

ITS QUESTIONNAIRE

Assessing the implementation of the partnership principle in the EU neighbouring countries

Ukraine Country Report

1. About the survey

GURT Resource Centre was one of the ECAS's partners who have agreed to conduct research on implementation of the partnership principle in the EU neighbouring countries. The purpose of the survey was to assess the role that civil society in the EU neighbouring countries plays in shaping, implementing and monitoring EU policies and programmes.

The methodology suggested for this survey was based on the questionnaire for CSOs working in the country. So, in January 2008 we have started from so called open call for participation addressed to Ukrainian CSOs by publishing information about the survey and the questionnaire in different on-line resources and mailing lists, including GURT weekly newsletter. The level of responses from the open call was very low and at the next stage we have sent personal requests to leaders of CSOs and recognised experts in civil society (more than 40 organisations have been contacted, 20 questionnaires received). Based on these actions we got quite representative pool of participants, though at the same time we understood that this could not be enough information. Besides questionnaires GURT's experts has used the following forms of information gathering as telephone interviews, face-to-face interviews, review of articles, brochures and books published by NGOs, analysis of official information and reports.

The *scope of organisations* which participated in the survey was quite diverse from different characteristics.

- *Geography*

There were organisations from different parts of Ukraine - West, East, South and Central part, namely from the following oblasts: the city of Kyiv, Lvivska oblast, Volynska oblast, Zakarpatska oblast, Donetska oblast, Mykolaivska oblast, Autonomous Republic of Crimea. Though, it should be mentioned that more than 70% organisations are only registered in mentioned cities or oblast, but carry out their activities throughout Ukraine.

- *Years of operation in the country*

For the purpose of the survey we considered that the organisation should have at least 2 years of work experience to be able to provide relevant information for the research. Thus all organisations participating in the survey had more than 3 and most have more than 10 years of experience in Ukraine. (The "oldest" organisation was registered in 1990 and the "youngest" in 2004).

- *Number of staff*

An average number of staff of participating organisation is equal to 8-10 with the minimum of 2 full time employees to maximum of 49. Though, it should be mentioned that a lot of organisation involve volunteers to the process of project implementations or experts who work on contract basis.

- *Policy areas and sphere of activities*

The following policy areas and spheres are covered by the participating organisations as social policy (social support to elderly people, social protection, social services to different groups), youth policy including access and quality of education, gender policy, economic development, European integration, civil society development, rule of law, elections, human rights, good governance and electronic governance, social capital development, regulatory reform, sustainable development, local self-government, international relations, regional security, national security policy, anti-corruption, criminal justice reform, juvenile justice, humanisation of court system and punishment execution system, tourism, culture, agriculture development, media development.

Finally, personal experience, information and knowledge of experts working on this research have been taken into consideration in other chapters of the report.

- Information for the survey has been gathered by different methods: questionnaire, interviews, analysis of documents
- Policy areas mainly were: youth policy, social policy, human rights, European integration, civil society development, justice system, economic development, governance
- Geography of organizations represent all parts of Ukraine – Centre, West, East, South
- Most organizations have more than 10 years of experience, and at least 3 years.

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

The results of the survey on participation in the process of shaping EU external policies and programming EU external assistance differs a lot from the results on involvement in the process of monitoring implementation of external policy, namely of EU-Ukraine Action Plan. An interesting fact is also that most organisations have negatively answered almost all questions on participation and involvement meaning that there was no coordinated and systematic process of consultations from the side of European Union, but at the same time they gave a lot of examples of participation and input.

Before presentation of results under different aspects of current state of dialogue it would be necessary to give some background information which could be different from other countries. In Ukraine the process of consultations with civil society organisations on the issue of ENP and ENPI started in 2003-2004 when the Delegation of the European Commission was developing the new policy and possible new funding instruments. The process of consultations with CSOs has been organised in different ways such as: round table discussions with NGOs, expert survey, evaluation of current funding programmes (TACIS as the biggest one). These activities have taken place 3-4 years ago and were not mentioned in this survey due to changes in personnel and lack of so called organisational memory.

