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Case study: Developing a Strategy for Cooperation of the Government with the Civil Society in the former Yugoslav Republic of Macedonia

The European Commission policy *The Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations*¹ declares the promotion of a conducive environment for civil society organisations (CSOs) as one of the three priorities for EU support in partner countries. This case study aims to generate knowledge and identify good practice for the EU to contribute to this priority.

The case study was developed for the European Commission Directorate General for Development and Cooperation (DEVCO) by the European Center for Not-for-Profit Law (ECNL), in consultation with the European Commission Directorate General for Enlargement and the EU Delegation in Skopje.

About the initiative

On June 16, 2012 the Government of the former Yugoslav Republic of (FYRO) Macedonia adopted the Strategy for Cooperation with the Civil Society (2012-2017) and its accompanying Action Plan.² The adoption of the Strategy was a result of an intensive process, led by the Government Secretariat - Unit for Cooperation with the Non-Governmental Organizations (Government Unit for NGOs) with support from the European Union (EU).

The aim of the Strategy is to promote, support and improve the partnership between the Government and the civil society through measures that strengthen their cooperation, including the creation of a conducive legal environment. Efforts to promote cooperation through formal mechanisms started in 2004, with the establishment of the Government Unit for NGOs.³

Along with Croatia, FYRO Macedonia was one of the first countries in the Western Balkans to adopt a four-year Strategy for Cooperation with CSOs in 2007.⁴ CSOs evaluated the 2007 Strategy as critical for the enactment of key laws that

Why countries adopt policy documents for cooperation?

Policy documents promoting cooperation between and NGOs are important especially for emerging democracies because they can be a tool of confidence building between the authorities (parliament and government) and civil society. In general they aim to strengthen civil society voice in the democratic developments and engage them in delivery of services. They typically list commitments and tasks necessary to support civil society, mechanisms to increase communication and cooperation between the parties and encourage civic engagement. They were first developed in Europe in the 1990s, and became increasingly popular since. They may contain specific commitments for public authorities (strategies, charters) or also for NGOs (agreement, compact memorandum, concept). They may cover issues relevant for the entire civil society, or a particular area (development cooperation, volunteering).

¹ Adopted in September 2012 and endorsed by the Council of the European Union in October 2012; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0492:FIN:EN:PDF> Council Conclusions: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132870.pdf

² <http://nvosorabotka.gov.mk/>

³ Assessments of the work of the Unit concluded that it needs to increase staff capacity and resources, and to get more leverage in shaping the policy and driving the cooperation. To respond to this, strengthening the Unit was one of the measures anticipated in the 2012-2017 Strategy. For more background see: European Commission, *Progress Report on Countries of the Western Balkans, Part for Macedonia*, 2012 (SWD(2012) 332); Kusinikova, Nikica, *Establishment of Efficient Coordinative Mechanism with Other Government Institutions, Relevant for Implementation of the Strategy for Cooperation of the Government with the Civil Society*, 2010.

⁴ The development of first 2007-2011 Strategy was also supported by the European Union through the European Agency for Reconstruction (EAR) programme.

improved the legal environment.⁵

Still, several challenges remained. First, civil society was not fully consulted in decision-making. The Government adopted a code to facilitate participation in policy development, but this had not been effectively executed due to the lack of a structured mechanism for consultations. Second, the lack of sufficient domestic funding and CSO dependence on foreign sources affected their sustainability and ability to actively participate and play their role in consultations. Furthermore, CSOs which were critical of the government for its lack of inclusiveness were targeted by the various authorities.⁶

The process for developing the 2012-2017 Strategy, therefore, focused on these challenges. The process exemplifies good practice because it **was based on the principle of genuine participation** as the most effective way to produce a quality document and to create ownership in implementation. It also underscored the importance of inclusiveness, which inspired confidence among stakeholders and set an example for future reforms.

