



This document has been provided by the International Center for Not-for-Profit Law (ICNL).

ICNL is the leading source for information on the legal environment for civil society and public participation. Since 1992, ICNL has served as a resource to civil society leaders, government officials, and the donor community in over 90 countries.

Visit ICNL's **Online Library** at
<http://www.icnl.org/knowledge/library/index.php>
for further resources and research from countries all over the world.

Disclaimers

Content. The information provided herein is for general informational and educational purposes only. It is not intended and should not be construed to constitute legal advice. The information contained herein may not be applicable in all situations and may not, after the date of its presentation, even reflect the most current authority. Nothing contained herein should be relied or acted upon without the benefit of legal advice based upon the particular facts and circumstances presented, and nothing herein should be construed otherwise.

Translations. Translations by ICNL of any materials into other languages are intended solely as a convenience. Translation accuracy is not guaranteed nor implied. If any questions arise related to the accuracy of a translation, please refer to the original language official version of the document. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

Warranty and Limitation of Liability. Although ICNL uses reasonable efforts to include accurate and up-to-date information herein, ICNL makes no warranties or representations of any kind as to its accuracy, currency or completeness. You agree that access to and use of this document and the content thereof is at your own risk. ICNL disclaims all warranties of any kind, express or implied. Neither ICNL nor any party involved in creating, producing or delivering this document shall be liable for any damages whatsoever arising out of access to, use of or inability to use this document, or any errors or omissions in the content thereof.

The Liaison Office as a Tool for Successful NGO-Government Cooperation: An Overview of the Central and Eastern European and Baltic Countries' Experiences¹

By Maria Gerasimova²

Abstract

In many countries, government officials have expressed interest in establishing nongovernmental organization ("NGO") liaison offices, and in doing so with the cooperation of the civil society sector. This article, part of a research project on NGO-government partnerships, analyzes the experiences with liaison offices in ten Central and Eastern European and Baltic countries: Poland, Czech Republic, Hungary, Slovakia, Slovenia, Croatia, Romania, Estonia, Lithuania, and Latvia. The article examines key features of the liaison offices in these countries, including the reasons for their creation, the means of establishment, the input from NGOs in the process, the structure and organization of the offices, the evolution over time of interactions between government and NGOs, and the main challenges and opportunities that the offices confront in promoting NGO-government cooperation.

The article reflects findings from a survey conducted in the spring of 2004. Government officials and NGO representatives shared their experience in NGO-government cooperation and in the creation of liaison offices. The survey was supplemented with follow-up interviews and additional research.

The survey revealed the following:

- **Organization:** Liaison offices in the region fall into four distinct models:
 - In five of the ten countries examined (Poland, Croatia, Slovenia, Czech Republic, and Slovakia), the functions of the NGO liaison office are carried out by a bureaucratic unit and a broadly representative advisory body, which work in partnership as stipulated in laws, decrees, or charters. In Croatia, this model has further evolved into the so-called new model, with responsibility for NGO-government cooperation decentralized to various entities at the central and local levels, including a public, not-for-profit foundation responsible for promoting sustainability of the NGO sector.
 - The Directorate of Institutional Analysis and Relations with Associative Environment in Romania and the Directorate for Civil Relations in Hungary, both Government entities, represent a second model. These offices oversee NGO-government cooperation alone, without an advisory body.³
 - In Latvia and Estonia, existing departments handle NGO-government liaison functions in addition to their other responsibilities, which include society integration, local government, and regional administration.
 - Finally, Lithuania does not have a single, centralized NGO liaison office. Instead, various government departments are responsible for coordinating with NGOs in their areas of authority.
- **Purposes:** In all countries studied, the offices' missions include furthering democracy and strengthening relations between civil society and government. European Union accession was an additional motivating force behind the creation of the offices in Slovenia and Latvia. In Estonia and Croatia, the missions of the offices included implementing cooperation agreements between civil society and governments. Other offices were established to

foster dialogue on a more favorable legal environment for NGOs and other such issues, to enhance NGO participation in public administration, or to advance Government policy-making with respect to NGOs and NGO projects.

- **Civil sector participation in the establishment process:** In almost all cases, NGOs played some role in establishing the liaison offices. The NGO role was particularly prominent in Slovenia, Czech Republic, Estonia, and Slovakia. Even in countries where the government created the NGO liaison office on its own, it worked closely with NGOs thereafter to develop the objectives of the office.
- **Main areas of NGO-government cooperation:** The major activities of the liaison offices in all countries studied are drafting and consulting on legislation, direct/indirect financing, and exchanging information. Four countries – Slovenia, Romania, Estonia, and Hungary – emphasize education, including training NGO representatives and others active in civil society. Encouraging civic participation, open governance, and social dialogue are priorities in Slovenia, Latvia, Romania, Estonia, and Lithuania. Latvia, Poland, and Lithuania concentrate on the delegation of state functions to NGOs. Promoting NGOs, charity, and philanthropy are key concerns in Slovenia, Croatia, and Latvia. Fostering partnerships between NGOs, local authorities, and entrepreneurs is a priority in Latvia, Romania, and Czech Republic.
- **Specific fields of cooperation:** Liaison offices in some countries support NGO-government cooperation in specific fields, including Poland and Croatia (research), Estonia (statistics and support systems for civic initiatives), and Hungary (development of “information society” resources).
- **Challenges:** The obstacles to effective NGO-government cooperation are quite similar in all countries. Experts in Slovenia, Poland, Estonia, and Hungary cited as challenges building trust and overcoming misconceptions and false expectations. In Slovenia, Poland, Czech Republic, and Hungary, a difficulty has been determining who has authority to represent NGOs collectively in cooperative efforts. Procedural failures have interfered with cross-sectoral consultations in Romania. Administrative constraints (including old structures, flawed coordination, limited resources, and inefficiency) have hindered cooperation in Romania, Czech Republic, Estonia, and Hungary. Inexperience in cross-sectoral communication, on the part of both the NGO sector and the government, has stalled cooperative efforts in Poland and Romania.

Introduction

Scarcely anyone disputes the importance of the third sector for the development of democracy, especially in the post-communist countries. As NGOs proliferated throughout East and Central Europe in the 1990s, however, two key challenges emerged: (1) the nascent NGO sectors, which received substantial early support from foreign donors, needed to develop more sustainable funding sources; and (2) governments and NGO sectors, which in some cases had transcended initial hostility, needed to work together to meet growing social needs. In addition, it became increasingly apparent that NGOs, although independent legal entities with their own unique missions, cannot achieve their objectives isolated from one another and from the government and business sectors.

Many NGOs and governments alike have begun to appreciate the advantages of cooperating more closely, both to meet the challenges described above and to enhance democratic participation. NGOs and governments have collaborated on projects to increase citizens' involvement in governance and to achieve greater accountability and transparency on the part of bureaucracy, greater access to information for both NGOs and governments, and a greater role for NGOs in policy formation. These projects have led to additional fields of cooperation, such as proactive communication, networking, joint educational ventures, consultative structures, project collaboration, and community/social capital building.

The two sectors communicate and collaborate through several different institutional mechanisms, including advisory councils, government agencies, parliamentary committees, and “QUANGOs.”⁴ The

institutional framework varies by country, and its attributes may depend on such factors as past experience, political influence, NGOs' viability, and international trends (e.g., EU accession).⁵

One mechanism for NGO-government collaboration, the liaison office within the government, has gained respect in many countries. "Liaison office" refers to a variety of structures with two common characteristics: (1) they are institutionalized within the government and have some measure of government authority to act; and (2) they have responsibility for furthering cooperation with civil society. The impetus behind creating a liaison office sometimes stems from the NGO sector's past experiences (and failures) in communicating with authorities; in other cases, the liaison office arises through a result of a law or a government strategy.

No doubt mutual confidence is difficult to build, especially among actors with diverse structures, goals, and interests. One of the greatest conflicts stems from the discrepancy in the planning horizons. Government administrations usually have short terms of office and, recognizing their transient nature, naturally want to achieve as much as possible as soon as possible. By contrast, the third sector copes with social issues that cannot be ameliorated all at once. Accordingly, NGOs care more about sustainability – maintaining programs and activities over time to deal effectively with systemic problems. Institutionalizing the mechanisms for cooperation helps reconcile this conflict, by increasing the chances that cooperation will continue relatively independent of political influences.

