



# Balkan Civic Practices

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## GUIDE TO CIVIL DIALOGUE IN THE BALKANS



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# Balkan Civic Practices | #5

## Guide to Civil Dialogue in the Balkans



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# TABLE OF CONTENTS

## Introduction

### CHAPTER I: CIVIL DIALOGUE IN SLOVENIA II

#### 1. The Slovene non-profit sector II

Development of non-profit sector in Slovenia II

Impact of the process of European Integration 16

#### 2. Strategic documents 17

Strategy of Systemic Development of NGOs in Slovenia in 2003 – 2008 17

Government Strategy on the NGO sector in Slovenia 20

Agreement between the Government and NGOs 24

#### 3. Participation of NGOs in the decision-making process 29

Selection procedure of NGO representatives 31

Analysis of inclusion of NGOs in preparation and implementation of policies 33

Case study 1: Financing the civil dialogue 40

Case study 2: Agreement on communication prior to and during  
the time of Slovene EU Presidency 45

### Annex: Draft Agreement between the Government and NGOs 47

### CHAPTER II: CIVIL DIALOGUE IN THE BALKANS 72

#### 1. Albania 72

##### 1.1. Civil society and its environment 72

Legal framework 72

Funding for NGOs 74

##### 1.2. Civil dialogue 75

Participation of NGOs in development of policies, legislation  
and strategic documents 75

Strategic documents 77

*NOSA Civil Society Strategy 2006-2008* 77

#### 2. Bosnia and Herzegovina 80

##### 2.1. Civil society and its environment 80

Legal framework 81

Funding for NGOs 81

<b>2.2. Civil dialogue</b>	<b>82</b>
Participation of NGOs in development of policies, legislation and strategic documents	<b>83</b>
Strategic documents	<b>85</b>
<i>Strategic documents of the Coalition »To Work and Succeed Together«</i>	<b>85</b>
<i>The Agreement on Cooperation between the Council of Ministers of Bosnia and Herzegovina and the Non-Governmental Sector</i>	<b>85</b>
<b>3. Croatia</b>	<b>87</b>
<b>3.1. Civil society and its environment</b>	<b>87</b>
Legal framework	<b>87</b>
Institutional framework	<b>88</b>
<i>Government Office for Cooperation with NGOs</i>	<b>88</b>
<i>The Council for Civil Society Development</i>	<b>88</b>
<i>National Foundation for Civil Society Development</i>	<b>89</b>
Funding for NGOs	<b>89</b>
<b>3.2. Civil dialogue</b>	<b>91</b>
Participation of NGOs in development of policies, legislation and strategic documents	<b>91</b>
Strategic documents	<b>92</b>
<i>Programme for Cooperation between the Government of Croatia and the Non-governmental, Non-profit Sector</i>	<b>92</b>
<i>National Strategy for Creation of Environment Stimulating to Development of Civil Society</i>	<b>93</b>
<b>4. Kosovo</b>	<b>95</b>
<b>4.1. Civil society and its environment</b>	<b>95</b>
Legal and institutional framework	<b>95</b>
Funding for NGOs	<b>97</b>
<b>4.2. Civil dialogue</b>	<b>97</b>
Participation of NGOs in development of policies, legislation and strategic documents	<b>97</b>
<b>5. Macedonia</b>	<b>99</b>
<b>5.1. Civil society and its environment</b>	<b>99</b>
Legal framework	<b>99</b>
Funding for NGOs	<b>100</b>
<b>5.2. Civil dialogue</b>	<b>101</b>
Civic Platform for Macedonia	<b>101</b>
Unit for Cooperation with Non-Governmental Organizations	<b>102</b>
Office for Contact between NGOs and the Parliament	<b>103</b>

Participation of NGOs in development of policies, legislation and strategic documents	104
Strategic documents	106
<i>Strategy for Cooperation of the Government with the Civil Sector (2007-2011)</i>	106
<b>6. Montenegro</b>	111
<b>6.1. Civil society and its environment</b>	111
Funding for NGOs	111
<b>6.2. Civil dialogue</b>	112
Strategic documents	112
<i>Basis of Cooperation of Government of Montenegro with Non-governmental Organizations</i>	112
<i>Strategic documents of the NGO Coalition »Cooperation for a Common Goal«</i>	113
Participation of NGOs in development of policies, legislation and strategic documents	115
NGO representatives in governmental bodies	116
<b>7. Serbia</b>	117
<b>7.1. Civil society and its environment</b>	117
Legal framework	117
Funding for NGOs	118
<b>7.2. Civil dialogue</b>	120
Institutional framework and strategic documents	122
<i>Memorandum of Cooperation in the European integration process with the Non-governmental Organizations</i>	122
Participation of NGOs in development of policies, legislation and strategic documents	122
<i>Poverty Reduction Strategy</i>	122
<b>8. Table: Country comparison</b>	125
<b>ABOUT THE AUTHORS</b>	128
<b>MACEDONIAN CENTER FOR INTERNATIONAL COOPERATION (MCIC)</b>	129
<b>CENTRE FOR INFORMATION SERVICE, CO-OPERATION AND DEVELOPMENT OF NGOs (CNVOS)</b>	130
<b>BALKAN CIVIL SOCIETY DEVELOPMENT NETWORK (BCSDN)</b>	131
<b>Bibliography</b>	133



## Introduction

In 2000, the European Commission underlined the importance of cooperation of non-governmental organizations (NGOs)<sup>1</sup>, the Commission and the national governments in its communication "The Commission and NGOs: building a stronger partnership"<sup>2</sup> in which it stated that NGOs can make an important contribution to the development of democracy and civil society in the candidate countries. In the same year a statement of intent was signed between Government Office for European Affairs (SVEZ) in Slovenia and a group of NGOs that resulted in the establishment of the Centre for Information Service, Cooperation and Development of NGOs (CNVOS), a year later.

CNVOS was established with the aim to empower NGOs in Slovenia and promote their role as an important part of civil society. Since then, it was involved in development of the main strategic documents of the Slovene NGO sector and its relationship with the Government and has developed a selection procedure for NGO representatives in various governmental bodies and committees. This experience is presented in the first part of the guide.

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<sup>1</sup> The term non-governmental organizations (NGOs), non-profit organizations (NPOs) and civil society organizations (CSOs) is used interchangeably. This is due to different forms of legal registration and practices in countries analyzed in this publication. For the needs of the present publication, the mentioned terms are used to define all forms of civic association with the aim to realize a common goal or interest.

<sup>2</sup> (COM (2000) 11): [http://ec.europa.eu/civil\\_society/ngo/docs/communication\\_en.pdf](http://ec.europa.eu/civil_society/ngo/docs/communication_en.pdf)



The second part of the publication offers an overview of the different practice of interaction between NGOs, governments and administrations in Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia.

Each chapter starts with a general overview of the legal, financial and institutional environment, which defines the overall development of the NGO sector.

The cooperation between the government and NGOs is presented through:

- Existence of government structures and NGO coalitions that support and promote the relationship between NGOs and the Government;
- Existence of strategic, policy documents adopted by governments that define long-term goals for the cooperation with the NGO sector; and
- Inclusion of NGOs in the process of creation of the laws, policies and strategies.

The different examples of these structures, strategies and procedures for inclusion of NGOs, presented in this guide, show the wide scope and complexity of both the practice and the concept of the civil dialogue. As reflected in the definition of the Civil Society Contact Group in its publication »Civil dialogue – Making it work better<sup>3</sup>«, civil dialogue:

- Involves an interaction between public institutions and NGOs, rather than a unilateral relationship. It thus goes beyond information and communication, and is based on mutual recognition and responsiveness;
- Covers various degrees of formalisation, ranging from informal to legally recognised structures, from ad hoc to continuous exchange;
- Covers different degrees of involvement from NGOs, ranging from information to consultation and active participation;
- Takes place alongside the whole policy-making process which includes the following phases: Agenda setting, Policy definition/ decision-making, Implementation, Evaluation and Feedback.

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3 <http://act4europe.horus.be/module/FileLib/Civil%20dialogue,%20making%20it%20work%20better.pdf>

The guide was written from the perspective of NGO practitioners and doesn't attempt to be an in-depth analysis of relationship between NGOs and government, but rather a guide through different practices and mechanisms of the civil dialogue that were developed in different environments. As such, we hope that it proves to be a useful tool for NGOs working towards strengthening the NGO sector and its cooperation with authorities - as well as an incentive for strengthened cooperation between these NGOs in the region.



## Civil Dialogue in Slovenia

### 1. THE SLOVENE NON-PROFIT SECTOR

With more than 20,000 NGOs in variety of fields of work, the non-profit sector in Slovenia is very diverse. Four types of NGOs can be identified:

1. **Associations:** independent, voluntary organisations, including people who join in order to realise commonly defined objectives. They represent around 97 % of all NGOs;
2. **Institutions:** organisations, established to manage assets bound to a particular purpose;
3. **Private institutes:** organisations operating in the fields of education and schooling, science, culture, sports, healthcare, social welfare, childcare, protection of disabled persons, etc., whereby the goal of the organisations' activities is not generation of profit;
4. **Religious organisations:** voluntary, non-profit associations of private individuals, who gather primarily due to a common religious belief and confession.

### Development of non-profit sector in Slovenia

After the Second World War<sup>4</sup>, the development of NGO sector in Slovenia can be divided into four periods:

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4 Before the war there were already 8,000 NGOs in Slovenia ( 6,014 associations and 1,677 co-operatives in 1938).

- a) **The period of state socialism:** political system dominated civil society; associations were the only type of NGOs allowed;
- b) **The period of self-governing socialism in the 70s:** interest groups formed as a way to enforce broad social interests under the auspices of the Socialist Association of Working People; the period was marked by wide possibilities for establishing associations and weakening of state control;
- c) **The period of new social movements in the 80s:** civil society developed as an alternative to the official political structure. After 1988, the process of differentiation within civil society began; a significant number of protagonists from the new social movements integrated into political party and, later, state establishment;
- d) **The period of transition after 1990:** new types of NGOs were established (institutions, private institutes, religious organisations); the period was marked by intensive growth of organisations reflecting special interests (expressive function), but fewer organisations with service function.

In the spirit of self-managing socialism and the principle of openness for the expression of the broadest variety of interests, the Societies Act was adopted in 1974. It encouraged setting up and growth of societies, which in turn allowed the bottom-up expression of interests (upon the initiative of citizens and not the State). During that period, cultural, sport and social care societies emerged. Self-help and mutual help groups such as associations of recovering alcoholics, societies for the retired, and professional or trade associations were established as well as fishermen's, hunters' or beekeepers' associations.

1980s were marked by new issues, reflected in peace and feminist movements and those fighting for minority, environmental, gay and spiritual rights, which have led to the emergence of numerous sub-cultures. In the mid-80s, the plurality of civic movements underwent significant change.

In the 1990s, Slovenia, like the rest of the Eastern Europe, was seized by the phenomenon of "NGO-isation" of civil society, or a gradual transformation of civil society groups into NGOs. This reflected a tendency to understand civil society as having the function of supervising and protecting the acquisition of a system of democracy. NGOs began to emphasise political issues in their activities, in par-

allel with the process of political transformation of society that resulted in the political independence of Slovenia in 1991.

Particularly important was the development of certain new forms of NGO that did not exist previously. The legislation on foundations introduced the possibility of founding NGOs for the purpose of obtaining and distributing funds. It was also possible to note positive development in the growth of activities or religious organisations, particularly in the field of charity work.

In the case of some organisations the transition from civil society organisations to NGOs led to a "softening" of their activism, i.e. neutralization of political pressure and demands. The cause of this were: the institutionalization of NGOs, the appearance of market logic in the third sector, the dominance of stronger NGOs over weaker ones and the introduction of hegemony within the sector or between sectors and the phenomenon of semi-public NGOs, which impeded the development of the NGO sector.

Since the availability of human resources for the NGOs was limited, the shifting of individuals from the civic to the political sphere after the independence resulted in the decline of the strength of NGOs. As a result, part of the traditional role of NGOs moved to the state level, whereas an important part lingered in the private sphere, lacking competent human resources and adequate financial support. Besides this, there was also a transition of the large number of activists and key persons from civil society into the state administration.

Another important element of the weakness of NGOs was conditioned by the lack of an integrated approach to development. NGOs were not recognized by the state as a strategically important partner and therefore, development was dependent on how favourable conditions were in individual spheres.

**Although the number of newly formed NGOs grew persistently, the 1990s failed to produce solutions to the numerous difficulties faced by NGOs in terms of their development.**

The key shortcomings remained the systemic definition of their role, the failure to establish an incentive/legal framework for their work, the failure to provide conditions for a more active transfer of the

functions of the state administration to NGOs. All of this meant obstacle to the continuous and lasting strengthening of NGOs and of their stability in terms of human resources and funding, and, as a result, narrowed their possibilities for the cooperation and inter-connection that is normal practice in developed democracies. All of this also contributed to profound differences between the individual areas of work of the organisations (social work, environment, etc.), between individual organisations and between positions of different organisations, especially between the older organisations already installed in relatively closed systems of funding and the newer ones, whose position had still not been appropriately evaluated.

Today, the situation has been slightly improved, but we cannot say that it is on a good level. On the basis of data collected in 2004, as well as in 1996, it is possible to establish that, in Slovenia, the non-profit sector's **revenue share in GDP** is significantly smaller than in other countries. According to the Slovene organisations' 2004 income and expense statements, their revenues amounted to 418.911.700 EUR. The estimated value of these revenues was 1.6 % of GDP. The revenues of foundations amounted to 0.18 % of GDP. If this data is generalized across all the types of NGOs, it is possible to estimate their total revenue at 1.91 % of GDP. Comparing the above figures with an analogous research conducted in 1996, in which the revenue share of NGOs amounted to 1.92% of GDP, it is possible to infer that, in eight years, the percentage of NGOs' revenues remained unchanged.

International comparison of **sources of NGOs' income** reveals that, on average, service fees are the primary source of NGOs' income (47 %). The second important source of income is public funding (42%), while donations represent merely 11 % of income. The data for Slovenia also demonstrates that, in 2004, the NGOs' income from sales of goods and services significantly decreased, while the income from public funding increased. Nevertheless, research shows the income from donations and sponsorships to be considerably larger in Slovenia than in the other countries.

NGOs raise funds from local municipalities, as well as from foreign donors, service provision, grants and contracts from the government, and from membership fees. Many NGOs rely on voluntary work, and in most of the cases, the contributions of volunteers en-

able them to remain viable. Contracts with local business are mainly limited to sponsorship and advertising. The percentage of money raised from local sources is higher than from central sources, and private donations are limited due to lack of tax exemptions. Considering the structure of NGOs' income, Slovenia is among those countries where income from public funds represents the most important source of funding. Despite this, the share of public funding in 2004 was noticeably smaller (36.3 %) than in other countries where it reached, on average, 47 %.

Generally, large NGOs that are well known and have clear humanitarian goals get more support. Slovene membership in the European Union provides more opportunities for NGOs to qualify for EU funds, but given NGOs' limited capacity to participate in such tenders, few have applied.

Some of the most significant indicators of the non-profit sector's development are **the level of employment** and the growth of the sector. In 2004, over 80 % of Slovenian NGOs (80.6 %) had no employees; only 17.1 % of organisations had more than two persons employed. Religious organisations had the smallest share of employed, while private institutes had the largest number of employees among all types of NGOs. The percentage of the employed in NGOs presents 0.74 % of active population in Slovenia.

It is interesting to note that the share of employed by the organisations active in the field of social welfare (i.e. organisations dealing with protection of disabled persons, charity organisations involved in social activities, etc.) amounts to 26.7 %, even if the share of these organisation within the structure of the non-profit sector in Slovenia is merely 3.7 %. From this data it is possible to assume that, in comparison with other NGOs, organisations dealing with social welfare have the most professionally developed structure.

Considering that the majority of NGOs in Slovenia have no employees, **voluntary work** represents a significant supplement to the work performed by the employed personnel in the non-profit sector. Results show that volunteers in Slovene NGOs contribute 1,3 million hours of work on a yearly basis, amounting to the scope of work performed by 7,125 workers employed full-time. If we convert this into the value of student work (3,3 EUR/hour), it amounts to approx. 50 million EUR in one year.



In comparison to the previous historical periods of development, the complementary role of the non-profit sector in **production of public goods and services** has not changed during the period of transition (1990s). Differences exist according to the field of NGOs' activities; they have primary role in sports, culture and social welfare, but rarely in the field of education, research and health.

## Impact of the process of European Integration

The European Union has for the past 10 years emphasized the importance of NGOs and its inclusion in policy making process and during the pre-accession process. The Slovenian Government showed greater interest for cooperation with NGOs as well.

In the pre-accession period, programmes of financial aid have envisaged financial resources and support for candidate countries for the formation and democratic functioning of civil society. This support has been aimed at stimulating democratic processes, among them the institutional strengthening of NGOs.

Despite this, the role of NGOs was quite weak in the process of Slovenia's incorporation into the EU. The Government Office for European Affairs (SVEZ) tried to include NGOs in various working groups on the basis of public invitations for tenders. The results were poor, since over 160 NGOs applied, but only 4 % of these organisations actually cooperated. The reason for this might be attributed to the weak capacity of NGOs.

At the end of 1990s, around 0.4 % of all employees in Slovenia were employed by societies (around 3,000 people), mostly by sports and voluntary fire fighting societies, followed by humanitarian and disabled persons organizations. Approximately 90 % of societies had no employed staff, around 20 % did not have funds to operate (45 % had less than a 4,000 EUR a year, and fewer than 10 % had more than 40,000 EUR). The additional problems were a low level of professional staff, lack of technical knowledge, and the fact that a lot of civil society activists entered politics when Slovenia became independent.

For these reasons, the inclusion of NGOs in the process of the accession to the European Union can be judged as relatively unsuccessful.

ful. There were rare exceptions which were the result of great energy and commitment of individuals and individual NGOs.

Even though in the early 90s incentives and a formal framework were introduced for two new forms of associations – private institutes and foundations, the NGO sector has only recently felt a greater need to broaden its networking and enhance its role. This is the reason why the suggestion from Government Office for European Affairs (SVEZ) for the establishment of the organisation, of which the main goal would be the cooperation between NGOs and the encouragement of cooperation with the government, was so positively accepted by NGOs. As the result, the Centre for Information Service, Cooperation and Development of NGOs (CNVOS) was established in 2001 by 27 NGOs. One of the main roles of the Centre has been the provision of technical-administrative support for the **Initiative for the future of NGOs**, which is the central NGO structure in the process of the dialogue between the government and NGOs. It was also actively involved in the preparation of the key strategic documents for the systemic development of NGO sector in Slovenia and its cooperation with the government.

## 2. STRATEGIC DOCUMENTS

### Strategy of Systemic Development of NGOs in Slovenia in 2003 – 2008

With the initiative from four NGOs (CNVOS, Legal-information Centre for NGOs, Sent – Slovenian Association for Mental Health and Umanotera – the Slovenian Foundation for Sustainable Development) and financial support from international organisation Trust for Civil Society in CEE, the document called Strategy of Systemic Development of NGOs in Slovenia in 2003 – 2008 was developed in an open process in which wide groups of interested individuals cooperated and contributed with their knowledge, suggestions and opinions.

In 2003, the following SWOT analysis of the Slovene NGO sector was made by the Initiative as a reflection on the characteristics of the NGO sector, its environment and inner structure as well as the factors that could determine its future development<sup>5</sup>:

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<sup>5</sup> CNVOS, 2003.

#### Strengths:

- Flexibility, endurance, innovation, creativity, resourcefulness;
- Financial effectiveness;
- Social capital (expert knowledge and experience);
- Independence;
- International cooperation;
- NGO strategy.

#### Weaknesses:

- Financial instability;
- Weak promotion of NGO activity;
- Weak organization of NGO sector (undeveloped information, communication and policy-making forms);
- Weak cooperation and connection to governmental organizations;
- Losing motivation and initiative (exhaustion);
- Difficult measuring of effectiveness and quality of NGOs and the sector.

#### Opportunities:

- (Principled) preparedness of the Government for cooperation;
- Financial sources from the EU;
- Elaboration of governmental strategic document on NGOs;
- Trust foundation in Slovenia;
- 2004 elections (Slovene and the EU);
- Established governmental structure for cooperation with NGOs (National Coordinator for NGOs, Government Commission for Cooperation with NGOs).

#### Threats:

- Indeterminate legislation (status, tax benefits);
- Undefined status of the sector and terminology;
- Negative relation of the Government toward NGOs;
- Lack of recognizability of NGOs in society;
- Inefficient work of the Government Commission for Cooperation with NGOs.

Strategy of Systemic Development of NGOs in Slovenia in 2003 – 2008 defines the mission and vision of NGO sector, common global strategies and strategic developing areas of NGOs, the priority fields of work and determines the projects that would contribute to growth and development of NGO.

The Strategy is divided into two larger areas:

- the area of **terms** in which the strategies for the improvement and arrangement of the possibility of NGO function are written. The area is divided into subareas that include legislation, funding, infrastructure and standards that apply to NGOs;
- the area of **relationships** in which the development strategies of NGOs on the basis of their cooperation with other authorities and organizations are written. In this segment the subareas consider the relations between the NGO and state or local authorities, among NGOs themselves, with the international organizations and with the public.

Both areas are elaborated into 23 defined strategic directives and aims that were exposed and assessed as a priority at the regional workshops and at the 1st Forum of NGOs which took place between 17th and 19th October, 2002. The main strategic directives and aims of the NGO sector are represented in the following table:

Table: The outline of the written strategic areas and strategies

	STRATEGIC AREA	STRATEGIES
Area of TERMS	<b>Legislation and NGO</b>	Status and representative legislation
		Tax legislation
	<b>Funding and NGO</b>	Budget sources
		Economic resources
		Self-financing
		International sources
	<b>Infrastructure and NGO</b>	Personnel
		Supporting services
		Information technology
	<b>Standards and NGO</b>	Quality
		Classification
		Ethics
Area of RELATIONSHIPS	<b>State and local authorities and NGO</b>	Partner relations
		National programme of NGO development
		National conference
		International missions
	<b>NGO and NGO</b>	Networking
		International NGOs and Slovenian NGOs
		Forum
	<b>International organizations and NGO</b>	International organizations
	<b>Public and NGO</b>	Media
		System of education and schooling
		Festival NGO

The process of European accession has led to two further developments, which are very important for civil dialogue in Slovenia:

1. Government strategy on the NGO sector in Slovenia, in which the government recognizes the importance of NGOs; and
2. The process for the adoption of the Agreement between the government and NGOs.

Unfortunately, these documents remained only draft, which means that they were not adopted by the Government, although they still present a good basis for further dialogue and its development.

