorities and preparation of recommendations on necessary legal acts and policy planning documents connected with implementing cooperation between public administration institutions and NGOs. The Council is composed of the Director of the State Chancellery, a representative of the Prime Minister's Bureau, the State Secretaries of ministries, as well as seven authorized representatives from NGOs that have signed the Memorandum. At the meetings of the Council, NGOs, experts invited by the Head of the Council or Deputy Head of the Council, as well as representatives of other organizations and institutions may participate without the right to vote.⁶¹ As explained in details below, in *England*, the implementation is conducted in partnership with three separate bodies, two representing the government and NGOs respectively, and one independent body. In *Estonia*, a joint committee consisting of governmental and civil society representatives operates to monitor implementation.

Below we present several examples from Croatia, England, Estonia, France and Hungary to illustrate the diverse approaches that could be considered in the Ukrainian context.

CROATIA

As noted above in Croatia, the model of cooperation highlights the existence of three bodies, the Office for Cooperation with NGOs, the Council for Development of Civil Society and the National Foundation for Development of Civil Society. Croatia has developed two documents which aimed to support cooperation and development of the sector.

The first document, the *“Program of Cooperation between the Government of the Republic of Croatia and the Non-Governmental, Non-Profit Sector”* was signed in 2000.⁶² The Program is a non-binding agreement which outlines the principles of cooperation and undertakings of both the Government and the NGOs. The *Office for Cooperation with NGOs* was the main body responsible for enforcement of the Program and through its concerted efforts and focused action most of the undertakings of the Government in this Program were realized. However, even more importantly, the success of the Program is also due to the fact that through its work the Office maintained a highly participatory approach, which fostered the creation and active participation of cross-sector working groups in the implementation of the actions. This modus of work which presumed NGO participation at all stages of development and implementation created a base for strong cooperation model, where NGOs can have a voice and be regarded as equal partners, which lasts until today. Currently, in accordance with the Operational Plan of the National Strategy, the Office for Cooperation with NGOs is leading the process of reviewing and developing new Program for Cooperation.

The second document is the 2006 *“National Strategy for Creating Supportive Environment for the Development of Civil Society”*. The development of this Strategy was envisioned in the abovementioned Program, and its drafting was initiated by the Council. The Strategy was developed in cooperation with over 60 representatives from the NGOs, government bodies, academics and businesses, and over 1000 people were able to contribute to its drafting through

⁶¹ www.mk.gov.lv/en/sabiedribas-lidzdaliba/sadarbibas-memorands/

⁶² Available at www.uzuvrh.hr/



the public discussions. The Strategy outlines the goals and measures that should be accomplished by 2011 in order to increase and strengthen the legal, financial and institutional framework for the support of civil society. The Strategy was developed through a highly consultative, collaborative and participatory process by NGOs and government officials. Upon the adoption of the Strategy the Office for Cooperation with NGOs developed an Operational Plan for Implementation of the Strategy which was also adopted by the Government

The Office for Cooperation with NGOs is the key coordinator in the implementation of the Strategy and is tasked to ensure that the goals and action plans developed in the Strategy and its Operational Plan are realized. It cooperates closely with the *Council for the Development of Civil Society* in the implementation and monitoring process. The Operational Plan highlights other government bodies which are responsible for the implementation of the tasks, e.g., the National Foundation, line-ministries, government agencies, local and regional government bodies. These bodies can request funding from the state budget for the implementation of the assigned tasks.

To support the implementation of specific tasks, the Council established 3 working groups, which work in the areas of legal framework for NGOs, financing of NGOs and international cooperation and EU accession. The mandate of these working groups draws from the National Strategy and the specific goals outlined in it.