Characteristics of Liaison Offices

The most common functions of liaison offices in the countries studied include the following:

- Initiating programs to develop NGO partners and to provide for their long-term sustainability;
- Establishing and maintaining relationships with other government agencies and related entities to help them cooperate with NGOs;
- Aiding the exchange of information on topics of shared interest;
- Coordinating with NGOs on legislation affecting them;
- Making research and analysis available on topics relevant to the third sector;
- Providing counsel to NGOs;
- Developing guidance materials as well as legal and policy memoranda;
- Publicizing and promoting achievements of NGOs, including those achievements that result from successful collaboration with government institutions; and
- Distributing state funds or sharing information about funding opportunities.

In the following sections, we will discuss the establishment, functions, and activities of NGO liaison offices in the ten countries, with particular attention to the third sector's role in establishing these offices.

GOVERNMENT LIAISON OFFICES PARTNERING WITH ADVISORY BODIES

SLOVENIA

Background Information

Significant collaboration between government and the third sector began when Slovenia negotiated with the European Union. NGO-government collaboration focused primarily on making the accession process as open as possible, with substantial participation on the part of citizens and their organizations. A further goal was to prepare NGOs to operate in the larger arena of a united Europe after the accession. As a result, the National Coordinator for Cooperation with NGOs was organized within the Integration Unit II, Government Office for European Affairs ("GOEA").⁶ The Coordinator works in partnership with a Center, co-financed and supported by the GOEA, that is responsible for training NGOs and providing information to them.

In Slovenia, as in all Central and Eastern European countries, the democratic changes brought about fundamental reform of NGO laws, which sought to foster the participation of civil society in all spheres of social life and decision-making. At the beginning, however, the lack of a common government policy toward NGOs impeded accomplishment of this objective. Ministries limited their relations with the third sector to the sponsorship of particular projects. Consequently, NGOs became dependent on the government and competed for budget appropriations. Little meaningful NGO-government *cooperation*, as currently understood, existed.

NGOs Participation in the Establishment Process

The beginning of EU accession negotiations triggered more joint activities between the government and NGOs. In December 1998, all interested NGOs were invited to contribute to the preparation and adoption of the Slovenian government's negotiating positions with the EU. In addition to ensuring transparency and adequate input, the government and NGOs sought to open the way for Slovenian organizations to undertake European Union projects. Although approximately 160 organizations expressed their readiness to participate, only 10 percent of the organizations actually attended the public presentations of negotiating positions. The main obstacles to broader involvement of civil society organizations were said to be the impression that decisions had been already made, the complicated topics on which comments were requested, and the insufficient time for reaction. It became apparent that the government did not efficiently use NGOs' capacities in preparation for EU accession.

Slovenian NGOs concluded that their capacities could be more efficiently tapped through a new institution that would, among other things, collect and disseminate information on financial resources available from the European Union for projects, training, and potential collaborators. Moreover, the scope of NGO-government cooperation was now perceived as extending beyond the negotiations process. Both government and the third sector recognized the need for honest and continuous interaction, not only for a successful accession but also thereafter.

An outside player, the Dutch advisor Dr. Michel van Hulten, recommended the fundamental concept: a Center established by NGOs but co-financed and supported by the GOEA. Several NGOs signed a Statement of Intent on March 30, 2000. In the following month, fifteen of them created a "core working group" that framed the major principles for establishing the Center:

- Its members should be "non-profit, voluntary, independent organizations, which carry out beneficial activities";
- The Center should enhance the information flow among NGOs with similar activities;
- It should undertake training, especially in the realm of project management; and
- It should improve communication between government and NGOs.

The Slovenian Cabinet authorized the GOEA to cooperate further with the third sector in the country's accession process.

GOEA and the initiating group of NGOs signed a Statement of Intent on September 15, 2000. The group's efforts were rewarded when the Center was founded in January 2001 by 29 organizations. The Center began operations in October 2001 with the technical assistance of GOEA. All NGOs could take advantage of the Center's services and information, but only members could participate in its decision-making.

Functions of the Center

The Center has been financed not only by the government but also through projects funded by UNDP, the EU-PHARE Access programs, and the Dutch-Slovenian bilateral program MATRA. Some of the Center's most prominent projects are as follows:

- NGO cooperation with local and national government for promoting gender equality;
- NGO implementation of the *acquis* (environmental protection, sustainable development, social protection, and opposition to discrimination); and
- education for NGOs and government officials on the means of cooperation.

In addition, the GOEA works to connect Slovenia's NGOs with the European NGO network.

Other Players

The Coordinator is the only Slovenian governmental institution responsible for facilitating cooperation with NGOs. As a result of several government decisions in 2003, however, the Commission for Cooperation was established. The Commission, which comprises ten Ministers and four NGO representatives, seeks principally to develop a strategy for NGO-government cooperation, to continue the dialogue with the civil sector, and to prepare a "compact."⁷ The Commission has a mandate to negotiate with NGO representatives and to prepare a draft compact before the summer of 2004. The ultimate goal is to ensure that as many NGOs as possible will join the compact.⁸

From the third sector side, the NGO Center is only one of several actors. Another is the Forum Initiative for Development of NGOs, which unites approximately 80 percent of the non-profit umbrella organizations. The Forum has launched its own strategy for cooperation, which it discussed with government officials during twelve regional meetings before its First National Conference.

Areas of Cooperation: Opportunities and Challenges

The National Coordinator for Cooperation with NGOs outlined five priorities for the compact as critical to the evolution of NGO-government cooperation. Within each area, differences of opinion and even controversies remain; nonetheless, once agreement on the major issues is reached, compromise on the remaining issues is probably feasible.

The first priority concerns the legal framework governing NGOs. At present, the NGOs themselves have not agreed on a law reform initiative, and negotiations continue.

The second priority is financing. A major proposal under consideration is a "1 percent" law, which would allow taxpayers to designate 1 percent of their income tax to be paid to NGOs of their choice. The enactment of this law is considered reasonably likely.

The third priority is developing support, in both government and the third sector, for open governance characterized by transparency, accountability, and trust. Indeed, the strategy deems social dialogue a government obligation. Nevertheless, achieving this goal may be difficult. Several corresponding initiatives recently have been launched, including collecting examples of good practices and gathering an informal inter-ministry group to discuss means of achieving more open governance.

Another indisputable priority, according to Coordinator, is promoting NGOs and their role in society.

Finally, "human resources" requires increased efforts, such as additional training as well as subsidies for newly created employment in the NGO sector.

Mechanisms for cooperation in specific realms – such as social, environmental, and educational affairs – will vary, depending on the experience of the relevant Ministries and on cultural factors. Overall, building trust between government and non-government actors is expected to take time, because many misconceptions and false expectations still prevail.

Furthermore, the NGOs' own representation in the process of cooperating with government has posed challenges. The NGO Center has adopted an open procedure for electing representatives. When NGO participation is needed for a commission or working group, the relevant Ministry establishes criteria for those members. The procedure is publicly announced via the Internet, electors vote for the candidates at a special meeting, and the names of those elected are conveyed to the governmental officials.

A focal point of the compact, according to Fedor Cerne, National Coordinator for Cooperation with NGOs, will be to improve the poor conditions in which Slovenian NGOs operate. By creating a favorable legal and financial environment for the civil society organizations, government can expect that NGOs will demonstrate improved expertise and as a result be better partners in collaborative efforts.

POLAND

Background Information

Volunteerism and solidarity are often considered fundamental Polish traditions. Poland has 40,000 registered civil society organizations (including 36,000 associations), half of which use volunteers. An estimated 17.7 percent of the Polish adult population worked pro bono in 2003. Given this reality, the government strives to make the most of civil society's potential and to unite the efforts of those interested in strengthening democracy and increasing civic participation.⁹

The scheme for NGO-government cooperation in Poland combines a bureaucratic unit with a broadly representative advisory body. Poland is unique among the countries surveyed in that the forms of cooperation are stipulated by law – the *Law on Public Benefit Activity and Volunteerism* (April 2003).¹⁰ Because of its importance to strengthening NGOs' role in Polish public life, the Law on Public Benefit Activity and Volunteerism is popular among NGOs; some call it “the constitution of the third sector.”