### **Government Strategy of the NGO sector in Slovenia**

This draft strategy was prepared in 2003 and considers the role of NGOs in civil society, their influence on specific government decisions and their task in providing public services. The formal appointment of the Governmental Commission and National Coordinator by the Council of Ministers as a responsible structure for developing and implementing NGO policy in Slovenia established the institutional framework which ensures the “anchoring” of the development of the policy and strategy at Government level. Together with the draft Strategy document on civil dialogue the institutional structure acts as the cornerstone of the process of Modernising Public Administration. This institutional framework provides for an excellent point of departure for the Government – NGO dialogue on policy and strategy for the NGO sector. Partial set-back was a change of some representatives in this well-functioning Inter-Ministerial Working Group, which consisted of persons with direct hands-on experience and responsibility in working with NGOs.

The following are some excerpt from the Government Strategy on the NGO sector in Slovenia:

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## PREMISES, GOALS AND PRIORITIES OF COOPERATION BETWEEN THE GOVERNMENT AND NGOS

....

### 4.1 Premises

The establishment of cooperation with NGOs is intrinsically a long-term process in which many problems are liable to occur and have to be dealt with; therefore, the Strategy cannot provide concrete solutions to any particular problem. Consequently, solutions are defined as the results of the process of cooperation itself. What needs to be determined, however, are the principles or the premises that must be consistently complied with in the process.

In establishing cooperation with NGOs, the Government will observe the following premises:

- Sound and diverse work of NGOs as a prerequisite for all-round development of a multifaceted society and for the implementation of the principles of democracy;
- Partial or entire substitution of certain public functions or competences of the public sector by current or future NGO contributions to general welfare;
- Current legal and other conditions do not allow NGOs to fully develop and promote all their functions in society;
- Prevalent forms of cooperation with NGOs make possible the recognition and resolution of particular issues within individual policy areas. They are however insufficient for the recognition of broader systemic barriers and do not allow partner relations in the formulation and implementation of Government policies nor public participation in the adoption of acts by the State;
- Following, among others, the completion of such important projects as privatisation and international integration, concurrently and in connection with the process of modernisation of public administration, new space is created for a more rapid and more effective development of cooperation with NGOs;
- Permanent cooperation, whilst respecting the principles of differences and complementarities, is the mechanism that can, in the long run, ensure the enhancement of the conditions under which NGOs operate and develop;

- Sustainable measures, providing open, flexible and effective mechanisms of cooperation, need to be adopted;
- Permanent cooperation is possible only if the principle of independence of NGOs in the setting of their missions and goals is fully respected.

#### 4.2 Aims and Measures

The fundamental aim of this document is the establishment of cooperation with NGOs in the spirit of sound partnership. The Government will fully respect the principles of differences and complementarities in its relationships with NGOs and strive for democratic cooperation, based on mutual trust. With a view to achieving this goal, the Government desires to:

- Set up a lasting basis for the resolution of problems arising in the work and development of NGOs;
- share in the effort to promote NGOs in society;
- Introduce enduring procedures by means of which NGOs may exert influence on the formulation and implementation of Government policies and which will ensure public participation in adoption of acts by the State.

With a view to achieving the above goals, the Government will:

- Offer an incentive to initiate lasting and constructive cooperation with NGOs;
- Take into consideration, in its preparation of legislative and other bases, the need for a faster and unhampered development of NGOs;
- Ensure that in their relations with the non-governmental sector the Government and its departments will act in compliance with this document;
- Define and implement various forms of cooperation with NGOs in the process of formulation and implementation of its policies (participation in the drawing up of legislative and other strategic documents);
- Encourage the transfer of public functions and competences to NGOs in all those areas where NGOs can deliver better and more efficient services;
- Refrain in its work from any acts that might threaten the independence of NGOs.

The Government is aware that the proposed establishment of cooperation is merely one option and is also willing to discuss other proposals/possibilities, put forward by NGOs. Until all forms of regular cooperation have been set up, the Government will transmit to NGOs all documents relevant to that process within the agreed time frame. The Government working bodies, designed to meet the needs of the implementation of this Strategy, will consider all proposals and incentives put forward by the NGOs which influence their position or activities and which cannot be dealt with at the level of the line ministry.

## 5. Additional measures

By the time the Agreement on cooperation between the Government and NGOs is to be signed, the Government will ensure that analyses have been carried out with respect to the following:

- Existing participation of NGOs in the formulation and implementation of Government policies;
- Legal and economic framework for the work of NGOs.
- Possibility that certain public functions be carried out by NGOs.

On the basis of the above analyses, the Government will adopt additional necessary measures.

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## Agreement between the Government and NGOs

The process of preparing an agreement between the Government and NGOs began on the first yearly NGO forum in Slovenia in 2002, with the support of the joint project implemented by four NGOs that in 2003 prepared the draft of the Strategy of the Systemic Development of NGOs. In July 2003, the Initiative for the future of NGOs was established as informal network of individuals working together in order to start negotiations with the government. As a result, the 1st National Conference was held in December 2003, with the participation of the representatives from the NGOs as well as the Government. The negotiations started in the summer of 2004 in order to prepare the agreement. The NGOs prepared the draft agreement in November 2004 (with financial support from the Government). First regional workshops were held in December 2004 to discuss the draft with all interested NGOs.

The draft agreement<sup>6</sup> has five chapters (introduction, purpose and values, concrete goals, implementation of the agreement and the validity of the agreement) and is written in a form of points.

In the **first** introductory chapter, both parties (NGOs and the Government) declare the importance of NGOs and the importance of stimulative environment in which they work. They state the importance of co-operation and necessity to formalize their relations. Important part is the statement about what type of organizations both partners recognize as an NGO (declaring certain common characteristics while excluding religious communities, trade unions and political parties) and a short history about how the draft agreement was prepared.

**Second** chapter defines the purpose of the agreement (enforcement of the NGOs in Slovenia, better cooperation, division of work between the Government and NGOs, inclusion of NGOs in public services etc.) and values upon which it will be adopted (democracy, active citizenship, equality, social economy) and clearly defines difference in the role of both partners. It also includes the desire that NGOs stay independent and sovereign entities and declares the importance of variety of organizations within sector.

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6 This document can be found in Annex.

**Third**, the most important part, includes very specific goals defined within the agreement and is divided into four different parts: civil dialogue, legislative environment, finances and employment.

1. Goals within the **civil dialogue** part are to ensure sustainable civil dialogue between the Government and the NGOs and to build and maintain the mechanisms, bodies and structures needed for such dialogue. Foreseen are different bodies at the Government side (within the Prime Ministers' Office and within ministries), different joint bodies (including representatives from National Council, Local Communities etc.) and at the NGO side (different networks, service NGOs, the agreement on general mechanism of collaboration within the sector and the rules for the nomination of the NGO representatives in different bodies). Special education programs for state administration for better mutual understanding of the role and relationships between state bodies and NGOs are foreseen and exchange of practices between employees in NGOs and administration is planned. Important part is dedicated to promote best practices of collaboration.
2. Main goals within the **legislation** part are related to the agreement on the NGO definition and the methods of regulation of the sector (laws, national strategies, agreements of collaboration etc.). Partners are keen to harmonize existing legislation and broaden good examples (from domestic and foreign legislation). Special part is dedicated to tax legislation changes, which is not favourable for NGO development (i.e. so called 1 % mechanism). Individuals and corporate donors can receive tax deductions, but they are too low to be an incentive to giving. NGOs are excluded from paying taxes on grants and endowments, but are required to pay value-added tax (VAT) on goods and services they provide. Partners want to enforce the NGO mainstreaming principle (inclusion of NGOs in adopted measures and legislation as possible implementers and target group) and the regulation of voluntary work within the non-profit sector.
3. This part defines goals in the **financial** area aiming to increase the public funds for NGOs on the level comparable to the EU average (to increase the funds from existing 27 % to 53 %),

to assure a balance in financing for different NGO types and activities. Special focus will be dedicated to assure funding in depriving areas where NGOs work (countryside).

4. Within the **employment** measures, the growth of employees in the sector is foreseen: to increase employment rate in the NGO sector from 0.8 % to at least 2 % (to secure at least 1,000 new working places per year during the time of the agreement until 2008). The establishment of appropriate infrastructure and mechanisms for faster employment in the sector is planned (measures from the Ministry of Labour, special support in the field of social economy, local networks and incubators for NGO growth etc.).

The **fourth** chapter includes the provisions for the implementation of the agreement. It defines the structures at both sides and regulates the work of the Joint Committee (10 members from both sides), defines the use of alternative methods in case of disputes, defines the need to adopt special documents to support the implementation of the agreement (in the field of promotion, to adopt similar agreements in the local level etc.) and foresees the adoption of two year working plan to more clearly define priorities in certain period. It also includes provision about joint yearly national NGO - Government conference and regional fora for the evaluation of the agreement implementation.

The **last** chapter defines the signatories of the agreement (Prime Minister and individual Ministers at the Government side and individual NGOs or their networks at the NGO side). Agreement is foreseen for the period from 2005 to 2008 and includes the provision on its updating. It also defines the minimum of NGOs signatures (100) in order for it to come into force.

Twelve regional workshops were organized as public discussion in order to collect opinions and suggestions from the NGO sector on the draft agreement. **The Negotiation Group** from NGO side, which also prepared the draft agreement, expected the following:

- Continuing negotiations and work on the agreement with the new Government (after elections in 2004);
- Position of the new Government on the suggested draft;

- Further work on the text based on the suggestions from both sides;
- Second round of the public discussion;
- Finalizing the text and;
- Its signing in the first part of 2005.

The Government has instead stopped the negotiations, claiming the process was not transparent and intended to run negotiations with the whole sector at once in sort of public negotiations. It has denied the need for an agreement and showed lack of understanding and political interest for the civil dialog.

The NGOs decided to proceed with collection of the support statement from NGOs in favour of the process in order to implement the foreseen NGO structures and more clear representation, to reinforce the NGO side and Negotiating Group, define and strictly follow line of common interests within the NGO sector, as well as to set up further strategy and mechanisms.

As we can see, there were a lot of efforts made in this period on the NGO side and the need for improved conditions. The need for better cooperation was recognized on both sides, but there was lack of implementation in practice. The process was intensive during the pre-accession time, but later on, especially when the Government changed in 2004, there was less and less enthusiasm on the Government side to accept the obligation to the civil society and sign the agreement for cooperation.

**Ministry of Public Administration** is formally responsible for harmonization and agreements with NGOs. Its priority tasks in the field of NGO cooperation are:

- Harmonization and adoption of Agreement on Cooperation with Non-governmental Organisations and the Government of the Republic of Slovenia, that is to contribute to better and more efficient cooperation of both partners and reestablishment of better conditions for NGO activities;
- Harmonization of implementation of the Governmental Strategy for Cooperation with NGO;
- Implementation of measures ensuring cooperation of interested publics throughout the adoption of regulation and strategic documents.

In November 2005, the Government established the **Standing Inter-ministerial Working Body for harmonization of open questions in the field of cooperation between the Government and NGOs**, with the following purposes:

- Preparation of the comments on the suggested agreement;
- Implementation of the Government Strategy on the NGO sector in Slovenia;
- Discuss open questions in the field of cooperation between the Government and the NGOs and prepare suggestions how to solve it;
- Prepare the starting-points for the new negotiation group to represent the Governmental position due to the process of receiving the agreement.

The Inter-ministerial Group is lead by the State Secretary from the Ministry of Public Administration. Its members come from all Ministries (Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Labor, Family and Social Affairs, Ministry of Justice, Ministry of the Economy, Ministry of the Agriculture, Forestry and Food, Ministry of the Environment and Spatial Planning, Ministry of Defense, Ministry of Higher Education, Science and Technology, Ministry of Education and Sport, Ministry of Health, Ministry of Culture, Ministry of Transport) and some governmental offices (Government Communication Office, Government Office for Local-Self-government and Regional Policy, Office for Equal Opportunities, Statistical Office).

**Four working groups** were named in the framework of the Inter-ministerial Group in February 2006 for the following fields (which correspond to four items of the Draft agreement, proposed by NGOs):

- a) Civil dialogue;
- b) Legal environment;
- c) Employment in NGOs;
- d) Financing.

After this, the Government needed more than one year (May 2007) to accept its Position of the Government of the Republic of Slovenia on Cooperation with NGOs, and yet only in the field of civil dialogue. At the same time, the Government accepted the decree, where it defined 4 ministries to prepare their positions about the employment in NGOs (Ministry of Labour, Family and Social Affairs),

on the legal framework for the NGOs (Ministry of Internal Affairs and Ministry of Public Administration), and on the financing of NGOs (Ministry for Finances). The deadline for preparation of positions was July 2007, and after the governmental confirmation, they have to be brought in line with NGOs. Until October 2007, there were no further developments.

### **3. PARTICIPATION OF NGOS IN THE DECISION-MAKING PROCESS**

The realization of the importance of involvement of NGOs in the policy process of the European Union has importantly grown over the last decades. European Commission recommends active inclusion of the NGO sector as an equal partner in all procedures and discussions relating to it and makes recommendations regarding:

- Better knowledge and understanding of the NGO sector in general;
- Establishment of a relationship (partnership) between the State and the NGO sector, which also includes contracts between the state and NGOs;
- Adoption of appropriate legislation;
- Financial basis and rules of competition;
- Ensuring a positive role in society and promotion of donations to NGOs;
- Providing education;
- Development of information;
- Access to programmes co-financed from the Structural Funds within the framework of the EU.

In general terms, cooperation of public in decision-making policy increases the level of legitimacy (democratic realisation of the plural interests and needs of society, transparency and credibility) and legality (alignment with legislation). The inclusion of public can be seen as the moral duty of the democratic authorities and the only way to take into account expectations of citizens. At the same time, it is a fundamental precondition for the sustainable development of society. Solutions designed to bring simultaneous progress in the economic, social and environmental spheres can only be formulated through broad inclusion and open debate which takes into account various ideas and approaches.

The **inclusion of NGOs in the process of preparing documents** increases their quality. The cooperation of NGOs also ensures the following:

- Knowledge and experience of NGOs, particularly at the local level where the knowledge of State and local authorities is weak, are included in the process of preparing documents;
- Groups with no formal possibilities of cooperation and which for various reasons are marginalized are also included;
- Strengthening of trust between sectors through cooperation, not only in planning but also in putting adopted decisions into effect;
- Strategic documents reflect the mutual advantages of various participants ("win-win" principle);
- Participating NGOs identify themselves with the document, thereby increasing affiliation and thus the possibilities for successful implementation;
- Priority challenges are incorporated in the appropriate political discussion;
- Clear division of responsibility among the partners is created for the implementation of the measures of the strategic documents among participants;
- Solidarity and cohesion are established. These increase efficiency and reduce the risk of conflicts of interests as obstacles to development.

A **formal framework** for the implementation of a permanent civil dialogue is laid down in the next government regulations and documents:

- Access to Public Information Act;
- New Rules of Government Procedure (amended in March 2006) contain the obligation of public consultations (the proposer has to submit assurance that representatives of civil society were consulted on the proposal);
- Monitoring the implementation of consultations with NGOs is also contained in the Methodology for the Compliance and Monitoring of the Declaration about the Elimination of Administration Obstacles and Participation of Interested Public, which was adopted in November 2005.

The problem that occurs in Slovenia is that each ministry has its own practice of communication with the NGO sector, as there are no

general regulations on this. Informal direct lines of communication are still commonly used, whereby NGOs use personal relationship to access government officials and vice versa. Recently, a notable progress was made in improving communication between NGOs and central government situations in the areas of environmental protection and social affairs, where NGOs are invited to discuss legislation before it is adopted.

## **Selection procedure of NGO representatives**

In November 2002, CNVOS started developing the Procedure for selection of NGO' representatives, which would assure transparent procedure of how the representatives of NGOs can be included into different bodies involved in policy and decision-making process. The first draft of procedure was made in 2002 on the basis of good practices from abroad and was upgraded in April 2004 on the basis of practice, experience and Slovenian conditions. Up until now, CNVOS is the only organisation that provides this service among NGOs.

**The purpose of the selection procedure is to offer all interested individuals and organisations a unified procedure with clear rules, binding for all involved and according to principles of openness, equal opportunities and transparency.**

The procedure consists of the following steps:

- To begin the procedure, CNVOS has to receive an order from a governmental body that needs the representative in a certain commission, working body etc. Special form for order of this procedure defines the expected knowledge of the representative, nature of activity, working conditions etc. Since NGOs perform the selection, these conditions cannot be demanded, they can just be expected by the client of the procedure;
- The Director of CNVOS authorizes the person, who will lead the procedure (the employee of CNVOS). The leader of procedure names two other members of the selection commission for this procedure;
- The leader sends the call for cooperation in the procedure for two types of rightful claimants: candidates and NGOs, who register to vote. The collection of application must not be shorter than 15 days. After the expiration of this deadline, commission opens the



received application and makes a list of candidates and registered electors (NGOs). The NGOs can also name a member of the commission for this procedure, who can take part in examination of received application and later in counting of votes. If there are some incomplete applications, the leader of the procedure calls on the candidate to complete it within 3 days (if the application is not completed after the deadline, it is turned down);

- After this, the commission adopts the decree about the list of candidates and voters. The presentation of candidates, which is part of the application, must be published on the web page for least 8 days. If there is bigger number of candidates and the NGOs show the interest for meeting them, the introduction meeting with all interested actors is organised; in other case, the elections are called;
- Each recorded voter receives a vote, which has to be returned in 3 days (in person, by post, fax or e-mail, which is defined in the application form for voters);
- Opening of the ballot box is public and all actors are invited. After this, the selected representative is announced. If the first 2 candidates receive the same number of votes and there is just one place in a certain body, the second round of voting follows.

Each selected representative has rights and obligations:

- Per diem and travel costs coverage;
- Transparency of work;
- Reporting to NGOs (CNVOS receives report and send it to all interested organisations which participate in the procedure, put the information in weekly information package and on the website);
- Collection and intervention of NGOs' proposals, suggestions, recommendations, which the selected representatives have to take into account.

Until now, CNVOS has carried out more than 16 selection procedures, including:

- Working Group for monitoring the execution of National action plan on social inclusion 2004 – 2006 (Ministry of Labour, Family and Social Affairs);
- Working Group for preparation of National action plan on social inclusion (Ministry of Labour, Family and Social Affairs);

- Council of the Government of the Republic of Slovenia for implementation of principle of equal treatment (Office for Equal Opportunities);
- Council for Sustainable Development (Government Office for Local-Self-Government and Regional Policy);
- Counselling Committee of the Forum on Electromagnetic radiation (Ministry of Information Society);
- Consultative Council for Community's Eco-Management and Audit Scheme - EMAS and ECO-label (Ministry of the Environment and Spatial Planning);
- Government Interdepartmental Committee for Chemical Security (National Chemical Bureau);
- Monitoring Committee for the EQUAL initiative (Ministry of Labour, Family and Social Affairs);
- European Economic and Social Committee - EESC (Government Office for European Affairs);
- Management Board for selection of projects in the framework of Norwegian Financial Mechanism (Government Office for European Affairs);
- Supervisory Committee for Operational Programme for development of human resources for the period 2007 – 2013 (Government Office for Local-Self-government and Regional Policy);
- etc.

## Analysis of inclusion of NGOs in preparation and implementation of policies

In 2004, the Government Office for European Affairs (SVEZ) undertook a comprehensive Analysis of inclusion of non-governmental organisations in preparation and implementation of policies. Its main findings were:

- **Areas of cooperation between the Government and NGOs**  
23 government sectors have stated 72 areas of cooperating with the NGOs. The ministry with the most various areas of cooperation is the Ministry of the Interior, which cooperated with NGOs on 12 different areas.
- **Areas of cooperation in policy development**  
20 government sectors have stated 56 areas of cooperation with NGOs in policy development. Ministries which have stated the most areas of cooperation with NGOs in policy development are: Ministry of the Interior (8), Ministry of Labour, Family and Social

Affairs (8), Ministry of Information Society (8), Ministry of Foreign Affairs (6), Office of Youth (4), Office for Equal Opportunities (4). More than one government institutions mentioned areas of violence over women, integration policy and trafficking of human beings.

- **Legal basis, international directives and other documents that define or recommend cooperation with NGO**

Government sectors stated 4 types of basis for cooperation with NGO: legal act, national policy, sector's programme and international documents. As a starting point for cooperation with NGOs the most sectors mentioned legislation (96). At least half less mentioned national policy (47), one third international documents (34) and the least sectors' programmes (18).

- **The Government sectors' employees, that are in contact with NGOs and the nature of these contacts**

78 employees that are in contact with NGO have been identified by name and surname. Into this number, it is important to include 26 employees of the Ministry of Culture, which did not identify the employees which are in regular contact with NGO. The ministry reported that every employee whose title is a minister's consultant or has a higher rank has in his or her job description also the area of cooperation with NGO. 54 of 78 identified representatives coordinate strategies in the area of cooperation with NGO, 56 cooperate at talks with NGO about formatting policies and 38 coordinate financing of calls. Only 13 government representatives have in their job description all of the tasks related to the area of NGO and 8 government employees have only partial ones.

- **The number of NGOs that have been in contact with government sectors in the last 12 months period**

In the last 12 months government sectors have been in contact with 1,639 NGOs. Since sectors cover one policy area and an average NGO operators in formatting of more than one policy area, it has to be taken into consideration that the actual number of different NGOs cooperating with government sectors is probably a bit lower.

- **NGOs and the NGO networks that have been actively involved into policies' formation**

23 government sectors reported that 142 NGOs and 48 NGO networks have been actively involved into formation of government policies. 11 government sectors identified NGOs that

have not been involved into formation of government policies but should be drawn into cooperation in the future.

- **Influence of NGO on formatting of policies**

Assessment of the influence on forming government policies measuring on the scale between 1 and 3 (where 1 means cooperation of NGO had no influence on the forming of policies and 3 means it had an important influence) concluded that for a little more than half of the areas (36 out of 61) the cooperation with NGO was a vital part of policies' forming. For 24 areas of work it had a minimal influence and only no influence at all reported 2 sectors.

- **Funding intended for NGO in the area of policies' forming and the total funding meant for NGO in the year 2003**

21 government sectors finance NGOs. 8 government sectors finance cooperation of NGOs in forming of government policies (e.g.researches, professional opinions, directors' fees, travel expenses, education). The total number of funding that the state intended for the financing of NGOs in different areas up till the september 2003 was 6.736.527.797 SIT<sup>7</sup>, while the funding that the state intended for cooperation of NGOs in forming of policies in 2003 amounted to 28.368.727 SIT or 0.4 % of the available funding of NGOs. Up untill August 31<sup>st</sup> 2003, when the collection of informations was concluded the government resources did not distribute the whole funding for NGOs.

- **The Assessment of relations with NGOs**

In 80 % of areas of work connected to formatting of government policies, the government sectors assess their cooperation with NGO as good, very good or great. In nearly 50 % of areas of work, the government sectors assess that their cooperation with NGO is more than good which means very good or excellent. In 20 % of areas of work government sectors assess their cooperation with NGO as satisfying or not satisfying. Here, it is important to notice also that in only 5 % of the areas has been assessed as unsatisfying.

