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**INSTITUTIONALISED COOPERATION BETWEEN THE PUBLIC  
AUTHORITIES AND NON-GOVERNMENTAL ORGANISATIONS  
IN THE LAW-MAKING AND POLICY-MAKING PROCESS:  
THE SUCCESSFUL POLISH EXPERIENCE AS APPLIED TO MOLDOVA**

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## **1. Introduction**

### *1.1. Background to the Problem*

Moldovan governmental policies and legislation are often adopted without meaningful consultation of the population or civil society. This practice results in bad quality and/or undemocratic policies and laws and/or in policies and laws violating fundamental human rights. A major part of the problem resides in insufficient cooperation with NGOs, which are capable of providing good advice but are left outside the law-making and policy-making process.

### *1.2. Limiting the Scope of the Paper*

The present paper is limited in its scope by analysing the cooperation between the two main public authorities (PAs) – the Parliament and the Government (understood here as inclusive of all public administration authorities) – on the one side, and non-governmental organisations (NGOs) in Poland and Moldova, on the other side. The paper will focus on cooperation in two processes (law-making and policy-making), with a particular emphasis on the main replicable Polish experiences.

The paper will cover three main aspects of such cooperation:

- a) Motivation to cooperate;
- b) Experiences and practices;
- c) Institutionalisation of experiences and practices.

### *1.3. Methodology and Sources*

This paper is a product of research carried out in Poland and Moldova and is primarily based on:

- Polish and Moldovan Constitution and laws;
- more than 10 meetings and interviews with Polish NGO representatives and activists, as well as Polish public officials;
- 7 years of the author's experience in Moldovan non-governmental and public administration sectors;
- available public reports, surveys, research and policy papers, articles, records, etc.

## **2. Poland**

### *2.1: Motivation to Cooperate*

#### *2.1.1. Early Pre-Accession Period (1989-1999)*

The first independent NGOs emerged in Poland right after the beginning of the post-communist transformation. Their number grew as the country advanced in its democratic reforms.

Initially, the cooperation of Polish public authorities with NGOs in the law-making and policy-making process was motivated by two main factors – personal links and European prospects.

As a number of interviewed representatives from Polish NGOs testified, good personal relations between NGO leadership and governmental law-making and policy-making officials were key to successful cooperation between the corresponding public authorities and NGOs in the field of law-making and policy-making. Also, PA-NGO cooperation in many cases was very much dependent on the personality of the selected PA leaders (for instance, the Law on Public Benefit and whole

process of consultations regarding this law was originally initiated thanks to the personal interest and pro-NGO attitude of Professor Jerzy Hausner – Vice-Prime Minister in the government of the Left between 2001 and 2005).

Furthermore, cooperation between Polish public authorities and NGOs in the law-making and policy-making process was triggered and boosted by the clear EU prospects for Poland. EU standards and recommendations on the involvement of the civil society in the decision-making process made the Polish PA much more open and receptive to NGO contributions to the law-making and policy-making processes.

Overall, the degree of cooperation between Polish public authorities and NGOs in the law-making and policy-making process during the early transitional period may be described as moderate, and it was motivated mainly by personal links and the EU prospects of Poland.

### *2.1.2. Late Pre-Accession Period (2000-2004)*

At pace with the maturing of the Polish democracy and deeper infiltration of EU values and standards in Polish legislation and political culture, increasingly more Polish PAs gradually came to realise and acknowledge the intellectual added-value of genuine cooperation with NGOs, i.e. cooperation for the sake of improving the quality of laws and policies. This happened against the background of the general acknowledgment of the important role of civil society for the consolidation of country's democracy. It was during that period that the Law on Public Benefit Activity and Voluntary Work was adopted by the Polish Parliament, thus providing a favourable framework for the activity of Polish NGOs. Also the government took into consideration the comments provided by NGOs to the Law on Foundations and the Law on Legal Aid.

This period in the history of cooperation between Polish public authorities and NGOs in the law-making and policy-making process may be briefly described as a turn towards the recognition of NGOs intellectual value for the law-making and policy-making process, with a higher degree and quality of motivation from both cooperating sides.