NGO-government collaboration has deep and venerable roots in Polish society. The Law seeks to further this collaboration by framing the legal, financial, and institutional conditions for NGOs to operate in the public interest, as well as the duties of central and local authorities to work with NGOs. The areas of cooperation regulated by the Law include contracting public services, establishing joint task forces, consulting on draft legislation, and exchanging information on planned activities.

Functions of the Department

In accordance with the Law, the Polish government established several institutions to promote NGO-government collaboration. The Department of Public Benefit Activity, which is part of the Ministry of Economy, Labor and Social Policy, is responsible for establishing institutional and legal conditions that promote development of the Polish NGO sector. The “main task of the Department is to help NGOs and other interested parties understand the spirit and the regulations of the Law. For example, we answer questions about legal regulations connected with public benefit activity [...] throughout Poland.” The Department also provides administrative and office services to the Council for Public Benefit Activities,¹¹ a separate body intended to be a national forum for social dialogue.

NGOs' Participation

The Law established a Council for Public Benefit Activities, which consists of five representatives of the institutions of government administration, five representatives of local government, and ten representatives of NGOs, their alliances, unions, and certain other specified types of organizations. The Council is an advisory body that reports to the Minister responsible for social security. Its responsibilities include providing assistance and advice when public benefit organizations (PBOs) run into conflicts with government administration institutions, as well as advising on a range of issues: the application of the Law, other government legal acts affecting public benefit activities and volunteerism, public works commissioned to NGOs, and the standards for performance of such work.

The absence of previous experience in the implementation and interpretation of such innovative legal regulations is one of the major obstacles to the effective NGO-government cooperation, as described by Malgorzata Mazur of the Department of Public Benefit.

The third sector contributed significantly to the development of the law and thus to the creation of the Council. A “Contact Group” of fifteen NGO leaders, based mainly in Warsaw, met regularly for several years with government representatives. It was during these discussions that the idea took shape for a body to represent NGOs in public administration.

Some controversy arose, however, over how the ten civil sector representatives on the Council would be nominated and selected. The resolution reached was that these representatives would be NGO leaders rather than experts, and that they would be proposed by NGOs. The Department of Public Benefit announces the criteria for positions and collects nominations submitted by NGOs working in designated areas, including environmental protection, poverty reduction, education, and culture. NGO leaders may not nominate themselves. The responsible Minister then selects civil society sector representatives from the nominees.¹²

Areas of Cooperation: Opportunities and Challenges

The Council and the Department work together to advance NGO-government cooperation. One emphasis has been public financing of NGOs. The 2003 Law (and its implementation law) included a “1 percent” provision, permitting taxpayers to designate 1 percent of their taxes for the support of NGOs.¹³

NGOs and the government have also cooperated in developing a national strategy for the civil society sector. The strategy will likely include the establishment of an administrative body called the National Fund for Civil Initiatives, the functions of which have yet to be defined.

Research is a third area of collaboration. For example, the Department of Public Benefit is required to report to the government by June 2005 on implementation of the Law on Public Benefit Activity and Volunteerism and its results. The report will be subject to parliamentary approval. Because it will address all areas affected by the Law, the Department will draw on many sources in drafting the report, including local governments, the government administration, and social partners. Civil society organizations are expected to be a particularly useful source of information because of their knowledge of successes and problems within the sector.

Finally, the Department facilitates NGO representation on the EU committees that redistribute funds. The third sector’s insights are considered extremely important here, especially in allocating resources to address poverty and unemployment.

Challenges particularly arise at the local level. At the central level and in the bigger cities in general, NGOs enjoy relatively ready access to information, available funds, grant applications, and training, but local authorities need to improve communication and to build trust. Work needs to be done outside the capital to advance knowledge about the new legislation and to overcome civil prejudices.

CZECH REPUBLIC

Background Information

The Governmental Council for Non-State Non-Profit Organizations, an advisory body of the government, is the sole administrative body at the state level focusing on the third sector.¹⁴ The government established it as a Council for Foundations shortly after the democratic changes and assigned it primary responsibility, along with the Foundation Investment Fund, for distributing 1 percent of the voucher privatization portfolio¹⁵ to eligible foundations. The idea was to restore at least part of the foundation assets confiscated during the communist regime. More than 600 foundations made claims, but the first contributions were not allocated until 1999. By then, the council had a new name, the Council for Non-State Non-Profit Organizations, and new responsibilities.¹⁶

Functions of the Council

The activities of the Council gradually altered, and the third sector participated in formulating the new functions through discussions with administration representatives. Recently, the Council has served as a forum for developing a more favorable legal environment for NGOs, while continuing to distribute funds from the voucher privatization portfolio.¹⁷ In addition, administrative-territorial reform and the start of negotiations with the European Union have substantially shaped the Council’s structure and activities.

Through committees and working groups, the Council currently coordinates three aspects of NGO operations: cooperation between the central government and local authorities; cooperation with relevant European institutions as a part of the Czech Republic’s integration; and, together with the National Property Fund, oversight of the distributed funds. The specific tasks of the Council are as follows:

- initiating and coordinating legislative activities;
- financing NGOs;
- coordinating relations and facilitating the exchange of information between the state, regional governments, and civil society organizations; and
- ensuring equal opportunity in the use of EU structural funds.

The Council comprises 35 members, at least half of whom must be NGO representatives. Members are appointed by the Chairman, who is part of the government. Consequently, the incumbency of members coincides with the term of office of the President’s Cabinet. (Actually, “the greatest advantage

of the council is the fact that its Chairman is the Deputy Prime Minister who ensures a direct contact with the Cabinet. Conversely, the Council's weakness is its lack of executive powers."¹⁸) Central and regional officials and experts constitute the remaining membership of the Council. Members assemble at least once every three months. They are not paid for their work. Through its composition and procedures, the Council enables the Czech NGO sector to participate effectively in the policy process. Operations of the Council are supervised by the Secretariat of the Council at the Governmental Office of the Czech Republic, which collects information, prepares expert materials, and provides administrative and organizational support.

Areas of Cooperation: Opportunities and Challenges

The method of distributing public resources to foundations resulted from close NGO-government collaboration.¹⁹ Another NGO idea that has been successfully implemented relates to appropriations for associations' support: after a survey of the Ministers on specific areas of cooperation (such as health care, social services, and education), general rules for the use of the funds were proposed. The government and civil society organizations continue to collaborate on preparing a new Civil Code and a bill on Public Benefit Status. The latter will determine which organizations operate for the public benefit and regulate their access to public funds and tax exemptions.

Based on the experiences in Hungary and Poland, a new law has been drafted to encourage donations from individuals – namely, the system of designating 1 percent of personal income tax to eligible civil organizations. Within a short time, the Council will send the draft to the other Ministries for comment. If the government rejects the draft, then it will be probably proposed to the Parliament directly by deputies of the Ministries. Because of the complicated political situation and the anticipated premature elections, however, the chances for success may improve later.²⁰

One complaint expressed is that NGO-government relations lack transparency. Further, as in most of the other countries studied, ambiguity with respect to NGO representation impedes social dialogue. It has been suggested that alliances within the third sector are needed in order to make clear who represents the sector in negotiating with the government. In the absence of umbrella organizations, government officials have been able to excuse failures to negotiate by citing uncertainty about the third sector's representatives. Still, the Council has nominated NGO representatives to serve on monitoring committees for operational programs, and the relevant Ministries have accepted the nominations and appointed the representatives. Moreover, after "intense negotiations," the Council succeeded in securing the appointment of NGO representatives to the European Economic and Social Committee.²¹

The picture at the regional level looks slightly different. As a result of administrative-territorial reform, fourteen new units were created. They possess the right of self-governance, which includes the legal powers to establish their own liaison offices and to support NGOs from municipal budgets. About ten of these units have opened discussions of their community development plans, with broad participation of NGO representatives, service providers, and trade unions. In some instances, NGO-government partnerships at the municipal level are set forth in written contracts. Although comparable cooperation has not yet been achieved at the national level, encouraging trends can be built upon, including negotiations for an official governmental document stipulating the forms and rules of cooperation.

