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**Practice Note: The Process of NGO Law Reform
in Central and Eastern Europe and the Newly Independent States
By Doug Rutzen**

The International Center for Not-for-Profit Law (ICNL) has learned a host of innovative practices from its work on NGO law reform in Central and Eastern Europe (CEE) and the Newly Independent States (NIS). This Practice Note highlights four specific “lessons learned.” A synthesizing theme is that reform must be the result of an indigenous, transparent, and participatory process. International organizations, such as ICNL, play an important role in catalyzing the process, bringing key stakeholders together, and providing technical assistance and comparative analysis. The interplay between the respective roles of indigenous and international participants is crucially important to the ultimate success of any NGO law reform activity.

I. Leadership by Indigenous Institutions and Individuals

In order for an NGO law reform process to be successful, it is important that indigenous institutions and individuals assume ownership of the activities. Of course, international organizations can serve as catalysts for the process and provide technical assistance and comparative perspective, but they should not actually write the laws, nor should they lead lobbying efforts. By enabling local initiative, international organizations reinforce the notion of self-help, promote democratic values, and help to ensure that laws appropriately reflect local conditions.

Local leadership presupposes local capacity. We have therefore made capacity-building a cornerstone of our work, focusing on NGO representatives, government officials, judges, and private lawyers. Among other activities, ICNL has (1) provided training, comparative information, and technical assistance to organizations and individuals engaged in NGO law reform; (2) developed training programs to ensure that NGO representatives understand the law; (3) worked with indigenous judges and ministry officials to create professional development seminars on NGO law; and (4) trained law students and practicing lawyers through courses on NGO law, continuing legal education seminars, conferences, and internships.

II. Drafting Groups Representing All Interested Parties

The degree to which the reform process invites participation by all potentially interested parties is frequently determinative of the success of a particular project. A process that is representative of the views of NGOs, government officials, parliamentarians and others leads to good laws, a stronger likelihood of enactment, and a vested interest among participants in continuing the reform process. Of course, there are often obstacles to such cooperation, including lack of coordination between ministries and, sometimes, open hostility between the government and NGOs.

ICNL believes that information can help bring people with different views together. We have found that once the key stakeholders meet to discuss substance, they often decide to form a drafting group to address unresolved issues. For example, in Albania, the Berisha government proposed a law that would have imposed severe restraints on NGO activities, and there was palpable tension between NGOs and the government. ICNL organized a seminar in Budapest to discuss “regional best practices in NGO law,” which attracted both NGO representatives and the drafters of the restrictive law. As a result of this meeting, the participants agreed to form a joint NGO-government working group, which has now produced one of the most progressive draft laws in the region.

Similar drafting groups exist throughout the region, and virtually all have succeeded in enacting legislation that meets local needs and conditions. In contrast, the Bosnian NGO community embarked legal reform activities in isolation from the government. While the working

group was in the midst of preparing its draft, the government enacted an extremely restrictive Law on Foundations. It is now proving exceptionally difficult to generate governmental support for further revisions to the NGO legal framework.

III. Broader Public Participation

It is not sufficient to have a collaborative drafting group composed of a few key NGO representatives and government officials. It is also important that all stakeholders have a chance to provide input on legislative reform.

Several innovative practices have developed in CEE. In Hungary, an NGO-government drafting group published its draft law in a leading Hungarian newspaper. This encouraged input from both NGO representatives and the broader public. The drafters then organized town meetings around Hungary to promote further public participation. Comments were codified and reflected in the final version of the draft, which was enacted in 1997.

In Macedonia, the working group used broadcast and print media to publicize principles to be included in the new law. They then distributed the draft to all active NGOs and convened a series of roundtable discussions to refine the draft. Similarly, in Lithuania, the Parliament organized a public hearing at which key NGO legal issues were discussed. In all these cases, the fostering of public participation helped reinforce the democratic process, ensured the relevance of the legislation, and promoted trust among the sectors.

IV. *Cross-Border Linkages*

Regional and international linkages validate and strengthen the commitment of network members, while sharpening their skills by supplying them with comparative information and expertise. ICNL has promoted these linkages through cross-border consultations, regional conferences, seminars, academic networks, and other activities.

Importantly, information does not merely flow from West to East, or North to South, but there is true information-*sharing* among countries. For example, a Bulgarian colleague was asked to provide comments on the Hungarian law, and Macedonian colleagues provided information to Croatia. In addition, there is significant information-sharing among regions. The drafter of the Polish Law on Associations provided technical assistance in Uzbekistan and Azerbaijan, our Czech partner provided assistance in Ukraine and Russia, and German experts are studying CEE models as they prepare new legislation for their country. A core group of NGO law specialists has emerged in CEE and the NIS, and they are advancing NGO law reform in their respective countries and internationally.

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