The next important issue in EU-Ukraine relations was the preparation of EU-Ukraine Action Plan which was adopted in February 2005 for 3 years. It was just the first months of new government after long political conflict and instability, after Orange Revolution and all connected events in Ukraine. As most experts mentioned in current survey “the current Action Plan was adopted almost secretly and very quickly, it was not properly consulted even in the government, not speaking about civil society”. But when the situation was stabilized Ukrainian CSOs started to be actively involved in monitoring of implementation of the Action Plan and learning about new funding instruments which started to be in place from 2007.

Analysing the results of the survey we could present the following findings under different aspects.

- *Shaping EU external policy and programming of EU external assistance*

Most organisations do not have experience of involvement in consultations on the issues of EU external policy and EU external assistance. Some organisations mentioned that they had opportunity to participate in several round tables organised by the Delegation of the European Commission in the process of developing EU-Ukraine Action Plan. At the same time they stressed that in fact it is the obligation of Ukrainian government to organise such series of consultations with CSOs in the process of preparation of Action Plan and not the Commission. Several organisations also said that in fact it is very difficult to be involved in shaping EU external policy not being EU member, so they very often use partnerships with other European organisations or networks which “have more lobbying opportunities in Brussels” and they consider this as an effective way of advocacy. As one of the reasons for low level of participation was mentioned lack of knowledge on EU decision-making process and procedures at different levels.

On the programming level several organisations mentioned that they provided their recommendations to the government representative on possible sections and items for Annual Action Programme. They also consider this as very important opportunity for CSOs in case they have not participated in the level of strategies and policies.

- *Monitoring of EU external policy*

Most organisations have been involved in the process of evaluation of EU-Ukraine Action Plan in different ways. In fact very extensive process of consultations on evaluation of implementation of EU-Ukraine Action Plan (which had to end in February 2008, but probably will be extended for one more year) has been organised by the Delegation of European Commission during last several months. In December 2007 Delegation has widely distributed the call for evaluation of Action Plan implementation addressed to

- The process of consultations with CSOs have been organized in all stages of development of ENP and ENPI, less at the stage of preparation of EU-Ukraine Action Plan
- Ukrainian CSOs are very actively involved in monitoring of the EU-Ukraine Action Plan implementation
- Most organizations though consider that the process of consultations with civil society is of ad hoc nature, it is not well coordinated and systematic
- Most organizations thinks that Ukrainian CSOs also lack information on ENP, its priorities, funding instruments as well as on consultation procedures and decision making
- Around 50% of surveyed organizations have experience in implementation of EU projects (grant)s
- Most organizations consider that small local NGOs have very limited access to EU funds

Ukrainian NGOs. The information was placed on the Delegation's web-site and place on most popular on-line resources such as GURT portal and Civic Space. Besides, the EuroProstir Portal has asked CSOs to copy materials sent to the Commission on this portal. Unfortunately, there were only 3 inputs placed which means low level of real participation of CSOs.

The call for written inputs has been followed by a series of round table discussions organised by the Delegation of European Commission. The discussions have been organised on different parts of the Action Plan and organisations with relevant experience and expertise have been invited and asked to submit their written input as well. Most organisations situated in Kyiv mentioned in their questionnaires that they have participated in these round tables, only few submitted their written contributions, but most do not know how their views and feedbacks will be taken into consideration and whether they will be counted.

Besides recent consultations on the implementation of EU-Ukraine Action Plan there was on-going public monitoring and annual assessment of the Action Plan implementation. This initiative was undertaken by the Ukrainian Centre for Economic and Political Studies after Olexander Razumkov. In the framework of the Centre's project there were alternative reports on Action Plan implementation developed and presented on the year of 2005 and 2006. And now the experts group is working on 2007 report. This process of public monitoring was also great opportunity for CSOs to express their positions. Mainly the experts group consisted from Kyiv-based think tanks, but the CSOs from regional and local level were consulted on different stages.