SLOVAKIA

Background Information

The Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organizations ("CG NGNPO") was set up in 1999 as a result of collaboration between the newly elected government and civil society. A year earlier, the Program Declaration of the Government had expressed support for cooperation between the third sector and government, including joint activities to develop civil society. The government endorsed this position in its 2002 policy statement and pledged to initiate projects that would advance the collaboration. For example, the government promised the following actions to engage the third sector: (1) transforming the social services delivery system to include private providers and to set standards for financing services and ensuring their quality; (2) supporting the poor through charity and donations; (3) developing a transparent system of financing cultural activities; and (4) engaging NGOs in the development of foreign policy. NGOs expressed support for the government's concept in the Declaration by the 6th Stupava NGO Conference. Discussions regarding a liaison body

ensued among representatives of the Gremium of Third Sector, the Donors' Forum, and umbrella and service NGOs.²²

Functions of the Office

According to its Charter, the Council is an advisory body of the government involved in all NGO-related activities. It focuses on initiating and evaluating policy proposals to support NGOs; drafting legislation concerning NGOs; and facilitating NGO-government cooperation at all levels on issues such as launching programs for cooperation, defining procedures and criteria for the distribution of public funds, and developing mechanisms for subsidies. The Council is also developing methods for disseminating information on NGOs, government programs, and its own work. The Deputy Prime Minister for Human Rights, Minorities, and Regional Development is Chairman of the Council. Council membership is honorary and unpaid. Members are selected from NGO platforms with the agreement of the Chairman.

Currently, the Council comprises 40 members. NGO representatives slightly outnumber state administrators, 22 to 18. The operations of the Council are supported by the Secretariat of CG NGNPO at the office of the Government, Human Rights and Minorities Section.

The Council meets twice a year. In order to ensure ongoing communication and continuous cooperation, it has established two working groups: (1) on legislative and economic issues, and (2) on issues concerning NGO involvement in the EU integration process.

NGO Participation

One of the Council's tasks is to propose appropriate NGO representation in decision-making, monitoring, and evaluation bodies. As a result, the government supports the creation of cross-sectoral advisory, consultative, and other bodies (such as committees and councils). The most vivid example is the (majority) participation of NGO platforms and similar umbrella organizations in the work of the Council.

In addition, NGOs and the government cooperate in developing and implementing projects, programs, campaigns, and conferences, and they participate jointly in public discussions and consultations. For example, the Ministry of Environment has signed an agreement of cooperation to address environmental issues of common interest with EKOFORUM, an informal forum of NGOs active in the environmental field. Another example is the Platform of Slovak NGO Development Organizations, which has partnered with the Ministry of Foreign Affairs to help develop and implement the Slovak Development Aid system.

Areas of Cooperation: Opportunities and Challenges²³

The work of the Council between 1998 and 2002 significantly contributed to the development of a "fair, reasonable and permanent" dialogue between the government and NGOs. The discussions and activities focused mainly on such issues as development of NGOs, their financial sustainability, and the legal framework in which they operate. In 2002, the newly appointed members of the Council adopted the following priorities: (1) analyzing legal and other issues relating to public funding, tax reform, public administration reform, decentralization, and Slovakia's EU integration; and (2) improving the legislative, organizational, and financial framework for NGOs to participate in the integration process and in both bilateral and multilateral collaborations, as well as preparing for use of EU structural funds.

One of the remaining challenges is how to develop financing models and further partnerships with national, regional, and local public institutions as well as the business sector.

THE "NEW MODEL"

CROATIA

Croatia presents an innovative model for institutionalized NGO-government cooperation. The government of Croatia began by establishing a centralized NGO liaison office, and then established 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* ("the new model").

Background Information

The Government Office for Cooperation with Non-Governmental Organizations (“Government Office for NGOs”) was established in 1998.²⁴ It was responsible for fostering cooperation with the NGO sector through financing, consultation, education, and information sharing. The Office also coordinated legislative initiatives on issues affecting civil society. In addition, it channeled state funds to almost all fields of NGO activity through a transparent funding mechanism that had the following characteristics: public announcements of calls for proposals and clearly stated criteria; the creation of independent groups to review and assess projects; and a well-established monitoring and evaluation process. The Government Office for NGOs also led the process of preparing a *Program of Cooperation between the Government of the Republic of Croatia and the Non-governmental, Nonprofit Sector in Croatia* (“The Program of Cooperation”), which was signed in 2001. In addition, the Office published “SPONA” (Croatian for “liaison”), a periodic bulletin addressing issues of concern to Croatian NGOs, which was distributed to 16,000 recipients. Through its activities, the Government Office for NGOs helped build trust and transparent cooperation between the government and NGOs.

The cooperation between the government and civil society proved to be a vibrant process that was adjusted as needed to ensure the sustainability of civil society organizations and to define their role in spheres of collaboration. The government pledged to propose a means of financing civil society organizations to the Croatian Parliament²⁵; in response, the Government Office for NGOs developed plans for a decentralized organization. This model consists of two bodies: the Council for Development of Civil Society (“the Council”), established in 2002, and the National Foundation for Civil Society Development (“the National Foundation”),²⁶ established in 2003.²⁷ The model also envisions creation of a Strategy for the Development of the Civil Society and harmonization of the state funding process.

Functions of Key Players in the New Model

The new model 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 cooperating 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 National Foundation is established by the *Law on National Foundation for Civil Society Development* as a public, not-for-profit entity. It is responsible for promoting the sustainability of the sector, cross-sectoral cooperation, civic initiatives, philanthropy, and volunteerism, through education and publications, grant-giving, public awareness campaigns, evaluation services, research, and regional development. The Foundation is governed by a Management Board composed of three representatives from the government, one from local government, and five from NGOs. It is financed from state budget funds, Croatian lottery funds,²⁸ private donations, income from economic activities, and other sources.

The Council comprises 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.²⁹ The Council acts as a cross-sectoral advisory body to the government, primarily responsible for implementing the Program of Cooperation. 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.

NGO Participation

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).

As noted above, NGOs are represented on the Managing Board of the National Foundation and on the Council. Significantly, the signing of the Program for Cooperation, discussed above, resulted from close cooperation between the government and NGOs. In addition, NGOs participate on almost all working groups for initiatives led by the Government Office for NGOs, National Foundation, and the Council. The most recent 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.

Areas of Cooperation: Opportunities and Challenges

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

- consulting with NGOs on legal initiatives and including them in working groups;
- consulting on designing the government's National Program and evaluating its strategy and priorities;
- consulting on evaluating projects in which public money is invested;
- evaluating national policy in all areas;
- decentralizing and cooperating for the development of society;
- partial or complete financing of programs and services;
- encouraging citizens to participate in decision-making and in meeting community needs;
- supporting and enhancing self-organization and volunteers' action to benefit their communities;
- developing social enterprise and social capital as important components of social development; and
- supporting a socially responsible business sector.

The Government Office for NGOs and the National Foundation have successfully advanced cooperation in these spheres so as to respond to the needs of citizens most effectively.

GOVERNMENT LIAISON OFFICES SPECIFICALLY ASSIGNED RESPONSIBILITY FOR COOPERATION – NO ADVISORY BODY

HUNGARY

Background Information³⁰

The Directorate for Civil Relations (DCR) within the Government Office for Equal Opportunities is the government body responsible for liaison with Hungarian civil society. It has existed for six years, albeit under different titles and organization structures. Institutionalized NGO-government coordination began in 1998 when Istvan Stumpf, a Minister with sound knowledge of and a positive attitude toward the third sector, promoted his idea for a specialized NGO office. The Department was established thereafter by government decree, without any participation of civil organizations in the process.³¹

Functions of the Office

Functions of the Directorate include initiating laws for the development of the third sector and facilitating dialogue with civil society representatives on a non-partisan basis. The Directorate works to incorporate a civil dialogue between NGOs and the government into the broader public discourse on policymaking, not only because it is a European Union requirement but because it is necessary. The Directorate also provides information about available EU funds and supervises the National Civil Fund, "the largest financial state fund for NGO support."³²

NGOs' Participation

NGOs actively contributed to the preparation of the Civil Strategy of the Government and the Law on the National Civil Fund (2003). Opinions were exchanged at conferences and workshops as well as by traditional and electronic communication. Consultative civil forums with non-profit organizations and experts were organized. In the course of these discussions, the NGOs expressed the need for a more transparent support system that was tailored to the needs of the third sector.

