

Report
Development of civil dialogue and partnership relations between civil society, national governments and EU institutions
Moldova
2008

Arina Kraijdan , Association for European Training and Information

1. About the survey

This report is based on the data of ECAS ITS questionnaire (assessing the implementation of the partnership principle in the EU neighbouring countries)¹, analysis of elaborated reports on ENP, EUMAP implementation in Moldova and studies about EU-Moldova relations elaborated by different NGO's (ADEPT, Expert-Grup²), independent experts³, government structures reports on EUMAP implementation and publications from governmental information Bulletin⁴, UE institutions communications, strategies, opinions and reports⁵. Also were used materials from meetings, conferences, seminars organised by the AETI in Moldova in the period from 2005 till now in related to this report field in cooperation with ECAS and ECAS publications⁶.

The aim of ITS questionnaire⁷ was to gather key information from CSOs working in Moldova on the implementation of the partnership principle, pointing out shortcomings and obstacles occurring at the EU and national levels and to assess the role that civil society in the EU neighboring countries plays in shaping, implementing and monitoring EU policies and programmes.

The questionnaire was delivered to more than 100 Moldovan CSO's. Between them were organizations that received EU support for their activities and projects, a number of organisations actively involved in monitoring of EUMAP, organisations which signed the memorandum of cooperation with MFAEI in EU integration, a great number of youth and human rights defending organisations, and

¹ For more information about ECAS ITS advocacy process, consult <http://www.ecas.org/product/91/default.aspx?id=644>

² Euromonitor, 2007 <http://expert-grup.org/?p=19&lang=en>

³ Civil society for European Moldova,

<http://www.europa.md/upload/File/boxedreapta/EUROFORUM-CONSORTIUM.doc>; De la implementarea PAUEM la elaborarea de politici (From the EUMAP implementation towards the Policy Implementation), Chisinau, Cartier, 2006; Gundars Ostrovskis, Relatiile UE-Moldova: Rolul Parlamentului Republicii Moldova (Relations UE-RM: the role of the Republic of Moldova Parliament), 2006 http://www.undp.md/publications/doc/mission%20reports/Relatiile%20RM-UE_Rolul%20Parlamentului.pdf;

Sergiu Buscaneanu, How Far is the European Neighborhood Policy a Substantial Offer for Moldova, Leeds, 2006 <http://www.e-democracy.md/files/enp-moldova.pdf>; Care este rolul societatii civile in implementarea Planului de Actiuni (What is the Role of Civil Society in the Action Plan Implementation) in Palnul de Actiuni Uniunea Europeana - Republica Moldova, Ghid, Chisinau, 2006, p. 39.; Igor Botan, E.U. – Republic of Moldova Action Plan turns 3, <http://www.e-democracy.md/en/comments/political/200802291/>

⁴ see the governmental reports on PAUEM implementation on www.mfa.gov.md; Buletinul informativ al Guvernului Republicii Moldova (2007, 2008) www.gov.md .

⁵ Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy, COM(2006)726 final, Brussels, December 2006; ENP Progress Report, Moldova, COM(2006)726 final, SEC 2006 1506/2, December, 2006; Communication from the Commission A Strong European Neighbourhood Policy COM (2007) 774 final, Brussels, December 2007; EESC Opinion, The EU's Relations with Moldova: What role for organized civil society? Brussels, December, 2007 CESE 1714/07.

⁶ Report on the Conference European Union and the Civil Society in Republic of Moldova (June 2006); Materials of the project "Strengthening civil society in Moldova" 2006-2007; Guide to EU Associations, Chisinau, 2007

⁷ See the questionnaire on www.eustrainers-moldova.org

organisations dealing with EU issues. The questionnaire was translated into Romanian and all of them was asked to answer to the English or Romanian version. In the period from December 2007 till March 2008 were received 10% of responses 3 from the regional organisations (located in Criuleni, Dubăsari, Cahul), 7 from Chisinau (capital) located organisations, 1 of them an umbrella organisation represent more than 30 national and local NGO's.

The report reflect the situation in the field from the last 3 years (2005-2008). This is exact the period of the EUMAP implementation in Republic of Moldova.