- *Implementing the EU Programmes/projects*

Around 50% of participating organisations have experience of implementing EU funded projects, but mainly as partners, not the applicants. Most of the organisations implemented micro-projects and few organisations have been involved in implementation of large-scale projects. The main concern expressed by the organisation was that most of the EU projects provide support and assistance to the government and thus Ukrainian CSOs could not compete for implementation of these projects. Most organisations also said that small local NGOs do not have equal access to EU funds because of the several reasons including technical as language of applications as well as amount of grants which is too big for small local NGOs and they are not able to make necessary own contribution.

One of the good options for increasing access of smaller NGOs to EU funds most organisations supported the idea of sub granting, but they also stressed that this mechanism should be properly developed and would be appropriate only in some spheres such as capacity building of CSOs. At the same time a lot of social issues need complex approach and partnerships between government and CSOs in implementation of large-scale projects.

- *Coalition and networking*

Most organisations has evaluated the effectiveness of coalitions and networks in Ukraine as fair in the sphere of influence on decision making at national and EU level. Most organisations consider that the culture of coalition building and networking is very low in Ukraine and a lot of coalitions have been created for short-term purposes or stimulated by political issues and now they almost do not exist. Several networks which have been founded in recent years have been assessed as successful and effective because of clear strategy and active advocacy and lobbying activities with government agencies. The overall assessment of effectiveness of coalition and networking was evaluated as at the beginning stage and that Ukrainian CSOs needs support and assistance from European colleagues.

- *Legal environment*

The NGO legal framework in Ukraine was mostly assessed as inadequate and only few organisations mentioned that the legislation is good enough now. The main areas of concerns were the following: territorial status of civic associations; complicates, long and not affordable registration process; limited access to service provision for different social groups; limited possibilities of

- The level of influence of coalitions and networks was assessed as fair
- There are only few strong networks and in general the process of coalition building is at the beginning stage in Ukraine
- NGO legal framework was assessed as inadequate, though recent positive changes in the sphere of civil society and government has been mentioned
- The responses on the state of donor coordination has been divided almost equally – part of organizations consider that there is lack of donor coordination while some think that donors coordinate their activities in Ukraine. And most agreed that it does not have significant influence on the civil society development.

income generation; low level of consultations with NGOs or lack of culture and procedures of NGOs' participation in policy development and decision-making on local level.

As positive factor several organisations mentioned that during last two years NGOs have been more actively involved in the process of drafting legislation and developing suggestions and amendments. The Cabinet of Ministers Decree on Concept of Support of Civil Society Development which was adopted in November 2007 was mentioned as an important legal act creating more possibilities for cooperation with government for CSOs.

In general Ukrainian CSOs are very active in developing suggestions on necessary changes to NGO legislation though it would be more helpful to include the issue of changes to NGO legislation as requirement from the EU in the process of preparation of next EU-Ukraine Action Plan.

- *Donor coordination*

Position of organisations has been divided as for the necessity of enhancement donor coordination – some organisations expressed opinion that donor programmes are enough coordinated while some said that international donors very often duplicate their activities. Though, some respondents mentioned that such duplications could be caused by different centres of decision making, i.e. donor organisations' offices in Ukraine could coordinate their activities very good on local level, but they could not influence on the high top level where the decisions on funding streams are usually made. There was one special opinion that sometimes one donor could duplicate its own projects which could then have very bad influence especially in cases where policies and laws on national level are targeted for changes.

However, most of organisations agreed that the lack of donor coordination does not have sufficient impact on civil society development. Even more, sometimes lack of coordination between of CSOs and formulation of common strategies and approaches could be more damaging for civil society development.

3. Opportunities and challenges for dialogue

One of the most serious **challenges** for the organisations to be involved in the process of development, implementation and monitoring of EU policies and programme is lack of coordinated and systematic approach from the EU institutions as well as from the government side. All organisations mentioned that the level of information provision from the Delegation of the European Commission has significantly improved during last two years, but at the same time information activities are more focused on promotion of EU activities. There were almost no information sessions and seminars aimed at explaining and presenting ENP and ENPI for representatives of civil society. For a lot of organisations current funding instruments are also unknown.