### *2.1.3. Post-Accession Period (2005-2007)*

Accession of Poland to the EU in 2004 was followed by the change of Polish political leadership in 2005. After the 2005 Parliamentary elections the dominant political force became the coalition formed by the conservative-right Law and Justice, Self-Defence, and the League of Polish Families. Ideologically and politically the coalition turned to promote a conservative, pro-Catholic and unilateral policy both in internal and external affairs. Many interviewed NGOs testified that this shift in internal and external policy affected the motivation, degree, extent and quality of cooperation between Polish public authorities and NGOs in the law-making and policy-making process. In their opinion this cooperation became more reluctant, superficial, and reserved. On the side of PAs it was rather driven by formal reasons than by considerations of genuine willingness to cooperate, as if the government knew what was best, while NGOs were more of impediment, than assistance in law-making and policy-making.

This period in the history of cooperation between Polish public authorities and NGOs in the law-making and policy-making process may be summed up as a period of regress in the degree, extent and quality of cooperation, with formality considerations being the prevailing motivation for cooperation on behalf of PAs.

## *2.2: Selected Mechanisms: Practical Experience & Institutionalisation*

In contemporary Poland there are a number of institutionalised mechanisms for cooperation between the public authorities and NGOs. In this section we shall briefly analyse the following:

- Public Hearings under the Law on Lobbying;
- Special Parliamentary Group on Non-Governmental Organisations;
- Council for Public Benefit Activities;
- Plans for Cooperation with NGOs.

### *2.2.1. Public Hearings (under the Law on Lobbying)*

Public hearings organised by public authorities were not a practice and/or institution with a long tradition in Poland. Before adoption of the Law on Lobbying Activity in the Lawmaking Process on 7 July 2005 (Law on Lobbying), the only notable example of such public hearings (not institutionalised at that time) was the public hearing on the drug addiction bill, organised by the Polish Ministry of Health in 2004.

The Law provides that every citizen or organisation has the right to notify the law-making body relevant to a particular draft of law or regulation. The relevant law-making body – the Parliament, the Government or ministry – is under the obligation to acknowledge such a declaration and take it into account when the decision about a public hearing is being taken. However, the decision on organising a public hearing is a right, not an obligation of the relevant law-making body. Furthermore, the Law provides almost no details about the practical side of organising such public hearings.

Since the Law on Lobbying entered into force (March 2006) six public hearing have been held in Polish Sejm (none of the ministries have used this institution so far). Polish analysts still find it hard to estimate the overall effectiveness of the public hearings institution. They generally consider it valuable and positive that this instrument of civic dialogue and cooperation has been institutionalised. However, three of these hearings were organised on rather minor bills. Also, some observers emphasise that wrong motivation and intent may serve as “model example of destroying a useful mechanism”, and that “if bad practices [and implementation] persist in the future, the public hearing will no doubt become completely useless”.<sup>1</sup> Also they mention that “the Polish legislator has not treated the public hearing institution seriously enough”.<sup>2</sup> Evidence is given in one of the public hearings – on the local government electoral law – which was used not as an instrument of civic dialogue, but rather for obstruction of the legislative process.

To summarise, the Polish public hearings institutions can serve as a very valuable replicable and exemplary mechanism of cooperation between the PAs and NGOs if the following two conditions are met. Firstly, the hearings need to be taken seriously by law-makers and genuinely used as instrument of civic dialogue and cooperation, rather than for any other ends (obstruction of legislative process, etc). Secondly, they should be supplemented with clear regulations on the procedure of organising and running them.

### *2.2.2. Special Parliamentary Group on Non-Governmental Organisations*

Soon after the 2005 Parliamentary elections in Poland the so called “Special Parliamentary Group

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<sup>1</sup> This estimation has been given after the third Parliamentary public hearing on a highly controversial topic – the local government electoral law. The bill was called off in a scandalous atmosphere. This case had a very bad impact on the image of the public hearing institution and set a very dangerous precedent as it was used not for encouraging civic dialogue but for obstructing the legislative process. See in Grzegorz Makowski (Ph.D.) “Participation of Citizens in the Legislative Process – Polish Example. The Review of the Main Institutions”.

