

Recommendations on improving the involvement of civil society in the process of implementation of framework agreements

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Recommendations for Governments, National Platforms and Civil Societies of Armenia, Georgia and Moldova, as well as EU institutions on improving the quality of involvement of civil society in the process of implementation of framework agreements

Background

The proposed recommendations were developed within the framework of the *Adopting experience on bilateral EU-Moldova and EU-Georgia CS platforms to Armenia* project funded by the EU via the re-granting scheme of the Eastern Partnership Civil Society Forum. The project is implemented by [Eurasia Partnership Foundation](#) (Armenia) in partnership with [Promo-LEX Association](#) (Moldova) and [Foundation Liberal Academy](#) (Georgia) and is aimed at examining the experience of Georgia and Moldova in terms of cooperation between the civil society and the Government in light of the European integration and implementation of Association Agreements.

The implementing partners of the project conducted series of in-depth interviews with representatives of national authorities, EU Delegations and civil society actors in Armenia, Georgia and Moldova; jointly analysed the experience of CSF National Platforms and EU-Georgia and EU-Moldova bilateral civil society platforms, as well as conducted desk research on existing official documents regulating cooperation between civil society and the authorities in the three countries.

As a result, a set of recommendations addressing national authorities in three countries and EU institutions was developed, suggesting improvements in operation of the platforms.

Based on the analyses of Georgian and Moldovan experiences, as well as interviews conducted with Armenian experts and MFA, the project has developed recommendations for envisaged cooperation in light of the implementation of to be signed Comprehensive and Enhanced Partnership Agreement (CEPA) between Armenia and the EU.

Recommendations on Armenia

General recommendations

1. In case of a particular process such as CEPA implementation there is a strong need to define a Civil Society subject that will be able to become the institutional entity to represent the civil society in the process of communication and cooperation of Armenian authorities and the European institutions in the process of the implementation of CEPA. At the current stage ANP is the main civil society subject that has institutional strength, history and formulated mission that coincides with the philosophy of civil society engagement in the process of implementation of CEPA.
2. In terms of the possible functions of the civil society there are three major functions that the civil society can carry:
 - a. Monitoring of the implementation of the CEPA that can include monitoring of sectoral reforms, legal approximation, as well as overall strategic monitoring with a special focus on defining of priorities, developing action plans for implementation and formulating deliverables and outcomes.
 - b. Formulation and delivering of sectoral expertise to the decision makers, which is an ongoing process that will need certain institutional framework for engaging civil society in dialogue with the line state institutions responsible for particular sectors, directions or processes.

- c. Raising public awareness on CEPA and wider format of EU-Armenia relations. This function needs intensive communication with the EU as well as various EU funded projects and should aim at addressing specific issues, successes or expected results that are within the framework of the EU-Armenia cooperation. This function includes both raising awareness among the civil society itself and using the civil society as an information channel to reach the society at large.
- 3. It is necessary to involve the ANP in the process of making CEPA more instrumental, namely in the process of development of detailed priorities in each sector, development of monitoring mechanisms, identification of deliverables, cross-cutting themes and working formats. It is also important to ensure a single instrumental framework for CEPA similar to the Association Agenda in Georgia, Moldova and Ukraine, since it will allow to ensure conditionality and more precise formulation of deliverables, as well as will make the process of monitoring of the implementation more effective.
- 4. In order to make sure that the bi-lateral civil society platform envisioned by the CEPA is effective there is a strong need to link it with the ANP. There can be several mechanisms for this:
 - a. Ensure that there is significant presence of the ANP in the bi-lateral platform through ensuring quota for the ANP in the bi-lateral platform.
 - b. Making the bi-lateral platform a horizontal structure of the ANP with an opportunity to nominate WG members upon necessity and based on particular topics discussed in given period and ensuring a room for participation of CSOs that are willing to contribute to the implementation of CEPA but do not want to be involved in in any institutional framework.
 - c. The EU based CSOs of the bi-lateral platform should include the CSOs actively working in Armenia with a strong knowledge of the country situation. It is important to ensure sectoral variety of these CSOs. ANP members as well as EaP CSF can be a valuable source for identification and involvement of relevant EU based CSOs.

