

In the name of God, the most gracious, the most merciful
In the name of the people
The Parliament of Kurdistan, Iraq

Decision Number (5) of the Year 2013

In accordance with the provisions of paragraph (1) of article (56) of Law Number (1) of the year 1992, as amended, the Parliament of Kurdistan decided in its ordinary session number (30), held on 12 June 2013:

First: The Compact on Partnership and Development between Public Authorities and Non-Governmental Organizations in the Kurdistan Region of Iraq is ratified.

Second: The relevant parties shall comply with it and implement it.

Third: The aforementioned Compact is annexed to this decision and shall be effective from the date of its issuance, and it shall be published in the Official Gazette (*Kurdistan Proceedings*).

Dr. Arsalan Baiez
Speaker of the Parliament of Kurdistan, Iraq

The Compact on Partnership and Development between Public Authorities and Non-Governmental Organizations in the Kurdistan Region of Iraq

I. Preamble

This Compact is an agreement between the public authorities, represented by the legislative and executive powers, and the Kurdistan Region of Iraq's non-governmental organizations. The Compact's overall goal is to emphasize that all parties shall work effectively in partnership for a stronger democracy, civil society, social stability, and good governance for the benefit of the Kurdistan Region, its communities, and its citizens.

This Compact reflects the view that a cooperation policy is a fundamental stage in the relationship between the legislative powers, the executive powers and non-governmental organizations in Kurdistan Region of Iraq. The public authorities and non-governmental organizations can achieve a stronger and better relationship through a process of negotiation, as stipulated in Law Number (1) of 2011, the Law on Non-Governmental Organizations in the Kurdistan Region of Iraq.

This Compact is based on the understanding that for a developing and permanent democratic system, the public sector must involve its citizens and non-governmental organizations in the decision-making process.

This Compact defines:

- The mutually complementing roles of public authorities and non-governmental organizations;
- The principles, objectives, and mechanisms of their cooperation;
- Priorities for cooperation, collaboration, and partnership; and
- Implementation and monitoring mechanisms.

This Compact recognizes that:

- Non-governmental organizations remain independent even if they receive funding from public authorities;
- Non-governmental organizations provide effective to the development of a democratic society; and
- Non-governmental organizations have a right to conduct advocacy activities directed at public authorities.

II. Statement of Representation

The public authorities (the legislative and executive powers) and non-governmental organizations developed the provisions of this Compact, and the Kurdistan Parliament ratified it on June 12, 2013.

III. Values and Principles

1. Equal Partnership

Public authorities and non-governmental organizations have complementary and equally important roles in society. Non-governmental organizations recognize the role of public authorities that are democratically elected, and public authorities commit to the right of citizens and their associations to organize, set goals for themselves, and execute their activities within the law. Both parties recognize the importance and the value of a positive relationship and a productive partnership to achieve public interests more efficiently.

2. Independence

Non-governmental organizations are free and independent to:

- a. Establish and manage their affairs pursuant to their organization statutes and bylaw, and in accordance with Kurdistan Regional Government's Law on Non-Governmental Organizations in the Kurdistan Region of Iraq.
- b. Implement activities, campaign, express their points of view, and comment on the policies of public authorities, and to engage in any other civil and lawful activities and projects.
- c. When non-governmental organizations receive allocations from public budgets, restrictions and terms of a political nature must be avoided, and must not affect their independence.

3. Transparency and Accountability

Concerning the activities and use of allocated resources, acting in the public interests requires openness and accountability from both public institutions and non-governmental organizations. To establish transparency, both parties commit themselves to making data and information accessible to public and media channels.

4. Equal Treatment

Non-governmental organizations and public authorities respect the principles of equality and liberty of all citizens and their associations to participate in public life. Both parties recognize:

- a. The diversity of organizations, their perspectives, and goals;
- b. The need to avoid disparaging and slandering other organizations, their opinions, or persons operating therein.

5. Citizen Roles and Participation

The self-initiative and voluntary participation in public life of citizens is an integral part of a democratic society. Non-governmental organizations are one of the channels for representing different values and interests, including policymaking, and in the provision of appropriate services in local communities.

6. Effectiveness and Sustainability

The public authorities and non-governmental organizations commit themselves to their undertakings for achieving the Compact goals, working for a lasting and sustainable partnership, and cooperation to achieve sustainable development, regardless of any political, economic or social changes.