2. Key findings on the current state of implementation of partnership principle

2.1 General legal framework for Civil Society activity in RM

Law on Public Association Nr.837 din 17.05.96

Law 178-XVI on amending the law on public associations 20.07. 2007

80% ITS Q respondents appreciated the legal framework in RM for the civil society activities as "inadequate", underlining that "legal framework permit the activity but is not favourable", "there are not adopted the economical activity standards for NGO's, is bureaucratic the procedure of obtaining the certificate of public utility, is not defined the mechanism of NGO's services selling". One respondent appreciate the legal framework "as acceptable",.

2.2 Civil Society and the Parliament

On December 29, 2005, The Parliament of the Republic of Moldova adopted a Resolution concerning the approval of the Concept of Cooperation between Parliament and the Civil Society⁸.

Representatives of civil society shows that the Bill amending the Law on Public Associations passed after the first reading in November 2006 contains many deficiencies and many impediments to registering associations and the activities of public associations in Moldova and that is necessary to ensure the genuine involvement of civil society in amending legislation that directly affects its activities⁹. Also representatives of civil society address to the Parliament an open letter¹⁰ in which indicate the restrictive and inadequate for NGO development character of the amendments to the Law on Public Association 1996.

The law 178 XVI was adopted in 2007 taking into consideration a little number of recommendation of CSO's¹¹.

In March 2007 the Euroforum Consortium (consists at that period of 13 CSO's) in the report regarding PAUEM implementation indicate:

⁸ Concept of Cooperation between Parliament and the Civil Society
[http://www.parlament.md/download/news/civilsociety/Cooperation%20with%20civil%20society.%20Concept%20\(english\).doc](http://www.parlament.md/download/news/civilsociety/Cooperation%20with%20civil%20society.%20Concept%20(english).doc)

⁹ Civil society for European Moldova, 2007
<http://www.europa.md/upload/File/boxedreapta/EUROFORUM-CONSORTIUM.doc>

¹⁰ Apelul deschis catre conducerea Parlamentului din partea organizatiilor obstesti-
<http://www.europa.md/rom/sbmcs/109>

¹¹ See.

“Many mechanisms stipulated by the Concept regarding cooperation between Parliament and civil society have not been established including the following: councils of experts for Parliament's standing commissions; public hearings for each standing commission at least once a year; disclosures of contributions; publicising decisions on accepting or rejecting (in full or partially) contributions including the rationale for the decision and formulating and conveying answers to questions on contributions to their authors by the time the commission reports on draft legislation”¹².

In 2008 describing the mechanisms of cooperation with governmental structures ITSQ respondents comment “At the national level there is a mechanism developed during a process of consultation between the Parliament of Moldova and the civil society, which, at least theoretically is good enough and allows CSOs to influence the policy making process; the framework is simple: all draft laws are to be published on the Parliament's site, CSOs propose comments and recommendations, the Parliament either accept them, or explains why the recommendations aren't accepted; you can find it's description on the Parliament's site. Unfortunately the Parliament doesn't respect always its own obligation to consult civil society before voting a draft law, nevertheless there are good examples in that story. The collaboration with executive is not so good”.

In 2007 was opened the European Information Centre of the Committee for the External Policy and European Integration of the Parliament of Republic of Moldova “to provide the Parliament Members and the wider public with politically impartial information about the EU and Moldovan-EU affairs”¹³.

Now it's in the process of elaboration National Strategy for Civil Society Development for 2008-2011. The address for suggestions is indicated on the Parliament site¹⁴.

2.3 Civil Society and the Government

The Government elaborated in 2005 the National Program for PAUEM implementation. The MFAEI was appointed as central National institution responsible for PAUEM implementation and monitoring. In August 2004 was established four inter-ministerial commissions. The reports on the PAUEM implementation has been published on the MFAEI site¹⁵ from 2006. The first governmental reports presented a great number of activities without critical analysis and problems underlining. After the critical European Commission report (4 December 2006)¹⁶ concerning the achievements into PAUEM implementation the reports became more concrete and showing not only the activities of the public authorities but also CSO's involvement .

The Ministry of Foreign Affairs and European Integration invites periodically representatives of CSOs, to exchange ideas, views on aspects of Moldova's foreign policy, as well as on European policy of Moldova's Government.