Recommendations to the Government of Armenia

- 1. Armenia needs a strict format of internal bilateral agreements between the ANP and the Armenian authorities not only outlining the principles of cooperation but also formulating duties and responsibilities of the parties and stating the mechanisms and the timeline of cooperation.
- 5. The Georgian experience in holding periodic sectoral dialogue meetings between the line ministries and NP Working Groups is very much applicable to Armenia and can ensure ongoing and content-based participatory process.
- 6. In order to ensure transparent implementation of CEPA it would be useful to develop www.cepa.am website similar to <http://aa.ge/en/> developed by OSGF where all the legal acts that are envisaged for approximation with the EU Acquis will be placed and room for providing feedback and receiving answers will be available. On top of this the Armenian version of the website can include information on other activities implemented within the framework of CEPA, provide details on Direct Budget Support, etc.
- 7. During the past decade Armenia has been involved in several integration frameworks (ENP, EaP, MDG, OGP, etc.) that are aimed at supporting a country to define its development priorities and identify mechanisms of their implementation. According to many civil society actors this process was more an imitation rather than a real one and resulted in huge discrepancy between the regulatory framework and vision of people. CEPA gives the Armenian society and state an opportunity to initiate deeper and more conceptual discussions on reforms, legislation, the process of development of legal acts and ways of simplification of the regulatory frameworks. This opportunity should be used to compensate the enormous amount of lost opportunities of doing so.

Recommendations to the EU institutions

1. Decision making on EU funding to the civil society needs more transparency and clarity. Often the principles behind funding decisions are unclear. This can be achieved through more significant capacity building for CSOs for successfully applying to EU for funding. ANP can become an important platform for these activities.
2. There is a strong need to intensify and institutionalize the communication between the EU Delegation and the ANP. The interactions of ANP and CSOs in general with different sections of the Delegation often create miscommunication in case there is no institutional involvement of both Political and Operational sections of the delegation.
3. There is a strong need to establish tripartite format for periodic communication between the EU, Armenian authorities and the civil societies that will allow to discuss issues in all their complexity with involvement of all interested parties.
4. It is important to build the capacities of the Armenian CSOs re the process of applying to EU calls, evaluation of applications, major principles in reading EU announced calls, etc. ANP can play the role of a major platform for such activities.

In order to do that, it is recommended developing a document which clarifies the elements in PRAG which are applicable to Armenia or to a group of countries, such as EaP. The areas that need clarification, issues can be mentioned such as:

- a. The background of NGOs applying: when did they register or start operation, do they have sufficient experience etc.
- b. The check-up process for NGOs approved for funding: what kind of inquiries should they expect
- c. Capacity-building for NGOs-funding recipients: what type of activities does EU envision for them to enhance their performance
- d. Level of flexibility in tendering: what is the threshold for allocation of funds for services with no open tenders
- e. Level of engagement of EU project managers: what are the mutual rights and obligations, i.e. which actions can be done only after approval by EU DEL and which ones can be done with no approval
- f. Level of flexibility in budget reallocations: what are the most appropriate rules for the conditions of Armenia/EaP

Such and other issues are important to be clarified for the local circumstances, since PRAG provides only very general guidelines which in some cases are too flexible for the local circumstances. In case the EU has restrictions in implementing these kind of initiatives, the sub-grantees that are implementing capacity building projects should be navigated by respective EU institutions to address these issues and to work closely with the ANP and other civil society entities working in sphere of EU-Armenia relations.

It is also advisable to study more carefully the background of EU applicants and their partners in Armenia: those applicants who have not worked in Armenia should have strong and well-known partners, to make up for the lack of expertise. If the EU applicants have worked in Armenia and have positive history, this is not so relevant.

Also, it is advised to arrange meetings between EU evaluators and failed applicants for direct personal feedback; comparison between winning proposals and those who did not pass, in order for the authors of the latter to understand better what have been their deficiencies.

There is an opinion that this may create conflict of interest, however, for NGO development in Armenia the best way is the openness as much as possible.

1. Decision making on direct budget support should also be made more participatory and involve civils society through ANP. This can be implemented through delegating ANP representatives in the Steering Committees of the direct budget support projects.
2. There should be steps ensuring at least partial synchronization of communication strategies between the ANP, the Government of Armenia and the EU Delegation re CEPA and broader EU assistance and cooperation with Armenia. The communication strategy should be aimed at opposing the disinformation on the processes initiated within the framework of the EU-Armenia cooperation and wider; more user friendly and strategically far looking awareness raising activities should be undertaken on the real outcomes of the EU-Armenia cooperation.
3. Communication between the ongoing EU funded projects and ANP can be important for both increasing their transparency and accountability and raising awareness on EU support to Armenia for wider audience.