Further, in 2008 a special Committee for the Implementation of the measures of the Operational Plan of the National Strategy was established based on the recommendations of the Council. The aim of the Committee is to ensure more efficient monitoring and reporting on the implementation of the Strategy. The Committee is composed of coordinators/representatives of 18 different ministries and government bodies responsible for implementation of the Strategy and the Operational Plan. The Office for Cooperation with NGOs coordinates the work of the Committee and holds individual meetings with the coordinators to discuss and monitor the steps and activities in realization of the tasks from the Operational Program. These meetings are an opportunity to provide further guidance and consultation to the coordinators in the implementation of the tasks from the Operational Plan.

ENGLAND

In England the implementation of the Compact is jointly managed by three bodies: (1) the Government through the Office of the Third Sector, (2) the voluntary and community sector through Compact Voice, a representative body for the sector, and (3) an independent body the Commission for the Compact. The three organisations are partners with complementary roles regarding the Compact, and they “*value the different perspectives that they each bring. All are committed to working in an open, honest and respectful way in order to exemplify the Compact.*” Together they raise awareness of the Compact, oversee the operation of the Compact and undertake action to ensure effective implementation of the Compact.”⁶³

⁶³ www.thecomcompact.org.uk/shared_asp_files/GFSR.asp?NodeID=101235

The ultimate aim of this arrangement is to ensure that the results of the implementation of the Compact achieve maximum outcomes for the benefit of the citizens and the community.⁶⁴ According to information contained in *the Joint Compact Action Plan for 2008/09* the Government is investing £6 million in the Commission for the Compact and nearly £1 million in funding for Compact Voice in the upcoming three years.⁶⁵

In addition, these three bodies also collaborate with the Local Government Association on behalf of local government, which supports the implementation of the local compacts. As noted in the *Annual Accounts Report of the Commission for 2008/2009*, “the successful delivery of this ambitious and challenging program arises out of the partners’ commitment to a shared vision of the value of partnership working.”⁶⁶

The *Commission for the Compact* was created as a result of a consultation process called *Strengthening Partnerships: Next Steps for the Compact* coordinated by the Home Office in 2005. This consultation recommended the “creation of a figurehead for the Compact and an organisation devoted to overseeing the relationship between public and voluntary sectors, to take the Compact forward”.⁶⁷ The establishment of the Commission in 2007 aimed to overcome the identified problems in the process, specifically the lack of awareness of the Compact and other barriers to its adoption and implementation. The Commission is chaired by an independent Commissioner and a support staff of 15 employees. It also has a Non-Executive Board which meets twice a month. It is independent from both government and the voluntary and community sector; it publishes findings on specific issues which affect both sectors and makes recommendations for their improvement.



The purpose of the Commission is to promote effective partnership between the public and the third sector through the application of the Compact and its five Codes of Practice. It is not a regulatory body and does not have any legal powers. Its role is to increase awareness and understanding of the Compact in both public and third sector bodies, promote greater use of the Compact, collect and publish evidence of the benefits of the Compact, identify examples of good and bad practice in Compact working and ensure that the Compact keeps up to date with relevant changes in legislation and policy.

The Commission is sponsored by the Office of the Third Sector and by the Minister for the Third Sector. The Commissioner for the Compact is responsible to the Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster and the Minister for the Third Sector.

⁶⁴ www.thecompact.org.uk/shared_asp_files/GFSR.asp?NodeID=101235

⁶⁵ Joint Compact Action Plan for 2008/09, www.thecompact.org.uk/information/100018/100028/jointcompactactionplan200809/

⁶⁶ www.thecompact.org.uk/files/135121/FileName/reportaccounts08-09_FINALWEB.pdf

⁶⁷ www.thecompact.org.uk/information/100018/100212/history_of_the_compact/



Compact Voice⁶⁸ is an independent body that works under the auspices⁶⁹ of the National Council for Voluntary Organisations (NCVO)⁷⁰. Compact Voice has a network of members in the sector, containing both national and local members. It describes itself as *the voice of the voluntary sector in England, in matters relating to the Compact between the government and voluntary sectors to ensure better working* and to give the opportunity to the sector to make the most of the Compact. They provide strategic leadership on the relationship between government and the sector, give voice to the concerns and priorities of the sector and provide information, resources and support to the NGOs. They run a local and national network and forums for discussion and sharing of best practice, attend events across the country, and represent the sector at meetings with the national and local government.