¹² Civil society for European Moldova, 2007

<http://www.europa.md/upload/File/boxedreapta/EUROFORUM-CONSORTIUM.doc>

¹³ <http://www.euroinfo.md/about>

¹⁴ <http://www.parlament.md/news/civilsociety/en.html>

¹⁵ www.mfa.gov.md; <http://www.mfa.gov.md/img/european-integration-documents/RaportRM-UE2007shortEN.doc>

¹⁶ Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighborhood Policy, ENP Progress Report, Moldova, COM(2006)726 final, SEC 2006 1506/2, December, 2006;

In 2006 MFAEI signed the Memorandum of Cooperation in European integration with 22 NGO's¹⁷.

In November 2007 Ministry of Social Protection, Family and Child signed a memorandum for cooperation with Network of ONG's from Social Field.

From one side the signing of the memorandums of cooperation between different governmental structures and CSO's is a mechanism that can be used for partnership cooperation in different activities on another side it's necessary the time to see if these memorandums are working and not remain the declarative documents without any concrete results.

The ITS Q respondents comments that the cooperation between governmental structures and CSO's remain "Insignificantly, formal cooperation without real actions" and suggest "to develop an efficient NGO-funding support mechanism, whether through creation of a pool of independent funds to support NGOs or to develop a direct funding mechanism by opening access for NGOs to public funds".

One of the representatives of civil society indicate into the ITSQ that the main difficulty for his organisation to be involved into shaping EU external policy is the "Government's attitude toward the non-governmental sector. See the declaration of the Prime-Minister in October 2007 in which he condemns the NGO's for generating a bad image of the country abroad". The reports of civil society relating to the different aspects of Moldovan society development addressed to the international organisations and different from the governmental reports are characterized by officials as discrediting the image of the republic. This fact make evident that mechanism of real cooperation between civil society and government is not enough understand¹⁸.

On the over hand, as a reaction to the negative appreciation of the governmental cooperation with civil society in PAUEM implementation, on the MFAEI site appears in the last quarter of 2007 the Reports on the central authorities cooperation with civil society. The reports are the list of all seminars, conferences and another activities organized by different international organizations and local NGO's with different Ministries participation. The reports are not analytical but present a sort of transparency and show the examples how NGO's can participate into PAUEM implementation.

2.4 Civil Society and EC Delegation

The European Commission Delegation was opened in Moldova in 2005. The staff is limited. EC Delegation site¹⁹ contains all EU programmes opened for Moldova.

ITS Questionnaire respondents characterized the EC Delegation effectiveness in facilitating communication between the EU and civil society as poor 90% and 10% as Fair. From the site is not clear who is the person responsible for communication with civil society representatives.

¹⁷ <http://www.mfa.md/img/docs/memorandum-privind-cooperarea-in-procesului-integrarii-europene.pdf>

¹⁸ See Euromonitor 4 (9) 2007, p. 11-12 <http://expert-grup.org/docs/euromonitor09.pdf>

¹⁹ <http://www.delmda.ec.europa.eu/>

2.4 Civil society as partner for EN Policy drafting, implementation and monitoring

The PAUEM negotiation was undertaken by governmental structures without participation of CSO's.

Only 2 of ITS Q respondents indicate that were consulted during the drafting of EUMAP one unofficially and second was invited by the Ministry of Foreign Affairs to be the member of the National Team for negotiation.

In April 2005 Institute for Public Policies presented an European Strategy of Moldova elaborated previously and also implement a programme of seminars addressed to the central authorities²⁰.

In 2006 ADEPT in cooperation with Expert –Grup elaborated and published an “EUMAP Guide” in Russian and Romanian. The guide contains also information on EU-RM cooperation legal frame, the description of ENP and the special chapter related to the civil society role in Plan implementation.

Mostly NGO's established in Chisinau were involved into monitoring of the EUMAP.

ADEPT and Expert–Grup publish from 2006 the Quarterly report “Euromonitor”²¹ underlining the progresses and problems in the main fields of EUMAP.