The purpose of the 2012-2017 Strategy

The 2012-2017 Strategy sets the direction for reforms related to state-civil society cooperation and CSO development. The document is in line with the *National Strategy for Integration in the European Union* and with European initiatives and trends for good practices in institutionalising cross-sector cooperation. The Strategy aims to:

- Strengthen existing, and create new mechanisms of cooperation;
- Create a conducive environment for civil society;
- Encourage civic activism and engagement in economic development initiatives;
- Enable civil society participation in policy creation and in European integration.⁷



Working group meeting on the draft Strategy.
Photo: Julijana Daskalov

Process of developing the Strategy

The Strategy was developed as a follow-up to the 2007-2011 Strategy. The process was supported through the EU project "Technical Assistance to the Unit for Cooperation with NGOs in the General Secretariat" financed under the Instrument for Pre-Accession Assistance (IPA). The process was participatory and inclusive to reflect CSO demands and promote ownership. The methodology involved the following key elements:

- (1) The **process was based on lessons learned** from the implementation of the 2007 Strategy. It was concluded that it is important to set realistic and clear objectives, to invest resources and further build capacity to implement the goals. The Strategy must have clear indicators for measuring progress.⁸ To support this, the Strategy was

⁵ These include the 2010 Law on Associations and Foundations, 2007 Law on Voluntary Work, the Code of Good Practices in Distribution of Public Funds and the Code on Participation in Policy-Creation Processes. See: Technical Assistance for Civil Society Organisations Project (TACSO) and European Center for Not-for-Profit Law, *Keeping Up The Momentum: Civil Society Cooperation with Public Authorities in the Western Balkans and Turkey*, 2013.

⁶ This assessment is also evident in the European Commission, *Progress Report on Countries of the Western Balkans, Part for Macedonia, 2011*(SEC(2011)1203) and USAID, *CSO Sustainability Index for Central and Eastern Europe and Eurasia*, 2011.

⁷ Among the key measures included in the Strategy are: Adopting a legally binding document to standardise public financing of CSOs; Reforming tax laws to ensure sustainability of the sector; Establishing a council for cooperation with civil society by 2015; Creating a national database of CSOs, similar to PADOR, to facilitate partnership building, Increase inclusiveness and transparency of consultation processes and state funding.

⁸ Conclusions and Recommendations from *The first meeting of the group for supporting the development of the*

developed as a six-year document with two separate action plans. This will ensure that the priority issues are addressed first and realistic actions are planned and implemented.

(2) The project was led by a **working group to support the drafting of the document**

composed of government officials from 17 ministries and 7 CSOs. CSOs were selected through an open call based on pre-defined criteria. They helped inform and provide feedback to other CSOs, and liaise with a broader group of organizations. The ministry representatives helped with identifying needs, setting realistic priorities, and defining activities and timelines to allow for an effective implementation. Ministry representatives consulted with colleagues and helped ensure that the document received ministerial endorsement, which eased its adoption by the Government. The group also provided substantial input to the drafts and helped author parts of the text.

"The participatory process was instrumental for both sides to achieve clarity regarding their respective expectations, and to ensure that key CSO priorities were included in the final document."

*– Emina Nuredinowska,
Macedonian Center for International Cooperation*

(3) The process was **transparent and inclusive**. All drafts of the document were available on the Government Unit's web site. CSOs were consulted through public consultations organized countrywide and through individual meetings. All minutes from the meetings and the consultations were published on the web site. The draft Strategy was presented in Parliament through the National Council for European Integration⁹. Previously, it was uncommon for a governmental draft document to be discussed with members of Parliament. This enhanced the quality of the proposed measures and the ownership of the process.

(4) For the drafting and consultation process a combination of **European and local expertise was engaged**, under the leadership of a senior expert with in-depth knowledge of the country. As the process was unfolding, the expert's roles were adjusted to respond to the needs. For example, the senior expert was responsible for developing and refining the methodology, facilitating group meetings and developing drafts of the document.

(5) The process included **tailor-made (tête-à-tête) consultations** between the senior expert and relevant decision-makers, as well as CSOs. These meetings were crucial to ensure that the proposed solutions were understood, absorbed and endorsed by the ministries.

"I believe that without the tête-à-tête tailor-made consultations with the ministries, many of the novelties would simply not have been absorbed."

– Irena Ivanova, EU Delegation Macedonia

(6) The process created **synergies with other programmes**. The Government Unit and some CSOs attended study visits, and wider consultation was supported by other EU programmes.¹⁰ This coordination of programmes and matching of resources further contributed to the cost-effectiveness of the support.

(7) The process ensured that the document set realistic and measurable objectives and actions. It produced **two sequenced action plans**, the second one to be revised after conducting a mid-term implementation assessment once the first 3 years have passed. This will ensure that the goals and actions in the action plans are adjusted and

Strategy of the Government of the Republic of Macedonia for Cooperation with the Civil Society, held on 7 October 2011.

⁹ The National Council for European Integration is an important body for on-going dialogue on the negotiation positions of Macedonia and harmonisation of its legislation with the *acquis communautaire*.