Compact Voice is led by a representative Board which sets its policy and work. The Board consists of two types of members. The first are standing members consisting of the main umbrella bodies in the England (e.g., NAVCA, NCVO, ACEVO, Voice4Change, Community Sector Coalition). The second type of membership is individual members drawn from across the sector. This is normally done by inviting interested individuals to apply for a position in the Board. Both standing and individual members may have 3 years of mandate, while individual members may be re-elected for another term. The Board members are unpaid for their work, though their expenses for attending meetings may be reimbursed. Compact Voice has an office of 5 members of staff, funded by the Office of the Third Sector. NCVO provides day to day management to the Head of Compact team. As explained by Mr. Oliver Reichardt, Head of the Compact Team, *“the government realized that it was extremely unlikely that funding for this sort of work would come from the sector”* so they decided to fund it thus acknowledging that *“the benefits that the government gets from improved partnership working means that it is in their interest to spend what is a modest amount of money for them in order that there is a body in the sector taking this forward on behalf of the sector.”*⁷¹ Compact Voice reports to the Office of the Third Sector bi-annually.

The Office of the Third Sector is part of the Cabinet Office and it *“leads work across government to support the environment for a thriving third sector (voluntary and community groups, social enterprises, charities, co-operatives.), enabling the sector to campaign for change, deliver public services, promote social enterprise and strengthen communities.”*⁷² The Office for established in 2006 and its relation to the Compact it provides financial and political support to the Commission, the Commissioner and Compact Voice, *“while respecting their independence”*.⁷³

⁶⁸ The information on Compact Voice is generated from the Constitution of Compact Voice, October 20, 2009) and the Compact Voice web site: www.compactvoice.org.uk/information/100818/about_us/

⁶⁹ Compact Voice is not a legal entity and since it operates under the aegis of NCVO, the trustees of NCVO have legal governance responsibilities for Compact Voice (article 4, Constitution of Compact Voice, October 20, 2009)

⁷⁰ NCVO is a national umbrella organization which is engaged in research, analysis, and lobby and which represents the views of its members, and the wider sector before the government, the EU and other bodies. See: www.ncvo-vol.org.uk

⁷¹ Email from Mr. Oliver Reichardt, Head of the Compact Team, October 6, 2009

⁷² www.cabinetoffice.gov.uk/third_sector/about_us.aspx

⁷³ www.thecompact.org.uk/information/100018/101234/101495/officeofthethirdsector/



ESTONIA

The Estonian *Civil Society Development Concept - EKAK* is perhaps the only policy document adopted by a Parliament in CEE. EKAK was adopted in 2002 by the Riigikogu (the Estonian Parliament) and was sent to the Government for implementation in 2003. EKAK contains short term and longer term goals and this approach has enabled more effective implementation which focused first on the shorter term priorities. The hearings on the implementation of EKAK take place every two years in the Riigikogu.

Importantly, a *Joint Committee* was created in order to support the implementation of the short term goals outlined in EKAK. The Joint Committee is composed of representatives of each ministry and civil society. Among other things, the Committee was assigned to evaluate the degree to which the parties have fulfilled the commitments from EKAK, as well as to develop the action plan for 2004-2006 for implementation of EKAK. Importantly, the work of the Committee enabled the two sectors to reach a higher level of collaboration.