Areas of Cooperation: Opportunities and Challenges

According to the Hungarian government's strategy, "autonomous civil society" is considered "a partner by the State." As in Estonia (see below), civic education is a priority of NGO-government cooperative efforts, ranging from the curricula at schools to education abroad. One reason for this emphasis is that the Hungarian civil sector is rapidly growing; more than 400,000 people volunteered in 2000, in addition to the 62,500 employees who work in the sector. Taking into account the widespread tendency toward outsourcing public services to NGOs, this employment is expected to soar. The demand for well-trained, qualified individuals will increase, with more and more positions requiring high qualifications, project management skills, and diverse abilities. In this regard, special attention is devoted to retraining public servants to work in the third sector.

The development of an information society is another field of prospective NGO- government cooperation. Civil organizations can be both consumers of information services and providers of content. "Telecottages," along with the Civil Services Centers and other civil IT initiatives, are particularly important sources of information for local NGOs.³³ In addition to the existing nineteen county centers, the Budapest Regional Civil Service Center will soon start operating autonomously in cooperation with the Municipality of Budapest. Similar projects are expected to feature alliances between civil society organizations, government bodies, public educational institutions, and private IT companies. These initiatives provide government with a reliable flow of research with which to assess its activities and processes, particularly those involving the effects of contracting out public services, the consequences of European Union accession, volunteerism, the democratization of society, and the roles of NGOs.

Furthermore, the third sector initiated the establishment of the National Civil Fund. The idea was to ensure, by law, state budget support for the operational costs of registered civil organizations beyond taxpayers' income tax designations. The newly adopted law stipulates that the government guarantees the National Civil Fund the amount collected by civil organizations through the 1 percent law, taking into account the taxes paid in the previous year.

This pattern of NGO-government relations arisen in other spheres, especially in the law- and decision-making processes at all levels – national, county, and local. In addition to cooperation in the legislative process (for example, recent collaboration on the Volunteer Law), we should note cross-sectoral cooperation and cooperation with respect to EU accession issues. The two sectors have also launched partnerships for providing public services (e.g., the Ministries of Health, Social Affairs and Family, Education, and Culture), and they have worked together on processes for determining direct and indirect (delegated) civil representation in EU institutions.

Despite the overall success, challenges remain. From the government perspective, NGO-government contacts are not yet as regular as they might be; the attitude of bureaucracy toward the NGO sector is not yet as professional as it could be; and administrative constraints still exist to a certain extent (for example, the State Budget Spending Transparency Program sets the maximum support for NGOs at 5 million HUF).³⁴ From the NGO point of view, the greatest obstacle is the huge number of participants – around 48,000 – and related difficulties in creating effective mechanisms for representation.

ROMANIA

Background Information

Since 2000, the law has required all central and local Romanian public authorities to have specialized units responsible for relations with civil society organizations. At the national level, this responsibility rests with the Directorate of Institutional Analysis and Relations with Associative Environment, part of the Department for Institutional Analysis, which in turn is subordinated to the Prime Minister. The Directorate's duties are to promote partnerships with NGOs, to ensure transparency of

government activities, and to encourage dialogue between the Prime Minister and representatives of the third sector.

Romania has a distinctive experience in NGO-government cooperation at the local level. The Directorate assists and coordinates 84 territorial delegates working in different institutions, who have responsibility for encouraging NGO-government relations. These delegates receive monthly bulletins published by the Directorate (as well as magazines issued by NGOs). They report to the Directorate on the most active NGOs in their regions and their strategies, program data, projects, needs, and problems.

Functions of the Directorate

The Directorate provides professional training to aid NGO-government collaboration at the local level. For example, several contracts between the Directorate and local authorities have framed the terms of partnerships under which local entities could gain access to PHARE funding programs.³⁵ In addition to offering professional development programs and information to public officers, the Directorate retrieves and analyzes data on NGO-government cooperation and undertakes the following activities:

- monitoring the implementation of norms for civil society in collaboration with central and local administrative structures;
- working on amendments to the legislative framework regulating associative life, in accordance with available information and the comments of partner associations and interested governmental entities;
- developing and coordinating programs in conjunction with associations and foundations (whether Romanian or foreign) and administrative entities; and
- publishing monthly bulletins, *Civil Society in Mass Media* and *Observer*, to inform civil society organizations about programs and financing available from the Government as well as from domestic and international partnerships.³⁶

The Directorate participated in the Tulcea meeting where the *Guide to European Union Funding for NGOs* was presented. The Directorate also co-organized sessions to publicize the Program for Civil Society Development, which was initiated by the Ministry of Finance with European Union support; it promotes NGO-government partnerships in various areas, such as counseling centers for citizens, community development, and the sustainability of the civil society sector.

NGOs' Participation

Romanian civil society organizations have contributed substantially to the evolving national debate on NGO legislation. They have prepared reports, conducted studies, and provided translations of foreign best practices, in addition to meeting with governmental officials. An association of NGOs has established a constructive dialogue with the Juridical Commission of the Deputies Chamber on amendments to Ordinance 26/2000 (the framework law on not-for-profit organizations in Romania), particularly those related to public benefit status. In addition, NGO proposals have helped the ministries define criteria for selecting and financing NGO projects. Furthermore, a 1 percent tax provision was included in the *Fiscal Code* of January 2004; the initiative for the provision came from the opposition political party in cooperation with more than 200 NGOs.³⁷

The consultation process is not always smooth, though. Sometimes NGOs are asked for comments and suggestions on very short notice, which makes it almost impossible for them to contribute. Other problems include failure to explain the purpose of a requested consultation, failure to provide necessary documents in advance, and failure to take expressed opinions into account in drafting the final law. For example, local governments' associations proposed amendments of the laws, as well as drafts of the fiscal and public services' decentralization law. Even though these associations were among the most important stakeholders with respect to these laws, their proposals were not accepted.

Another field of active NGO involvement was the debate over the European Commission's White Paper on Good Governance. NGOs organized several discussions. For example, the Regional Center for

NGOs in Constanta held a debate featuring representatives of the public sector, academia, the EURISC (European Institute for Risk, Security and Communication), and the Ministry of Integration.

Generally, Romanian NGOs form issue-based coalitions, allowing more effective influence over the development and implementation of public policies. Thirty NGOs, for example, combined forces to combat violence against women. Anticorruption, health, and discrimination are also mobilizing causes; several alliances were established and broad campaigns conducted on these topics in recent years.

Areas of Cooperation: Opportunities and Challenges

NGO-Government collaboration has also produced several initiatives to ensure successful implementation of laws: a guide for applying the transparency law, legislative rules for social assistance, and models of good practice in child protection. In addition, NGOs have contributed to the Romanian Academy reports.

The Directorate was among the founders of the *eRomania Gateway Association*, which identifies, initiates, and carries out programs that promote e-development in Romania. The association was founded as part of the Romania Development Gateway, financed by the World Bank through the Information for Development Program. The project produced the first country-wide Internet portal for Romania: a web-based "resource center" where people in Romania and abroad can learn about e-business, government institutions, the business sector, civil society, and much more. The Information for Development Program seeks to use the World Wide Web for enhancing technology and information flow, thereby helping Romania (and other countries in transition) advance toward European integration.³⁸

A new trend in cooperation is contracts framing the rights and duties of the parties and their future activities toward common goals. Because the Roma population is considered one of the most vulnerable, the Directorate signed an accord with the Roma Center for Social Intervention and Studies to advance the

"This is a great example of efficient coalition building, NGO-political parties' cooperation, and consultation," says Gabriela Matei,¹ an NGO representative, of *The Transparency Law* (2003). The law permits citizens and their organizations to make suggestions with regard to draft legal acts and administrative decisions through consultations and public meetings.

Equal Chances for Roma Children without Identification Papers program. In addition, the Directorate endorsed a one-year collaboration protocol with the Foundation Civic Action as well as three cooperation agreements with the Peace Corps: *Development of NGOs in the Social, Health and Youths Areas*; *Economical Development of the Communities*; and *The Management and Environmental Education Program*.