<sup>2</sup> Grzegorz Makowski (Ph.D.) “Participation of Citizens in the Legislative Process – Polish Example. The Review of the Main Institutions”.

on Non-Governmental Organisations” was established. The group, although with limited Parliamentary competences, has been a highly-established entity headed by the Speaker of the Polish Senate. It incorporated at least 28 MPs, representing a broad range of Parliamentary political forces.

The problem with the Group was that it was not a mechanism universally known to all visible Polish policy-making and advocacy-making NGOs. However, despite its limited scope, the Group served as an important avenue and forum for non-governmental organisations. The principal areas of the Group’s activities covered the promotion of legislation enabling the Polish non-governmental sector to function and develop. It made, for example, an important contribution to improving the draft legislation on Foundations (Law on Foundations), the legislation on public benefit activities (Law on Public Benefit Activity and Volunteerism), and the tax legislation affecting non-governmental organisations. It was due to the activity of the Special Parliamentary Group on Non-Governmental Organisations that the current Polish Laws on Foundations and on Public Benefit Activity and Voluntary Work maintained their liberal and participatory character, despite strong attempts to restrain these laws.

Even in its present form and with a limited scope of activity, the Group is a promising replicable institutionalised Polish mechanism of cooperation between the PAs and NGOs. This institutionalised experience is highly recommendable for adoption to the Moldovan system of Parliament-NGO cooperation in the law-making process.

### *2.2.3. Council for Public Benefit Activities*

Under Art. 35 of the Polish Law on Public Benefit Activity and Voluntary Work (2003), the so-called “Council for Public Benefit Activities” was established as an opinion, advising and supporting body for the ministry responsible for social security.

The Council is in particular in charge of:

- expressing opinion on legal acts concerning public benefit activities and volunteering;
- expressing opinion and providing assistance with regard to conflicts between public administration and public benefit organisations;
- expressing opinion in the field of public tasks, commissioning non-governmental organisations and entities to perform such tasks, and recommending standards of performing public tasks.

The Council consists of:

- 1) five representatives of public administration institutions and organisational units dependent on or supervised by them;
- 2) five representatives of local government units;
- 3) ten representatives of non-governmental organisations, unions, and alliances of non-governmental organisations and entities.

The members of the Council are appointed and discharged by the minister responsible for the issues of social policy. However, the appointment of the members of the Council representing non-governmental institutions, unions and alliances of non-governmental organisations and entities is limited to the candidates pre-selected by the organisations.

Since the time of its institution, the Council has made a very valuable contribution in drafting and adoption of several NGO-related laws. It should be mentioned, however, that the Council has not served so far as an NGO avenue for participation in all law-making and policy-making matters, and its scope has been limited only to law-making and policy-making matters related to NGO and public benefit frameworks.

Even in this limited capacity, the Council is an important institutionalised Polish mechanism of cooperation between the PAs and NGOs that may be replicated elsewhere. This institutionalised experience is recommendable for adoption to the Moldovan system of PA-NGO cooperation in the law-making and policy-making process.

#### *2.2.4. Plans for Cooperation with NGOs*

According to the Polish legislation local public authorities in this country are under legal obligation to draft, adopt and implement annual plans on cooperation with NGOs. This cooperation covers such areas as absorption of funds, joint activities, as well as the local policy-making process. Many NGOs working at the local level mention that the plans brought much more structure, predictability, transparency and stability to the cooperation between the PAs and NGOs. According to evaluations more than one-third of Polish local units successfully implement this legal obligation.

Unlike their Polish counterparts, the Moldovan PAs do not draft, adopt or implement any separate plans for cooperation with NGOs. Building on the Polish experience it is recommendable to include in the law such an obligation for the local and central PAs, as it would considerably improve the predictability, transparency and stability in cooperation with NGOs.

### **3. Moldova**

#### *3.1. Early Transitional Period (1989-2005)*

In Moldova the first independent NGOs emerged some time after the declaration of the Moldovan sovereignty in 1989-90 and independence in 1991. The first serious attempts to contribute to the law-making and policy-making processes were made around 1995. For instance, the first Moldovan Law on Associations was drafted with considerable assistance of Ilia Trombitchi, leader of Moldovan environmentalist NGO “EcoTiras”.