In the years following the establishment of the Committee, its membership increased to 30, which slowed down the efficiency of the work of the Committee. At the end of 2006, NENO⁷⁴ conducted an audit for the Joint Committee that identified three main problems in implementing EKAK: (1) lack of political interest on the side of the government; (2) poor quality and implementation of activity plans due to insufficient financial and human resources⁷⁵, and (3) unclear role and responsibilities of both the committee and its members, especially from the side of public sector (the ministries were represented by officials who usually didn't have the power to make decisions in the name of the ministry). In order to solve these problems, NGOs recommended the revision of the principles and membership of the Joint Committee and formation of implementation units in both the public sector and NGOs.⁷⁶ During the summer of 2007, the principles and membership of the Committee were revised, and as a result the new committee is smaller in number, but composed of higher level officials. It includes representatives of 10 umbrella organizations, business and trade unions, as well as chancellors (the highest state officials in Estonia) of the ministries of Finance, Social Affairs, Education, Culture, and Economic Affairs, and the deputy-chancellor of the Ministry of Interior. The Minister of Regional Affairs chairs the Committee. In addition, a representative of Riigikogu and two government foundations (Enterprise Estonia and Non-Estonians' Integration Foundation) also sit on this Committee. The work of the Committee and implementation of the activity plan

⁷⁴ The Network of Estonian Nonprofit Organizations, NENO is the single and largest Estonian organization uniting public benefit nonprofit organizations. www.ngo.ee

⁷⁵ The budget for the Joint Committee was allocated from a supplementary budget of 2-3 million Estonian kroons a year (approx. 130 000-190 000 Euros).

⁷⁶ The discussions over the formation of implementation units are still in process. NGOs have stated that they find it inevitable to have such units with stable funding from state budget in both public sector (for example the future department of civil society by Minister of Regional Affairs) and nonprofits (administered by one NGO) to perform day-to-day activities and being responsible in taking EKAK forward.



have been financed through the existing budget resources and contributions made by the organisations participating in the process (e.g., the Baltic-American Partnership program).

EKAK is considered as a successfully implemented document due to the fact that the key goals and activities have been implemented. Even more importantly, as described by the local experts, “EKAK has allowed a strategic approach for civil society development (as opposed to just doing random projects). As a result, Estonia has a functioning civil society and a sustainable nonprofit sector”.⁷⁷

In addition, in 2006 the Government adopted the *Development Plan for Civic Initiative Support (KATA) for the period of 2007-2011*. This document is based on the long-term priorities specified in the EKAK and aims to follow up on the previous activity plans for implementation of EKAK. KATA consolidates the activities from the development plans of various ministries. Hence, while Ministry of the Interior is responsible for the implementation and management of KATA its activities are implemented by the Ministry of the Interior, State Chancellery, Ministry of the Finance, Ministry of the Education and Science, Ministry of Foreign Affairs and Ministry of Economics. These state bodies are expected to cooperate with the local government units, NGOs and businesses in the implementation of the activities. At the moment a new development plan for the period of 2011-2014 is being drafted, where more ministries will be involved in its implementation.

FRANCE

In France, the evaluation of the implementation of the French Charter is the responsibility of the *National Council for Associative Life* (CNVA – Conseil National de la Vie Associative⁷⁸). The CNVA is a consultative body created in 1983 and placed under the Prime Minister. It is composed of 70 members (who each have a substitute member if need be) designated by the Ministries.⁷⁹ Those members come from organizations that have been nominated by the Prime Minister to be part of the CNVA. CNVA has a standing committee comprising the organization’s officers, representatives of the State ministries – depending of the current agenda – and representatives of local authority associations (mayors, head of departments and regions). The mission of the CNVA is to study and follow all issues regarding associative life, give advice on the draft legislation and regulation interesting the sector, make proposal enhancing associative life. Every three years it develops a report on associative life and its evolution. This report is one official assessment tool of the implementation of the government policy towards the NGOs⁸⁰.

⁷⁷ Kubar, U., “*Estonian Civil Society Development Concept (EKAK): Framework for Cooperation between Third and Public Sector: Brief Overview and Some Learning Points*”, European Conference „How to foster civil dialogue in Europe“, Brussels, May 15, 2008

⁷⁸ The CNVA is a consultative body created in 1983 and placed before the Prime Minister. See more information under Section 3.2 of the present case study.