The Directorate has international partners as well. The Francophone Intergovernmental Agency approved a project that was implemented in cooperation a French NGO, ORIFAL. At regional training seminars in three of the largest Romanian cities, public servants and NGO representatives compared Romanian and French practices in forming partnerships with public authorities.

In addition, the Directorate works to foster the development of civil society in the Republic of Moldova, Romania's neighbor to the northeast. One project, undertaken in partnership with the Moldovan Public Policies Institute, developed a weekly publication, *Democracy*, which is issued in Chisinau, Moldova's capital and largest city, and in the Northeast Region of Romania.

According to Otilia Pop and her colleagues from the Directorate, the most critical obstacles to effective NGO-government partnership are the government's wide-ranging and complex agenda and the limited resources (time, expertise, money) it can devote to the partnership.³⁹ These problems produce frustration on the part of NGOs. It is feared that bad experiences and failures of some organizations may harm the whole sector. There is also concern that the lack of sufficient capacity on the part of civil society organizations can result in the loss of valuable opportunities for the sector to influence the policy agenda.

GOVERNMENT LIAISON FUNCTIONS ASSIGNED TO EXISTING DEPARTMENTS

ESTONIA

Background Information

The rise of civil society in Estonia has been attributed to two principal factors: disappointment with the existing governance system and growing confidence among citizens that they could contribute to public decision-making.⁴⁰ The third sector has assumed a role as the “natural voice of the people,” providing a vehicle for them to express their opinions and to exercise their rights of assembly.

The third sector initiated a partnership agreement between the public sector and civil society organizations. The resulting agreement, known as the Estonian Civil Society Development Concept (EKAK), was approved by Parliament in 2002. The agreement was intended to provide the basis for fair interaction between the sectors in keeping with commonly accepted values, goals, and rules.⁴¹ As will be discussed below, the Ministry of Internal Affairs assumed responsibility for coordination with civil society, including issues related to implementing the agreement and establishing a committee of government and NGO representatives.

NGOs' Participation

The initiative for the agreement was taken in 1999. In order to ensure an open process and to collect diverse suggestions, a series of roundtables, negotiations, and seminars was organized and continued for fifteen months. Impressively, more than 2,500 NGOs worked together under the leadership of NENO (the Network of Estonian Non-Profit Organizations) with the assistance of UNDP. Finally, the initial idea – an NGO-public sector contract – was transformed into a strategic document that sets forth guiding principles for cooperation between the Government and the civil sector.

The draft of the EKAK was finalized in November 2000, after a process that sought suggestions and comments from the EKAK's Project Consulting Body, the Constitutional Committee of the Riigikogu (the Estonian parliament), central and local administrators, and regional meetings of NGOs.⁴² The EKAK was introduced to the Riigikogu by the Representative Council of the Estonian NGO Roundtable and was subsequently approved by Parliament. Despite some structural and technical changes, it retained the spirit of the draft and the priorities formulated by the NGOs.

Functions of the Department

Responsibility for implementing the Concept was assigned to the Ministry of Internal Affairs. Under its statute, the Ministry must coordinate and cooperate with the third sector and enhance community development through its Local Government and Regional Administration Department.⁴³ The Department also assists the NGO-government "joint committee" with administrative matters, analyses, and investigations that arise in the course of its work advising on implementation of the agreement.

The joint committee was established for the purposes of initiating, realizing, and evaluating action plans to implement the EKAK. The committee consists of eight representatives of the government and fourteen from the nonprofit sector, with the Minister for Regional Affairs presiding. The first assembly of the committee was held in October 2003. In accordance with the EKAK's long- and short-term priorities, three working groups were created: (1) involvement, consultation, policy appraisal, and legislation; (2) funding and statistics; and (3) awareness, civic education, media, and infrastructure.⁴⁴ Representatives of the government and NGOs share the chairmanships of the working groups. One of the committee's first tasks was to plan for implementation of the EKAK by examining the experiences of Canada and Great Britain. The EKAK Implementation Plan of 2004-2006, unanimously adopted by the Estonian government in August 2004, summarizes the work done so far by the joint committee. "The efforts of the joint committee were put in a format of a table consisting of 11 goals emphasizing issues related to legislation, civic involvement, funding, statistics, civic education and public awareness that are divided into separate activities made specific with respect to magnitude, time and responsibility."⁴⁵

Areas of Cooperation: Opportunities and Challenges

Among the seven areas of NGO-government cooperation set forth in the EKAK, current priorities are statistics, civic education, and the support system for civic initiatives. First, compiling and updating statistics in an NGO database will be significant for both government and the NGO sector. The statistics will help identify NGO coverage and capacity as well as opportunities for collaboration, which in turn can inform development planning.

Second, education on civic rights and duties enhances citizen involvement. NGO-Ministry of Education cooperation is pursuing several objectives in the civic education area: introducing relevant courses in school curricula starting in the first grade, training teachers adequately, and establishing a mandatory state exam.

Finally, in order to avoid redundancy of administrative units, the Local Government and Regional Administration Department will develop a "one-stop office" concept at the county level. This will involve, among other things, assigning some supplementary functions to existing county development centers. These offices can coordinate regional partnerships. They can also provide services related to the accession process and EU funds, business and community development, and basic counseling. The key purpose of these supporting structures is to guarantee the competence and sustainability of citizens' associations.

NGOs also participate in public decision-making. Third sector representatives take part in working groups and expert commissions at all ministries, particularly those making and implementing policies

related to community development, education, youth, and enterprise. Unfortunately, public meetings and hearings are still not a common feature of Estonian political life.

One obstacle to effective NGO-government cooperation, from the point of view of Maris Puurmann of the Local Government and Regional Administration Department, is that the existing scheme complicates the new role of the Department in coordinating activities. Each ministry has established working partnerships with civil society organizations, so introducing a different model of collaboration is a challenge. In addition, the variety and complexity of subjects represent a challenge to the newly unified functions of the Department.

From the NGOs' point of view, the main hindrances are "mistrust, different management and administrative structures, [and] resources."⁴⁶ The government has failed to comprehend the ordinary NGO's problems with sustainability and its daily struggle for survival. The transformation of the Estonian third sector will probably enhance cooperation with the government: the sector will "become smaller in numbers due to improved and accurate statistics, but it will grow in quality, services provision, and financial viability."

LATVIA

Background Information

The Secretariat of the Minister for Special Assignments for Society Integration Affairs, particularly its Department of Society Integration, serves as the NGO-government liaison office in Latvia. Latvian policy places a high priority on social integration, with civic participation as one of its core values. This "bottom-up" approach seeks to generate more productive interactions between government and civil society by enhancing citizens' interest and involvement in state governance. NGOs can play an important role here by developing methods of influencing decision-makers at all levels and by aiding the civic education of the population. The Department thus focuses its activities on improving the dialogue that citizens and their organizations conduct with the state.⁴⁷

Functions of the Office

The Department of Social Integration is the leading state governmental body in the field of NGO-government cooperation. It has the following responsibilities: to prepare legislation and other rules addressing social integration and minority rights in accordance with European Union legislation and other international treaties; to implement and coordinate two government programs, "The Integration of Society in Latvia" and "The Livs in Latvia"; and to promote the development of civil society. The Department is also responsible for coordinating state support for ethnic minorities' cultural associations, as well as for evaluating relevant policy papers and legislative acts from other Ministries. The Department has the additional responsibility for providing civil society with relevant information and education.

NGO Participation

The Elaboration of Civil Society Development Strategy for Latvia is a project within the framework of PHARE,⁴⁸ so the rules, procedures, and Terms of Reference for PHARE projects govern the Steering Committee. The Committee includes representatives of central and local governmental institutions as well as NGOs. Although the civil society sector did not initiate the project, NGOs were invited to express opinions during development of the Terms of Reference. NGOs also took part in the debate on the draft framework document of the national program "Integration of Society in Latvia," which was approved in 2000. The program elicited a significant response and was considered a useful step toward improving social integration.