In 2006 a group of independent experts cooperated in the Euroforum frame analysed the process of Moldovan society reform and published their studies on the Euroforum page on www.europa.md and in a book “From the EUMAP implementation towards the policy designing”²². After 2 years of PAUEM implementation, in 2007, Euroforum Consortium, supported by European Initiative Program of Soros Foundation, published an Independent Report “Civil society for European Moldova”²³ designed and signed by thirteen representatives of different NGO's. This report pointed out areas in the implementation of the Action Plan that must be improved - democracy, rule of law, judicial reform, eliminating corruption, protecting fundamental rights and economic reforms and development. Experts made a number of recommendations how to improve the situation.

Different Moldovan NGO's, supported by the European CSO's or international organizations implemented informational activities about ENP and EUMAP addressed to their colleagues from CSO's and to the central and local public authorities. AETI organised in cooperation with ECAS in Chisinau an international conference “EU and Civil Society in Moldova” (june 2006) and seminar for NGO leaders on “Partnership building and networking” (28-29 March 2007).

²⁰ See the Strategy and the seminar programs on the www.ipp.md.

²¹ All reports can be consulted on <http://expert-grup.org/?p=19&lang=en>

²² De la implementarea PAUEM la elaborarea de politici (From the EUMAP implementation towards the Policy Implementation), Chisinau, Cartier, 2006

²³ Civil society for European Moldova, 2007

<http://www.europa.md/upload/File/boxedreapta/EUROFORUM-CONSORTIUM.doc>

MFAEI elaborated in cooperation with civil society consultative group and supported by UNDP the Strategy of Communication in Moldova's European Integration²⁴. In 2007 in cooperation with MFAEI were opened 2 Pro-European Centres based on the NGO Resource Centres in Balti and Cahul in the North and South of the republic. For the last 3 months of 2007 on the MFAEI site was published the Reports on cooperation of the central public authorities with civil society²⁵. These reports shows that Ministries cooperate mostly with NGO's which are supported in their activities by different international organisations

The Minister of Foreign Affairs and European Integration Andrei Stratan stressed that the objectives of European integration and PAUEM implementation consolidated Moldovan society²⁶.

The main Achievements of PAUEM implementation in Moldova²⁷: opening the EC Delegation in Chisinau; Appointment of EU representative to Chisinau, EU BAM functioning, Continuous Judiciary system reforming; GTS+system and Comers preferences for Moldovan products; Common Visa Centre opened in Chisinau depends mainly on the on the effective interaction between EU and national governmental structures.

But the reforming of society in according with European values of democracy and market economy, the real stability and growth - the main objectiv of ENP cannot be achieve without effective cooperation with civil society.

3. Opportunities and challenges for dialogue

In the period from 2005 till 2008 changes not only the situation in republic of Moldova. EU structures express their position more clearly not only in ENP but also towards the role of civil society in this policy successful implementation²⁸.

The European Neighbourhood and Partnership Instrument²⁹ put the NGO's and other CSO's in the list of eligible bodies for funding.

In this respect Moldovan CSO's have more opportunities to participate as a partner in ENP implementation. On another side ITSQ respondents underline the lack of capacity to apply to EU funds, because of very sophisticated rules.

²⁴ Moldovan Foreign Ministry officially launches strategy of communication on Moldova's European integration <http://www.moldova.md/en/news/1211/1/2683>

²⁵ See for exemple Raport privind cooperarea autoritatilor publice centrale si organizatiile societatii civile, December 2007, on <http://www.mfa.gov.md/img/european-integration-documents/RaportSC122008.doc>

²⁶ Stratan Andrei, Obiectvele de integrare Europeana consolideaza societatea, Buletin informativ al Guvernului Moldovei, Nr. 11, 2007, p.1-7

²⁷ These achievements are recognized by the European Commission, by the Moldovan Government and by the Moldovan CSO's

²⁸ To be seen p. 33 of the Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy, COM(2006)726 final, Brussels, December 2006 p. 7 and point 4.3 from the Communication from the Commission A Strong European Neighbourhood Policy COM (2007) 774 final, Brussels, December 2007;p.11.

²⁹ See article 14 chapter Eligibility, point h in Regulation (EC) No1638/2006 on the European Parliament and The council layng down general provisions establishing ENPI, 24 October 2006

If in 2005 existed only few information points on EU. - European Documentation Centre supported by TACIS programme in the Government building and CEI at the Chamber of Comers. Now there are more information structures for governmental structures and for general public and CSO's. Parliament European Information Centre, Pro-European Centres in Balti and Cahul, European Information Centres at ASEM and University "Perspectiva-INT" in Chisinau . But these are not enough for supplement the information gap in regions. The internet sources remain the main informational sources for regional and local NGO's.