The main motivation for such cooperation was deemed to be the general shortage of knowledge and expertise among MPs on the issues of associations, NGOs, public benefit activities, public assemblies, etc. At the same time, it is important to note that this involvement was rather accepted as contribution of certain respected individuals than a contribution of NGOs, as a collective body.

Despite some very successful and important examples of cooperation between the PAs and NGOs in certain legislative matters, the general climate between the two sides was rather cold. Reluctance to cooperate on behalf of the PA was mainly motivated by the fact that the overwhelming majority of public officials did not see any real value and utility in NGOs, treating them as either fund-raising enterprises or as useless places for chatting.

In 2001, following the victory in the early parliamentary elections of the Communist Party, it gained the constitutional majority in the Parliament and its leader Vladimir Voronin was elected as President of the Republic of Moldova. In the post-2001 period another disincentive to cooperation with NGOs was the lack of trust in them. This reflected the perception of PAs that the NGOs represented “foreign agents” funded by foreign governments (the overwhelming share of NGO funds come from non-Moldovan sources, mainly foreign governmental funds, inter-governmental funds, or more exceptionally private funds).

Overall that period of Moldovan PA-NGO history may be summed up as a period of low-key cooperation due to a serious underestimation of the NGOs intellectual value with occasional cases of successful cooperation due to the personal factor.

### *3.2. Modern Transitional Period (2005-2007)*

In 2005 after the scheduled Parliamentary elections the Communist Party kept its political position, with this party controlling the simple majority in Moldovan Parliament and its leader Vladimir Voronin being re-elected as the President of the Republic of Moldova.

The year 2005 was marked by an essential intensification of cooperation between the Moldovan PAs and NGOs. The most remarkable shift happened with the newly elected Moldovan Parliament elected their President, Mr. Marian Lupu, who was considered a relatively young, fresh-minded and liberally-oriented economist. In this context on 29 December 2005 the Moldovan Parliament adopted the Concept of Cooperation between the Parliament and Civil Society (PCC).

The Moldovan Government was slower in intensifying its cooperation with NGOs. Despite the relative openness of several Ministries (Ministry of Justice and Ministry of Foreign Affairs and European Integration), many other branches remained reluctant to cooperate. In June 2007 a draft of the Governmental Decree on the Mechanism of Cooperation between the Government of the Republic of Moldova and the Civil Society was elaborated and submitted to the examination of the Government. The proposed document, however, included a mechanism which was coldly received by the leading Moldovan NGOs. It provided for the institution of the so-called Council on Consultation with Civil Society, composed of 25 members, representing the Government and civil society, appointed by the order of the Prime-Minister. This example suggests that despite the declared motivation, the true prevailing motivation among the Moldovan Government may be limited to improving the Government's image to attract European funds and promote the integration with the EU.

In summary, the current period of the Moldovan PA-NGO history may be described as an image-driven cooperation for the sake of European funds and eventual integration. Such a shift in motivation is undoubtedly a very positive step forward, but still defective as it does not aim at increasing the effectiveness and quality of law-making and policy-making process, which should actually be the ultimate aim of PA-NGO cooperation.

### *3.3. The Main Contemporary Cooperation Mechanisms*

#### *3.3.1. Parliament*

*Permanent Expert Councils by the Parliamentary Commissions* were established by the 2005 PCC (p. 3.5a), which entered into force in 2006. So far, according to the public sources, no such permanent expert councils have been established by the Moldovan Parliamentary Councils. It is therefore hard to assess the practical effectiveness of this institution.

This mechanism seems to be a very promising instrument of Parliament-NGO cooperation in law-making matters, since the Moldovan civil society incorporates a number of very good experts in their relevant fields. Making use of their expertise could considerably improve the quality of the legislative process. It is important, however, to avoid transforming this mechanism into a mere formality (for example, by substituting independent civil society experts with loyal and/or partisan representatives of social organisation with no relevant expertise) for the sake of reporting "cooperation and approval of civil society".