Areas of Cooperation: Opportunities and Challenges

NGO-government collaboration represents a major goal of "The Integration of Society in Latvia." Under this program, the state must support the establishment and operation of NGOs. Priorities are to strengthen the links between individuals and groups in society, and those between individuals/groups in society and the state. Implementation of the framework document began in the summer of 2001, with the establishment of the Society Integration Fund.⁴⁹ Under this framework, state policy is expected to provide for intensive cooperation with and support for NGO centers, as well as promotion of NGO development. The main areas of cooperation are as follows:

- **Legislation:** The Law on Associations and Foundations developed through close cooperation between responsible ministries and the NGO community. Although current NGO legislation does not pose significant obstacles to establishing and operating an organization, it is not seen as furthering NGOs' development and financial sustainability. For that reason, a Law on Public Benefit Organizations was adopted in 2004, and related draft laws have been prepared and submitted by representatives of the Ministries of Culture, Finance, and Economy, in collaboration with NGOs. In addition, associations in certain fields are participating in working groups for revising legislation and developing new drafts and programs (e.g., law on volunteerism and tax laws).
- **Charity and Philanthropy:** Charitable traditions have been promoted among entrepreneurs and individuals through debates and presentations.
- **Cooperation between the State and Local Authorities, Entrepreneurs and NGOs:** Compared to other Latvians, the residents of Riga, the capital, have considerably more opportunities to associate through formal organizations and to influence policy-making. Over 60 percent of all registered NGOs operate in Riga. It is considered crucial to enhance civic participation in the regions and rural areas, where the population has fewer resources. This program has conducted educational and informational activities and implemented grants for projects promoting NGO-local government cooperation. For example, a common information exchange system in all regions was established to facilitate NGOs' access to information. In addition to this regional cooperation, successful dialogues have been conducted at the national level concerning environmental protection, consumers' rights, and industrial development.
- **Delegation of Functions to Non-Governmental Organizations:** The government is outsourcing services under principles of equality and public competition. At present, outsourcing has been accomplished primarily through the government's contracting for social services, in addition to the Ministry of Culture's agreements with professional artist organizations and the Ministry of Education and Science's agreements with NGOs that deal with education and youth issues. Most state institutions, however, still lack experience with and knowledge of the contracting mechanism.

Most of these projects were carried out with the financial support of the Secretariat of the Special Assignments Minister for Social Integration (SMSASIA) and UNDP, as well as assistance from State Society Integration Foundation, Department for Ethnic Minority Affairs, local governments, Baltic-American Partnership Foundation, the PHARE program, and others.

One recent activity of the Department of Social Integration was an international conference, "We Go Further. National Minority Youth Activeness – An Impulse for Social Integration," organized in partnership with the Friedrich Naumann Foundation in December 2003. Participants from Latvia, Estonia, and the Russian Federation – including leading experts in sociology, political science, and cultural science, as well as national minority (youth) NGOs and media representatives – presented their countries' experiences in the integration of national minority youth, analyzed the present situation, and discussed future plans.

MULTIPLE GOVERNMENT DEPARTMENTS ASSIGNED RESPONSIBILITY FOR NGO COOPERATION

LITHUANIA

Background Information

By contrast to the other countries discussed in this article, Lithuania has no single administrative unit specializing in NGO-government coordination and cooperation. Instead, various institutions are responsible for particular aspects of cooperation with NGOs.⁵⁰ For instance, the Ministry of Social Security and Labor coordinates the provision of social services under agreements between municipalities and NGOs, a realm regulated by the Law on Social Services. The Lithuanian Council for the Affairs of the Disabled oversees NGO-government projects involving, among other things, medical and occupational

rehabilitation and the social integration of disabled people. The Youth Affairs Council operates under similar conditions and facilitates state budget funding for and implementation of youth NGO initiatives.⁵¹

Areas of Cooperation: Opportunities and Challenges

Some observers advocate a single body dedicated to fostering cooperative relationships between government and the third sector. In addition, stakeholders from both sectors view the lack of an adequate legal framework as the major obstacle to effective NGO-government cooperation. Another hindrance is financing, because the main funding sources for NGOs remain foreign donors, with the state providing few options.

Recently, an NGO Development Law has been drafted with significant contributions from NGO representatives and experts, who combined their efforts with those of the Lithuanian Parliament (Seimas) Temporary Work Group for Solving NGO Problems. Key proposals are that the law specify forms of NGO-government cooperation, and that it establish duties on the part of government to consult with NGOs, to provide access to government information, and to permit NGOs to participate in decision-making.

Another good example of a successful cooperation is an ongoing poverty reduction project that began in 2002. UNDP, the Ministry of Social Security and Labor, and the Non-governmental Information and Support Center (NISC)⁵² worked together toward several strategic objectives: establishing the basis for an NGO network against poverty and a continuous institutionalized dialogue between NGOs and the government; educating network participants; and administering pilot projects on social inclusion.

The Permanent NGO Commission and the Advisor for the Relationships with Society both work closely with the Executive Office of the Prime Minister to find ways of improving the environment for NGOs. These structures can be considered a step toward creating a governmental body for third sector liaisons. Furthermore, establishment of a liaison is consistent with the aims of the Lithuanian Government Program for 2001-2004, which proclaims support for NGOs in general and for governmental cooperation with NGOs and civil society in particular. Regional mechanisms for cooperation are likely to assume greater significance, given the growing number of NGOs focused on providing social services at the local level and their need to develop relationships with local authorities.

There is a need for a focused governmental body to enable “closer relationships between the third sector and Government, more effectively represent NGO interests and distribute state resources for NGO activities purposively and rationally,” claims Marius Navadunskis, of the Ministry of Social Security and Labor.

Without an institutionalized form of cooperation, the third sector has recognized the need for coordinated communication. In response, NISC put into practice initiatives to facilitate the exchange of information and opinions. For example, several email lists and an NGO bulletin board are available to members of the Seimas Group, the Board of the NGO Coalition of Philanthropy, and the Permanent NGO Commission, as well as legal experts, donors, think tanks, and NGOs. The result is an open and accessible forum for discussing legislation and other issues of common interest.

Another positive development is the increasing involvement of NGOs in decision-making. As specified in the Law of Public Administration, government institutions at the national and local levels are encouraged to consult with interested civil society organizations on all legislation drafts, decisions, and policies. For this provision to be fully effective, the government institutions must publish drafts in the press or on the Internet and then hold public hearings.

Conclusion

NGO liaison offices have provided vital mechanisms for successful NGO-government cooperation. The benefits of their activities are recognized by both bureaucrats and NGO representatives. The offices help identify, first, the problems in furthering the sustainability of the civil society sector and in building workable partnerships, and second, the most suitable solutions to the problems. The leading principles in these continuous processes are open dialogue, mutual trust and understanding, and shared goals. Adherence to these principles makes the NGO liaison offices not merely administrative structures, but meaningful “bridges” between the public and non-profit sectors.

¹ This article will appear in a book on partnerships between NGOs and governments, to be published by the International Center for Not-for-Profit Law.

The author would like to acknowledge the many colleagues and experts without whom this article would not have been possible. Thanks to the great International Center for Not-for-Profit Law team – Stephan Klingelhofer, Douglas Rutzen, Catherine Shea, and all colleagues from the D.C. office – who gave me the opportunity to work on the topic and provided excellent, incisive advice and encouragement throughout. Special thanks to the “NGO-Government Cooperation” team: Radost Toftisova, Nilda Bullain, and Katerina Hadzi-Miceva of the European Center for Not-for-Profit Law, who provided valuable comments and insight. To those who participated in the survey, thank you for your useful information, your thoughtful and creative suggestions, and your valuable time: Izabella Szaniawska and Malgorzata Mazur (Poland); Martin Vysin and Petr Pajas (Czech Republic); Nora Sasvari (Hungary); Tereza Horska (Slovakia); Fedor Cerne (Slovenia); Cvjetana Plavska-Matic and Matko Pajcic (Croatia); Daniela Parvulescu, Diana Nitulescu, Otilia Pop, and Gabriela Matei (Romania); Maris Puurmann and Kristina Mand (Estonia); Marius Navadunskis (Lithuania); and Inese Vaivare (Latvia).