⁷⁹ See www.associations.gouv.fr

⁸⁰ The reports are published on the Government website www.associations.gouv.fr



HUNGARY

The cooperation with the NGOs in Hungary is elaborated in two documents. First, in 2002 the Government developed the *Strategy Paper of the Government of Hungary on Civil Society*. The Strategy was not a legally binding document and its implementation was entrusted to the *Department of Civil Relations*. Although it was non-binding document, the key elements of the Strategy were implemented and its key objectives were realized (e.g., setting up a National Civil Fund; adopting legislation on volunteering; increasing the proportion of public funding in the income of NGOs). The implementation of the objectives was conducted in close cooperation with the NGOs and other ministries responsible for the development of the specific sphere. In this respect, the implementation can be considered successful. However, although the Strategy was evaluated and the guiding principles of the follow-up policy document (see below) were based on lessons learnt, no proper assessment has been carried out and there is no exact data available on its long-term impact on the NGO sector (e.g., whether and to what extent have NGOs become more sustainable or more socially embedded as a result of the government strategy).

In 2007 the Government adopted a *Resolution on Provisions Serving the Development of Government-Civil Relations (1065/2007)* with the aim of further enhancing government-NGO relations. The Resolution identifies the governing principles and establishes procedures for cooperation with the third sector on the government level by outlining eleven tasks for the government.

Following a public debate, the Government Resolution of 2007 was prepared by the Department of Civil Relations. It incorporated input from the NGOs as well as the recommendations from other ministries into the new policy document. As opposed to the Strategy, where the implementation was vested with one body, the Government Resolution of 2007 introduced a new approach with the aim to decentralize the implementation and foster cooperation with the NGOs and the line ministries. In this way, it is not only the Department of Civil Relations that has the main responsibility of communication with the whole sector, but rather, every ministry is in direct contact and cooperation with NGOs from their own specific field. The resolution is a legally binding document and the implementing ministries were all required to prepare a detailed action plan based on the assignments allocated in the Resolution.⁸¹

V. IMPLEMENTATION PLAN: SETTING THE BASES FOR ENFORCEMENT AND MONITORING OF RESULTS

In order to ensure that the goals, strategic directions and commitments are enforced many countries have developed implementation plans. These plans can accompany the policy document and be an integral part which is considered during its development and adoption (e.g., Croatia, Macedonia), or it can be developed subsequently after the policy document is adopted (e.g., England, Estonia). Regardless of when it is developed it is one of the strongest guarantees that the policy document will be implemented. All parties which will be responsible for implementing

⁸¹ See for example the Hungarian Foreign Ministry Action Plan for the Civil Sector (2008-2009) www.kulugyminiszterium.hu/kum/en/bal/Ministry/public_relations/action_plan.htm



the specific steps of the plan should be consulted and be given an opportunity to voice their opinion and provide recommendations. **Participation will ensure that the priorities in the plans are identified correctly, that deadlines are realistic and all parties commit and understand the specific actions they need to undertake.**

Implementation plans are generally adopted for one, two or several year's time, during and after which they are reviewed and revised. Formal or informal reporting on the results of the implementation may also be required as part of the review and monitoring process.

The existing examples of implementation plans generally address the following issues:

- Strategic directions (overall goals);
- Specific objectives;
- Outcomes expected;
- Action and steps to be undertaken;
- Indicators for measuring success;
- Bodies/persons responsible for implementation
- Timeline/deadlines for implementation of each task.

In all cases, **the more details the implementation plan contains, the better guidance it would provide in the process of its enforcement.** It will also support the process of monitoring and evaluating of its enforcement.