ITS Q shows that Local Moldovan NGO's have very limited access to the internet sources and no information about donor offers and EU programs and projects.

The ITSQ respondents intricate that is necessary more specific information for CSO's on the EU Delegation site in Romanian and Russian the main Languages of communication in Republic of Moldova.

The common visa Centre and the new visa procedure facilitate the European mobility of CSO's leaders and members. But the financial possibilities of the national NGO's are limited and don't give the possibility to participate into international events. All ITS Q respondents support the necessity to extend the TAIEX and Twinning Programs for CSO's.

4. Conclusions and recommendations

Draw key policy recommendations for the EU and for your government. For this purpose, use Part III questions 1 and 2, but as well any other relevant comments made by the applicants in other parts of the questionnaire. Give recommendations on improvements of consultation methods at EU and national levels.

Conclusions

Civil society representatives in Moldova were not involved in the process of PAUEM drafting and this fact generated the problems of effective involvement of civil society into the PAUEM implementation.

The precondition for effective ENP implementation is the cooperation between EU structures, national governmental authorities and all national stakeholders including CSO's. The main achievements of UEMAP implementation was based mainly on political decisions.

The ENP and PAUEM implementation stimulated Governmental structures to think about the necessity of cooperation with civil society representatives.

Civil society reports on PAUEM implementation attract attention of Governmental structures to the problems of society reforming and stimulated to problem solving.

The organised CS actions and consortium creation make the civil society voice more hearing by governmental structures.

Besides the success achieved in the EUMAP implementation remain many problems to be solved.

Recommendations for civil society partners

To create field networks to strengthen the activities performance and impact on governmental structures.

To be more pro-active and not to wait the initiative “from above”. To try be more informed, to solicit the information and opportunities, to “push” authorities to form the consultative structures and to cooperate.

To elaborate alternative reports in their field of activities.

To make their activities more visible publishing the different projects results.

To improve their capacities of communication and cooperation. with EU partners.

Recommendations for Government

From ITS Q

Euroforum Consortium Report suggests the following actions **for effective cooperation with civil society**:

strengthening cooperation with Parliament, government agencies, the President and central and local authorities through legislation by introducing amendments to the Regulation of Parliament, the Law on Government, the Regulation of Government and the Law on Local Public Administration among others;

promoting and adhering to the law on transparency in decision making and strengthening the communication capabilities of state institutions beyond formally adopting strategies³⁰.

ITS Q respondents suggestions:

To elaborate clear consultative mechanism (public consultations, round tables, large working groups) between central and local authorities and civil society organisations.

To make this mechanism transparent and known by NGO's placing the information on the web-sites with proper alerts in advance.

To create working groups by topics, not on ad hoc basis, when it is needed for “reporting” purposes

Select CSOs to participate in consultative groups on competitive basis

To try to find out how is the consultation process is organised in other countries, where it works

To support financially the NGO's activities in social field

For EU

“The neighbouring states should be encouraged to reform politically and economically. At the same time the EU should also continuously develop the capacity to assess the genuineness of such efforts, otherwise the motivation to honour commitments in the Plan will remain low

³⁰ Civil society for European Moldova, <http://www.europa.md/upload/File/boxedreapta/EUROFORUM-CONSORTIUM.doc>

thus undermining a goal supported by the absolute majority of Moldovan citizens and wasting the money of European taxpayers. The European Commission should be more inventive and realistic in monitoring the actions of the Moldovan government while at the same time encouraging authentic reforms. This can be achieved through various mechanisms for establishing regular consultations with Moldovan civil society and also by making financial assistance conditional on progress in democratic and judicial reforms”³¹.

To give to the EC Delegation to Moldova more competences and the strengthen its capacity to consult and to work with CSO’s.

To develop a mechanism of small granting for local NGO’s projects support.

To support programs for NGO capacity development.

³¹ Civil society for European Moldova, <http://www.europa.md/upload/File/boxedreapta/EUROFORUM-CONSORTIUM.doc>