Recommendations to ANP and Civil Society

1. There should be significant structural reform adapting ANP to the new situation, namely:
 - a. Strengthening Working Groups and making their work more result oriented and sustainable
 - b. Development of horizontal cross-cutting structures that unite ANP members' activities in the spheres of monitoring, advocacy and awareness raising.
 - c. Developing ANP communication strategy and plan.
 - d. Initiating internal and public discussions of the CEPA content and developing proposals for making CEPA more instrumental at the stage of implementation of CEPA.
 - e. Implementing capacity building activities aimed at familiarizing CSOs on various content related aspects of the EU-Armenia cooperation (CEPA, HRD, GSP+, Creative Europe, etc.) on one hand and developing monitoring, advocacy and awareness raising capacities on another.
2. ANP should undertake steps on ensuring involvement of a wider spectrum of society in the Platform through business associations, labor unions and regional CSOs.
3. ANP should play the role of disseminator of its members' products. In order to ensure more effective utilization of products developed by its members the Platform can develop a mechanism of uniting products of its members under one format. This can be implemented particularly with monitoring reports and policy recommendations.
4. In order to ensure more effective circulation of information throughout the country ANP should establish regional representations through mandating this function to its strong regional members.
5. There should be intensive communication between ANP and other civil society entities involved in the EU-Armenia dialogue. Particularly, communication of ANP with the CSOs that are implementing various EU funded projects can ensure both additional flow of EU related information. ANP can also act as a platform for the EU funded capacity building projects to connect these projects with ANP member CSOs in terms of both institutional capacity development and building the capacities related to the EU policies and procedures (see point 2 of the recommendations to EU institutions for more details).
6. Representation mechanisms should be more actively utilized by the ANP in terms of delegating Platform members to the Steering Committees formed within the framework of Direct Budget Support projects. This will allow to increase the circulation of information both raising awareness of CSOs on the processes and allowing to deliver recommendations to the decision makers re particular programs and activities.

Recommendations on Moldova

Recommendations to National Platform and Civil Society

1. There is a need to strengthen the National Platform in terms of development of its institutional capacities and positioning in Moldova.
2. The registration of the Secretariat and fundraising for NP activities via Secretariat to ensure regular meetings, expertise accumulation and communication.
3. Membership of CSOs in the NP should be more explicit, representation of the NP by its member organizations is important in terms of positioning the platform as a key actor in Moldova.
4. Expertise of separate organizations is significant, however the civil society in Moldova is lacking consolidation efforts, and the NP can become an important actor to play the consolidating role for the civil society.
5. The Georgian experience of sectoral meetings and annual conference can be applied, Armenian experience of registering the secretariat is also worth for consideration.

Recommendations to the Government of Moldova

1. Develop a trilateral communication mechanism between the EU-Government and Moldovan Civil Society to facilitate the direct dialogue, thus eliminating parallel communication.
2. Establish an institutional framework for communication with the civil society that would allow to tailor MNP, the bi-lateral platform and other civil society entities involved in EU-Moldova dialogue.
3. Establish sectoral dialogue format to involve respective line ministries and sectoral CSOs represented in MNP working groups to communicate on regular basis and exchange information on sectoral reforms.
4. Use the experience of cooperation with civil society to formulate the general principles of cooperation with the MNP through developing and signing MoU with the MNP.
5. Organize periodic strategic consultations aimed at receiving feedback of the civil society on the general process of implementation of AA.

Recommendations to the EU Delegation in Moldova

1. To make sure that the Delegation is in permanent communication with the MNP through establishing a mechanism of regular consultations between the EU Delegation and MNP.
2. To support the MNP in terms of capacity building via providing technical assistance to the platform.
3. Ensure that the communication with civil society on major developments on EaP and EU-Moldova relations is held on periodic basis.

Recommendations on Georgia

In Georgia, strengthening civic participation in the decision making is closely linked to the European integration process. Development of civic participation culture and respective institutions is often included in all agreements and programs that determine agenda of relations between the EU and Georgia.

Two most important civil society platforms, which should provide structural dialogue between civil society and authorities on the most important issues of the country's development, have been created within the frameworks of the EU-Georgia Association Agreement and the EU Eastern Partnership Program. Together with efforts by the EU, it is important to note increased willingness of the Georgian government to cooperate with civil society on various issues. This is evident by the memorandums of cooperation signed by the Georgian National Platform with the Government of Georgia and the European Integration Committee of parliament, as well as by similar memorandums separately signed by other coalitions and CSOs operating in Georgia. Nevertheless, often the intensity and forms of civic participation do not determine civil society's influence on politics. The authorities often neglect civil society's views and recommendations in relation to a number of issues.