IV. Expected Goals for this Partnership, and the Required Commitments

Goal 1: Vivid Civil Society and Capable Non-Governmental Organizations

Undertakings for the public authorities:

1. Ensure an enhanced culture of citizenship.
2. The public authorities must take the lead in organizing roundtables and open dialogue to highlight the importance of civil society and clarify the role of non-governmental organizations in a democratic society, building bridges between non-governmental organizations and the public authorities.
3. Provision of capacity building programs for non-governmental organizations according to their needs and through a comprehensive plan.
4. Ensure a functioning support system for civic initiative, including consulting and training opportunities that would also be available for newly-established organizations in order to assist them with their capacity and capability to deliver positive outcomes.
5. Ensure that non-governmental organization projects are supported and provided with financial and motivational resources in a professional and fair manner in order to achieve public goals.
6. Put in place a system for the electronic registration of non-governmental organizations.
7. Ensure transparency by providing access to data and information, and making data and information more accessible, in a way that enables non-governmental organizations, citizens, and the media to challenge existing policies and provision of services, and hold public authorities to account.
8. Consider a range of ways to support non-governmental organizations such as enabling access to state owned premises, venues, and resources.

Undertakings for the non-governmental organizations:

1. Develop programs and projects for the enhancement of a culture of citizenship.
2. Organize dialogues around concepts such as democracy, citizenship, civil society, transparency, accountability, citizen participation in public issues.
3. Consistently pursue skilled and unique actions, professionalism and perfection in order to achieve better results in their work.
4. Commit themselves to constant learning, developing a clear mission, specific achievable goals, and accountability mechanisms in order to increase the citizen's understanding and trust in non-governmental organizations.

5. Promote and inform their supporters, members, employees, project beneficiaries, and citizens of mutual co-operation principles (between non-governmental organizations and citizens), priorities of action, and good practices.
6. Commitment to respect the right of individuals within non-governmental organizations and to conform to the principles of democracy in managing the organizations.

Goal 2: Active Participation in Policymaking

Undertakings for the public authorities:

1. To institutionalize citizen participation in policymaking in the parliament and the government.
2. The Kurdistan Parliament shall consult non-governmental organizations on making and developing public policies via different channels.
3. The members of parliament will adopt the principle of open sessions for the public in their communities, organizing public meetings to discuss public policies.
4. To enhance the competences of specialized research centers in order to enable them to contribute to consultations and research in public policy.
5. Passing a law that gives the right to information, and putting in place mechanisms needed for its implementation.
6. Ensure access to transparent and easily accessible communication channels to inform relevant parties and the public.
7. Rapid response to the initiatives coming from non-governmental organizations.
8. Ensure proper opportunities where non-governmental organizations are able to appoint their representatives to open bodies and committees, and to respect the authority given to these representatives.
9. Acknowledge that no single organization or network has the power to represent all organizations and networks in Kurdistan.
10. Work with non-governmental organizations from the earliest possible stage to design policies. Ensure those likely to have a view are involved from the start and remove barriers that may prevent organizations from contributing.
11. Give early notice of forthcoming dialogues and consultations, allowing necessary time for non-governmental organizations to involve their stakeholders in preparing responses.
12. Feedback and comments must be collected to explain how respondents have influenced the development of policies, including where respondents' views have not been acted upon or have not been subject to follow-up.
13. Conduct formal written consultations with non-governmental organizations, or any other type of consultation, and provide clear explanations and rationale for the decisions made.

Undertakings for the non-governmental organizations:

1. Campaign, advocate, and lobby to ensure that mechanisms for non-governmental organization consultation on public policies are in place and applied in the parliament and in the executive bodies.
2. Provide support and respond to government consultations where appropriate.

3. Seek the views of members, beneficiaries, service users, volunteers, and trustees when making representations to public authorities. Be clear on who is being represented (in a professional and scientific way), in what capacity, and on what basis that representation is being made.
4. When putting forward ideas and suggestions, focus on evidence-based solutions, with clear proposals for positive outcomes, and within the agreed time schedule.
5. Support cooperation between different non-governmental organizations, at the same time accepting and respecting other non-governmental organizations' opinions.
6. Ensure that independence of organizations is upheld, focusing on the cause represented, regardless of any relationship they have with the public authorities, financial or otherwise.