For example, in *Croatia*, upon the adoption of the National Strategy the Government Office for NGOs developed an Operational Plan for Implementation of the Strategy which was adopted by the Government in February 2007. The Operational Plan clearly outlines all the measures necessary to support the implementation of the Strategic goals, the deadlines and the responsible ministries or state bodies. The specific bodies assigned to undertake the tasks in the Operational Program report to the Office for Cooperation on the accomplishments and challenges. The Office for Cooperation is responsible to submit yearly reports to the Government on the progress of the implementation. The report is then reviewed and discussed by the Government at experts working group and coordination meetings before it is adopted. This yearly report contains the following information: the title of the measure, the responsible body for its implementation, description about the actions undertaken and status of implementation, the anticipated deadline and recommendations for next steps and actions to improve the enforcement of that measure.

According to the Report of the Work of the Government Office for Cooperation with NGOs for 2007-2008, 64% of the measures in the Operational Plan anticipated for the first year have either been launched or implemented⁸². The implementation of the Operational Plan was also discussed at the "Days of Association" an annual event where the associations can present their work and discuss different themes and issues during working groups. The outcomes of the discussions and conclusions from this meeting were incorporated in the Report on the implementation of the Strategy and considered when developing measures for improvement of the implementation. In addition, some NGOs have done "shadow monitoring" of the implementation and have also sent their opinion on the process and results of the implementation.

⁸² <http://www.uzuvrh.hr/userfiles/file/UZUVRH-Izvjesce%202007-2008%281%29.pdf>



In *England*, there are two documents which support implementation of the Compact:

- (1) *The Joint Compact Action Plan*⁸³ represents a program of work in 2008–09 for the bodies responsible for implementation of the Compact: the Commission for the Compact, Compact Voice and the Office of the Third Sector. The Plan outlines the aims and sets out the priorities. For example, it contains specific target outcome that needs to be achieved (e.g., stronger partnerships at national level to deliver the compact) and accompanying information on the actions required to achieve that target and the lead body (e.g., promoting the Compact with departments across government so that it becomes part of the “ground rules” for their partnerships with the third sector; lead body is Office of the Third Sector). This document was adopted at the Eighth Annual Compact Meeting on 17 December 2007 and was incorporated in the Report to the Parliament.
- (2) *A Joint Compact Implementation Plan* which set out the precise steps to be undertaken under each target outcome identified in the Joint Compact Action Plan. It details the following: what is the action, what are the specific tasks, who should take a lead, what is the expected outcome, what are the expected milestones and the deadline for implementation.⁸⁴

The *Estonian* EKAK has its own Implementation Plan for 2004-2006, and the implementation schedule is in general followed by both parties. The EKAK implementation plan formulates goals, activities to achieve each goal, and specific indicators to measure achievement, deadline and responsible party for implementation of the document. It allocates responsibilities and contains a fixed schedule. Although the implementation plan was drafted in pursuit of the EKAK’s short-term priorities, it also came as a result of the government’s and the non-profit sector’s joint efforts and understanding of the essential aspects of civic, legislative, and economic life in the country and the importance of adopting a comprehensive approach to solving problems in these areas.

Although EKAK has certainly been instrumental in shaping cooperation and defining common goals, NGOs have been dissatisfied with the slow process of implementation. Therefore, in 2008 NENO organized the first national clamoring/debate of Estonian NGOs to discuss the future of EKAK. Therefore, NGOs used the opportunity to develop several proposals on how to proceed with EKAK, including changes in legislation, better implementation mechanisms and the formation of similar agreements at local levels.⁸⁵

The Development Plan for Civic Initiative Support (KATA) also anticipates the development of an implementation plan. The Ministry of the Interior, as key coordinator of the implementation is responsible to submit a consolidated annual report to the Government, which includes reports from the line-ministries responsible for implementation of the specific tasks. The report should contain information on the progress, costs and any changes that have occurred. The involved

⁸³ www.thecompact.org.uk/shared_asp_files/GFSR.asp?NodeID=101401

⁸⁴ www.thecompact.org.uk/shared_asp_files/GFSR.asp?NodeID=101353

⁸⁵ www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/estonia.pdf



ministries and institutions are expected to inform the Ministry of the Interior about the upcoming planned activities for the next planning period and budget year in their government area.