- **Unused possibilities of cooperation**

15 government sectors identified 33 areas of work or policies where in their opinion it would be meaningful to invite NGO to cooperate in forming of policies in the future.

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<sup>7</sup> The exchange rate is 239,64 SIT/EUR.

- **The cooperation of NGO with government sectors (positive sides, problems, recommendations)**

*As positive sides of cooperation with NGOs the sectors have stated:* Cooperation with NGOs enables in different areas a more reliable establishment of true needs and acceptance of solutions that are coherent with the actual needs. NGOs penetrate to the target groups that are difficult to reach, undertake their share of responsibility for public benefit, contribute to the forming of individual policies and cooperate in their assessment and application.

The government sectors have on one side reported the following *problems in cooperation with NGOs*: the granularity of NGOs in relation between these organizations, no representation, the standards of professional work and partnership in many NGOs are yet to be establish, the lack of qualified personnel and finances of NGOs.

*On the other side*, the sectors reported problems that are appearing on the government side. Among others they stated: not enough financial and human sources for cooperation with NGOs, inconsistent observance of the formal basis for cooperation with NGOs and the difficulties in finding a relevant “spokespersons” for NGOs.

**As an opportunities for improvement in NGOs the sectors mentioned the accession of Slovenia into the European Union.**

This can improve the formation of NGO networks, the alliance of NGO with the private sector can increase the efficiency in business, and the possibility of transferring of some of the state roles onto NGOs.

Among the improvements on the government side the sectors mentioned: identification of new areas where it would be meaningful to set up cooperation with NGOs, improvement of the way and the scope of NGO funding, planning to establish the sources for education and education of personnel, consistent observance of principles of cooperation with NGOs that is in accordance with the government strategy and in connection to that the awareness of the representatives of the Government.

In the year 2006, the organisation Umanotera conducted a research about civil dialogue and inclusion of civil society in decision-making process. The results were published in the publication **Mirror to the Government – the practice and traits of collaboration with civil society**<sup>8</sup>. The main finding was that public is infrequently included in the processes of the preparation of laws. This practice varies considerably across individual ministries, but the final evaluation shows a rather poor condition of public participation in Slovenia. The best cooperation was described with Ministry of Labour, Family and Social Affairs and Ministry of Culture.

**Recommendations** for improvements of the current practice include a set of systemic recommendations to the Government and recommendations to enhance the support environment. Among the recommendations addressed to act proposers/legislators for enhanced support environment, Umanotera also suggested **Appointment and training of a person for collaboration with NGOs**, which would have the role of a “stakeholder manager”, i.e. a person appointed for inclusion of different participants of civil society in the decision-making processes.

#### **Systemic recommendations to the Government:**

It is recommended that the Government adopts systemic regulation in the area of public participation with applying the following principles:

- **Principle of equality:** proposals, initiatives, remarks and comments of NGOs are not reviewed in view of their relative strength;
- **Principle of timeliness:** timely informing of the public (expert, interested or affected) and ensured reasonable time limit for participation (material reviews, preparation of remarks, etc.);
- **Principle of openness:** possibility of communicating the remarks and proposals, and participation in the earliest possible stage of the document preparation;
- **Principle of accessibility:** accessibility of materials and groundwork used in the preparation of decisions;
- **Principle of responsiveness:** informing the participants about the causes for (not) taking their remarks and proposals into consideration;

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<sup>8</sup> The research is published on the web site: <http://www.umanotera.org/index.php?node=172>.

- **Principle of transparency:** the process needs to ensure transparency at the level of field definition, which is open for modifications, of procedures (clear rules) and of collaboration (publication of remarks and proposals of all participants);
- **Principle of traceability:** traceability of participating processes presupposes the traceability of expressed opinions, remarks and comments as well as of the procedural material (e.g. records) and its accessibility (see principle of transparency).

The following are recommendations to the Government on **higher quality of public participation processes:**

- **Training** of decision-makers and expert offices for communication with the public about the planning and implementation of public participation processes. The programme is established in the frame of the Academy of Administration, modeled on the training modules of the International Association for Public Participation<sup>9</sup>;
- **Instructions** for planning, conduct and evaluation of public participation procedures should be adopted by the Government;
- **Prescribed** publication and standard content of the announcement. On initiation of act preparation procedure each government body prepares and publicly publishes an announcement containing: title of the act, goal of preparation procedure, timetable of preparation procedure with delineation of individual procedure stages, reference to expert groundwork, planned receipt deadline, call for public participation, person appointed for act preparation, necessary tools of the proposer's communication with the public, other;
- **Central portal of all government bodies for public participation.** The portal provides public and transparent act preparation procedures, and includes: announcements of all acts, opportunity to participate in the preparation of acts as interested public, e-discussion for expert and general public in different stages of act preparation, drafts of all acts in public debate and the pertaining expert materials, form for filing remarks on act drafts and the mechanism providing the continuous public transparency at the website, reports on public participation processes, including the feedback of a government body to given remarks, uniform website entry in all ministries and government offices to facilitate identification and orientation in act implementation

procedures. Users' representatives are included in the formation and testing of the portal;

- **Methodology for monitoring and evaluation of act implementation**, which includes models for monitoring (timetable, criteria, content, etc.) and setting up of a web rubric for transparent monitoring and evaluation of particular acts at the website.

The advantages of cooperation between NGOs and the government listed above and the numerous obstacles encountered by Slovene NGOs in this regard only show the complexity of the processes of the civil dialogue, which require careful and thorough preparation beforehand.

Mere existence of channels of communication and mechanisms of inclusion doesn't necessarily reflect the quality of the process in practice. A major obstacle to the successful cooperation of NGOs are **cases of apparent inclusion**: when NGOs are invited to prepare comments on a particular strategic document, but their opinions and comments are not taken into account, or the final content of the draft document is prepared even before the inclusion of NGOs. As a result of bad experiences, or a practice of apparent cooperation, in the absence of assurances that their contribution will be studied and appropriately taken into consideration, **NGOs are reluctant to respond to invitations for cooperation**. However, the many difficulties and obstacles for cooperation can be overcome by establishing and maintaining a **partner relationship** between public authorities and the NGO sector. As a starting point, it is necessary to take into account the readiness and ability of both parties to cooperate and on this basis draw up a plan which will enable a rapprochement and the best possible cooperation between the two.



## CASE STUDY 1: FINANCING THE CIVIL DIALOGUE

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Through its annual calls, the Ministry of Public Administration offers financial support to the **programme activities relating to the dialogue between the Government and NGOs**. In the period 2007-2013, Structural Funds will also be available to NGOs for the specific purpose of **Promotion of the development of NGOs, Civil and Social Dialogue in 2007-2013**.

The Government of Slovenia included the recognition of the developmental potential of NGOs on national level in its strategic documents and expressed its intention to positively influence upon development of NGO sector and followed this with substantial financial resources that will be allocated from Structural Funds for development of NGO sector and civil dialogue.

### Funds for NGOs

Within priorities of the Operational Programme for human resource development for the period 2007-2013<sup>10</sup>, to be funded through European Social Fund, 7 % of resources (53 million EUR) are intended for implementation of activities of NGOs. NGOs will also have access to projects within the other two Operational Programmes (OPs): Operational Programme for strengthening regional development potentials<sup>11</sup> and partially also to the Operational Programme of environmental and transport infrastructure development<sup>12</sup>.

Specifically, in the framework of the OPs for human resource development, there is a portion of funds intended especially for NGOs. Within one of its priorities (strengthening institutional and administrative capacity), more than 13 million EUR were reserved

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<sup>10</sup> [http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/kohezija-200207/OP\\_Human\\_Resource\\_Dev\\_16\\_02\\_07\\_Unoff\\_eng\\_ver.pdf](http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/kohezija-200207/OP_Human_Resource_Dev_16_02_07_Unoff_eng_ver.pdf). (Unofficial English translation of the first OP proposal, dated 16.2.2007.

<sup>11</sup> [http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/kohezija-200207/OP\\_SRDP\\_en.pdf](http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/kohezija-200207/OP_SRDP_en.pdf). (Unofficial English translation of the first OP proposal, dated 16.2.2007.

<sup>12</sup> [http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/kohezija-200207/OP\\_infrastructure.pdf](http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/kohezija-200207/OP_infrastructure.pdf). (Unofficial English translation of the first OP proposal, dated 16.2.2007.

exclusively<sup>13</sup> for the Promotion of the Development of NGOs, Civil and Social Dialogue in 2007–2013.

Resources from this priority will be allocated for:

- Improvement of the staff structure and capacity of the employed in the NGO sector;
- Development and functioning of the NGO networks according to priority areas;
- Support for programmes for the strengthening civil and social dialogue;
- Support for projects of promotion of NGO sector and good practices.

For the sector, which is often described as “underdeveloped”, it is vital that resources are targeted to employment, which can be seen as one of the most important indicators of sectors’ development. Currently, NGO sector employs only 0.53 % of all active population in Slovenia (0.74 % if other forms of paid work such as student or honorary work are included) and this share has stayed the same since 1995. According to some Slovene NGO researchers, this places Slovenia among countries with the lowest employment ratio in the NGO sector.

## Partnership principle and participation of NGOs

Structural Funds should help assert NGOs as an equal partner in the dialogue with the Government in accordance with the basic principle of cohesion policy of the EU – e.g. the partnership principle. This principle was also implemented in the preparation phase of the OPs for human resources development and will be – according to the Government Office for Local-Self-government and Regional Policy, which is the managing authority for Structural Funds in Slovenia – included in the implementing, monitoring and evaluation of the OP as well.

The **consultations with NGOs** were conducted both prior and after the presentation of draft OPs – in form of public consultations, special meetings with NGOs as well as through the Council on Sustainable Development, which is the central advisory body of

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<sup>13</sup> Unlike the funds within other priority orientation and other Operational Programmes, where NGOs will have to compete for resources with other beneficiaries (business, etc.)

the Government, devoted to dialog with the civil society and social partners on key questions regarding the sustainable development (e.g social, economic and environmental).

First special meeting with the NGOs representatives was organised in February 2006. NGOs were critical toward the level of cooperation so far and proposed some concrete suggestions for more systematic inclusion of the NGO sector in the implementation of the development projects and co-financing of activities of NGOs. In June 2006 (just prior to the publication of the OP on the internet), a consultation<sup>14</sup> took place with the representatives from NGOs with the assistance of CNVOS. Cooperation with NGO representatives was evaluated as good in comparison with the practice of preparing the preliminary development documents – but still not in accordance with the expectations of the NGOs.

At the Council Meeting on sustainable development (June 2006) the partners found the draft OP on human resource development gave satisfactory answers to challenges of sustainable development (with regards to issues of human resources development, competitiveness of the economy, equal opportunities and the encouragement of social inclusion), but the NGO representatives were still critical on some points. They were of the opinion that the state should plan a significantly larger share of resources exclusively for NGO sector, especially for the purpose of employment and strengthening its administration efficiency and capacity. As all stakeholders were invited to comment the OP published on the web-site of the Government Office for Local-Selfgovernment and Regional Policy, NGOs reiterated their demands for larger proportion of funds and evoked the question of sectors' administrative capacity and the question of assuring the liquidity of assets.

The experience in implementation of EQUAL initiatives in Slovenia already showed the possible problems associated with issues of prefinancing and assuring liquidity of assets. Smaller NGOs experienced difficulties in assuring funds for implementation of activities that stemmed from lack of pre-financing and although EQUAL initiatives were 100 % financed by EU funds (75 %) and Slovenia, this caused some financial gaps and endangered active participation of weaker NGOs in partnerships.

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<sup>14</sup> Another consultation with representatives from the business and research sector was conducted with assistance of the Chamber of Commerce.

NGOs were also involved in elaborating suggestions for more concrete sub-programmes of the priority Promotion of the Development of NGOs, Civil and Social Dialogue through **Identification of Target Projects for Co-funding the NGO sector from the EU Structural Funds in the 2007-2013 period**. These are intended to provide the guidelines for the Ministry of Public Administration that will issue the calls for tenders within the priorities. For this purpose, the Ministry included the identification of target projects in 2007 call, that supports programme activities relating to the dialogue between the Government and NGOs. The project was implemented by CNVOS and conducted by **the Expert Committee** that included representatives from each of the three NGO associations and networks at the state level: CNVOS, Association of Societies of Slovenia (ZDOS – Združenje društvenih organizacij Slovenije) and Association of Slovenian Foundations (ZSU – Združenje slovenskih ustanov). Through the project, 61 various project proposals (so called project outlines) were received, that were identified by NGOs as necessary for sector's development. Based on these project outlines - and the needs of NGO sector that were recognised in the past analyses - Programme guidelines were developed by the Expert Committee.

The identified programmes focused on:

- Cooperation and networking of NGOs (including support for horizontal networking at state and regional level and support to thematic networks at the state level);
- Employment in NGO sector (including development of professional and expert profiles specific for NGO sector);
- Training of staff in NGOs (leadership and management in NGOs, acquisition of social skills and administrative-technical knowledge for work in the NGO sector);
- Help in NGO operation (including legal aid and advice for NGOs, financial and accountancy advice for NGOs and promotion of the use of advanced information communication technologies and techniques in NGOs);
- Development of financial resources for operation of NGOs (including marketing of NGOs services and fundraising);
- Recognisability in NGO sector of Slovenia (including status and role of volunteers, public relations, awareness raising and development of NGO media);

- And development of civil dialogue (including developmental – analytical activity for the needs of civil dialogue of NGOs as well as establishment of governmental activities for the needs of civil dialogue).

For the purpose of assessing the implementation, the Expert Committee that drafted programme plans (CNVOS, ZSU and ZDOS), proposed establishment of **the Programme Committee** for the Implementation for each individual priority issues. These structures (consisting of NGO representatives elected by NGOs themselves) would monitor the implementation of the projects and achieving the aims within priority issues.

Although there is a general consensus among NGOs that Structural Funds will present a great opportunity in the 2007-2013 period – according to a survey conducted by CNVOS – the majority of NGOs in general do not know enough about them. On the question “Do you know enough about Structural Funds and opportunities for NGOs within the funds?” 58.3 % responded “No” and only 3.6 % answered “Yes”. Others “are getting to know them” and indicated they “would need more information”. Therefore, CNVOS strives to provide more **information about the Structural Funds for NGOs** through debates, workshops and through our regular information service. We also started to publish a periodical publication on Structural Funds, called »Strukturokop«, which is intended to present the relevant information on Structural Funds in a more user friendly manner.

As the first calls for proposals for co-financing NGO projects from Structural Funds are expected in fall 2007, it is still too early to assess its implementation. What has already been established, however, is that NGOs will have their **representatives in the Monitoring Committees** for the three OPs. This was also the case in the previous programming period 2004-2006, where NGOs had their representative in the Monitoring committee of the EQUAL initiative.

Based on the sheer volume of Structural Funds for NGOs and their active involvement in identification of concrete target projects – and if allocation provisions will take into consideration specific capacities of NGOs – Structural Funds can indeed present a great opportunity for sectors’ development in the period 2007-2013.

## CASE STUDY 2: AGREEMENT ON COMMUNICATION PRIOR TO AND DURING THE TIME OF SLOVENE EU PRESIDENCY

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On January 1<sup>st</sup>, 2008, the Republic of Slovenia will, as the first among the new member states, take over the presidency of the European Union. Preparations for the presidency have been underway since 2005. During this time, NGOs, being aware of the presidency's importance, have expressed their readiness to cooperate and assist in the preparations.

In September 2007 the Agreement was concluded with the Government Communication Office for the purpose of communication prior to and during the time of Slovene EU Presidency. Although its scope is limited, as it is focused on communication through the NGOs web portal for the Slovene EU presidency (it was thus concluded within one specific activity, implemented by CNVOS) - it contains important provisions for the information exchange, consultation and inclusion of the non-governmental organisations.

For the implementation of the agreement the web portal [www.predsedovanje.si](http://www.predsedovanje.si) and the electronic address [info@predsedovanje.si](mailto:info@predsedovanje.si) are to be used as interactive media for information, consultation and inclusion of the Government and NGOs. A mutual Internet link between the official web site of Slovenia's presidency ([www.eu2008.si](http://www.eu2008.si)) and the portal [www.predsedovanje.si](http://www.predsedovanje.si) is to be established.

### Activities

Government Communication Office:

- Encourages and coordinates persons responsible for public relations, as well as official speakers at various ministries and other organs of public administration, to duly use the web portal [www.predsedovanje.si](http://www.predsedovanje.si) for informing NGOs about activities and events organised within the framework of Slovenia's presidency of the EU.

Portal:

- Encourages NGOs to inform and question responsible ministries and other organs of public administration about issues linked to the presidency,

- Encourages NGOs to notify the Government Communication Office about any events organised in relation to Slovenia's presidency.

## **Consultations**

Government Communication Office:

- Encourages responsible ministries and other organs of public administration to facilitate web dialogue with NGOs on priority tasks, preparations of positions on concrete files and content-based planning of informal events through the use of the portal [www.predsedovanje.si](http://www.predsedovanje.si), ensuring thereby sufficient time for consultations and access to relevant documents and materials, as well as response to positions forwarded by NGOs.
- Encourages ministries and other organs of public administration to consider propositions and comments prepared by NGOs within the framework of content pillars at [www.predsedovanje.si](http://www.predsedovanje.si).

Portal:

- Moderates, encourages and reports about the web dialogue (e-forums and e-consultations), as well as facilitates justified opinions and positions of Slovene and foreign NGOs to ministries and other organs of public administration.

## **ANNEX:**

### **DRAFT AGREEMENT BETWEEN THE GOVERNMENT AND NGOS<sup>15</sup>**

November 2004

The Draft was prepared by Negotiation Group for preparation of Agreement (consisting of representatives of Non-governmental Organizations and Government)

And is designed for further process with both partners of the agreement and for mutual reconciliation.

#### **Draft**

#### **The Agreement on cooperation between NGOs and the Government of the Republic of Slovenia for the period 2005 - 2008**

### **I. INTRODUCTION**

1. In the Non-governmental Organizations the constitutional rights to peaceful gathering and assembly, freedom of thought, speech and public appearance, of press and other forms of public information and expression are realized, which makes them of invaluable importance for exercising constitutional rights of the population, and for achieving principles of rule of law and social state. Moreover, their action in the fields of human rights protection, education, environmental protection and nature preservation, social and health care, science, charitable help, consumer protection, culture, sports and many others is of exceptional importance for further development of democratization and pluralization of every modern society. The objectives, purposes and activities of non-governmental organisations are unprofitable; their important element is strengthening voluntary work and engaging private sources in meeting the common needs in the society. In these cases non-governmental organisations' activity is in the public interest and its balance with public sector is necessary in the light of both the state funding and responsibility of non-governmental

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<sup>15</sup> This is an unofficial translation of the original document.



organisations. The activity of non-governmental organisations is carried out at the local, regional, national and international level, which makes them of vital importance for the enforcement of the interests of Slovenian people in their environment and they significantly contribute towards promotion of Slovenia in the international arena.

2. For a successful activity of non-governmental organisations, a stimulative political environment, which enables development of civil dialogue and partnership between non-governmental organisations and authorities of the state or local communities, proper systemic legislative regulation, regulated system of public funding, ensured financial resources, proper conditions and stimulative mechanisms for employment in non-governmental organisations are necessary.
3. Non-governmental organisations and the Government of the Republic of Slovenia already have the experience of mutual cooperation. These experience show that formalization of cooperation and partnership can be crucial for better mutual understanding and efficient cooperation in the future. In the processes of globalization, changed economic and social conditions and change of the social state the role of the governments is also considerably changing and the significance of non-governmental organisations in general welfare development is strengthening. This requires introduction of new forms of cooperation. While realizing that NGOs are numerous and various, it is necessary to pay more attention to mutual cooperation and partnership and to ensure appropriate conditions for its implementation. This is especially important after Slovenian accession to the European Union, because NGOs are indispensable in achieving common, European objectives.
4. The partners of the agreement are the Government of the Republic of Slovenia (hereinafter the Government) and non-governmental organisations, active in the area of Slovenia and who are signatories of the agreement (hereinafter non-governmental organisations).
5. The Ministries, State Administrative bodies and the public law bodies who execute administrative duties by public authorization (hereinafter State Administrative bodies) are obliged towards

realization of this document by the signature of Prime Minister and the Ministers.

6. The Agreement is obliging non-governmental organisations who have signed it towards its implementation. The Agreement does not oblige and its implementation does not cause any discrimination of the non-governmental organisations who are not the signatories.
7. With the signature of the agreement the (term) non-governmental organisation applies to every organization founded as a association, institution, foundation, corporative society or in any other legal organizational structure on the legal basis, if they fulfill defined characteristics, namely:
  - 7.a. its founders are domestic or foreign natural person or legal person of private law (by foundation),
  - 7.b. is not founded for serving private or business purposes and goals (limitation of purpose and goal),
  - 7.c. is founded voluntarily, cooperation within is voluntary and as a rule integrates voluntary work (voluntariness),
  - 7.d. its constituent instrument determines its purpose and goals of its activity as unprofitable (unprofitability),
  - 7.e. Is free in the determination of its goals of activities and in the choice of means of their implementation, which are limited only with a claim that are in accordance with the legal order (legality),
  - 7.f. it functions autonomously and is independent from other subjects, especially state organs, political parties and business subjects (independence), and
  - 7.g. its activities are public and open (public and openness).
8. According to this agreement, religious communities, Trade Unions and political parties are not considered as non-governmental organizations.
9. Partners find that, on the side of non-governmental organisations, particularly the: adoption of NGO's manifesto at the OECD conference in Ljubljana in the year 2002; organization of the 1st and 2nd annual NGO forum; preparation of the Strategy of systemic development of NGOs for the period 2003-

2008; integration of NGOs into networks and establishment of the Initiative for the future of NGOs, its working groups and elected negotiation group of non-governmental organisation representatives in its framework, contributed to the conclusion of the agreement. On the government side, a resolution of government to set up Commission for NGOs and the Strategy of Government of the Republic of Slovenia for cooperation with non-governmental organisations were adopted. The Agreement is thus a result of present level of cooperation between NGOs and the Government, as was established on the 1st National conference "Establish Cooperation" in December 2003 and it demonstrates common request for future cooperation and partnership.

10. The Agreement was prepared jointly by both partners. Despite of that agreement is not prepared in the form of a legal act, partners oblige themselves to its implementation.
11. The formalization of cooperation between the partners with conclusion of the agreement does not exclude their common efforts to strengthen direct dialogue between individual non-governmental organisations and the Government and individual State Administrative bodies. With the agreement, partners want to contribute to further strengthening of a direct dialogue, which they consider as a component of implementation of the agreement, and will therefore stimulate direct communication and cooperation.

## **II. PURPOSE, VALUES AND PRINCIPLES OF THE AGREEMENT**

12. The agreement represents a public obligation of partners for an open, public, constant and constructive mutual dialogue, with determination of purpose, values and principles that connect both partners while considering diversity of partners and their special characteristics.
13. The purpose of the agreement is to attain strengthening of non-governmental organisations, better cooperation and division of labor between partners and integration of non-governmental organisations into implementation of public services and implementation of administrative functions in cases when services can be implemented more effectively by non-governmental organisations.