² Maria Gerasimova is a Bulgarian lawyer with professional experience in local government and academia focused on NGO law issues. She is currently working on her Master's in Public Administration at the University of Kentucky. This article was authored during Ms. Gerasimova's term as a senior fellow at the International Center for Not-for-Profit Law. This publication was made possible through support provided by the U.S. Agency for International Development, under the terms of Award No. EDG-A-00-01-00002-00. The opinions expressed herein are those of the author and do not necessarily reflect the views of the U.S. Agency for International Development.

³ In another example of this model, the Government of the Republic of Macedonia in 2004 adopted an initiative to establish a “Unit of the Government for Cooperation with the Non-Governmental Sector in the Republic of Macedonia.” The Unit will be mainly responsible for establishing confidence and furthering cooperation between the Government and NGOs “as two fundamental preconditions for modernization and development of the civil society in Macedonia.” Among other tasks, the Unit will be responsible for preparing a program and strategy for cooperation, facilitating legislative initiatives affecting NGOs, financing NGOs, undertaking educational programs, and coordinating cooperation among the various Ministries and NGOs. It is expected that the Unit will launch its activities in 2005.

⁴ This acronym stands for “quasi-nongovernmental organization” and is used to designate NGOs formed by branches of government that function as NGOs despite a lack of independence from the state.

⁵ Nilda Bullain and Radost Toftisova, “A Comparative Analysis of European Policies and Practices of NGO-Government Cooperation” (Budapest, Hungary, ECNL February 2004).

⁶ <http://www.gov.si/svez/>.

⁷ A compact is a policy document outlining the principles of cooperation between the public sector and organized civil society and establishing the basic structure of the future partnership. See Daimar Liiv, *Guidelines for the Preparation of Compacts*, 3 International Journal of Not-for-Profit Law (2001), available at <http://www.icnl.org/journal/vol3iss4/Guidelinesforcompactspoint.htm>. See also <http://www.thecompact.org.uk/>.

⁸ Based on a phone interview with Fedor Cerne, National Coordinator for Cooperation with NGOs (May 27, 2004).

⁹ <http://www.mpips.gov.pl/english/index.php?dzial=52>.

¹⁰ [http://www.icnl.org/LIBRARY/cee/laws/polpubbenvolunt\[eng\].htm](http://www.icnl.org/LIBRARY/cee/laws/polpubbenvolunt[eng].htm).

¹¹ Email from Izabella Szaniawska, Head of Legal Division, Department of Public Benefit, to Maria Gerasimova (May 14, 2004).

¹² Based on a telephone interview with Malgorzata Mazur, Department of Public Benefit (June 25, 2004).

¹³ At the same time, at the instance of the Ministry of Finance, and to the dismay of NGOs, the maximum deduction allowed under the tax laws for charitable contributions was reduced to 350 zł (approximately \$100) for individual donors and 10 percent of the donated amount for corporate donors.

¹⁴ <http://wtd.vlada.cz/eng/vybory.htm>.

¹⁵ In the beginning of 1992, the Czech National Council enacted an amendment to the Privatization Act allocating part of the portfolio of state industry privatized by the voucher privatization method for the needs of foundations. The State Privatization Fund established the Foundation Investment Fund as a shareholding company to administer the 1 percent voucher privatization portfolio and then to distribute the shares or dividends from it to foundations. See Petr Jan Pajas, "Endowments of Foundations Receive Contributions from the State Privatization Fund of the Czech Republic" 2 The International Journal of Not-for-Profit Law (August 1999), <http://www.icnl.org/journal/vol2iss2/pajasczech1.htm>.

¹⁶ Ibid.

¹⁷ Phone interview with Petr Pajas, Vice-President for Administration, The New Anglo-American College (June 4, 2004).

¹⁸ Hana Fristenska, Secretary, GCNGO, and Martin Vysin, "Non-State Non-Profit Organizations in the Czech Republic" (June 8, 2004).

¹⁹ *Supra*, Note 17.

²⁰ Letter by email from Martin Vysin, Secretariat of the Governmental Council for Non-State Non-Profit Organizations, to Maria Gerasimova (June 30, 2004).

²¹ *Supra*, Note 17.

²² Telephone interview with Tereza Horska, Senior Counselor of the Council.

²³ Information on areas of cooperation is largely based on the presentation "Overview of NGO/Government Relations in the Legal Framework of Civil Society in Slovakia after 1989," delivered at a conference on "Governments and NGOs in the Accession Countries," April 14-16, 2003, Budapest.

²⁴ <http://www.uzuvrh.hr>.

²⁵ Government of Republic of Croatia, Program of Work for 2000-2004 (as cited in "From Vision to Change," publication by the Government Office for NGOs, 2003).

²⁶ <http://zaklada.civilnodrustvo.hr/>.

²⁷ For detailed information on the new model see Cvjetana Plavska-Matic and Katerina Hadzi-Miceva, "A New Model for Civil Society Development in Croatia," SEAL, Winter 2003/Spring 2004, pg. 43, <http://www.efc.be/seal/journal.htm>.

²⁸ "With the adoption of the Act on Income from Games of Chance and Competitions (2002) the material basis was formed for the foundation of the National Foundation for the Development of the Civil Society, as some of the money, as determined by Article 10 of this Act, intended for organizations which contribute to the development of the civil society, will be directed to the National Foundation. According to the Decree adopted by the Government of the Republic of Croatia in March 2003, the level of that expenditure on the activities of the National Foundation amounts to 14% of the total part of the income from games of chance which is directed towards NGOs, according to Article 10 of the Act on Income from Games of Chance and Competitions." "From Vision to Change," publication by the Government Office for NGOs, 2003.

²⁹ The Decision on Amendment of the Decision for Establishment of the Council for Development of Civil Society and Election of President and Members of the Council (Official Gazette of R. Croatia no.

111/2003) specifically enumerates the Ministries that can nominate representatives and the fields from which NGOs can nominate their own representatives.

³⁰ <http://www.nonprofit.hu>.

³¹ Email from Nora Sasvari, Head of Unit, Government Office of Equal Opportunities, and Dr. Gyorgy Bodi, Director, to Maria Gerasimova (May 27, 2004), and phone interview.

³² See discussion of the Civil Fund, below.

³³ Bullain and Toftisova, *supra* Note 2.

³⁴ *Supra*, Note 31.

³⁵ Email from the Directorate of Institutional Analysis and Relations with Associative Environment to Maria Gerasimova (June 10, 2004).

³⁶ <http://ro-gateway.ro/civsoc/>.

³⁷ Mona Musca and Horia Paul Terpe, "Developing a Percentage Law: The Romanian Experience," SEAL (Summer/Autumn 2004), pp. 31, 44, <http://www.efc.be/seal/journal.htm>.

³⁸ *Supra*, Note 35.

³⁹ *Ibid*.

⁴⁰ Kristina Mand, Director of the Network of Estonian Non-Profit Organizations, phone interview (May 24, 2004); Kristina Mand, "Implementing Partnership: Non-Profits and Public Authorities in Estonia" (May 25, 2004).

⁴¹ <http://www.emy.ee/alusdokumendid/concept.html>.

⁴² <http://www.ngonet.ee/cfpbaltic/civilsociety/estonia.html>.

⁴³ Phone interview with Maris Puurmann, Estonian Ministry of Internal Affairs, Local Government and Regional Administration Department (May 25, 2004).

⁴⁴ *Supra*, Note 40.

⁴⁵ Email from Kristina Mand (August 23, 2004).

⁴⁶ Kristina Mand, Director of the Network of Estonian Non-Profit Organizations, phone interview (May 24, 2004).

⁴⁷ <http://www.integracija.gov.lv/?sadala=11>.

⁴⁸ Email from Inese Vaivare, Deputy Director, Department of Social Integration, to Maria Gerasimova (May 12, 2004.) PHARE is "one of the three pre-accession instruments financed by the European Union to assist the applicant countries of Central and Eastern Europe in their preparations for joining the European Union." <http://europa.eu.int/comm/enlargement/pas/phare/>.

⁴⁹ http://www.integracija.gov.lv/doc_upl/SIP.rtf.

⁵⁰ Marius Navadunskis, Ministry of Social Security and Labor, "Overview of NGOs-Government Relations and the Legal Framework of Civil Society in Lithuania" (May 19, 2004).

⁵¹ <http://www.socmin.lt/?-1025581663>.

⁵² <http://www.nisc.lt>.