Despite significant progress, various complex challenges still remain that are associated with sustainability and efficiency of civic participation. Authorities often lack a uniform systematic approach to civic engagement and participation in the implementation of policy cycle. Additionally, CSOs have not equal opportunities to actively participate in political decision-making even on the acute public problems, which is not a good practice.

It is noteworthy that in most cases the impact and effectiveness of civil participation have not been assessed, nor the relevant statistical data and the critical analysis and evaluation of the process have ever been carried out, which would have significantly enhanced the efficiency of the process.

Still, developing adequate skills and qualifications for both civil servants and civil society organizations remains a challenge, which impedes civil society participation to become as consistent and targeted as possible.

It is noteworthy that ensuring necessary financial resources for active civil involvement and participation is one of the strategic issues that should be given more attention from both the government and civil society. As the study reveals, in some cases lack of financial resources make it impossible to carry out very important activities, which negatively affects civil participation process.

For effective response to existing challenges, it is crucial to have strong political will by the government to increase opportunities for civil society involvement in policy planning, implementation and monitoring. On the other hand, it is important to further deepen cooperation between various civil society organizations and increase their capacities in order to elaborate and introduce the most effective instruments of civic participation in political decision-making based on wide public discussions.

Recommendations to the National Platform and Civil Society

1. Strengthening internal coordination and cooperation in order to enhance expertise and feedback;
2. Strengthening the communication between CSOs with their beneficiaries aimed at ensuring more effective representation of public and professional groups in the process of implementation of the AA;
3. Enhancing cooperation between different civil society platforms;

4. Strengthening coordination and cooperation with civil society organizations of Eastern Partnership countries and EU member states;
5. Ensuring equal quality of expertise in terms of WG representation through capacity building activities, involvement of new CSOs, involvement of international organizations and EU partner organizations;
6. Ensuring more periodic communication with the EU Delegation and EU institutions;
7. Ensuring civil society organizations with more information and training on civic participation tools and methods;
8. Developing mechanisms of closer communication and greater exchange of information between various civil society organizations in order to conduct appropriate joint preparatory works aimed at drastically enhancing quality of bilateral meetings;
9. Commencing active discussions on mechanisms for strengthening civil society's financial sustainability, including the possibilities of funding from the state budget;
10. Improving communication of Georgia-EU Civil Society Platform with EU-Georgia Association Council, Association Committee and Association Parliamentary Committee;
11. Ensuring more efficient utilization of Association Platform and EU Eastern Partnership capabilities by CSOs for more intensive participation in advocacy campaign, lobbying and political decision-making.

Recommendations to the Government of Georgia

1. Providing public servants and individual decision-makers with more information and training on civic participation tools and methods;
2. Developing mechanisms of closer communication and greater exchange of information with civil society organizations in order to enhance quality of bilateral meetings;
3. Ensuring civil society participation not only in the area of policy monitoring and evaluation, but also in policy planning and implementation, which will facilitate better decisions;
4. Strengthening cooperation with civil society, especially in those spheres where civil society can provide significant assistance (research, awareness raising, expert analysis, etc.);
5. Conducting relevant statistics related to civic participation in order to assess its results and improve existing practices;
6. Providing feedback on recommendations submitted by GNP in order to improve the quality of communication outlined in memorandum of cooperation signed between GNP and the government;
7. Creating working groups involving CSOs by the parliamentary committees; provide them with purposeful information and ensure their involvement in the lawmaking process;
8. Introducing the practice of preliminary work meetings with civil society to discuss draft laws initiated by the authorities in order to ensure feedback and efficient participation of the civil society;
9. Drafting by the parliament an annual, time-framed action plan for the legislative harmonization process with the EU to ensure appropriation of reasonable time for discussing the draft laws, as well as better transparency and proper civic participation;
10. Conducting joint consultations and ensuring coordinated efforts of cooperation with donor organizations by the government and civil society;
11. Starting discussions about the possibilities of funding CSOs from the state budget of Georgia.

Recommendations to the EU institutions

1. Intensifying efforts to facilitate cooperation of Georgian CSOs with Eastern Partnership countries' CSOs on the one hand and with the EU member states' civil society on the other hand;
2. Ensuring financial assistance to EU-Georgia Civil Society Platform;
3. Introducing opportunities for institutional assistance in order to strengthen the sustainability of CSOs;
4. Improving communication and cooperation between EU representation in Georgia and civil society in the process of policy elaboration;
5. Strengthening the tripartite, EU-Government-CSOs, cooperation formats;
6. Creating additional format of participation for GNP aimed at ensuring representation of Georgian civil society at the EU-Georgia Association Council meeting;
7. Ensuring developing a format of regular meetings with EaP countries