14. The agreement is based on values of democracy, active citizenship, equality, diversity, integration, pluralism, social economy and social equity that are recognized by both partners as significant foundation for adoption and implementation of the agreement.
15. Partners agree that implementation of the agreement must not threaten sovereign and independent activity of non-governmental organisations. Mutual objective of partners is to ensure autonomous activity of non-governmental organisations irrespective of sources and way of their funding, therefore they will endeavour that non-governmental organisations' funding from public funds will not jeopardize their independence.
16. By implementing the agreement, partners respect principles of responsibility towards Slovenian people; they recognize different roles of both partners, their simultaneous independence and interdependence, mutual cooperation and principles of civil dialogue.
17. Partners will endeavor to discuss and by agreement resolve all opened questions which are not the subject of this agreement, but are important for its implementation or mutual cooperation. The agreement does not limit partners from having different stands on questions and in the cases when they want to, they resolve those questions in the way that does not jeopardize implementation of the agreement.
18. The agreement does not manage relations that partners have with local communities, business sector and other organizations of civil society, but it recognizes their importance and wants to contribute to their strengthening, if that is possible in the context of the agreement.

### **III. OBJECTIVES OF THE AGREEMENT**

19. Partners agree that the objectives of the agreement are: established civil dialogue between them, arranged regulatory legal environment, (co)funding from public funds for activity of non-governmental organizations and established conditions and mechanisms for employment in non-governmental organizations.

## CIVIL DIALOGUE

### **I. Adoption of principles of sustainable civil dialogue between the Government and non-governmental organizations – Objective 1.1.**

*To achieve the objective the Government:*

- A. Together with non-governmental organisations, forms and adopts measures for systemic protection of autonomy and independence of non-governmental organisations and builds them into the mechanisms of constant civil dialogue.
- B. In agreement with non-governmental organisations, ensures mechanisms that will prevent exclusion, discrimination or unequal treatment of those non-governmental organisations which critically judge the work of the parliament, the government and other state administrative bodies.
- C. Ensures consideration and execution of fundamental principles of functioning of an open state – information, consultation, cooperation and evaluation – and for that purpose adopts necessary regulations and involves non-governmental organisations in their preparation.
- D. Ensures principle of partnership and integration of non-governmental organisations in preparation, implementation and evaluation of strategic developmental documents and policies, and also ensures resources and conditions for that (purpose). Government does that with the acceptance of regulations or in agreement with NGOs about the most appropriate way of their inclusion.
- E. Ensures that direct cooperation of non-governmental organisations in civil dialogue for which they expressed their interest is not limited, except in cases where it is necessary because of objective circumstances (number of places available etc.). The government ensures to publicly states reasons for limitation.

## **2. Establishment of mechanisms, bodies and structures necessary for development of sustainable civil dialog - Objective 1.2.**

*To achieve the objective the Government:*

- A. Together with non-governmental organizations, establishes mechanisms, bodies, structures and criteria on the governmental side or in the governmental bodies that ensure constant cooperation with non-governmental organizations namely:
  - 1. Prime Minister's office is responsible for civil dialogue with non-governmental organizations.
  - 2. For development of conditions for public interest activity of NGOs, the government founds an Office for non-governmental organizations which is directly responsible to Prime Minister.
  - 3. The Government ensures appointment of one or more civil servants within of each individual state authority which are responsible for civil dialogue. Such persons are appointed, to the extent possible, by diplomatic representations, special missions and eventually Slovenian offices abroad.
- B. Together with non-governmental organizations, establishes joint bodies and mechanisms which ensure constant cooperation with non-governmental organizations and ensures inclusion of NGOs into existing bodies whose activity is important for non-governmental organizations and it ensures conditions and resources for them:
  - 1. Under the principle of »quadrilogue« - representatives of non-governmental organizations, National Assembly, government and local communities - establishes joint body in charge for implementation, evaluation and promotion of sustainable civil dialogue.
  - 2. Arranges integration of representatives of non-governmental organizations into the National Council of Republic of Slovenia through a legal provision.
  - 3. Includes representatives of non-governmental organizations into the Economic and Social Council of Republic of Slovenia

and ensures their equal cooperation in the European Economic and Social Committee.

4. Provides conditions, channels and mechanisms for active participation of representatives of non-governmental organizations in the decision-making processes in the National Assembly.
5. Takes into the consideration the possibility of formation of a joint body responsible to National Assembly for tasks connected to decision-making processes concerning public interest of non-governmental organizations.
6. Takes into the consideration and meaningfully unifies the cooperation of non-governmental organizations representatives in the representative and professional bodies active within State administrative bodies.
7. On the local level stimulates adoption of agreements between local communities and non-governmental organizations and their joint bodies.
8. Includes representatives of non-governmental organizations in State delegations and missions on international level and into execution of international commitments and projects (OSCE presidency in the year 2005, preparation of reports and documents regarding Slovenia's international responsibilities etc.).
9. Each year organizes National Conference about civil dialogue and regional fora which are its integral part.
- C. The Government provides conditions and resources for formation and activity of different structures, networks and mechanisms of non-governmental organizations that enable quality activity of NGOs and their mutual cooperation, particularly:
  10. For formation and activity of networks established by different non-governmental organizations for their effective cooperation.

11. For development of supportive servicing activities for implementation of civil dialogue, strengthening of non-governmental sector and integration of non-governmental organizations into processes of policy making on the national level and on the level of the European Union.
  12. Ensures support to activities of non-governmental organizations which offer information about functioning of the European Union and help in acquiring resources from the European funds.
  13. Helps establish House of non-governmental organizations where information and services provision for non-governmental sector and common place for organizing events are provided.
  14. Supports organization of events and meetings intended for agreements and cooperation of non-governmental organizations (annual forum of non-governmental organizations etc.).
- D. NGOs provide mechanisms and conditions for effective mutual cooperation, for which they:
- D.1. Take into the consideration the need or reach agreement about non-governmental organizations cooperation mechanism for formation of horizontal common policies and improvement of systemic conditions for activity and development of all non-governmental organizations.
  - D.2. Achieve an agreement about the most appropriate way of appointment or election of own representatives in joint and other bodies in cases where limitation of civil dialogue is not settled by regulations.
- 3. Mutual understanding of roles and relations between state authorities and non-governmental organizations - Objective 1.3.**

*To achieve the objective the Government:*

- A. Provides conditions and resources and together with non-governmental organisations performs educational programmes for representatives of the National Assembly, government,



ministries, state authorities and non-governmental organisations with the purpose of mutual understanding of roles and relationships.

- B. Provides conditions and resources and together with non-governmental organisations develops exchange programme in the context of which the state authorities and non-governmental organisations ensure exchange of staff with the purpose of mutual familiarization and gaining experience.
- 4. Providing conditions and measures for promotion of partnership and sustainable civil dialogue with targeted and general public - Objective 1.4.**

*To achieve the objective the Government:*

- A. In cooperation with non-governmental organizations provides conditions and resources for use of information and communication technology (ICT) within non-governmental sector.
- B. Promotes best practices in the field of civil dialog and grants annual reward.
- C. Provides integration of contents concerning the meaning and role of non-governmental organizations in educational programmes on all levels.

## **REGULATORY LEGAL ENVIRONMENT**

- 1. Definition of position and public utility activities of non-governmental organisations – Objective 2.1.**

*To achieve this objective the Government:*

- A. Together with non-governmental organizations, provides proper legal framework for non-governmental organizations' activity, particularly:
  - 1. In cooperation with non-governmental organizations, harmonizes the definition of a non-governmental organization and standardizes its usage in regulations.

2. Defines the most suitable ways (regulation, agreement etc.) and place (regulatory act, sectoral law, combination etc.) of regulation of individual elements (determining a NGO, regulation of civil dialogue, regulation of rights and responsibilities etc.) of non-governmental organizations' activity.
  3. Analyses good and bad practices of regulation of public utility activities of non-governmental organizations and proposes solutions.
- B. In cooperation with non-governmental organizations analyses their situation and in the context:
1. Defines and initiates NGOs and their public utility activities as a statistic category and regularly statistically monitors their situation, activities and development with indicators reconciled with profession and non-governmental organizations.
  2. Financially evaluates non-governmental organizations' contribution and their public utility activities as share of GDP in Slovenia.
  3. Supports and co-finance projects and programmes for research and evaluation of the situation of non-governmental organizations in Slovenia and cooperation in international comparative projects.

*To achieve this objective NGOs:*

- A. Together with government, harmonize definition of NGO.
- B. Cooperate in regulation of public utility activities of non-governmental organizations.
- C. Accept codes that regulate ways of their public utility activities in accordance with international best practices.

## **2. Harmonization of status and field legislation - Objective 2.2.**

*To achieve this objective the Government:*

- A. Together with non-governmental organisations prepares analysis of weaknesses of the status and field legislation and

proposes solutions. By doing this the government preserves and strengthens variety of status forms for activity of non-governmental organisations.

- B. Provides meaningful reconciliation of rights and responsibilities of different forms of non-governmental organisations in adoption of new regulations and measures, by:
  - 1. Ensuring possibility for cooperation of all non-governmental organisations in preparation and amending of regulation and measures.
  - 2. Entrusting the Office for NGOs in the context of government procedure for preparation of regulations and measures which are vital for non-governmental organisations' activity.
  - 3. Stimulating formation of appropriate body in National Assembly responsible for adoption of regulations which regulate or influence activity of non-governmental organisations.
  - 4. Provides conditions, mechanisms and resources for non-governmental organisations' cooperation in process of harmonization of status and field legislation.

*To achieve this objective NGOs:*

- A. Actively cooperate with ministries and government in preparation and amending of regulations and measures.
  - B. With government support, develop provision of services, necessary for cooperation of NGOs in harmonizing status and field legislation.
- 3. Change of tax legislation and introduction of new tax mechanisms - Objective 2.3.**

*To achieve this objective the Government:*

- A. Takes into the consideration and analyses tax regulations of non-governmental organisations activities, practice of introducing new tax mechanisms abroad and in cooperation with non-governmental organisations proposes solutions to these questions.

- B. Changes regulations in the field of tax legislation with a goal of creating a more stimulative environment for non-governmental organisations' activity, whose indicators are comparable with European Union's average. Changes include tax relief in regulations which regulate: income tax from legal persons, personal income tax, value added tax, tax on real estate, tax on gifts and inheritance, contribution from salary, custom duties and relief in regulations which regulate taxation of investment and economic activity income of NGOs.
- C. Supports introduction of new regulatory mechanisms of tax legislation which mean an upgrade of existing solutions in the tax field, particularly:
  - 1. Mechanism »1 %« - income tax payer may earmark at the most 1 % of assessed personal income tax of each assessed year for public interest non-governmental organisations. The same procedure is introduced for taxable person subject to the act on income tax from legal persons who may donate at the most 1 % of assessed tax in the business year to a rightful claimant.
  - 2. Mechanism »difference up to 1 %« - sources which represent difference between 1 % up to the full amount of personal income tax or income tax from legal person in the Republic of Slovenia in individual assessed year and between sources which were in accordance with this law earmarked by taxable persons are remitted to the Development Fund for financing public interest activity of non-governmental organisations (hereinafter Development Fund).
  - 3. Mechanism "duplication of resources" – the government contributes into the Development Fund resources in the same amount as was earmarked in total for the public interest non-governmental organisations by the mechanism "1 %" in individual assessed year by taxable persons subject to personal income tax and income tax from legal persons.
  - 4. Other suitable mechanisms which were recognized as effective by the government and non-governmental organisations.

- D. In cooperation with NGOs establishes Development Fund to execute mechanisms »difference up to 1 %« and "duplication of resources".

*To achieve this objective NGOs:*

- A. Cooperate with changes of the existing tax regulation and by preparation of necessary grounds for new regulatory mechanisms of tax legislation.

**4. Implementation of the principle of inclusion of public interest activities of non-governmental organisations into content of regulation and inclusion of non-governmental organisations into execution of public service and functions of public administration (public authorization) - Objective 2.4.**

*To achieve this objective the Government:*

- A. Considers public interest activities of non-governmental organizations in legal regulation and defining content of measures on all fields of social life (so called »mainstreaming«) in such a way that:
  - 1. By defining rights and responsibilities in the content of regulations and measures, defines public interest non-governmental organizations as a target group , whose position needs to be strengthened in the process of adoption of regulation or measure, and
  - 2. Includes public benefit non-governmental organizations into implementation as possible operators or co-operators of regulation or measure.
- B. Includes non-governmental organizations into implementation of public services and transmits implementation of public service functions onto non-governmental organizations on all those fields and all those levels where non-governmental organizations can execute services more effectively. To that end the government analyses which fields are the most appropriate and where the possibilities for transition and inclusion exist.

- C. Accepts other special measures:
1. Of normative nature - that define the conduct or action for attainment of the development of public interest activities of non-governmental organizations with regulations.
  2. Of political nature - that creates conditions for development of public interest activities of non-governmental organizations with acceptance of strategic documents.
- D. Defines that public interest non-governmental organizations may be awarded public procurement contract following the example and mode as is the case with social enterprises and employment centers.

*To achieve this objective NGOs:*

- A. Responsibly and transparently execute regulations and measures in accordance with legal provisions and self regulation.

**5. Arrangement of voluntary work in non-governmental organisations - Objective 2.5.**

*To achieve this objective the Government:*

- A. Defines voluntary work in non-governmental organizations as a statistic category, financially evaluates it and regularly statistically monitors it.
- B. Assigns a ministry responsible for preparation and harmonization of the Act on the voluntary work and its submission to the National assembly.

*To achieve this objective NGOs:*

- A. Additionally strengthen importance and implementation of voluntary work in non-governmental organizations.

## **FUNDING NON-GOVERNMENTAL ORGANISATIONS FROM PUBLIC FUNDS**

- 1. Provision of non-governmental organisations' funding from public funds at the European Union's average level and establishment of proper mechanisms for its achievement – Objective 3.1.**
- 2. Provision and balancing of public funds for functioning, implementation of programmes and development of non-governmental organisations – Objective 3.2.**
- 3. Provision of balancing in allocation of public funds in all (issue- and geographical) areas of non-governmental organisations' activity – Objective 3.3.**
- 4. Provision of balancing of different financing mechanisms from public funds– Objective 3.4.**

*To achieve those objectives the Government:*

- A. Makes sure that non-governmental organisations attain a substantial share of funds from public tenders for implementation of programmes of individual ministries – public institutions and other subjects attain them only according to the principle of subsidiary. Besides that the government:
  - A.1. Unifies measures and criteria and time dynamics of execution of public tenders.
  - A.2. Ensures all tenders for non-governmental organisations' funding are published at least by the end of November in the preceding year.
  - A.3. Ensures all the tenders are based on analysis of individual needs and groups of inhabitants targeted by the NGOs programs.
  - A.4. Ensures long-term NGOs' funding for the period of 3-5 years in all the ministries that co-finance NGOs' activities in form of subsidies for proportional coverage of employee costs, material costs and depreciation. Subsidies are based on confirmed programmes and represent at least one third of public funds intended for NGOs funding.

- A.5. Increases the possibilities of NGOs in obtaining concession contracts.
- B. Ensures sources for the establishment of the Development Fund, designed for:
  - B.1. NGOs' public interest programs and projects in issue areas where their activity is less developed (field funds).
  - B.2. NGOs' public interest programs and projects in geographical areas where their activity is less developed (area funds).
  - B.3. Public interest activities of NGOs (activity funds).
  - B.4. Measures, programmes and projects which encourage strengthening of NGOs' public interest activity (development funds).
  - B.5. Activity of organisations which connect and support NGOs (e.g. network and service organisations).
  - B.6. Provision of funds which are a condition for obtaining resources from Structural Funds and other international funds.
- C. Ensures internationally comparable participation of NGOs in drawing on funds from European Union's Structural and Cohesion Funds intended for Slovenia, and adopts and implements measures for NGOs' training and assistance in this field.
- D. Analyses the adequacy of the existing NGOs' funding regulation from lottery funds and income from student employment brokerage service funds, in compliance with the cases of foreign best practice and in accordance with eventual inadequacy founded by analysis, completes the existing regulation.
- E. Analyses existing funding sources for NGOs (e.g. on the basis of Criminal Procedure Act) and meaningfully unifies them.
- F. Analyses possibilities and introduces new mechanisms of NGOs' funding (e.g. from income on the basis of financial penalties defined by regulations etc.).



- G. Includes NGOs into the drawing up of the state budget.
- H. Stimulates municipalities to provide relative proportion of funds for long-term funding of NGOs who function in the municipality and include them into the drawing up of the municipality's budgets.
- I. Ensures accounting standards which provide increased transparency of financing NGOs, provide for statements of surplus and do not present an obstacle for their activity.
- J. Defines non-governmental organizations' revenues and expenditures as a statistic category and statistically monitors them regularly.

*To achieve this objective NGOs:*

- A. Ensure quality planning, execution and evaluation of activities and programmes in accordance with adopted measures, standards and norms.
- B. Ensure transparency and publicity of own funding in accordance with accounting standards.

## **EMPLOYMENT IN NON-GOVERNMENTAL ORGANISATIONS**

### **B.1. Increase the number of NGOs' employees for 4,000 by the end of 2008 – Objective 4.1.**

*To achieve this objective the Government:*

- J.1. Considering the principle of mobilizing more public funds into non-governmental sector, allocates the major part of intended funds for employment of new staff and professionalisation of already employed staff.
- J.2. In the period 2005 to 2008 ensures 1,000 new workplaces in non-governmental sector every year. Employments are subsidized in the amount of average wage in public sector or on the basis of comparative workplace complexity.
- J.3. Through the Ministry of Labor, Family and Social Affairs supports and finances a research assignment about employment

situation in the non-governmental sector, which will integrate needs analyses of new employment, new professions and target groups. Non-governmental organizations or their experts are included in implementation of this research.

- J.4. Through the Ministry of Education establishes verification of educational programs which are already implemented in NGOs and provides for a possibility of supplementary and additional staff training for the work in NGOs. To this end the government founds a project group together with NGOs.
- J.5. Includes and ensures conditions for participation of NGOs representatives in the elaboration of National programme of active employment policy and action plan for its implementation through the Ministry of Labor, Family and Social Affairs.

**C. Establishment of infrastructure for NGOs' employment – Objective 4.2.**

*To achieve this objective the Government:*

- A. Assists with establishment of support networks on the state level and local centers on local level which will get assistance (as is arranged in case of enterprises and technological development) with acquiring places, solving initial founding problems and incubation period with developing new, social innovations in the field of social activity and infrastructure. They will employ employment promoters in order to increase the number of employed in non-governmental organizations.
- B. Through Ministry of education supports formation and activity of intellectual and incubation centers for young researchers to promote new knowledge in NGOs.
- C. Through Ministry of economy and within business support policies, supports NGOs activity in the field of social entrepreneurship (through taxation and counseling vouchers). It also enables voucher counseling for NGOs either through framework of PCMG (Accelerating centers for small business) or through Ministry for regional development which includes such counseling in its regional structures of counseling centers.

#### IV. IMPLEMENTATION AND EVALUATION OF THE AGREEMENT AND ENSURING FUNDS FOR ITS IMPLEMENTATION

20. Partners oblige themselves to make all possible efforts in the implementation of the agreement and that implementation and evaluation of the agreement will be part of a permanent joint process. Partners will make all effort to provide that change of government or its policy and any change within NGOs will not influence the agreement's implementation. Partners will assure public implementation of the agreement and try to gain support for its implementation from other subjects which influence the development of cooperation between partners.
21. For execution of their tasks in accordance with agreement the partners will properly organize required structures, bodies, mechanisms or coordination from their respective sides. The Prime Minister's cabinet will assure coordination between ministries and implementation of the agreement through ministries according to spheres of their competence and contents of the agreement. Ministers competent for particular fields and NGOs working in these fields conclude special agreements of cooperation (field agreements). Non-governmental organizations arrange a process of selection of their members into the committee and responsibility of representatives to NGOs signatories of the agreement.
22. Direct implementation of the agreement is a responsibility of a Joint national committee for realization of the agreement (Committee), consisting of 10 members of which 5 are government representatives ( two representatives from the Prime Minister's cabinet (for coordination of the agreement implementation and civil dialog) and representatives of Ministry of Internal Affairs (for regulatory legal environment), Ministry of Finance (for NGOs funding) and from Ministry for Labor, Family and Social Affairs (for employment), and 5 representatives elected by NGOs, signatories of the agreement. The government representatives are elected within Ministers, state secretaries or general directors (of the ministries) or cabinet staff with at least a function of higher administration workers (Office of the Prime minister). Mandate of the members of committee is one year. The committee operates within the Office of the Prime minister.

23. Partners must gain committee's opinion regarding all issues of importance for implementation of the agreement. The committee adopts opinions and recommendations. Committee takes decisions by unanimous vote, with every side having one vote. As a rule each of the partners coordinates viewpoints of its members before the session. Partners determine the content of sessions in advance and assign their rapporteurs for each of the topics. If consensus cannot be reached, reconciliation will continue until consensus is reached. The time limit for reaching consensus is decided in a session of the committee before reconciliation begins. If consensus cannot be reached committee cannot adopt a joint position and partners have a right to a differing observation. Committee members always have a right of a sseparate explanatory statement.
24. The committee will regulate any activity not defined within the agreement, by rules of procedure. With this Rules of procedure it will regulate particularly: assurance of transparency and publicity of its work, responsibility of the committee for reassuring publicity and accessibility of data concerning implementation of the agreement and possibility of every NGO or state administrative body to gain committee's opinion concerning contents related to agreement or its implementation. Rules of procedure also define rights and obligations of the committee members.
25. Administrative, technical, organizational and other supporting services for implementation of the agreement is provided for committee by the Office of the Prime minister.
26. Expert and other tasks related to implementation of the agreement are conducted for committee by experts chosen on the basis of a public tender. Because of cooperation of foreign experts the government assures translation of the agreement at least in English language.
27. For solving particular issues or disputes between NGOs and the government the committee founds independent Council for peaceful settlement of disputes, defines rules of its engagement and appoints its members. Council consists of five members of whom each side appoints one member and three members are jointly appointed by agreement of both sides. Council

also resolves disputes related to explanation or use of the agreement.

28. For more successful implementation of the agreement and achieving objectives defined with it, the committee prepares recommendations for implementing the agreement (recommendations), particularly for:
  - a. Promotion of the agreement (intended for agreement promotion among NGOs, government, media, general and target public),
  - b. Adoption of agreements between NGOs and ministries,
  - c. Adoption of agreements for cooperation between NGOs and local communities,
  - d. Participation of NGOs in development of policies and legislation,
  - e. Regulation of NGOs' funding procedures and strategic financing for development of non-governmental sector,
  - f. Other recommendations, required for agreement implementation.

Committee defines a time frame of preparation and adoption of certain recommendations in an action plan.