The other important challenge for participation which was mentioned was low level of sustainability of CSOs. Most of outstanding and experienced CSOs strive for survival (ensuring office space, key personnel salaries etc) and thus it is difficult to be actively involved in advocacy and lobbying. Comparing with EU-based CSOs Ukrainian organisations do not have independent funding streams and cannot allocate time for involvement in consultations at different level. One of the respondent said that “We know that it is important to be aware of current process in EU-Ukraine relations and regular provide our feedback, but the possible changes will take years and we need to implement projects and pay salaries and office costs today”.

Among the other difficulties which Ukrainian NGOs face in the process of participation the following were mentioned: complexity and lack of clarity of consultations procedures and very complicated decision-making process which do not give possibility to monitor whether recommendations have been taken into consideration or not; limited information on the Delegation's web-site about possibility to be involved except special invitations to provide feedback; documents are not very often available in Ukrainian, only in English; very limited access to drafts of the documents at the preparation stage.

Challenges:

- The process of consultations is not systematic and coordinated
- Lack of promotion from EU of current policies, programmes and funding instruments
- Low level of sustainability of NGOs which are busy with implementing a lot of projects to be able to cover necessary costs for existence.
- The quality and amount of information is not sufficient. And there very few documents available in Ukrainian.

Opportunities:

- Knowledge of local needs and current problems
- High level of expertise and long time of experience in different regions of Ukraine
- Good knowledge of best European practices and standards
- Experience of cooperation with national and local governments
- Participation in international and European associations and networks

Speaking about *the opportunities* for CSOs to be involved it should be mentioned that all surveyed organisations first of all mentioned their understanding and good knowledge of situation at some territories as well as in specific spheres. They could provide more relevant information and gather data which sometimes are not available at national level. Such local expertise was mentioned as the most important and necessary for development of programmes and projects.

The other important issue is experienced and highly qualified staff and experts. Most of the organisations stressed that during more than 10 years of their activities in Ukraine they have established contacts and partnerships with different European organisations. This gave opportunity for their staff to learn the best practices and adopt them for Ukrainian conditions. Some of the respondents mentioned that we already have developed a lot of different and effective models through implementation of pilot projects and now the efforts should be more directed to dissemination of these experiences. And this could be focus of European Commission which should support making existing practices sustainable and effective.

The other opportunities mentioned were the following: good image and reputation of organizations; experience in development and management of projects; participation in the activities of European associations and networks; cooperation with international experts and consultants; access to information about meetings, call for proposals etc; experience in development of position papers and policy recommendations.

4. Conclusions and recommendations

The main conclusions which could be drawn from the survey is that first of all the process of CSOs' involvement is not properly coordinated and is not of systematic character; secondly, there is limited access to information on different levels; thirdly, Ukrainian CSOs do not have capacities and time to effectively participate in consultation process. From the other side more active participation in the process of monitoring of EU-Ukraine Action Plan implementation.

The following recommendations were made by participating organisations.

For the Government of Ukraine

- To establish procedures of consultations with CSOs at the level of central government bodies on different aspects of Action Plan implementation and projects review.
- To include more detail and more specific part on Civil Society Development in next EU-Ukraine Action Plan based on previous wide consultations with CSOs.
- To create opportunities and ensure that necessary changes are made to legislation which will ensure sustainability of CSOs.
- To involve more actively experts and professionals from CSOs sector into the implementation of projects funded by EU.

For EU institutions

- To disseminate more widely current policy and programme documents in Ukrainian and place them on the Delegation's web-site.
- To increase pressure from EU to the government of Ukraine in the sphere of harmonisation of Ukrainian legislation on CSOs with European standards through establishing clear objectives and criteria.
- For the Delegation of European Commission to Ukraine to organise regular (quarterly) or at least annual meetings on review of ENP implementation in Ukraine by involving CSOs from national and regional level, government representatives and media.
- To organise more information sessions in the regions (using the potential and resources of information centres, on-line resources, networks and coalitions aimed at promotion of European values, standards and practices) on policies, operating programmes, decision-making process, procedures of communication and consultations, funding opportunities.
- To make such instruments as TAIEX and Twinning available for CSOs with the focus on building capacities of Ukrainian CSOs in advocacy at European level.

- To increase the component of capacity building for CSOs in funding instruments and to diversify the granting scheme to ensure equal access to EU funds for small local NGOs.