*Ad-hoc meetings and consultations with Parliamentary organs* were institutionalised by p. 3.5c of the PCC and replaced very occasional formal ad-hoc meetings and/or consultations that had been carried out earlier by the Parliamentary organs, such as fractions, commissions, etc. Since this

institutionalisation it has been employed numerous times by the Parliamentary Commission on Legal Matters, Appointments and Immunities, for example for discussing the Draft of Law on Combating Trafficking or the Draft of amendments to the Law on Non-Governmental Organisations.

When employed, this cooperation instrument proved to be a very effective mechanism for NGO advocacy and sharing of civil society expertise with the main national law-making body. It can only be hoped that this successful practice is used more frequently, expanding to all the parliamentary bodies.

*(Annual) Public Hearings* was first established by p. 3.5d of the PCC. It was employed by the Parliamentary Human Rights Commission, while other parliamentary bodies were much more reluctant in using this mechanism of civil dialogue and cooperation.

When employed, it proved to be an effective mechanism for NGO advocacy and open civil society dialogue. At the same time, the scope of this instrument is visibly limited by the established frequency of public hearings – “at least **once a year**”. It appears that such public hearings are more an instrument of summarising the annual totals of Parliament-NGO cooperation than an instrument of day-to-day operation. If this proves to be true, the effectiveness of this institution for law-making purposes will be seriously weakened.

*Annual Parliament-NGO Conference.* This cooperation mechanism was employed so far just once - on 19 December 2006. It was a successful event summarising the outcomes of Parliament-civil society cooperation in 2006. It was not an instrument of operational law-making or policy-making, but it was a useful base-setting activity for the future cooperation activities. It is recommended to increase the strategic and planning potential of this mechanism in order to increase its cooperation output.

### 3.3.2. Government

*The Draft Governmental Decree on Government-CS Mechanism of Cooperation.* In June 2007 a draft of the Governmental Decree on the Mechanism of Cooperation between the Government of the Republic of Moldova and the Civil Society (GDMC) was submitted to the examination of the Government. This draft provides for the following mechanisms of cooperation:

- Council for Consultations with Civil Society;
- Permanent Expert Councils by the Government and CPA (*p.6a of the draft*);
- Permanent Consultations, incl. via web-site (*p.6b*);
- Ad-hoc meetings and consultations (*p.6c*);
- Annual Government-NGO Conference (*p.6e*);
- (Annual) Public Hearings (*p.6d*).

Since the institutionalising act is still a draft, all the listed mechanisms have not been implemented yet. The last five mechanisms are virtually identical to the mechanisms institutionalised by the Parliamentary Concept of Cooperation, and with several improvements and good further procedural elaboration, a wide range of avenues for cooperation in law-making and policy-making matters can be established.

At the same time, the first in the list – Council for Consultations with Civil Society – was very coldly received by a number of Moldovan leading NGOs<sup>3</sup> due to its fundamental defects and flaws. The main defect of the proposed Council is its composition and procedure for its appointment.

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<sup>3</sup> For instance, Amnesty International Moldova, NGO “Eco-Tiras”, etc.

Points 8-9 of the draft GDMC provide that the Council shall be composed of 25 members, representing the Government and civil society, appointed by the order of the Prime-minister. Such a construct is not able to adequately secure the operational independence of the Council (from the Government itself) and creates a serious temptation and risk of “transforming” the Council into a Governmentally-loyal “representative of civil society” ignoring the less convenient voices outside the Council.

*Ad-hoc instruments of Government-NGO Cooperation.* Despite the lack of a comprehensive legal framework for Government-NGO cooperation, certain Moldovan Ministries have made efforts (before 2006 – occasionally, since 2006 more or less regularly) to cooperate with NGOs in a number of legislative and policy-making matters. For example, the Ministry of Justice regularly consulted major relevant Moldovan NGOs while drafting a new bill on public assemblies<sup>4</sup>, amendments to the legislation related to the ratification and implementation of the Rome Statute of the International Criminal Court, etc. The Ministry of Justice mainly employed such instruments as **early placement of the relevant drafts on the web-site, individual mailings of the relevant drafts** to the selected NGOs, individual and collective **meetings** and **round tables** at the Ministry. Recently the Ministry interacted with a **working group** composed mainly of NGO representatives to examine the opportunity of drafting and promoting a new bill on fighting discrimination. The Ministry of Foreign Affairs several times invited Moldovan NGOs to **meetings** and **round tables** to discuss the progress in implementing the EU-Moldova Action Plan.