The *French* Charter does not contain an implementation plan, but only states that evaluation should be conducted every three years by the CNVA and its result are presented to the Parliament and to the Economic and Social Council⁸⁶. It seems that there are no specific implementation acts undertaken to enforce the Charter, mainly because of the lack of political support and interest to follow up on it. However, in 2006, the French Government initiated the National Conference on Associative Life which can be deemed an offshoot of the Charter of 2001; it is considered a tool to maintain a vector of open public dialog between NGOs and the Government on important public policy issues. The first National Conference reflected on three issues of public policy regarding the nonprofit sector: (1) Consolidating the place of associations in civil dialog, (2) Consolidating the contractual relationship between associations and state, and (3) Supporting the volunteer activity. Three work groups were assembled, composed of various representatives of NGOs and worked for five months to deliver recommendations to the (then) Ministry of Youth and Sport for each theme of the Conference. Following the Conference, 25 objectives were identified which aimed to direct the focus of the Governmental action and/or regulation regarding the development of the associative sector. The review of the implementation of the measures of the 25 goals is published on the Government website as of the end of 2007.⁸⁷ As a result, several regulations were adopted and other measures undertaken (e.g., improvements in statistic monitoring of the NGO sector, creation of the ability to apply for government funding online, creation of an online national directory of NGOs, publication of a guide on government funding). Nevertheless, the lack of consultation and cooperation in implementation of the 25 objectives hampered their complete fulfillment. These issues will be addressed again at the upcoming National Conference in December 2009.⁸⁸

As noted above, the *Hungarian* Government Resolution assigned specific ministries with the responsibility to prepare a detailed action plan based on the tasks allocated in the Resolution. During the preparation of these action plans the Ministries generally reached out to the NGOs whom they had already been working with to invite their input. In addition, the development of the plans was not a closed procedure as other interested parties could also review and provide comments to the draft action plans. The formats of the action plans may differ, but typically they first identify a specific task (e.g.: "*coordinating measures for the development of volunteering*"), then they list the department or ministry unit responsible for its implementation (e.g.: "*Department of Civil Relations*") and the timeframe or the deadline for implementation of the tasks. They may also make reference to other parties that are going to be involved in

⁸⁶ The Economic and Social Council is an advisory body to the Government, which issues recommendations to the French authorities and also takes part in the legislative process on bills to be submitted for approval in the French Parliament. Every major economic and social activity is granted legal representation. The associative sector is also represented at Economic and Social Council on national level through an Associations Group (5 members). They are also represented at the Economic and Social Councils on regional level.

⁸⁷ http://www.jeunesse-vie-associative.gouv.fr/IMG/pdf/CVA_25_mesures_tableau_100807.pdf

⁸⁸ Henrard, J., President of CPCA, "La CPCA: une reconnaissance du mouvement associatif organisé," in *Juris Associations*, No 384, 15 September 2008



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implementation of the given activity and may name a specific NGO they will rely on (e.g.:”*National Volunteer Centre*”)⁸⁹. Ministries are also obliged to prepare an annual report about the implementation of the objectives set out in their individual action plans and send it to the Ministry of Social Affairs and Labor by every April. The implementation reports are then all published on the central civil information portal, maintained by the Ministry.

In terms of monitoring of the results of the implementation of the strategic documents its worth to mention that NGOs in Hungary are required to submit annually data about their activities, income, human resources (employees and volunteers), and infrastructure to the Central Statistical Office. The data is then analysed regularly by this Office. The analysis is used to measure the sector and the impact of the strategic documents.

⁸⁹ Examples from the 2007-2010 Civil Action Plan of the Ministry of Social Affairs and Labor.