29. Partners will point to any potential failure to respect the agreement. Each NGO or state administrative body can submit own valuation of the agreement implementation, which the committee will include in its report. Committee runs a list of good and bad practices concerning implementation of the agreement.
30. Committee annually prepares draft report concerning implementation of the agreement, which is evaluated and supplemented by NGOs and government on annual conference about the agreement implementation (National conference). Regional fora are an integral part of the conference. Conference is organized by a committee and is attended by representatives of the partners and interested public. An action plan for the implementation of the agreement for the next period is also considered at the conference.
31. After the conference the committee issues a final report, separate reports can also be issued by both partners. Government submits the final report for confirmation to the National assembly and informs it about eventual separate reports of partners.

32. Government assures the conditions needed for achieving objectives defined in the agreement and assures financial, material and other required means for implementation and evaluation of the agreement and its action plan, for activities of the committee, the council and participation of NGOs in implementation and evaluation of the agreement.
33. For achieving objectives of the agreement, an yearly action plan which is an integral part of the agreement, determines the priority objectives of partners, methods of their attainment, time schedule of their implementation,, responsible and designated persons for each of the tasks. . Detailed financial plan for agreement implementation and set references required for its implementation are also integral parts of an action plan. Committee prepares Action plan for the period of two years, whereby the second year is considered as indicative.

## **V. VALIDITY OF AGREEMENT**

34. Signatories of the agreement are Prime minister and all ministers on governmental side and the NGOs signing the agreement and written statement on fulfilling characteristics of NGOs provided by the agreement. On behalf of a particular NGO, the signatory of the agreement can also be a network, coalition, association or other form of connection of NGOs, whereby a particular NGO included in such form cannot independently sign the agreement. In case of signing of the agreement by a network, coalition, association or other form of connection of NGOs, a list with names of all included NGOs in whose name the connection signs the agreement must be submitted, whereby every listed NGO is considered as a separate signatory.
35. The agreement is valid for the period from 2005 until 2008. Committee is responsible for a timely regulation of a procedure of changing, or amending the agreement as well as a procedure for adoption of a new agreement.
36. The agreement is valid from date when it is signed by government and ministers and at least 100 NGOs. NGOs can accede to the agreement until the expiry of agreement's validity.

37. Until committee is fully functional its work is carried out by the Negotiation group for preparation the agreement of cooperation between NGOs and government, which prepared the agreement. When committee becomes fully operational, negotiation's group mandate ceases in accordance with the Agreement.
38. Adopted agreements, action plans and reports of the committee are published in Official gazette of the Republic of Slovenia.

## **VI. ANNEX**

### **A. Comments from agreement**

- I. With 1 % tax credit introduction the state will enable long term income in approx. 2,25 billions SIT in the from personal income tax and approx. 1,0 billion SIT from income tax from legal persons or max. annual sum (1 % + 1 %) from personal income tax approx. 4,5 bill. SIT with additional 2,0 bill. SIT annually from tax from legal persons, which combined together will represent 6,5 bill. SIT annually (approx. 27,3 mil EUR). Public funds in case of difference and in case of duplication (in total amount of max. 1 %) represent 3,25 bill. SIT annually combined with private funds of donors in amount of max. 3,25 bill. SIT annually. In short term (first three years after adoption) together this means on average (with real distribution approx. 30 % of all available sources in first year, including 70 % difference and duplicated sources in amount of 30%) approx. 65 % of available resources or around 2,9 bill. SIT regarding personal income tax and 1,3 bill. SIT regarding income tax from legal persons, comprising together 4,25 bill. SIT annually (approx. 17,8 mil EUR). Public funds combined together represent in case of difference (70 %, 2.275,00 bill. SIT) and in case of duplication (30 %, 975 mil SIT) amount of 3,25 bill. SIT annually and private funds of donors represent max. possible amount of 975 mil. SIT annually.
- II. This means increase of NGOs revenue from public sources from 27 % to a share which NGOs achieve on average in EU member states (15 member states), that is 53 %. Resulting from GDP estimation for year 2003 (5.670.640,00 mil SIT) this means that state should double its share of funds for NGOs activity. If now the state funds NGOs from different sources (on state and municipal level) in

amount of 29 bill. SIT at present, it should double its funding for additional 28 bill. SIT, reaching 57 bill. SIT, if it would follow this objective. When we recalculate the increase in terms of GDP this means 0.5 % of GDP more than today. Because Slovenia reaches 75 % of average EU GDP, the point of compromise could be a level of 40 % state contribution for NGOs activity meaning that there is a need for additional 14 bill. SIT or 0.25 % of GDP.

## **B. List of expert foundations for stipulation goals and duties of agreement partners**

1. Civil dialogue: Nataša Sukič
2. Regulating legal environment: Primož Šporar
3. NGOs funding: Mirko Vaupotič and PhD Andreja Črnak Meglič
4. Employment in NGOs: Nada Kirn Špolar
5. Review of foreign agreements on cooperation: Primož Šporar
6. Preparing draft agreement

Draft agreement originated on foundation of previously adopted content for agreement between government and NGOs, 1st National conference "Establish Cooperation" (Vzpostavimo sodelovanje) conclusions, content from meetings between Initiative for future and NGOs, professional groundings for agreement preparation, debates of non-governmental negotiation group and Negotiation group for preparation the agreement of cooperation between NGOs and government.

1. Editorial group: Maja Vojnovič MA, Mirko Vaupotič, Primož Šporar
2. General part of the agreement, adjustments and supplements to the agreement: Primož Šporar
3. Civic dialogue: Nataša Sukič
4. Regulatory legal environment: Primož Šporar and Maja Vojnovič MA
5. NGOs funding: Mirko Vaupotič in PhD Andreja Črnak Meglič
6. Employment in NGOs: Nada Kirn Špolar
7. Remarks, propositions and comments to particular parts of the agreement were contributed by (in alphabetical order): Tomaž Bole, Marko Breclj, PhD Andreja Črnak Meglič, Breda Kutin, PhD Andrej Lukšič, Marjana Peterman, Nataša Sukič, Nada Kirn Špolar, Primož Šporar, Mirko Vaupotič, Maja Vojnovič MA, Civil dialogue: Nataša Sukič



# Civil Dialogue in the Balkans

## I. ALBANIA

### 1.1. Civil society and its environment

With passing of the law that granted the right to association in 1990, the first NGO was created. Over the past 15 years, the civil society in Albania has developed NGO both in urban and rural areas of the country.

#### *Legal framework*

One of the most important legal developments was passing the new NGO legal framework in May 2001. Prior to that, NGO sector was regulated by the 1994 Civil Code, which recognised the right of citizens to voluntarily establish non-profit organisations and defined two types of non-profit organisations: associations and foundations.

The 2001 legal package includes three legal acts:

- Law on “Some Additions and Amendments to the Civil Code of Albania”;
- Law on “The registration of non-profit Organisations in Albania”; and
- Law on Non-profit Organisations.

The new legal framework contains a number of significant provisions:

- It defines organizational forms: under prior legislation definitions were unclear, which in practice meant that pyramid schemes could be registered as foundations;
- All natural and legal persons, including foreigners, can set an NGO;
- Individuals have the right to establish informal, unregistered associations;
- It also provides a procedure for international and foreign organizations to obtain legal entity status in Albania;
- The legal system also enables organizations to engage in economic activities;
- NGOs have the right to receive grants and donations from any private or public person from Albania or abroad;
- The new framework also limits state powers to terminate an NGO involuntarily.

As noted by Network of Open Society for Albania (NOSA), present legislation is largely considered positive for the development of the non-profit sector, although some provisions, such as the present requirement to register all non-governmental organizations (NGOs) centrally in Tirana, pose some problems.

#### **NOSA preparation of Amendments to the “Law on Non-profit Organizations”**

Under the framework of joint activities of the Network for Open Society in Albania (NOSA), Open Society Foundation in Albania (OSFA) and Partners-Albania, in cooperation with the Experts Group on legislation and economy, has worked together since 2005 to analyze the legal framework that regulates the activity of the NGO sector in Albania.

The report produced by the Group of Experts was consulted in larger groups of NGOs and donor representatives in a series of round tables in May-June 2006. After the presentation and discussion phase, the experts came up with concrete proposals for the amendments in the NGOs legal framework.

As the amendments on the Law were planned to be passed by the Parliament on 17 September 2007, a group of NGOs (Soros Foundation, the Center on Protection of Child Rights in

Albania, CANGO Albania, Co-Plan, Partners-Albania and the Albanian Helsinki Committee) addressed a letter to relevant authorities asking for postponement of the debate on the draft Law. The letter, addressed to the Assembly Speaker, and to the heads of parliamentary groups, expresses the concern for the drastic limitations of funding resources for the NGOs as well as tendencies of control and pressure by the government. The request also stressed the need for consulting the draft Law with the representatives of civil society.<sup>16</sup>

### ***Funding for NGOs***

The new legal framework enables organizations to engage in economic activities, which are essential for the financial sustainability of the Albanian NGO sector. It has set up the provisions for public financing of NGOs, gave NGOs the right to bid for contracts and various procurements and allowed NGOs to generate income from the provision of services and goods. NGOs also have the right to receive grants and donations from any private or public person from Albania or abroad. Although NGOs do not pay taxes on grants received by donors, sector representatives think that NGOs are entitled to many more fiscal facilities, in addition to those provided by the present law. The biggest need, however, is the clarification of the existing tax laws for the sector.

Albanian non-profit sector continues to depend on funding from foreign donations and diversification of financial sources is rare among NGOs because of variety of reasons: history and practice of philanthropy are weak, local fundraising is not easy due to lack of tradition and lack of incentives for the private sector, and only a limited number of NGOs are able to access the EU funds.

Lack of diversification of financial sources was also underlined by two surveys of the non-profit sector, conducted by Partners Albania in 2002 and 2005, which showed that donors are almost the only contributors to the NGOs annual budgets and that other sources (including the funding from the government) represent only a small portion of funds. For example, the figures for 2004 (made on

<sup>16</sup> Sources: [http://www.soros.al/en/15shtator\\_dialog.htm](http://www.soros.al/en/15shtator_dialog.htm), <http://see.oneworld-see.org/article/view/137254/1/>.

a sample of 131 NGOs were as follows: donors 80%, membership fees 10%, business 6%, fees for services 2% and the government 2%.

## 1.2. Civil dialogue

### *Participation of NGOs in development of policies, legislation and strategic documents*

The capacities of the non profit sector have been strengthened with regard to drafting, proposing and lobbying for laws and policies both at the local and central level. NGOs made a substantial contribution in the field of law- and policy-development such as the drafting of the Constitution of the Republic of Albania, the National Strategy on Social and Economic Development, the Strategy on Decentralization of Local Governments, etc. A noteworthy contribution by the sector is also made in the field of social research, monitoring and protection of human rights, including the right to vote freely, and recently in the fight against corruption and trafficking.

Nevertheless, the problems that were identified by some researchers relate to access to information, which can be seen as the basic precondition of participation on local level.

Only a small number of ministries have taken measures to implement the provision of the Law on Access to Official Documents and to the implementation of the Council of Minister's Ordinance to establish Public Information Offices at the line ministries. Surveys show that more efforts are needed to make the public aware of the right to access to official documents as well as to train public officials to be able to serve the needs of the public efficiently.

Despite the sanctioning of the **public's participation in the local decision making** by the Law on Local Government Operations, this participation is not easy to achieve due to lack of detailed rules. In addition, there is lack of awareness on the part of the citizens on the rights they are entitled to and on the role and responsibility of the local governments. The apathy and lack of citizens' willingness to participate in governance were also detected. Even though the NGOs participate in local government meetings, they often appear skeptical that their participation will influence local decision making or public policies on a larger scale. Although cooperation with

local and central government has experienced growth on certain occasions, relations between the third sector and the government continue to remain rudimentary.

NGOs in Albania have been very active in **monitoring** the governmental activities and policies. They were actively involved in monitoring the Medium-term Program **Growth and Poverty Reduction Strategy (GPRS) 2002 – 2004**, which is the first step taken by the Albanian Government in supporting the country's development perspective with a strategic, long-term vision. The draft was prepared under the guidance of the Prime Minister, through an intensive process of collaboration between the governmental institutions and civil society and with the support of international partners. The document includes several references to participation and cooperation of stakeholder groups and civil society:

*The GPRS is more than a rigid framework of objectives, priority sectors and measures, but rather an instrument to achieve a higher level of development, which encourages an active participation of all stakeholders in its implementation. The Government and the other stakeholders will take measures to ensure the continuous monitoring of the strategy's implementation. The government will also update the objectives and priority public measures annually, on the basis of the results of monitoring and in cooperation with the stakeholder groups.*

*Prepared with the aim to address the problems of poverty and development in Albania, the GPRS is an Albanian strategy. The GPRS is the outcome of the coordinating efforts of the central government, the local government, the civil society, the private sector, the representatives of the poverty-affected groups etc. The implementation of the Strategy will require the same cooperation.*

Following the launch of the GPRS in November 2000, a two-tier structure was set up to institutionalize civil society participation:

**Civil Society Advisory Groups (CSAGs)** were established in four key sectors: agriculture/rural, education, health and labor and social affairs. The CSAGs are broad groups of 10-20 key stakeholders for each sector. Each CSAG has selected 3-4 individuals to cooperate with

the ministries' Working Groups and help draft the sector strategies for the GPRS. CSAGs are developing work programs for regional consultations and capacity-building with a view to continuing their involvement in the GPRS process beyond the completion of the GPRS<sup>17</sup>.

The participation of civil society in the preparation of the Strategy has been achieved through the activity of the **National Civil Society Advisory Group (NCSAG)** composed of representatives of different NGOs and groups, and representatives of the private sector, local government and other sections of the society. NCSAG has helped to include civil society experts in the sector of technical groups and to draw opinions and suggestions from civil society (by organizing regional and local meetings), providing the framework for their contribution to the continuous improvement of GPRS drafts.

### *Strategic documents*

**Network of Open Society for Albania (NOSA)**, which represents a cooperation of eight NGOs (the Albanian Institute for International Studies (AIIS), Co-PLAN, Foundation of Open Society for Albania, Institute for Policy and Legal Studies (IPLS), Institute for Contemporary Studies (ICS), Partners - Albania, Center for Change and Conflict Management, Mjaft! and the European Center), has developed a comprehensive strategy for the development of civil society in Albania. One of the three priority areas in the strategy is the establishment of effective relations of the civil society with the government and the politics.

#### *NOSA Civil Society Strategy 2006-2008*

The main goal of the strategy is to increase and develop civil society institutional capacity towards strengthening civic involvement and social responsibility through the promotion and implementation of successful models of civic action as well as models of efficient relations between the government and politics. In the 3-year period NOSA will strive to achieve the following specific objectives of improving the legal framework for third sector, improve its relationship with the Government and strengthen its (financial) sustainability:

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<sup>17</sup> June, 2001.

### **Improving the legal framework for third sector as a means to strengthening legitimacy, accountancy and the image of NGOs:**

- Perfect the legal framework (through amendments and filling legal voids) towards creating an enabling legal environment for the development of the non-profit sector and strengthening its relations with the state and business sector;
- Clarify/amend/supplement laws to enable the rationalization of licensing procedures for non-profit provision of services and other public goods;
- Clearly define the fiscal and tax facilities for the non-profit sector to streamline the sector's obligations vis-a-vis the government;
- Explore alternative funding sources, with particular focus on local businesses by providing them with adequate incentives for funding activities benefiting the public;
- Develop the mechanisms for strengthening sector transparency;
- Financial transparency, to the government and the public also as a means of increasing the credibility and improving the image of the NGO sector;
- Develop institutional capacity of NGOs with focus on management, financial transparency, relations with the members and the wide public.

### **Help establish effective relations of the civil society with the government and the politics:**

- Development of the independence of non-profit sector from politics as an important principle for objective criticism of government policies and representation of the interests of citizens and various social groups in decision-making;
- Clarification of the conflict of interest to enable the clarification of relations of the civil society with politics, especially political parties, its administration and the representation bodies;
- Institutionalization of cooperation and definition of status of each of the actors (government-civil society) based on ethical and organizational standards that regulate relations between the sides;
- Increasing the advocating capacity of NGOs to the end of increasing civic participation as a means to influence and monitor policies at the local and central level, especially those policies that impact the life of communities;
- Monitoring of decision-making at the top executive level on strategic decisions (Anti Traffic Action Plan, Anti Corruption,

Poverty Reduction, Gender Issues, etc) , but also decisions that affect certain social groups;

- Democratization and transparency of the interactions between institutions and citizens (the integrity of public employee, conflict of interest in public administration, promotion of information access and establishment of functional mechanisms for transparency, ethical standards, etc.).

**Strengthen the sector's sustainability through the transfer of civil society ownership from foreign donations to local resources:**

- Strengthening organizational capacity of the non-profit organizations to the end of ensuring institutional sustainability;
- Strengthening financial management capacity as the basic element of institutional sustainability of NGOs;
- Strengthening and institutionalizing relations between the government and civil society, as well as relations between civil society and the private sector as a channel of mobilization of private resources to fund civil society activities;
- Creation of philanthropic culture through the development of social corporate responsibility;
- Building the awareness of the local government with regard to local NGO capacities to supply services, consultancies and other public goods.



## 2. BOSNIA AND HERZEGOVINA

### 2.1. Civil society and its environment

New civil initiatives related to issues such as development of independent media, human rights, and environmental protection began to emerge in late 1980s and by 1989 there were some 5,000 citizen organizations in Bosnia and Herzegovina (BiH). In 1992, at the beginning of war, numerous international organizations came to the country, primarily humanitarian, dealing with humanitarian assistance and social and health care. The first local NGOs were established during 1993, mostly in larger cities, as parts of projects of international organizations. They were dealing with priority issues of the time, such as providing psycho-social help to different groups of war-traumatized citizens and providing humanitarian help. The international donors, apart from the direct financial assistance, also initiated programs for building capacities of the NGOs. Considerable contribution to the development of NGOs came from the European Community Humanitarian Office (ECHO), as well as many states, mainly Canada, France and Germany, who initiated financial donations for local NGOs through their respective embassies. In 1996 and 1997, these countries were joined by the US.

The number of NGOs started to grow considerably after 1995 and the signing of Dayton Peace Agreement, which ended the war in BiH. Most of the international NGOs (43%) were first registered in the period 1996-2000, whereas most of the local organizations were first registered in the period 2001-2004 (40%).

Today, approximately 7,000 domestic associations, foundations and other organizations are registered in BiH (according to some sources the ratio is 6,528 civic associations and 70 foundations). Out of these, one-half is assessed as active and only 229 organizations and associations are registered at the state level, while others are registered at the entity or local level. Most organizations focus their activities on a specific region or canton. Detailed data indicates that activities are mainly conducted at the level of individual municipalities. Most organizations are based in large cities (Banja Luka, Sarajevo, Zenica, Tuzla). Key areas of activity of NGOs include: culture and recreation, economic and social services, and civic services and advocacy.

## ***Legal framework***

Bosnia and Herzegovina is a decentralized state, composed of two entities: the Federation of Bosnia and Herzegovina and Republika Srpska (RS). The BiH Federation of BiH is further decentralized, and subdivided in ten cantons, while the RS is more centralized and subdivided in 6 regions. In addition, the area of Brcko has a special status as a separate district.

The registration and activities of NGOs are regulated by the Law on Civic Associations and Foundations of the BiH Federation and the Law on Civic Associations and Foundations of the RS. In the Republic of Srpska, the work of associations and foundations was previously regulated with the 1990 Law on Legacies, Funds and Foundations and the Law on Associations of Citizens of the same year. The People's Assembly (Narodna skupstina) of the RS adopted the Law on Associations and Foundations in September 2001.

The procedure for registration of citizen associations at the level of the state did not exist until the adoption of the Law on Associations and Foundations in 2001. This area was only regulated by entity laws, as the Constitution of BiH did not provide for state institutions to be competent to regulate the issue of NGOs.

## ***Funding for NGOs***

According to some estimates, the annual revenue of the NGO sector accounts for 4.5% of GDP and their annual expenditure for 2.4% of GDP, indicating that the NGO sector has considerable impact on the economy in the country.

Sources of the revenue of BiH NGOs comprise of:

- Membership fees (27%);
- The Government (21%);
- International donations (21%);
- Domestic donations (18%);
- Contract-commissioned services (9%);
- Municipal funds (2%);
- Other sources (2%).

Although NGOs have a very low level of revenue from state authorities (at all levels) and the highest level of revenue from charitable activities (both domestic and foreign), there has recently been a noted decrease of share of funds from international donations compared to the share of funds from government budgets, which have increased.

In the last 15 years, the financing of NGOs has primarily come from the international community, which significantly influenced the promotion of the sector's activities, but also resulted in a dependence on international donors. A study by ICVA (from 2002) shows that in the period 2001-2002, financial support for the work of the NGO sector was provided by 17 donor organizations, 22 international institutions and bilateral governmental organizations, 11 embassies and 34 international NGOs. From the beginning, their financial support has been available only for the development of certain initiatives, resulting in a lack of certain services important for the exercise of citizen's rights and needs. Problem of NGOs is therefore, the adaptation of their work and re-orientation in relation to donors, rather than to the needs of their beneficiaries. In view of the influential role of the international community and donors on the development of the sector, NGOs are often perceived as an "extended arm of international organizations".

## **2.2. Civil Dialogue**

The contacts between NGOs and authorities that were identified in a research conducted in 2002 included:

- Work in joint working groups (on issues such as gender equality, combating trafficking in persons);
- Work on joint projects, mainly financed by foreign donors;
- Environmental protection activities;
- Education of staff (of government institutions, by NGOs);
- Alerts on human rights abuses in local communities;
- Legislation for NGOs and beneficiaries;
- Exchange of information.

79.6% NGOs stated they had regular contact with local authorities and 57.4% with entity and state authorities. Despite having quite regular contacts, 70.4% responded that the authorities were cooperative only occasionally – compared to 16.7%, which saw the authorities as generally cooperative.

NGOs working on representing citizen interests are particularly active on the **local level**. According to the results of a 2004 research, almost one half of the 73 surveyed NGOs in BiH saw their cooperation with local authorities as good or very good. Many local communities (municipalities) in BiH have initiated different forms of cooperation at the local level, and politicians in local administrations believe that cooperation with the NGO sector is both positive and necessary.

Nonetheless, several shortcomings regarding the cooperation on local level were identified:

- Level of cooperation varies from one municipality to the other;
- Cooperation is mainly based on short-term efforts and dependent on understanding by local representatives;
- Developed and organized procedures of cooperation between NGOs and local authorities are rare;
- Officials mainly see NGOs as “service providers” rather than partners in local policy-making.

According to a more recent research, over half of the surveyed NGOs stated that the level of support by government institutions improved in the past year (2004). Still, most NGOs believe that NGOs themselves lack the capacity (e.g. professional staff or lobbying skills) to develop a more serious partnership with government institutions at any level – and that the governmental structures, on the other hand, lack the knowledge and understanding of the NGO sector.