These examples of cooperation did not inspire other public administration authorities, including the Cabinet (central apparatus of the Government). Those authorities rarely initiated any kind of meetings, round tables, working groups or similar cooperation activities in law-making and policy-making fields. A good number of them were reluctant even to provide a sound response to NGO letters containing legislative and policy-making proposals, despite their legal obligation to do so.<sup>5</sup>

It is important to pay attention to another potential mechanism for Government-NGO cooperation. According to the national governmental legislation, the Moldovan ministries may establish within their structures special consultative bodies – the so-called Ministerial Collegia. A Ministerial Collegium usually comprises all the top Ministerial officials, including the relevant minister, vice-ministers, and heads of departments; it may also comprise external experts in the relevant Ministerial area. So far such Ministerial Collegia rarely engaged independent experts from the NGO sector in their work. The Collegia therefore are an underestimated and underemployed mechanism for Government-NGO cooperation in the dedicated fields of governmental policy-making and law-making.

To sum up: the lack of a solid legal framework for Government-NGO cooperation was the main factor of the irregularity and instability of Government-NGO cooperation, since the majority of Moldovan public authorities do not take the initiative in cooperating with NGOs without a direct legal indication to proceed so. It is therefore crucially important to adopt as soon as possible an adequate and comprehensive legal framework for Government-NGO cooperation to enable such cooperation.

#### **4. Conclusions**

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<sup>4</sup> This is probably the best example, as the NGOs were invited to participate in the drafting process since the very beginning – building the bill’s concept, structure and principles.

<sup>5</sup> For instance, to a pages-long request of Amnesty International Moldova to the Cabinet to provide an explanation for the year-long delay in ratifying the Rome Statute of the International Criminal Court, the Cabinet responded with few lines stating that “The relevant bill shall be subject to additional consideration and after revision shall be submitted in a useful time for statutory examination”. For more details: <http://www.amnesty.md/news/news.php?ln=ro&id=152>

#### 4.1. Lessons from the Polish Experience

##### **Motivation is a key factor for successful PA-NGO cooperation**

The Polish history of PA-NGO cooperation clearly demonstrates that motivation is a key factor for PA-NGO cooperation. Many interviewed Polish NGO people confirmed that before 2005 PA-NGO cooperation was more successful and fruitful due to substantial improvement of PA motivation, despite weak institutionalisation of cooperation mechanisms. In contrast, after 2005 a number of important forms of cooperation have become institutionalised, however the PA motivation dropped in quality, and the so did the amount and quality of PA-NGO cooperation activities. To be successful, the Moldovan PA-NGO cooperation should be based on the genuine motivation of both sides to cooperate for the sake of improving the legislative process and ultimately the living standards in the country, and not for the sake of a good image, more funds, etc. This can be achieved by a careful human resource selection, relevant training and re-training.

##### **Institutionalisation is important factor of PA-NGO cooperation consolidation**

Non-institutionalised practices of PA-NGO cooperation are better than nothing, but they are very vulnerable to personal factor, as the history of Polish Ministry of Foreign Affairs-NGO or Moldovan Ministry of Education-NGO cooperation demonstrate. Also they are equally vulnerable to other (even minor) internal and/or external fluctuations and changes (change of the governing political party, change of the foreign policy orientation, internal PA restructuring, etc). It is therefore crucial to insist on the institutionalisation of the best cooperation practices as soon as possible. Although institutionalisation by itself (and particularly without good intent or motivation) is not a panacea, it is still an important guarantee and precursor for prospective cooperation.

Recent Moldovan institutionalisation initiatives look very impressive, and in some respects more advanced compared to Poland. This is a very welcome tendency, which should be maintained and further developed.