VI. CONCLUSIONS AND RECOMMENDATIONS

The models of government offices which are responsible for supporting cooperation and development of the sector and the implementation of policy documents are different in each country. They respond to the specific needs that have triggered their establishment, they derive from the documents which delegate their functions and are reflective of the overall context, attitude and relationships between the sectors. As noted above there are some key factors that need to be considered when deciding on which model to adjust to the local circumstances or when aiming to create own unique model. Those include: investing in the establishment in order to select the right person leading the office, making sure that the cooperation and implementation are not vested in one office but are jointly exercised and enforced by different bodies, ensuring that there is commitment to enforce the model and that there is an ownership about the document, the office and the process by the parties involved.

Perhaps the most discussed issue is whether the implementation of policy documents for cooperation should be conducted by the government alone or with the NGOs. In case of bilateral agreements this is more straightforward, as these documents may contain responsibilities for the NGOs and therefore their participation in implementation will be necessary. However, in the case of unilateral documents the examples show that NGO participation in implementation and monitoring should be encouraged even though strategies are mainly undertakings by governments. The main aim of the strategies is to support the development of the sector. They target specific needs and fields of activities of the sector. Often times the sector is working on those needs and activities. So when the efforts are combined, NGOs can support the process of implementation – they can bring in expertise, human resources and funding towards implementation of the goals. The benefits of implementing the tasks in collaboration with the NGOs are recognized in almost every implementation process identified in the European countries. Therefore, NGOs are either given a formal role in the process by being included in the bodies which implement and monitor the implementation, or are actively involved in the design of the action/implementation plans and the processes of their realization.

The Ukrainian Concept stipulates that *“implementation shall be carried out by the bodies of executive power and the NGOs jointly or separately.”* We recommend that NGOs are involved in the process more actively and, if possible, formally through a creation of a joint body responsible for the implementation and monitoring of the Concept. This is supported by the fact that the Concept itself obliges the executive powers to *“create conditions that would enable CSI’s monitoring of the status of the Concept implementation”*.

The examples of European countries also show that detailed action or implementation plans support the enforcement of the documents and increase the possibilities that the goals will be realized. This is because implementation plans break down the goals and objectives and assign responsibilities to different bodies – this decentralizes the implementation and allocates the specific tasks to those who are most competent and better positioned to actually implement them. The Ukrainian Concept envisions development of such plan based on opinions from public



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discussions. We want to stress again the importance of developing that plan in close cooperation with all parties which can ensure its more effective realization – members of different ministries, agencies and NGOs. The plan should also be developed at the beginning, be detailed and contain specific guidelines, indicators and timeframe. And importantly, to be open for evaluation, revision and improvement in order to adjust to the changing circumstances and embrace emerging needs.

Importantly, the government should allocate specific funding for the implementation of the activities. In addition, NGOs can also be invited to join the implementation of specific activities and where possible, contribute with resources that they have or could fundraise for. However, in case of strategies, it is important that the government recognizes the financial implication of the implementation and plans for it in the budgets of the specific body/ies which will be responsible for implementation. Otherwise the lack of funding may hamper the realization of the plan.

While implementation should be distributed to several parties it is very important to designate a main coordinator of the process. Such role could be given to a specific ministry or department within a ministry, which can work in collaboration with an advisory body composed of NGOs and other ministries. Alternatively, it can be a stand alone implementation body composed of ministry officials and NGOs. That body should be established based on clear rules and must be given a mandate to enforce the implementation by requiring different bodies/parties to abide to their responsibilities.

Specific rules for reporting and monitoring of the results should also be introduced. Monitoring should be responsibility of the body designated for cooperation/implementation, and could be conducted in collaboration with the other state offices (e.g., statistical office) and/or NGOs. The government can support the process if it structures the monitoring process together with the NGOs and if possible allocates funding for it.

Notwithstanding all of the above, it is worth noting that, fundamentally, government and NGOs are cooperating because of their shared aims and belief that the cooperation will bring tangible benefits to society. Policy documents, offices for cooperation or other mechanisms for institutionalizing partnership are simply manifestations of these joint aspirations. Recognition, respect and commitment to these shared values, are the most important factors in the success of any cooperation.



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