### ***Participation of NGOs in development of policies, legislation and strategic documents***

Public debates, public consultations, and the right to initiate enactment of a law are regulated by several legal acts:

- Rules of Procedure of the House of Peoples of the Parliament of BiH Federation;
- Rules of Procedure of National Assembly of RS;
- the House of Peoples of the Parliamentary Assembly of BiH; and
- Rules of Procedure of the House of Representatives of Parliamentary Assembly of BiH.

Some shortcomings as well as examples of good practice of NGO's involvement were identified in the Study on civil society and popular participation<sup>18</sup>:

*Despite the fact that the right to give comments or proposals concerning the draft law is foreseen in the legislation, the civic groups or individuals do not often exercise this right in practice.*

*The possibility of NGOs to participate more actively in public policy design is weakened by low institutional and financial capacities of NGOs as well as a large number of state institutions.*

*Despite all the endeavors to promote the role of citizens in civil society in BiH taken by both domestic authorities and the international community, the citizens still have very few opportunities to present their opinion and views, and it is almost certain that they shall receive no feedback from the representatives of the authorities.*

Nevertheless, there are several **examples of participation** of NGOs in the policy and legislation development:

- Involvement of NGO sector in the development of the Poverty Reduction Strategy Programme in BiH;
- Process of adoption of the Gender Equality Law;
- Participation of NGOs in the development and monitoring of the Development Strategy for BiH, especially in the field of education, environmental and social protection;
- A public hearing on the Draft Law on Principles of Local Self-Governance in the Federation of BiH, held by the Parliament of the BiH Federation: NGOs (Centres for Civil Initiatives and the Centre for Promotion of Civil Society) held preliminary discussions to collect citizens' opinions and proposals and a number of these were integrated into the proposed draft Law;
- Drafting of the Law on Voluntary Work, which was launched at the initiative of NGOs during 2004;
- The Youth Council of Republika Srpska (OSRS), which is the partner of the RS Government in designing and implementing youth policies, took part in drafting of the Law on Youth Organization in RS, which is the most important document in the area of youth policy in RS as well as in BiH.

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<sup>18</sup> Democracy Assessment in Bosnia and Herzegovina; OSI, 2006.

## ***Strategic documents***

### *Strategic documents development by the Coalition*

#### *“To Work and Succeed Together”*

With the support of Open Society Fund of Bosnia and Herzegovina, Center for Promoting Civil Society launched the “Initiative for developing the Strategy of Sustainable Development of the Non-Governmental Sector in Bosnia and Herzegovina” in 2001. A coalition of NGO was build around this initiative under the motto “To Work and Succeed Together”. The coalition today gathers 300 NGOs from all parts of Bosnia and Herzegovina through 15 regional reference groups.

In 2004 the Coalition organized a series of round-table discussions about the problems facing the civil society. In this process the following strategic documents were drafted and then endorsed in a NGO conference in Sarajevo in December 2004:

- Agreement on Cooperation between the Ministers Council BiH and the Non-Governmental Sector;
- Standards of Quality of Cooperation between the Government and the Non-Governmental Sector in BiH;
- Code of Conduct for the Non-Governmental Sector in BiH; and
- Strategic Directions of Development of the Non-Governmental Sector in BiH.

### *The Agreement on Cooperation between the Council of Ministers of Bosnia and Herzegovina and the Non-Governmental Sector*

The agreement presents a general framework for intensification of relations between the government and NGO sector, from the local communities up to the state level. The Agreement contains the following obligations of the Council of Ministers of BiH:

- Recognition and support of the independence of NGO sector (including its legal right to have campaigns, to comment on the government policies and test these policies, independently of any type of funding relation that may exist, as well as the right to identify and administer their own affairs);
- Funding of the sector and development of the code (law) of good practices in this area;

- The Agreement includes the provision for greater involvement of NGOs in Policy Development and Consultations. Together with the NGO sector, the Council of Ministers of BiH shall prepare the procedures, book of rules or the law of good practice to include the procedure of consultation, policy assessment, funding, implementation, evaluation and reporting;
- Improve the actual relations consistency of approach and the good practices between the Council of Ministers of BiH and the NGO sector, particularly when dealing with the issues intertwining between them;
- The Agreement also envisages building an institutional framework for mutual cooperation.

On the basis of the agreement, a **Board of Civil Society Bosnia** as a constitutive body of civil society in Bosnia and Herzegovina was set up. The Board consists of activists of the NGO sector in Bosnia – delegates come from 31 different sectors of NGO institutions. The Board is at the starting point of its operation and in the process of consolidation. It will serve as a consultation body in cooperation with organizations of civil sector, international donors, citizens, and media.<sup>19</sup>

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<sup>19</sup> Source: <http://www.civilnodrustvo.ba/?id=359>.

### 3. CROATIA

#### 3.1. Civil society and its environment

##### *Legal framework*

The Croatian legal system recognizes three main types of legal entities that could be considered nongovernmental or non-profit organizations. These are civic associations; endowments and foundations; and private non-profit institutions:

- **Civic associations** are a predominant form of NGOs. According to available data, some 27,000 civic associations are registered in Croatia;
- **Foundations** are probably the least developed segment of non-profit sector in Croatia. Currently, there are only about 90 registered foundations in the country;
- **Private institutions.** The 1993 Law on Institutions provides that, in addition to public, it is possible to establish private institutions. These are legal entities established for the permanent pursuit of activities in the area of education, science, culture, information, sports, physical culture, technical culture, child care, health care, social welfare, care for disabled persons and other activities, if such activities are not pursued with the goal to make profits. According to existing data, there are currently about 150 private institutions registered and working in Croatia.

The existing framework that covers the activities of NGOs consists of several:

- Laws (Law on Associations; Law on Endowments and Foundations; Law on Institutions);
- Institutions (Governmental Bureau of Associations; National Foundation for Development of Civil Society; and Civil Society Development Council);
- Systemic funding of NGOs from the public funds; and
- Strategic documents (Draft-Programme for Cooperation between the Government and Non-governmental/Non-profit Sector; National Strategy for Creation of Environment Stimulating the Development of Civil Society).



## *Institutional Framework*

The Government of Croatia began the process of institutionalized NGO-government cooperation by establishing a centralized NGO liaison office and a council (that worked in partnership with the office). The government then moved toward decentralizing the cooperation and delegating some functions of the office to other bodies, under the framework of the New Model of the Organizational Structure for Civil Society Development in Croatia. This consists of two bodies: the Council for Development of Civil Society, established in 2002, and the National Foundation for Civil Society Development, established in 2003. The model also envisioned creation of the Strategy for the Development of the Civil Society and Harmonization of the State Funding Process.

### *Government Office for Cooperation with NGOs*

The Office, established in 1998, was the first of a series of institutions with the task to establish cooperation between the state and the civil society. The Office is charged with:

- Supervision and implementation of the recently adopted Strategy for Creation of Environment Stimulating for Development of Civil Society;
- Creation and submission of legal solutions for the sector;
- Monitoring of distribution of financial support to NGOs by state bodies; and
- Coordination of activities of national and local bodies regarding cooperation with the sector.

The Office works in close cooperation with the Council for Civil Society Development, for which it acts as a technical, administrative, expert and financial support structure.

### *The Council for Civil Society Development*

The Council, a consultative expert body of the Government, has 23 members: ten government representatives, ten NGO representatives, and three experts. The members are nominated by specific Ministries, NGOs and the Government Office for Cooperation with NGOs and approved by the government. The Council acts as a cross-sectoral advisory body to the government, primarily responsible for implementing the Programme for Cooperation between the Government of Croatia and the Nongovernmental, Non-profit

Sector . The Council will continue monitoring implementation of the Program for Cooperation at the national and local levels, as well as creating a database of NGO programs funded by the government and proposing further changes in legislation relating to NGOs.

### *National Foundation for Civil Society Development*

The public foundation was established in 2003 by the Law on National Foundation for Civil Society Development as a public, not-for-profit entity by the Croatian Parliament (Sabor) and acts outside the structures of state and local administration. The main activities of the Foundation include provision of financial and expert support to programmes promoting sustainability of NGOs, inter-sector cooperation, civic initiatives, volunteering, etc. through education and publications, grant-giving, public awareness campaigns, evaluation services, research, and regional development. The Foundation is financed from the state budget, Croatian lottery funds, income from economic activities and private and foreign donations (including European Commission, DFID, USAID). The management of the Foundation includes in equal shares the representatives of state administration bodies, NGOs and experts in the field.

### *Funding for NGOs*

The establishment of the Central Office of Associations in 1998 enabled the centralization of a great portion of funds from the state budget, dedicated to associations that were previously secured through the budgets of individual Government ministries and offices. Because of unification of procedures (public competitions, etc.) the public financing of association has improved greatly. In 2002, the process turned back to **decentralization**, from the accounts of the Office of Associations to the budgets of Governments ministries and offices. The New Model of the Organizational Structure for Civil Society Development in Croatia resulted from a two-year process led by the Government Office for NGOs. The aim was to decentralize cooperation and state funding from one office to diverse stakeholders (government bodies, local and regional authorities, National Foundation, Government Office for NGOs, and Council). Specifically, Ministries and government offices and institutions are now responsible for channeling state funds directly to NGOs active in their fields of jurisdiction. The New Model encourages Ministries to designate a person or unit responsible for cooperation with NGOs.

The decentralization stems from the need for direct communication between various Ministries and NGOs, in order to enhance their cooperation in addressing particular social needs. It also opens the possibilities of diversifying funding sources for NGOs and of tapping alternative and matching funds for joint NGO-government activities. In addition, the Government Office for NGOs launched the drafting of a Code of Good Practice and Standards for the Financing of Programs of Civil Society Organizations out of State and Local Budgets. The Code is intended to guide bodies that channel public funds to do so in a transparent manner.

The new **Law on Lottery and Games on Chance**, adopted in 2002, also created a relatively favorable framework for public funding of NGO activities. It assures that 50% of the earnings made through organization of games on chance is redirected to finance projects, i.e. towards organizations working in sports, fight against drug abuse, social and humanitarian activities, disabled persons, technical culture, culture, informal education and development of civil society.

In addition to the direct forms of financing through public competitions opened by the Foundation, Government ministries and offices, local and regional self-government units, the state aims to stimulate private citizens and enterprises to actively donate to NGOs. The **laws on profit and income tax** state that donations of up to 2% of the annual income shall be considered eligible for tax relief and exemption.

According to the Assessment of the state on development of the civil society in Croatia, the principal **sources of finance** of NGOs in 2005 were ministries (for 37.4% of associations) and local/regional governments (28.8%). When main sources of income were compared with figures for 2003, 2004 and 2005 the survey reported significant rise of the share of NGOs that are mainly financed by ministries. At the same time (although not significantly) there is a trend of falling share of NGOs that are primarily financed by local/regional self-government or international donors.<sup>20</sup>

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20 Hromatko, 2007:54-55.

### 3.2. Civil dialogue

In the 1990s, the official policies towards NGOs were marked with suspicion and mistrust. NGOs, especially the ones dealing with troublesome social and political issues or “watchdog” organizations, were considered agents of foreign political interests and, quite often, enemies of the state. After 1998, and especially after the 2000 change of the government, this situation gradually changed, both at the level of perception and at the level of public policies towards organized civil society<sup>21</sup>.

#### *Participation of NGOs in development of policies, legislation and strategic documents*

The Government Office for NGOs initiated several cross-sectoral working groups, composed of representatives of ministries and NGOs as well as domestic and international experts. The groups were assigned to lead legislative initiatives intended to create a more supportive legal environment for NGOs (e.g., the Law on Associations, Law on Income from Games of Chance and Competition, Law on Humanitarian Assistance, and draft Law on Foundations).

From the beginning of 2003, the web pages of the Croatian Parliament should contain the proposals of laws that are in parliamentary procedure. This is the result of a long-term project called **Legislation and the Citizen**, the aim of which is a contribution to the development of a more active relationship among the Members of the Parliament, NGOs and citizens.

NGOs are also represented in the Managing Board of the National Foundation and in the Council. In addition, NGOs participate in almost all working groups for initiatives led by the Government Office for NGOs, National Foundation, and the Council. One such example is the National Committee for Development of Volunteerism, a body established by the Council to prepare a draft Law on Volunteerism and to develop a strategy for the promotion and support of volunteering in Croatia.

The signing of the Programme for Cooperation between the Government of Croatia and the Non-governmental, Non-profit

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<sup>21</sup> Domes, 2007.

Sector (in 2002) and of National Strategy for Creation of Environment Stimulating to Development of Civil Society (in 2006) is also a result of close cooperation between the government and NGOs.

Both documents also envisaged introduction of new standards in the area of participation of NGOs in development of legislation. The consultations on **the Introduction of New Standards of Consultations between the State and the Civil Society Organisations in the Process of Development of Laws and Other Regulations** were just launched by the Government Office for Cooperation with NGOs in cooperation with the Council for Civil Society Development with a public debate on November 12<sup>th</sup>, 2007 and will be open until February 15<sup>th</sup>, 2008.

### ***Strategic documents***

#### *Programme for Cooperation between the Government of Croatia and the Non-governmental, Non-profit Sector*

This document, adopted by the Government in the first half of 2001, presents one of the major turning points in a more open, collaborative policies towards the civil sector. It clearly recognizes NGOs as important social actors, especially in creation, monitoring and implementation of public policies and provision of public services. The Programme defines the principles, areas and manners of cooperation between the Government and the sector. It puts special emphasis on the principle of independence, i.e. the right of the organizations to comment on Government policies regardless of existing financial ties.

The Programme of Cooperation sets forth the following areas for cooperation:

- Consultation with NGOs on legal initiatives and inclusion them in working groups;
- Consultation on designing the government's National Programme and evaluating its strategy and priorities;
- Consultation on evaluating projects in which public money is invested;
- Evaluation national policy in all areas;
- Decentralization and cooperation for the development of society;

- Partial or complete financing of programmes and services;
- Encouragement of citizens to participate in decision-making and in meeting community needs;
- Support and enhancement self-organization and volunteers' action to benefit their communities;
- Development of social enterprise and social capital as important components of social development; and
- Support of socially responsible business sector.<sup>22</sup>

### *National Strategy for Creation of Environment Stimulating to Development of Civil Society*

The adoption of the Strategy for development of the civil society was listed as an obligation of the Government in the above mentioned 2001 Programme for Cooperation, and the task to create the Strategy fwas the responsibility - according to this body's founding acts (2002) - to the Civil Society Development Council. The Strategy, which was adopted at the session of the Government of the Republic of Croatia of July 12 2006, defines the situation and goals in ten areas of civil society:

- Values-based relations between the state and the civil sector;
- Social cohesion;
- Citizens' participation in creation of public policies;
- Education for democratic citizenship and human rights;
- Legal framework for action and development of civil society;
- Institutional framework to support the development of civil society;
- System of financing to support the development of the civil society;
- Regional development;
- Development of volunteering, philanthropy and establishment of foundations; and
- Development of civil society in international context.

In spite of comprehensive strategic and institutional framework intended for enabling better cooperation between NGOs and the Government, the 2007 survey, published by the National Foundation (Assessment of the state of development of the civil society in Croatia), showed the relationship of the State towards NGOs was not perceived as particularly good. Quarter of respondents judged the State as "disinterested for the NGO sector" and "underestimating

<sup>22</sup> Garasimova, 2005.

its importance". Smaller percentage believes either (with equal prevalence) that the state is financially supporting the development of the sector and recognizes it as a partner or that the State is supporting the sector because of the outside pressure.<sup>23</sup>

## 4. KOSOVO

### 4.1. Civil society and its environment

Kosovo's tradition of NGOs extends back to 1989, when the NGO Council for the Defense of Human Rights and Freedoms and other political mechanisms created a parallel system in contradiction to the Milosevic regime. After the war in 1999, civil society development has been a priority for international donors. They wanted to set up a strong civil society as a stabilizing factor and an instrument to bring about social cohesion in a post-communist and post-war region, which lacked governmental structures and a functional political system. As a result, the number of newly established NGOs in Kosovo has risen sharply: in 1999 there were 130 NGO in Kosovo and by 2004 the number of officially registered domestic NGOs reached nearly 2,500.

Another consequence of the foreign support was also the change in focus of NGO activities: from humanitarian assistance to empowerment of local citizens, community development, and recently advocacy and lobbying. The 2007 Freedom House report thus noted that "the NGO sector is large and varied, but still depends entirely on foreign funds and is far from independent."

#### *Legal and institutional framework*

The Special Representative of the Secretary-General of the United Nations on November 1999 signed UNMIK Regulation 1999/22 which set up a basis for the regulation and operation of NGOs in Kosovo. On 9 May 2000, Bernard Kouchner, Special Representative of the UN Secretary General in Kosovo, signed Administrative Direction No. 2000/10 implementing **UNMIK Regulation No. 1999/22 on the Registration and Operation of Non-governmental organizations in Kosovo.**

According to the UNMIK Regulation 1999/22 an NGO could be an association or foundation and has to be established to operate in the name of public benefit and interests. The UNMIK regulation states that a domestic NGO is an association or foundation established in Kosovo to accomplish any lawful purpose, whether for public benefit or mutual interest. The Regulation also defines that an association



is a membership organization and may be established by at least three domestic or foreign legal or natural persons, at least one of whom has a residence or seat in Kosovo.

In some cases, UNMIK may deny an application if the registration documents do not comply with certain requirements:

- If the statutes of the NGO would violate the provisions of the United Nations Security Council Resolution 1244 (1999), or of any UNMIK regulation;
- Or the organization which wants to make a registration has the same name or one so similar to a previously registered or already established NGO.

Fundraising or campaigning to support political parties or candidates for political bodies, or proposing or registering candidates for public office is also strictly forbidden according to the Regulation.

NGO is organized and operates to undertake one or more of the following as its principal activities: humanitarian assistance and relief, charity, education, health, culture, environmental conservation or protection, economic reconstruction and development, promotion of human rights, promotion of democratic practices and civil society, promotion of gender equality or any other activity that serves the public benefit.

Education and health constitute public benefit activities only if significant benefits are provided free of charge or at least less than fair market value to disadvantaged individuals or groups. Economic development constitutes a public benefit activity only if it is undertaken primarily for the benefit of disadvantaged individuals or groups.

According to the International Center for Non-profit Law (ICNL), this action is a step forward in developing a legal system that protects the independence and long-term sustainability of the NGO sector in Kosovo. **The Administrative Directive 2000/10** provides detailed guidance to NGOs operation in Kosovo and to the UNMIK NGO Registration and Liaison Unit on the legal requirements related to registration, reporting requirements for NGOs with public benefit status, and NGO tax/fiscal benefits.

According to the UNMIK Administrative Directive 2000/10, the **NGO Registration and Liaison Unit** is responsible for: Registration, Evaluation of Annual Reports, Granting the Public Benefit Status and maintaining Full Database of all NGO's in Kosovo. Legal registration of NGO's can only be done through the UNMIK Registration and Liaison Unit.

### ***Funding for NGOs***

According to the **UNMIK Regulation No. 1999/22**, an NGO cannot distribute any net earnings or profits as such to any person. All the profits must be used to support the not-for-profit purposes of the organization and cannot not be used to provide benefits, directly or indirectly, to any founder, director, officer, member, employee or donor of the NGO. The NGO income may include: donations of cash, securities, and in-kind contributions; bequests; membership fees; gifts; grants; real or personal property; and income generated from any lawful activities undertaken by the NGO with its property and resources. An NGO may engage in economic activities for the purpose of supporting its not-for-profit activities, subject and also own and manage property and assets for the accomplishment of its not-for-profit purposes.

The majority of NGO depend on the international donors. A survey among NGO leaders in Kosovo in 2005<sup>24</sup> showed that nearly every NGO in Kosovo receives funding from a sponsor outside the Balkan region. As Clausen noted, "the international community upholds the explicit goal of enhancing civil society in its process of state-building". This is reflected in programmes the donors support, which are mostly advocacy-oriented.

## **4.2. Civil dialogue**

### ***Participation of NGOs in development of policies, legislation and strategic documents***

Since the creation of the Provisional Institutions for Self-Government in March 2002, the international donors focused on developing relationships between local civil society and the government.

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24 Clausen, 2006.

NGO experts have become involved in decision-making and are consulted on draft laws, on policy-design and strategic planning. NGOs are also present in committees of the Assembly of Kosovo and of Municipal Assemblies. Good examples of inclusion of NGOs in policy development can be found for example in the area of women's rights and gender equality:

- National Action Plan for Gender Equality was developed by a multiethnic group of women's NGOs and women politicians who worked together for 10 months in 2003;
- Gender Equality Committees, non-mandatory committees that have so far been set up in 15 of Kosovo's municipalities, are also a good example of interaction between NGOs and the Provisional Institutions.

The NGO community has also started using lobbying as an effective tool. A good example in the field of women issues is the Kosovar Women's Lobby which brings together women from the business, NGO and Government sectors.<sup>25</sup>

## 5. MACEDONIA

### 5.1. Civil society and its environment

A new wave of civic organisations in Macedonia began with the transition: the environmental organisations occurred at the end of the 80s, the social-humanitarian organisations at the beginning of the 90's (as a response to the economic crisis and refugee crises from former Yugoslavia) and the human rights organisations in the mid-90's. In the period of 1990-1998, there were 3,295 newly registered civic organisations.

According to the central court register, there are 5,289 registered CSOs in the country (2003), although the number of active CSOs is estimated to be considerably lower. For example, the 2006 CIVICUS Index report used the number of 5,289 registered organisations, while the Directory of the Civic Organisations<sup>26</sup> includes 1,512 registered in and 858 CSOs in the narrow meaning of the word in its analysis of the structure of the organisations and presentation of certain statistics.

Primary activity of most of the registered organisations (35.4%) is "sports, hobby and leisure", "followed by "culture and arts" (10.4%). As CIVICUS report<sup>27</sup> points out, this shows that half of the registered organisations deal with issues significant for the community, but of secondary meaning compared to the key issues in the country defined as priorities in the society, which are poverty alleviation, unemployment, corruption, improvement of inter-ethnic relations.

#### *Legal framework*

The **Law on Citizen Associations and Foundations**, adopted in 1998, envisages two basic forms of non-profit organizations: associations of citizens and foundations. The Law stipulates the manner, procedure and conditions for the association, registration, operation and termination of the organization. Draft amendments on the Law on Citizen Associations and Foundations are in the

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<sup>26</sup> As Directory of the Civic Organisations (prepared by MCIC) is the only one in the country with a long tradition and thoroughly prepared, this number (1512) is suggested as the number of active organisations. (See CIVICUS, 2006:44)

<sup>27</sup> 2006: 40-41.

process of preparation. These address issues such as the possibility of forming citizen associations of legal persons, allowing the performance of economic activities and introducing the status of public interest organizations.