##### **Planning and foreseeability are important factors for optimisation of PA-NGO cooperation**

Many Polish NGOs acknowledge that making (local) public authorities responsible for drafting and implementing the annual plans of cooperation with NGOs was progress, since it enabled the relevant NGOs to correspondingly plan their activities to be prepared for eventual cooperation. Indeed, many forms of cooperation, including the absorption of funds, require a number of preliminary preparations, such as budget planning, recruitment of manpower, etc. Lack of predictability in this respect may undermine the soundness of cooperation between the public authorities and NGOs.

In Moldova, unfortunately, public authorities are not obliged and do not practice drafting annual plans for cooperation with NGOs. The cooperation is made more foreseeable by a number of other multiyear plans, such as the National Human Rights Action Plan, Parliamentary Legislative Agenda, or the currently-drafted National Development Plan. However, this is not sufficient for the sound planning of NGO annual activities and therefore for the development of complex forms of PA-NGO cooperation.

#### 4.2. Replicable Polish Experiences

##### **Moldovan public hearings to transform from “annual” to “operational”**

As it was mentioned above, Parliamentary and Governmental public hearings are institutionalised

as “at least annual”. Such regularity of public hearings is not sufficient to provide operational grounds for input from NGOs in law-making and policy-making matters. In its present shape such public hearings serve the purpose of providing an overview, evaluation and review, rather than initiating operational law-making and policy-making cooperation. It is therefore crucial to re-institutionalise public hearings as operational, preferably on the request of interested NGOs.

### **Special Parliamentary Group for Support of Civil Society (Non-Governmental Organisations) to be established in Moldovan Parliament**

In addition to the variety of recently institutionalised mechanisms of cooperation between the Parliament and NGOs, it is equally important to establish a separate cross-fractional Special Parliamentary Group for Support of Civil Society (Non-Governmental Organisations). First, this Group, established on a voluntary basis<sup>6</sup>, can serve as an excellent supervisory mechanism to ensure the efficiency of the institutionalised mechanisms for cooperation between the Parliament and the civil society. Second, it can serve to promote cooperation between the PAs and the civil society (NGOs). In the present composition of the Parliament there are a number of MPs who have a good understanding of civil society and may initiate such a Group.

### **The Moldovan Public Utility Certification Commission to play a more pro-active role and to become a high-key institution**

The Moldovan Public Utility Certification Commission has potential and is able to transform from merely a certification body to a pro-active NGO-promoting institution serving as one of the primary avenues for dialogue and cooperation between the NGO sector and the public authorities.<sup>7</sup> It is highly recommended to exploit this transformation potential as much as possible. The Commission’s more advanced status should be made legally institutionalised.

Another important point under this transformation proposal is to recommend an upgrade of the administrative and legal status of the Commission. At present it is just a minor body to the Ministry of Justice maintained from the general budget of the Ministry of Justice. It is hereby recommended to upgrade the Commission to an independent body subordinated to the Moldovan Parliament, with a separate budget and having a direct communication channel with the Parliament. The new upgraded administrative and legal status is expected to produce a stronger voice for the Commission in the Moldovan law-making and policy-making processes.

### **Local (and Central) Plans of Cooperation with NGOs to be institutionalised in Moldova**

To raise the quality and amount of PA-NGO cooperation, it is highly recommended that the local and central Moldovan public authorities practice drafting annual plans of cooperation with NGOs. Such plans would enable both the public authorities and NGOs to be prepared in terms of funds, human resources and time to cooperate with each other. In turn, it is useless to stress that cooperation “at short notice” is most often superficial, formal and ineffective. Clarity and foreseeability are important precursors for fruitful cooperation.

It is important to add that such plans shall not only be practiced, but also institutionalised in law. The procedures for drafting plans should be transparent and open for the participation of a wide variety of NGOs which are supposed to be partners in the planned cooperation. The plans should

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<sup>6</sup> That is MPs should freely accede to the Group, without being nominated, appointed or delegated by their fractions or other Parliamentary structures. Only members genuinely willing to advance and promote cooperation with civil society (rather than infiltrate or undermine the Group) shall be accepted to the Group.

<sup>7</sup> At the same time the Commission shall not pretend to act as “the representative of civil society”, but rather as an institutionalised channel, avenue for NGO advocacy efforts.

comprise activities that are realistic for both parties, i.e. public authorities and NGOs.