Goal 3: Sustainable funding for Civic Initiatives

Undertakings for the public authorities:

1. Consider a wide range of ways to fund or resource non-governmental organization projects, including grants, contracts, loan finance, and the use of premises and public services. Work to remove barriers that may prevent non-governmental organizations, especially smaller organizations, from accessing public funding.
2. Establishing a fund to support and fund non-governmental organization projects; this shall be regulated by a law.
3. Ensure well-managed and transparent processes of calling for proposals, which are proportionate and adjusted to the desired objectives and outcomes of the program.
4. Ensure transparency by providing a clear rationale for all funding decisions. Consider providing feedback and justifications to applicants in cases when their funding applications are turned down.
5. Agree with non-governmental organizations how activities and outcomes will be followed-up on and monitored before a contract or funding agreement is made. Ensure that monitoring and reporting is relevant and proportionate to the nature and size of the opportunity. Be clear about what information is being asked for, and why and how it will be used. Recognize and accept to cover the relevant administrative costs when non-governmental organizations apply for a grant.
6. Elaborate and devise appropriate instructions on the use of necessary monetary and non-monetary resources allocated from public funds, how they are used, and how to report and control them.
7. Develop a tax system that supports civic initiative and charity in order to raise the interest of the private sector to support non-profit activities.
8. Ensure that non-governmental organizations are not prevented from strengthening their economic basis by pursuing legal activities.
9. Financing the non-governmental organizations' project from the Kurdistan Region budget and different ministries' revenues and revenues of any other public body in the Region with competence in the subject areas.

10. Ensure consultations with non-governmental organizations and their participation in drafting regulations and instructions as well as participation of non-governmental organizations in project evaluation committees (conflict of interests should be considered).

Undertakings for the non-governmental organizations:

1. Ensure that allocated resources are used for their intended purpose and in an efficient manner in order to achieve the set goals.
2. Ensure eligibility for receiving funds before applying, and be explicit about how outcomes will be achieved.
3. Ensure governance arrangements and regulations on risk management are relevant and in line with achieving desired outcomes in the best possible ways, such as providing funders early notice of significant changes in circumstances.
4. Be open and transparent about reporting, and recognize that auditing processes, whether internal or external, are an aspect of good management practice.
5. Non-governmental organizations must give public recognition of its funding sources.

Goal 4: Responsive and High-Quality Services

Undertakings for the public authorities:

1. Elaborate and make public the principles of outsourcing public services to non-governmental organizations.
2. Commit to long-term project funding, as it is the best way to deliver outcomes. The funding term should reflect the time it will take to deliver the outcome. If long-term funding is not applicable, authorities can refuse to provide funds and explain why this decision has been taken.
3. If a service is encountering obstacles and problems, agree with the non-governmental organization on a timetable of actions to improve implementation before making a decision to end the financial relationship.
4. Criteria and standards for ending funds must be specific and clear to non-governmental organizations.
5. Assess the impact of ending funds on beneficiaries, service users, and volunteers before deciding to reduce or end funding, and consider the possibility of reallocating funds to another similar organization serving the same group.
6. Give notice in writing when changing or ending a funding relationship or other support, taking into consideration the nature of the project and the project duration.
7. Use the means at their disposal to involve non-governmental organizations and communities.

Undertakings for the non-governmental organizations:

1. Plan for the possibility of the suspension/end of funding to reduce any potential negative impact on beneficiaries and the organization.
2. Involve users and beneficiaries of the services in developing and implementing the services' plans to better respond to their needs.
3. Use all the means for involving volunteers and communities into provision of services.

4. Strengthen communications between authorities and non-governmental organizations when providing services.

V. Implementation and Monitoring Structure

1. The Compact parties are responsible for implementation and monitoring of the Compact.
2. The Government mandates a body or department for cooperation on the implementation of the Compact according to its area of competence.
3. The responsible body or department shall work annually on developing a plan for the implementation of the Compact, engaging the Parliament and non-governmental organizations to do so.
4. Every other year a joint committee will be formed between the Parliament, government and non-governmental organizations for monitoring the implementation of the Compact and its action plans. The committee shall convene three times a year and publish an annual public report.
5. The responsible body or department, in consultation with Parliament and non-governmental organizations, shall devise proper mechanisms to specify the number and the specific representatives of the non-governmental organizations in the committee.
6. The Parliament shall convene every other year for a public session to discuss implementation of the Compact and the development of the civil society.
7. The amendment or termination of this Compact can be made by the Compact parties, following the same process of its ratification. Any proposal for suggested amendments must be prepared by Compact parties jointly and be ratified by Parliament.
8. Non-governmental organizations and representatives from civil society that were not part of the development and ratification of this Compact may participate after its ratification.
9. The Compact parties will work on expanding the Compact in a way that embraces other components of civil society.



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