The Strategy for Cooperation of the Government with the Civil Sector developed by the Government for the period 2007-11 lists as one of its strategic goals "advancing and improving the legal framework for the development of the civil sector"<sup>28</sup>. Its aim is to propose changes to the current legal framework for CSOs in Macedonia and thus improve conditions for the establishment and functioning of CSOs in line with the best European practices and regulations. The Strategy also suggests introduction of some new channels of interaction, such as work sessions organized with CSOs and the civil servants responsible for implementation of legal provisions, which should lead to more efficient implementation of the legislation.

### ***Funding for NGOs***

Government funds CSOs from several sources:

- Once a year the Government allocates funds from the central budget (in accordance with the Decision on Criteria and Procedure for Distribution of Finances to Foundations and Civic Associations). Ministry of Finance is the responsible institution for distribution of these funds. The total allocated funds under this programme are approximately 244,000 EUR, or around 0,01% of the budget. State funds are also distributed through the budgets of Government ministries and other institutions;
- The funds from games on chance are a significant source for financing CSOs. On the basis of the Law Lottery and Entertainment Games, funds are being allocated only to associations of people with disabilities, sports associations and to the Red Cross. 50% of the total revenue from games on chance and entertainment games established in the previous year are allocated for this purpose, with limitation that these funds cannot be less than 60 million MKD<sup>29</sup>, nor larger than 120 million MKD. In the last four years this amounted to around 75 million MKD distributed to organizations/institutions stated above;

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<sup>28</sup> 2006: 20-21.

<sup>29</sup> Approximate exchange rate is 61,3 MKD/EUR.

- Innovations in the new Law on Social Care allow services provided by the civil sector to be contracted by the Government. The process of licensing of CSOs that want to be professionally engaged in the social field, for which they will receive funds from the budget, is already under way.

Nevertheless, the state financing of CSOs is rather limited due to deteriorated economic situation in the country in the last few years and due to the fact that allocation of state funds is rather non-transparent.

As noted in CIVICUS report<sup>30</sup>, compared to other countries in the region, Macedonia has the least tax benefits. Tax benefits for CSOs are almost unknown. One of the first opportunities for such benefits has been given by the Law on Donations and Sponsorship in Public Domain (adopted in 2006). This envisages benefits for private persons and business entities for donations and sponsorships given to CSOs that work in the area of public interest. As also noted in the 2007 Strategy for Cooperation between the Government and the Civil Society Sector, adoption of appropriate tax policies holds a great potential for improving conditions in which CSOs work.

## 5.2. Civil dialogue

### *Civic Platform for Macedonia*

A broad coalition of CSOs representing wider, long-term interests of the sector was established in 2004 in Skopje as the **Civic Platform for Macedonia**.

The platform gathers 29 CSOs from different sectors and interests, offering them an open space for communication, coordination and collaboration. The activities of the platform are directed towards:

- Improvement of communication, coordination and collaboration of civil sector;
- Determination of the situations, needs and priorities, and unification of concepts and approaches in civil society;

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30 2006:73.

- Development of domestic support system (legal framework, ethical standards, responsibility and transparency), benefit of CSOs, demonstrating the results and reputation building;
- Establishing partner relation with public sector, business sector and international organizations and agencies in the country to establish participative democracy and socially responsible sector;
- Active participation in international context.

### ***Unit for Cooperation with Non-Governmental Organizations***

The Unit for Cooperation with Non-governmental Organizations was established in December 2004 within the General Secretariat of the Government and its Sector for Policy Analysis and Coordination. The Unit was established with the aim of establishing closer cooperation between the civil society sector and the Government.

The Unit has been involved in development of the Strategy for Cooperation between the Government and the Civil Society Sector for the period 2007-11<sup>31</sup>. The process of preparation of the Strategy was very participative. Six public debates on the concept Strategy were organized, with around 370 participants from CSOs. The aim of the Strategy is to raise the awareness and enhance the practices for establishing partnership between the Government and the civil society sector as well as transparency in the process of policy creating.

The aim is to establish a functional network that would facilitate communication and coordination of the activities related to the development of the civil sector – both between the Government and CSOs and among other administration authorities. The Unit therefore also strives towards achieving stronger inter-institutional cooperation.

According to the Strategy, the ministries are to appoint responsible persons to develop cooperation between the relevant ministry and CSOs as well as cooperate with the rest of the ministries and other state authorities. The Government is to also stimulate exchange

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<sup>31</sup> The development of the Strategy has been supported through an EU-funded project run by COWI, MCIC and INTRAC.

of experiences with the Units of local self-government in order to facilitate the implementation of the Strategy.

Significant collaboration between the government authorities and the civil sector already exists on a local level: some of the municipalities have employed civil servants responsible for cooperation with citizen associations and foundations, and instances of small financial aid allocated for certain projects are also noted.

### ***Office for Contact between NGOs and the Parliament***

The goals of the Office, a joint activity of the Parliament (Sobranie) and Citizen's association MOST, is:

- To institutionalize the co-operation between the Parliament and CSOs;
- By using all information tools, to provide the Parliament and civic sector with relevant data, essential for open and intensive dialogue;
- Linking citizens with legislative bodies, in order to increase the input of civil sector into the decision-making process.

The Office works as a service for both Members of Parliament (MPs) and citizens. There, MPs can get of support and help during their every day preparation of appearances and technical support in preparing and distribution of materials, establishing contacts with NGOs that are affected with the certain legislative issues. CSOs can get all the needed materials and support about the work of the Parliament and submit their suggestions. The office also serves as a meeting point between MPs and CSOs. The Office offers on-line communication, where the civil sector can give suggestions about certain changes and amendments to the laws.

#### **Civil Platform for Macedonia Lobbying for Changes to Law on Citizens' Associations and Foundations**

Representatives of the Civil Platform for Macedonia used the Office channel to present their initiative for changes in the Law on Associations on November 1 2006, which was later submitted for review to all 120 MPs. The objections of CSOs referred to the proposed changes in the Law on Citizens' Associations and Foundations and its harmonization with the Law on Public Registry,



as well as the provisions on the role of the Public Prosecutor. They objected to the provisions of Article 56 of the Law on Changes and Amendments to the Law on Citizens' Associations and Foundations, which refers to the role of the Public Prosecutor in the initiative and procedure for termination of CSOs. They suggested that the Article was badly written and might be understood to invest the Office of the Public Prosecutor with the right to terminate NGOs at its discretion. According to the Initiative, the Ministry of Justice accepted the remarks and objections of CSOs and agreed to propose the appropriate changes in the amendment debate on the Law. The CSO representatives also learned that the Government will work on a completely new legal text to be completed by the end of February 2007 and submitted to the Parliament for debate and adoption.<sup>32</sup>

### ***Participation of NGOs in development of policies, legislation and strategic documents***

The grounds for cooperation in policy-making processes is identified in **the Law on Organization and Operation of the State Administration Authorities** from 2002, stipulating that state authorities, in the process of drafting laws and other regulations, in accordance with their responsibilities, shall gather opinions from citizen associations and other legal persons.

The cooperation between the state and the civil sector is practiced in drafting laws or national strategies. Citizen associations and foundations were especially successful in influencing the public policy-making processes regarding the following issues: women, Roma, disadvantaged individuals, environmental protection, pensioners, community care, etc.

On the basis of CSOs' initiative, several **laws** were amended or drafted: Law on Citizen Associations and Foundations; Law on Community Care and Law on Family; Law on Citizenship of the Republic of Macedonia; Law on Asylum; several laws addressing child protection and disadvantaged individuals; Law on Conflict of Interests; Law on Witness Protection; Law on Free Access to Public Information; Law on Donations and Sponsorship in Public Affairs,

<sup>32</sup> Source: <http://see.oneworldsee.org/article/view/142280/1/>.

etc. Various **strategic documents** were prepared with involvement of the civil sector, such as: National Strategy on Education (2006); National Strategy on Information Society (2005); National Poverty Reduction Strategy (2002); National Strategy on Youth (2004); National Strategy on the Roma People (2004); National Report for Sustainable Development (2002); National Strategy on HIV/AIDS (2003-2006); National Strategy on Drugs Control (2007-2012), etc.

The Strategy for Cooperation of the Government with the Civil Sector (2007-2011) includes measures to further strengthen the participation of the civil sector in policy-making processes. The intention of the Government is to develop a system of basic principles in order to expand possibilities for the participation of citizens and their organizations in the decision-making process. It shall guarantee the integration of CSO's standpoints in the drafting, implementation, monitoring of public policies, and the reflection of their needs and priorities in those policies. Through this system CSOs are to:

- Participate in the decision-making process and in the drafting of legal acts by taking part in public debates and submitting opinions;
- Be involved in the inter-departmental working groups and the Government's advisory bodies (for example in the Expert Councils of the Government – the Legal and the Economic Council);
- Have improved access to public information (as a prerequisite for participating in policy making), for which the Government will design various web portals for timely publishing of information and gathering of observations.

The Strategy (within the goal of Involvement of the civil sector in the process of European Union integration) also envisages the introduction of mechanisms safeguarding consultations for the civil sector involvement in the drafting, approximation, implementation, monitoring and assessment of political and legal measures, and especially in the process of developing national development plans, operation programmes and similar strategic documents.

## Strategic documents

### *Strategy for Cooperation of the Government with the Civil Sector (2007-2011)*

The primary aim of the Strategy is to promote the cooperation of the Government and the relevant ministries with the civil sector. The Strategy should serve as an **overall guidance framework** for a conceived national policy of cooperation and support to the civil sector. The General Secretariat of the Government adopted the Strategy for Cooperation with the Civil Sector with the aim to improve its cooperation with the civic organizations, to assist their development and strengthen the important role they have in terms of satisfaction of citizens' needs and representation of civic activities. The cooperation of the Government with the civil sector rests on the **principles** of mutual trust, partnership, participation and consultation, transparency and accountability. The principle of participation and consultations is elaborated in the following manner:

*The Government enables involvement of the civil sector in the policy-making process in order to include the interests and the recommendations of the citizens in the processes of decision making and implementation of measures and policies. The civil sector, employing its capacities and resources, contributes to an increase in quality for the benefit of the community. It represents various values and interests of the citizens, and serves as a medium across which the citizens receive information and express their viewpoints on the suggested governmental measures. The Government will be open for dialogue with the public in order to improve quality of suggested policies and to strengthen the legitimacy of its policy.<sup>33</sup>*

The strategy is divided into the following **strategic goals**:

**Advancing and improving the legal framework for development of the civil sector;** the Government (the Ministry of Justice, the General Secretariat) will be responsible for:

- Changes and amendments to the Law on Citizen Associations and Foundations;

- Undertaking measures for an efficient implementation of the provisions by drafting and adopting secondary legislation on the basis of the analysis of comparative and domestic conditions;
- Promoting new legislation and opportunities for the civil sector organizations;
- Capacity-building for the civil servants implementing laws.

**Participation of the civil sector in policy-making processes;** the Government (the General Secretariat and all relevant ministries) will be responsible for:

- Changes in the Work Plan of the Government by defining principles and mechanisms facilitating information and active involvement of participants of CSOs in adopting policies, laws and other decisions, and their active participation in working groups for drafting those decisions on a governmental level and with the administration authorities;
- Enabling draft laws to be accessible to the public through the web pages of the ministries and other state authorities;
- Providing measures for safeguarding participation of a civil sector representative in the work of the expert councils of the Government and other state authorities;
- Enabling cooperation and participation of CSOs in the process of creating the state budget;
- Timely and transparent reporting to civil society organizations for the fundamental guidelines of the budget policy and the allocation of the Budget;
- Making a coalition with the civil sector, combining efforts to combat corruption;
- Enabling CSOs access to information as a reflection of the existing democracy and transparency.

**Maintaining cross-institutional cooperation;** the Government (the General Secretariat and other administrative authorities) will be responsible for:

- Further build the capacities of the Unit for Cooperation with Non-Governmental Organizations;
- Appoint responsible persons for cooperation between civil society organizations and the relevant ministries;
- Develop an exchange of information and consultation system between the Unit for Cooperation with Non-Governmental Or-

ganizations and the responsible civil servants in order to monitor the cooperation among institutions;

- Organize educational debates and workshops dealing with sector-significant issues for the responsible persons in the ministries cooperating with civil society organizations.

**Maintaining cross-sectoral cooperation;** the Government (the General Secretariat and other administrative authorities) will be responsible for:

- Engaging CSOs in the drafting and the implementation of projects and activities of mutual interest to the Government, CSOs and the citizens, and to provide financial support through grants or contracts;
- Establishing inter-departmental advisory bodies to review and implement certain projects;
- Creating mechanisms for cooperation between the ministries and CSOs in provision of services;
- Introducing a civil service log as an efficient instrument for improving the public service system and combating bureaucracy and corruption.

**Involvement of the civil sector in the integration process to the European Union;** the Government (the Secretariat for European Affairs, General Secretariat) will be responsible for:

- Establishing mechanisms for consultations with CSOs in the drafting, approximation, and implementation and especially in the process of creating the national development plans, the operational programmes and the accompanying strategic documents;
- Adopting a decision for creating partnership between the Government and CSOs intended towards full engagement of all end users in the European integration process as well as in the process of utilizing the IPA;
- Adopting Framework Regulation for implementation of the IPA instrument on behalf of the Government, after it is conferred by the European Commission;
- Continuing established practices of cooperation with civil sector according to the strategy for capacity building (trainings) of the civil servants in the EU Integration process.

**Creating more favourable conditions for financial sustainability of the civil sector;** the Government (the Ministry of Finance, the General Secretariat, the Ministry of Labour and Social Policy, the Ministry of Justice, the Ministry of Economy, the Agency for Youth and Sports) will be responsible for:

- Drafting and adopting a new Decision for the methods and criteria of reallocation of budget resources;
- Adopting changes to the Law on Lotteries and pass an allocation act;
- Preparation and adoption of changes to the tax laws (income tax, VAT, personal income tax) and other laws influencing the work of civil society organizations;
- Considering possibilities for creating a system for engaging CSOs in implementing activities from their domain (for example, through defining standards, rewarding licences for social service provision) thus, providing greater choice in selecting a service provider and advance the quality of the services;
- Developing an analysis for applying the Law on Accountancy of Non-Profitable Organizations and preparing changes for upgrading the financial legal framework;
- Preparing a plan for monitoring the application of the Law on Donations and Sponsorship in Public Affairs;
- Cooperating with legal entities and CSOs to sustain programmes for socially accountable enterprises;
- Drafting and adopting a Law on Volunteering, as well as a plan for support of the programmes for volunteering development.

**Continuous development of the civil sector;** the Government (the General Secretariat, the Ministry of Local Self-Government)—together with administrative authorities and civil society organizations - will be responsible for:

- Motivating the development of the civil sector, especially beyond the borders of the capital and in the rural areas;
- Supporting activities significant for the development of the sector by the means of an open and transparent process of cooperation with all stakeholders;
- Initiating cooperation and involvement of the media in the work of CSOs through continuous monitoring of their activities;
- Devising communication networks for exchanging positive examples of cooperation with the local self-government units.

The strategic goals are followed by the Action Plan that lists concrete deadlines for implementation of activities. The Unit for Cooperation with Non-Governmental Organizations and the General Secretariat of the Government hold the primary role in coordinating and implementing the Strategy. They are also responsible for the periodic assessment and reporting on the implementation of the Strategy. Simultaneously, the General Secretariat/the Unit for Cooperation with Non-Governmental Organizations shall coordinate with relevant ministries and other state authorities responsible for the implementation of the specific Strategy measures in order to secure timely planning and activities implementation.

Although the Strategy has a **binding character only for the Government and the state institutions**, it expresses the expectation of the Government that it should be implemented and applied by all stakeholders in partnership. Continuous development of the civil sector is thus considered also a responsibility of civil society organisations. Strategy is also expected to **indirectly** motivate increased participation of other key actors: local self-government (as the baseline for communication with the citizens) and the business sector (as the future factor defining the long-term beneficial role of the civil sector and for individual purposes developing a socially responsible business sector).<sup>34</sup>

## 6. MONTENEGRO

### 6.1. Civil society and its environment

In 1999, the Law on Non-governmental Organizations introduced the concept of NGOs, which includes two organizational forms: non-governmental associations and non-governmental foundations. In spring 2006, there were 3,454 registered NGOs in Montenegro, of which there were 3,344 associations and 110 foundations.

According to the estimate by the Center for Development of Non-governmental organizations (CRNVO), the number of the active NGOs (those having a regular activity, relatively continuous financing, membership, employees and communication with the media) doesn't go beyond 300. Most NGOs are active in the fields of art and culture (12.20%) and social-humanitarian issues (15.10%). Montenegrin NGOs are least involved with legislation, advocacy and public policy (0.87%) and problems of refugees and displaced people (1.31%).

#### *Funding for NGOs*

According to the figures presented in the 2006 CIVICUS Index report, foreign donations are the most important source of financing for 73.7% of the most active NGOs. Domestic donors (i.e. Montenegrin citizens) provide a source of income to some 30.7% of NGOs, while the corporate donors finance 25.4% of the surveyed organizations. A good third of the surveyed organizations receive finances from government and public administration bodies (34.2%) and from the local government sources (35.1%).

Support for NGOs on the part of the state is allocated from the following sources:

- A nationwide call for proposals is based on the decision by the Commission of the Parliament of the Republic of Montenegro for Allocation of Funds to NGOs: in 2006, 124 non-governmental organizations shared income from a public fund of approximately 300,000 EUR;
- At the local government level projects of NGOs are financed through local administration funds (additional 360,000 EUR);



- Ministry of Tourism and Ministry of Media and Culture also finance NGO projects (70,000 and 40,000 respectively);
- Based on the Law on Lottery Games, 60% of all profit is allocated for financing of projects in the fields recognized as public interest (in 2006 the call for applications amounted to approximately 1,000,000 EUR and was open to NGOs for the first time);
- NGOs are also free to compete in tenders for contract of services organized by public administration bodies or local governments.

Overall assessments in the CIVICUS Index report 2006 report on the financial support to NGOs from the state were: the state does not yet figure as an important donor and most of the bigger, more active NGOs receive extremely small amounts from this source. There is no coherent policy for the support to NGOs and the state resources at present are at best insufficient for the sustainable development of civil society.

## 6.2. Civil dialogue

### *Strategic documents*

The efforts to adopt a strategic document on cooperation between the government and NGOs were ongoing for several years. In 2003, the Government developed **Transitional basis for defining cooperation of the Government and the Non-governmental Sector**. In August 2006, the Center for Development of Non-governmental Organizations (CRNVO) has introduced a strategic document on cooperation to the Government, the Assembly and to the units of the local self-government.

#### *Basis of Cooperation of Government of Montenegro with Non-governmental Organisations*

The Governments' **Basis of Cooperation of Government of Montenegro with non-governmental organisations** was finally adopted in May 2006. The document envisages the following modes of cooperation between the Government and NGOs:

- **Consultation** – organizing consultations with NGOs in the process of drafting and adopting new laws, bylaws and other legal acts and regulations;

- **Consultation** — organizing joint counseling sessions, round tables, seminars and other forms of cooperation;
- **Joint activities** — work on preparation of strategic documents, defining of priorities, operational programmes and realization of policies;
- **Joint assessment of the results of the policies** of the Government in all fields;
- **Development of normative prerequisites** for the work of NGOs.

For the implementation of these goals, the Government obliged itself to:

- Regularly (especially through the media and the internet), inform the public and NGOs about its activities and documents it adopts;
- Develop activities relating to the enhancement and development of an adequate legal framework for unhampered work of NGOs;
- Develop partnership cooperation with NGOs in the relevant segments of its work;
- Assure that all ministries and other bodies of the public administration identify contact persons for the cooperation and communication with NGOs;
- Appoint a national coordinator for the cooperation with NGOs within the General Secretariat of the Government;
- In cooperation with NGOs undertake to develop a long-term strategic document on the cooperation of Government and NGOs;

This governmental document presented one of the foundations<sup>35</sup> for drafting the Strategy for Cooperation between the Government and NGOs from 2006.

### *Strategic documents of the NGO Coalition*

#### *»Cooperation for a Common Goal«*

The main reasons for the establishment of the Coalition in May 2006 were found in the fact that Montenegro still lacks the institutional and systemic instruments for cooperation between the NGOs and the Government. There is no adequate system of financial support from the state and public funds, while the sector itself still lacks proper programming and financial transparency and accountability.

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35 Together with the Constitution and Law on Non-governmental Organisations.

### **NGO Coalition "Cooperation for a Common Goal"**

In December 2006 the NGO Coalition "Cooperation towards a Goal" proposed **three strategic documents** designed to improve the situation of NGOs in Montenegro and their cooperation with the Government: a Strategy for Cooperation between the Government and NGOs, NGO Code of Conduct and Structure for NGO Financing from Public Funds:

- **NGO Code of Conduct**, which will be implemented and put into action by the NGO community alone, aims to make the work and reporting of NGOs more transparent and to restore public trust in the impartiality and professionalism of the genuine NGO sector;
- **NGO-Government Cooperation Strategy** is aimed at formalizing channels of communication between government and the civil sector, and at strengthening the civil sector's role in creating public policy;
- **Strategy on Reform of the System of Public Financing of NGOs** is an initiative by the NGO community to strengthen the process of public financing of NGOs and change inefficient government granting procedures.

The Coalition held the first ever **national NGO conference** in Montenegro in March 2007, which gathered leaders of the coalition with 170 members, over 70 NGOs from around the country, the mass media, numerous foreign donors and embassies, as well as high-ranking members of government, parliament, and political parties. After three separate rounds of consultation with over 200 NGOs in 21 municipalities and a widespread national campaign to build momentum behind the reforms, the NGO community of Montenegro voted unanimously to adopt three key reform documents created by the Coalition.

Aims of the proposed **Strategy for Cooperation between the Government and NGOs** (as written in Chapter 2) are:

- To create preconditions for more intensive support so as to have more active involvement of NGOs and partnerships;
- To establish a comprehensive long term policy of the Government of the Montenegro towards NGOs;
- To determine guidelines for work of the ministries and bodies of state administration with regards to cooperation with NGOs;
- To determine guidelines for improvement of the existing legal framework and practice which regulate the status, financing,

consulting, informing and participation of NGOs in the development of public policies.

NGO leaders called on the Government and the Parliament to take up the challenge of helping them implement the reforms and demanded an urgent establishment of working groups/committees that will use the proposed documents to prepare, in cooperation with Coalition representatives, the final versions of these three documents and submit them to Government and Parliament for their consideration.

### ***Participation of NGOs in development of policies, legislation and strategic documents***

During last several years, a tendency of significantly larger involvement of NGOs in drafting legal acts and programmatic documents by the Government of Montenegro became visible, and so did the larger involvement in governmental advisory bodies. **Documents on cooperation** of NGOs and the Government (such as Memorandums, Agreements and similar documents) were signed in several cases, but they related primarily to specific subjects or projects.

NGOs were involved in **preparation of several legal acts**, such as the Law on Changes and Amendments of the Law on Tourism, Law on Public Procurement, Law on the National Security Agency, Law on Police Force, Law on the Free Access to Information, Law on Consumer Protection, etc. NGOs were also active in developing strategic documents, such as the Programme of Development and Poverty Reduction, Programme for the Fight against Corruption and Organised Crime – and involved in monitoring committees for the implementation of the strategic documents.