¹⁰ For example, by the program "Capacity Building of Civil Society in the Instrument for Pre-Accession Assistance (IPA) countries and Territories" known as the project Technical Assistance for Civil Society Organisations (TACSO) funded by the EU

respond to actual needs. The project was led by the idea of favouring an imperfect but feasible strategy over a perfect one that is not implementable.

But having a strategy is not enough. It is important to invest in implementation of the action plans and to monitor progress. Therefore, the team undertook **implementation steps to support the launch of the Strategy**. First, it developed a specific methodology for planning, reporting, monitoring and evaluating the implementation of the Strategy, including a process for revision of the strategy. Second, the expert provided training for public authorities to support implementation of measures in the Strategy.

The role of the European Union Delegation (EU Delegation)

The EU Delegation's support was instrumental in the Strategy's success. In addition to funding, the EU Delegation provided strategic advice, guidance and support when negotiating with various stakeholders. This section aims to highlight the specific ways it contributed to the positive result.

The EU has been investing in the development of Government-CSO cooperation in the country since 2004 when it supported the creation of the Government Unit.¹¹ At that stage it funded the development of the 2007 Strategy and, through IPA and EIDHR, gave grants for CSO law reform. In developing the 2012 Strategy the EU Delegation was consulted on key developments and provided support in addressing the main challenges. Specifically, the EU Delegation:

- **Helped to overcome challenges** and **continuously stressed the democratic principles of the process**. For example, the EU Delegation helped to ensure that the selection of CSOs in the working group was merit-based on predetermined criteria through an open call, thus creating balanced representation in the working group;
- Held regular coordination **meetings with the Government Secretariat** to discuss progress and give reassurances when concerns were raised, whilst at the same time **respecting local ownership** of the initiative. This helped build trust;
- **Allowed flexibility**, supported adjustments to the methodology, timeline and technical assistance to align the process with emerging needs or realities. For example, it supported additional measures that were not planned in the project's terms of reference, such as: negotiations, extra lobbying, securing inclusiveness and adequate representations;
- **Attended some of the tailor-made meetings** to give a visible message of support, convey the importance of the measures, and discuss financial concerns;
- **Understood the importance of follow-up and implementation**. The EU Delegation allocated specific resources through different programmes for launching steps and supporting creation of a framework for implementation and monitoring;
- **Coordinated planning** of current and future programmes to support implementation of the measures in the Strategy. For example, the IPA Twinning project programmed and allocated funding for crucial measures envisioned under the Strategy, such as the council for cooperation with CSOs.¹² The EU Delegation also plans to monitor



*Public consultation on the Strategy.
Photo: Julijana Daskalov*

¹¹ Following the example of Croatia and countries in northern Europe, the European Agency for Reconstruction worked with ECNL to provide support to the initiative for setting up the Unit.

¹² Under the TACSO 2 program (see fn 13)

implementation and positively influence the government to implement the action plan.

Key lessons learned and good practice

The following are key lessons learned that could help promote good practice in supporting similar reforms:

- Starting with **assessing the previous experience** helped to ensure that the process and the document built on good results and avoided shortcomings;
- Insisting on an **all-inclusive and transparent process** helped create ownership, trust and commitment in implementation;
- Establishing **realistic goals**, communicating with all groups, investing time in listening, and managing expectations increased confidence in the document;
- **Linking with other programmes** and coordinating with various initiatives will help multiply the effect and ensure cost effectiveness;
- Involving **experts** who understand the situation, but also those who can demonstrate past expertise in similar comparative processes and who are committed to find new solutions helped with defining best local approaches with consideration of good practices;
- Using **regional experience** and promoting benefits inspired local stakeholders and gave assurances about the success.

The EU Delegation can play an important role as facilitator. The following key principles have been instrumental **to the intervention**:

- Provide both financial and non-financial support (strategic advice, guidance);
- Understand the process and issues for reform;
- Clearly define the principles for implementation of the project (e.g. participation, openness);
- Within the clearly defined space for the project defined above:
 - Ensure local leadership and ownership;
 - Take a flexible and pragmatic approach, allowing refinements and improvements to the implementation plan as the project progresses.
- Listen to and engage with all stakeholders;
- Plan financial support for follow-up and monitoring: the EU Delegation can also help boost confidence by planning resources for implementation and proving that it will remain involved in the longer term. This is especially important when the initiative is introducing new measures and there are not enough human and financial resources in the country to support timely follow-up and enforcement.

Further reading and references

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