The **Model Law on Transparency of Drafting and Implementation of National Legal Acts**, drafted by the CRNVO in March 2007 should regulate the minimum standards of transparency in the process of development and implementation of legal acts. The Model Law suggests the following ways of participation of citizens and NGOs:

- By using the information of the state organs in the process of development of legislation;
- By using the right to citizens' initiative in the developing and drafting of legislation;
- By submitting proposals, comments and suggestions to the legislator;

- Through involvement in working bodies developing legislation;
- Through involvement in public consultations;
- Through involvement in expert consultations.

The Model Law should guarantee the participation of citizens and non-governmental organisations in drafting and implementation of legal acts, strategies and development plans and programmes. It also stipulates that without a report on implemented public consultation a legal or other act cannot be put on the agenda of the Parliament.

### ***NGO representatives in governmental bodies***

In the last couple of years, more and more NGOs are included in the work of various consultative bodies, formed by the different line ministries or the Government. They have recently also gained the opportunity to name members of some independent agencies and bodies. NGO representatives are members of the following bodies:

- Council for the Care of Persons with Disability (2004): 3 NGO representatives out of 9 members;
- Council for Sustainable Development (2002): 2 NGO representatives out of 25 members,
- Council of the project "Programme of the integral development of the Durmitor area" (2002): 2 NGO representatives out of 16 members;
- Council of the Ministry of Justice for the reform of the public administration (2003): 1 NGO representative out of 14 members;
- Council for Information Society: 1 NGO representative out of 38 members;
- Council of the Ministry of Justice for the reform of the justice system: 2 NGO representatives out of 15 members.

There is no specifically determined procedure for the selection of the NGO representatives, so the selection is made among organisations from the issue areas of the line ministries or other bodies. The final selection mostly depends on the reputation of the organisation, their own initiative and competence of their members. As noted in the introduction to the Strategy for Cooperation between the Government and NGOs (2007), activities of these bodies are most frequently evaluated as not regular enough, dysfunctional and producing limited achievements.

## 7. SERBIA

### 7.1. Civil society and its environment

As in other republics of the former Yugoslavia, new types of NGOs, such as the human rights organizations, peace groups, ecology associations, or other local organizations dealing with broader social problems in the public sphere, emerged in the 1990s. Since the legalization of social and political pluralism in 1990, the number of NGOs in Serbia has been constantly on the rise: 1,344 new NGOs have been registered by the end of 1999 which means double the figures in 1997.

Another major increase was noted after the civil protest of 1996-97, when the most of the student and youth organizations were established. As noted by the Center for development of non-profit sector (CRNPS) in its research from 2000, significant progress was made in developing the non-governmental sector infrastructure between 1997 and the beginning of 2000. NGOs that appeared at the beginning of the 90s succeeded in establishing the infrastructure for long-term and strategic functioning and in consequence to this their results improved. They enabled further spreading of similar organizations in smaller cities and towns in Serbia that were just a few until 1997.

Today, the number of NGOs in Serbia is quite difficult to assess because of the lack of unified register. The 2005 survey, conducted by Federation of Non-governmental Organizations in Serbia (FeNS), on the situation in the NGO sector used different sources and after comparison and updating of several databases came up with a number of 997 active NGOs in 2004.

#### *Legal framework*

The legal status of NGOs is still regulated by the old Yugoslav Law on Association of Citizens, Social and Political Organizations and the 1982 Serbian Law on Social Organizations and Citizens' Associations. Although both Governments that ruled after 2000 announced a new Law on Citizens' Associations and Serbia accepted the obligation to adopt such a law within a year when becoming member of the Council of Europe membership in April 2003, the NGO sector in

Serbia still waits for legislation that would regulate its legal status and its relations with the state.

These outdated laws are unsuited to the current needs of the NGO sector is evident from the before-mentioned FeNS survey on the situation in the NGO sector: as much as 62 % of the respondents were not satisfied with the legal regulations currently in place – mostly because of the inadequacies of the legislation on NGOs (78%).

The **Draft Law on Civic Associations** was adopted by the Government of Serbia in June 2006 and was later harmonized with the positions held by the NGO sector representatives – but as noted by some – only after strong outside pressure by OSCE, Council of Europe and the EU. One of the latest public discussions of the new Law was held at the end of July 2007<sup>36</sup>, when Serbian president Boris Tadic emphasized that the new draft Law, for which NGO sector was waiting seven years, is in accordance with European standards. He added that by preparing the draft the state has shown its recognition of the importance of the civil sector.

### ***Funding for NGOs***

When assessing their current financial situation in 2005, negative assessments prevailed in over half of the interviewed NGO – 29% judged their current financial situation as “very bad” or even “on the verge of existence” and further 26% saw it as “moderately bad”. Only 15% of respondents saw their situation as “good or excellent”, although the percentage was higher (29%) among well-based organizations and those dealing with civil society development. Moreover, the financial situation deteriorated – as is shown by the fact that in 2001, 31% of surveyed organizations assessed themselves as being in a good to excellent financial situation while this share dropped to 15% in 2005. Among the financial problems that hamper the functioning of the NGO sector, the following stand out: limited funds of local government (57%), bad tax policy (53%), diminished interest of the donors for certain issues (53%), underdeveloped practice of donations in the business sector (50%).

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36 For the report of the public discussion held on June 27<sup>th</sup>, 2007, see the Civic Initiatives' web site: <http://www.gradjanske.org/news/index.htm#338>.

Among the principle sources of finance for NGOs, foreign donors prevail with 74%, followed by the local government (36%), business sector (27%) and ministries (17%).

The existing legislation doesn't mention the cooperation between the state and the NGO sector, nor is there legally regulated manner for the NGOs to compete for budget funding for their projects or other forms of support. As noted by Tatjana Pavlovic — Krisan-ic in her Analysis of Legal Framework for Civil Society Activities in Serbia:

*All forms of cooperation between the state, territorial autonomy and local authorities are conducted on fully ad hoc basis, which, naturally, creates conditions for fully arbitrary approach by the state and lack of legal security and reduced dependence of NGOs on foreign donations.*

This is evident from considerable regional differences and uneven distribution of funds from the ministries. NGOs in Vojvodina receive higher percentage of funding from the local administration (50% compared to 24% in Belgrade or 33% in Central Serbia) or from regional government (40% compared to Belgrade and Central Serbia where this funding is not available at all). There are also great differences in funding allocated to NGOs from the ministries: the biggest financial source is the Ministry of Labor, Employment and Social Issues, which accounts for 50% of all funds disbursed by ministries and allocates funds mainly to NGOs dealing with social/humanitarian issues.

One segment of the NGO sector is supported by the state from games on chance. 40% of the Serbian budget income coming from games on chance is used to finance the Red Cross and other organizations and NGOs that implement programmes for disabled persons, social welfare institutions, social-humanitarian organizations, sports and local self-government.

Another area with significant implications for NGO's financial sustainability is the Serbian **tax legislation** that does not make a distinction between NGOs and other for-profit organizations. Although several changes and amendments to the Law on VAT were adopted in 2005, to relieve donations and humanitarian assistance from VAT obligations, the non-profit organizations, just as their for-profit



counterparts, still have to pay VAT, taxes and social allowances for their employees, as well as tax on procurements of equipment. The state also does not use its taxation policies to stimulate the business sector to donate to charities and engage in philanthropy. Although there is the Law on Donations and Humanitarian Assistance, there is no legislation on tax relief for contributions to charities and philanthropy. The participants in the CIVICUS Index research on Serbian civil society agree that the existing tax policies do not stimulate any form of giving to NGOs.

## 7.2. Civil dialogue

The important turning point for the civil sector in Serbia came with the end of Milosevic's regime in 2000. Although, as the following two citations show, the perceived importance of NGOs in democratic society wasn't followed by greater support for the development of the sector:

*The series of demonstrations and campaigns against the wars and the regime, organized throughout the 1990s, mostly by national CSOs, and NGOs in particular, reached its peak on 5 October 2000, when CSOs played an important role in ousting the authoritarian regime and installing a democratic political system. Suppressed and demonized by the regime during the 90s, since 2000 civil society has started to gain legitimacy, a recognized role and acknowledgement for its impact on governance processes and on key political and social issues.<sup>37</sup>*

*After the October 2000 events the universal belief was that the social-political situation in Serbia apparently changed for non-governmental organizations, and that bridge of cooperation between the state and the civil sector was finally established. However, the position and the status of non-governmental organizations remained the same, and after many years of endeavoring to establish democracy, non-governmental organizations found themselves without either a clearly defined legislative framework within which to work, or a clearly defined financial and institutional support. As far as the issue of their presentation in public was concerned, not a single step forward was made.<sup>38</sup>*

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37 From CIVICUS, 2005.

38 From FENS's web-site.

## **Federation of Non-Governmental Organizations of Serbia (FeNS)**

In 2003 a number of NGOs initiated forming of a network of NGOs, having realized that only through joint activity by means of this legitimate body, could they improve their working conditions and develop a strategy for survival of this sector in Serbia. At the annual conference of the Civic Initiatives in February of 2003, the Federation of Non-Governmental Organizations of Serbia (FeNS) was founded. Today, FeNS comprises of 520 member-organizations from 102 municipalities in Serbia.

At its annual assembly, held in October 2006, FeNS concluded that one of its priorities should be the work on institutional relations with state institutions, which brings up the need to establish a dialogue between the civil society and official institutions. The FeNS Assembly adopted a decision to direct the activities of the Federation towards preparation of civil society development strategy, in order to secure faster and sustainable development of this important segment of society.

The 2005 survey on the situation in the NGO sector in Serbia conducted by FeNS shows that majority of the 516 organizations included in the survey was not satisfied with the way the sector is treated by the state. Over 62% of the people polled believe that the state is basically uninterested and underestimates the importance of the NGO sector. A quarter of them believe that the state sees the NGOs as rivals and competitors. The cooperation with local government is judged more positively, although negative assessments still prevail: 40% judge it bad and 28% judge it neither good nor bad.

As reported in the CIVICUS Civil Society Index of the same year, the overall treatment of the NGO sector by the state is marked with misunderstanding, often antagonistic view of the NGOs. While there is some support to "benign" organizations (sports or artistic associations), as well as organizations that often take over the social role of the state, the treatment of organizations working in the field of human rights, especially issues related to war crimes and the Hague Tribunal, is openly hostile.

The cooperation between the Government of Serbia and the NGO sector is most frequently perceived as bad or very bad (total of 60% people polled). Majority of NGOs also believe that NGO sector doesn't have enough influence in public policy creation. At the same time, the FeNS study found a lack of proactive stand among NGOs – with 30% showing lack of interest in negotiating about the new NGO legislation and financial regulations and only 50% supporting active role of NGOs during election campaigns.

### ***Institutional framework and strategic documents***

Serbia lacks the proper state bodies or strategic documents that would deal with the NGO sector. Nevertheless, civil society was involved in preparation of two central national strategic projects:

- Poverty Reduction Strategy Paper; and
- the European integration process.

#### ***Memorandum of Cooperation in the European Integration Process with the Non-governmental Organizations***

Serbian European Integration Office (SEIO) initiated the signing of Memorandum of Cooperation in the European integration process with the NGOs. The aim of this Memorandum is to institutionalize cooperation with NGOs in the process of approximation to the EU, to promote the coordination of activities and cooperation aimed at regular and objective citizen information on the European integration process. The first coordination meeting between SEIO and non-government organisations, parties to the Memorandum of Cooperation in the European integration process was held in November 2005 to discuss further cooperation between the Government and NGOs in the European Integration process. Participants in this meeting agreed to continue with cooperation and to organize such meetings four times a year.

### ***Participation of NGOs in development of policies, legislation and strategic documents***

#### ***Poverty Reduction Strategy***

**The Poverty Reduction Strategy paper for Serbia (PRSp)** was adopted by the Government of Serbia in October 2003. The leading role in the preparation of the PRSp was given to the Ministry of So-

cial Affairs, whose mandate on the PRS project ended with the finalization of the PRS document. Participants in the preparation process included other line ministries as well, and the consultative process during the drafting of the PRS document included a number of other state institutions, representatives of the NGO sector, local self-governments, trade unions, enterprises, international development partners and the Parliament of Serbia, engaging them through respective Advisory Committees.

The key role of ensuring the representation of NGOs in the preparation process, as well as in the PRS promotion process, was given to the **Civil Society Advisory Committee (CSAC)**, which was established in autumn 2002 and whose activities were largely supported by the European Agency for Reconstruction (EAR) and the United Nations Development Programme (UNDP). The main goal of the CSAC was to enhance the cooperation between the government and the NGO sector, and to enable civil sector participation in the development and implementation of strategic documents related to poverty reduction. It comprised representatives of 11 NGOs nominated by three largest networks of NGOs in Serbia (Civic Initiatives, CRNPS and Serbia without Poverty Network) and mobilized around 250 Serbian NGOs in the consultative process during the preparation of the PRS document.

As pointed out by Marković and Allen<sup>39</sup> the PRSp preparation process represented the first time the governmental, NGOs and business institutions and organizations in Serbia, both on the national and local level, participated in a joint process of preparing a national strategic document of the Republic of Serbia.

The beginning of the PRS implementation was marked with initiating the cooperation between the PRS Implementation Focal Point (as the formal body given the mandate to coordinate and monitor the implementation process), advisory committees as well as representatives of other stakeholders. After the phase of the PRS preparation, Deputy Prime Minister's PRS Implementation Focal Point detected the need "for finding ways of ensuring larger participation of non-government organizations in the PRS implementation, and creating new models of communication and cooperation between the PRS Implementation Focal Point and NGOs in Serbi". In March 2006 it

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39 2007.

issued an invitation<sup>40</sup> to NGOs in Serbia for more active participation in the PRS implementation process, in which it invited the NGOs in Serbia to suggest new models of cooperation and more efficient models of cooperation with the Focal Point “which shall enable the exchange of information with a wider civil society forum, a more active involvement of the NGO sector in the PRS implementation and the initiation of joint initiatives”.

**NGO Focal Points** were initiated through the programme **NGO Focal Points for the PRS Implementation in the Republic of Serbia** with the aim of ensuring active participation of civil society organizations and building partnerships between the government and non-government sectors in the PRS implementation process. Seven NGO Focal Points<sup>41</sup> were selected: for youth (Civil Initiatives), disabled (Center for independent living Serbia), Roma (Roma information center), children (Društvo za zaštitu i unapređenje mentalnog zdravlja dece i omladine), women (Autonomous Women’s Center), elderly (Amity, snaga prijateljstva), refugees and internally displaced persons (Group 484).

These structures will contribute to the development of communication and cooperation mechanisms between the government and non-government sectors, facilitate the definition of recommendations and opinions of a wider civil society forum, and contribute to the participation of CSOs in policy definition, programme implementation, monitoring and reporting of the PRS.

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<sup>40</sup> The text can be accessed at:

<http://www.prsp.sr.gov.yu/engleski/vest.jsp;jsessionid=5FA71F4CAA55CC09C520CBB4CD67879?id=139>

<sup>41</sup> The presentations of Focal Points can be found at: [http://www.crnps.org.yu/kocd/informacije\\_s.asp#7](http://www.crnps.org.yu/kocd/informacije_s.asp#7).

## 8. TABLE: COUNTRY COMPARISON

Table: Comparison of presented legal framework and structures, instruments and mechanisms of civil dialogue

Country	Legal framework	Participation of NGOs in legal/policy development	Strategic framework of cooperation	Structures for cooperation with NGOs	NGO structure and strategies
<b>ALBANIA</b>	2007: (draft) Law on Non-profit organizations	Law on Local Government Operations – preparing and monitoring “Growth and Poverty Reduction Strategy”. (GPRS 2002-2004)		Within GPRS: – Civil Society Advisory Group – National Civil Society Advisory Group	Network of Open Society for Albania —NOSA: Civil Society Strategy 2006-2008
<b>CROATIA</b>	Law on Associations; Law on Endowments and Foundations; Law on Institutions		2001: Draft-Programme for Cooperation between the Government and Nongovernmental/Non-profit Sector;  2006: National Strategy for Creation of Environment Stimulating the Development of Civil Society (with Operational Plan of implementation)	Government Office for cooperation with NGOs  The Council for Civil Society Development  National Foundation for Civil Society Development	

<b>BOSNIA AND HERZEGOVINA</b>	2001: Law on Associations and Foundations		The Agreement on Cooperation between the Council of Ministers of Bosnia and Herzegovina and the Non-Governmental Sector	Board of Civil Society Bosnia	Coalition »Joint Work, Joint Success«  Strategic documents of the Coalition: Agreement on Cooperation between the Ministers Council BiH and the Non- Governmental Sector, Standards of Quality of Cooperation between the Government and the Non- Governmental Sector in BiH, Code of Conduct for the Non-Governmental Sector in BiH, and Strategic Directions of Development of the Non- Governmental Sector in BiH.
<b>KOSOVO</b>	UNMIK Regulation No. 1999/22 on the Registration and Operation of Non- governmental organizations in Kosovo			NGO Registration and Liaison Unit	
<b>MACEDONIA</b>	1998: Law on Citizen Associations and Foundations	- on the basis of Law on Organization and Operation of the State Administration Authorities - through Office for contact between NGOs and the Parliament of R Macedonia	2007: Strategy for Cooperation between the Government and the civil society sector (2007-2011) with a Work Plan	Unit for Cooperation with Non-Governmental Organizations within the General Secretariat of the Government	Civic Platform of Macedonia





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## **MISSION**

MCIC is a civic society organization which believes in peace, harmony and prosperity of Macedonia and the Balkans, based on the universal principles of civic society and participatory democracy, good governance, equitable social and economical development, interdependency and cultural diversity.

The goal of MCIC is to encourage and lead the changes in solving the social challenges using innovations and establishing alternative models and including them in the main flow.

For the implementation of its goals and tasks, MCIC mobilizes and organizes human resources, financial and material assets, both in the country and abroad.

## **GOALS AND METHODS**

### **Long-term goals of MCIC are:**

- An even and sustainable economic development leading to a social cohesion and to a decrease of poverty through rural and regional development, employment, entrepreneurship, education and access to public services;
- A diversified and deep-rooted civic society promoting the inclusion of a number of interest groups that affect the main streams of social life;
- A righteous and democratic society based on the principles of good governance, decentralized system of management and a high degree of trust;
- An accepted cultural diversity, interdependence and dialogue, reflecting in every segment of public life;
- Established partnerships for the development and a strengthened social capital.

### **MCIC implements its activities through:**

- Representation;
- Development of capacities;
- Networking and partnership;
- Co-financing;
- Information — public relations.

## CENTRE FOR INFORMATION SERVICE, CO-OPERATION AND DEVELOPMENT OF NGOS (CNVOS)

**Centre for Information Service, Co-operation and Development of NGOs** was established in early 2001 as an independent, non-profit and non-governmental organization. The aim of CNVOS' 27 founding organisations was to empower NGOs in Slovenia, promote their role as important parts of civil society, and ensure the realization of their objectives.

### **CNVOS's main objectives are to:**

- Encourage networking within the NGO sector and support established networks;
- Ensure communication between the Government and NGOs at the national, regional and local level;
- Foster cooperation among NGOs at the local, national and international level;
- Collect and spread relevant information for NGOs;
- Increase public awareness about the significance of NGOs and civil society in Slovenia;
- Ensure effective lobbying and improve the legal, financial and societal position of NGOs in Slovenia.

### **CNVOS's guidelines for realizing its objectives are to:**

- Encourage and support the development of NGOs in Slovenia;
- Advance cooperation and networking among NGOs;
- Encourage cooperation between NGOs and governmental bodies, local authorities, etc.;
- Promote voluntary work and solidarity;
- Analyze and address the needs of target groups;
- Share information, knowledge and experience;
- Ensure effective lobbying.

Since its establishment, over 250 organisations have already joined CNVOS. The Centre thus welcomes all NGOs interested in active cooperation, creative implementation and effective realization of the CNVOS objectives to join its network.

More information: [www.cnvos.si](http://www.cnvos.si), [info@cnvos.si](mailto:info@cnvos.si) or + 386 (0) 1 542 14 22.

## BALKAN CIVIL SOCIETY DEVELOPMENT NETWORK (BCSDN)

**Balkan Civil Society Development Network (BCSDN)** is an informal network of 12 civil society and ecumenical organizations from 8 countries and territories in the Balkan region (Albania, Bulgaria, Croatia, Kosovo, Macedonia, Montenegro, Romania, Serbia, Slovenia).

BCSDN members are: Albanian Civil Society Foundation, Diakonia Agapes, Macedonian Center for International Cooperation, Women's Alliance for Development, Pokrov Foundation, Opportunity Associates Romania, AIDRom, CRNVO, Ecumenical Humanitarian Organization, NIT/Cenzura, EOS and CNVOS.

### VISION

Sustainable peace, harmony and prosperity of societies in the Balkan region.

### MISSION

Empowering civil society through sharing and developing local practices, concepts and strengthening civil society actors.

### GOALS AND OBJECTIVES

1. To increase communication with civil society actors in the region as a basis for bi/multilateral cooperation;
2. To increase mobilization of resources and support;
3. To increase knowledge and skills as a base for higher quality of our work;
4. To increase promotion of intercultural exchange and culture of resource-sharing as a base for efficient/effective network.

### STRUCTURE

BCSDN consists of partner organizations, which are equal in their rights and duties as members of the network. Principle of cooperation, partnership, tolerance, dialogue and respect for others are the main working principles in the network. This consists of the Steering Group, Core Group, Working Groups and Secretariat.

The Steering Group is composed of directors or senior representatives of partner organizations and meets on annual meetings (each spring) to discuss the management and strategy of the work.

Principle of rotating Chairperson is applied to each meeting.

Working Groups are thematic mechanisms for cooperation on specific issues and themes. Each partner can initiate, lead and join any Working Group.

The Secretariat, which is currently situated in the Macedonian Center for International Cooperation in Skopje, Macedonia, manages the daily functioning and coordination of the network.

### **ACTIVITIES**

In the period 2003-2004, activities were directed at strengthening individual/staff and organizational capacities and skills of partner organizations through tailor-made packages of trainings, exchange and consultancies. As a result of these, a joint pool of trainers and courses has been established and capacities of all partners have been strengthened through exchange of best practices and information.

While maintaining focus on individual/staff and organizational strengthening, network's activities in the period 2004-2007 focus on thematic cooperation through 3 common priority themes (EU funding, lobbying and advocacy; training and consultancy standards and ethics, resource mobilization) and specific themes (e.g. women and anti-trafficking; corporate social responsibility and anti-corruption; decentralization; diaconal practices). This cooperation is on entail trainings, exchanges/exposures, workshops, publications and Working Groups. Additionally, activities are to be performed, which will promote intercultural and resource-sharing such as civil society dictionary, case study exchange, regional visits.

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