

Civil Society Facility 2013, amending the programme for 2011-2012

(7) Country Fiche: Montenegro

1. Basic information

1.1 CRIS Number: 2011/22-965; 2012/23-324; 2013/24-081

1.2 Title: Civil Society Facility Montenegro Programme

1.3 ELARG Statistical code: 35 (Civil Society)

1.4 Location: Montenegro

Implementing arrangements:

1.5 Contracting Authority: European Commission, EU Delegation to Montenegro

1.6 Beneficiary: Civil society organisations in Montenegro

Financing:

1.7 IPA contribution: Total: EUR 2 800 000

2011: EUR 1 800 000

2012: EUR 0

2013: EUR 1 000 000 ¹

1.8 Final date for contracting:

30 November 2012 for the 2011 budget appropriations

30 November 2014 for the 2013 budget appropriations

1.9 Final date for execution of contracts:

30 November 2015 for the 2011 budget appropriations

30 November 2017 for the 2013 budget appropriations

1.10 Final date for disbursements:

30 November 2016 for the 2011 budget appropriations

30 November 2018 for the 2013 budget appropriations

¹ Budget appropriations for 2013 are subject to the approval of the Budget Authority of the 2013 budget

2. Objective and Purpose

2.1 Overall Civil Society Facility Objective and Programme Purpose:

The Commission Communication on the Enlargement Strategy and Main Challenges 2007-8² and the latest Strategy Documents (2008, 2009, 2010 and 2011³) underline the importance of civil society being able to play its role in a participatory democracy.

The 'Civil Society Facility' (CSF) was set up in 2008 to financially support the development of civil society. This programme sets out the strategy and scope of activities for the CSF for the next three years, with associated budget appropriations for 2011 and 2012, as well as for 2013 subject to availability of funds for this purpose under the 2013 budget.

In line with the original vision for the Civil Society Facility (CSF), the overall **objective** for the CSF programme for 2011-13 is: *'To contribute to anchoring democratic values and structures, human rights, social inclusion and the rule of law, thereby supporting the EU integration process.'*

The **programme purpose** is to achieve: *'A more dynamic civil society actively participating in public debate on democracy, human rights, social inclusion and the rule of law and with capacity to influence policy and decision making processes.'*

For the period ahead, the CSF will focus on the achievement of **three outcomes** which have been identified on the basis of needs analyses⁴, internal and external reviews, and feedback from EU Delegations responsible for national programming:

- Greater benefit of civil society from national legal and financial frameworks and improved dialogue with state institutions;
- Greater commitment and capacity of civil society organisation (CSO) networks to give citizens a voice and influence public sector reform processes through analysis, monitoring and advocacy etc; and
- Increased access of grass-root organisations and civic initiatives to financial resources, in-kind contributions or expertise from established CSOs and CSO networks.

2.2 Country fiche purpose:

To strengthen civil society to actively participate in the decision and policy making processes at all levels of governance.

Country specific purposes are:

- To support the sustainable civil society development and partnership with the Government and other relevant stakeholders in reform processes

² COM (2007) 663 "Enlargement Strategy and Main Challenges 2007-2008"

³ COM (2008) 674 "Enlargement Strategy and Main Challenges 2008-2009"

COM (2009) 533 "Enlargement Strategy and Main Challenges 2009-2010"

COM (2010) 660 "Enlargement Strategy and Main Challenges 2010-2011"

COM (2011) 666 "Enlargement Strategy and Main Challenges 2011-2012"

⁴ TACSO (2010): "Civil society organisations' capacities in the Western Balkans and Turkey - A comparative summary of the eight country CSO needs assessments"

- To enhance the active participation of CSOs and citizens in the development and EU integration processes of Montenegro

2.3 Link with recent Enlargement Strategies and Progress Reports

The Enlargement Strategy 2010-2011 outlines the following:

"Civil society activities are essential for a mature democracy, the respect for human rights and the rule of law. Such activities enhance political accountability, stimulate and expand the space for discourse on societal choices and strengthen the consensus for a pluralistic society. By contributing to a more open, participatory and dynamic democracy, a lively and vibrant civil society is also conducive to tolerance and reconciliation. The involvement of civil society organisations in the pre-accession process contributes to the quality of and public support for accession-related reforms.

A culture of acceptance and appreciation of the role played by civil society need to be in place to allow civil society organisations to engage in an effective policy dialogue. Public consultation on policy initiatives and draft laws should become the general principle. The access of civil society to government support is frequently hindered by a lack of transparency and poorly developed allocation criteria.

The civil society facility helps civil society organisations to strengthen their capacities and professionalism, allowing them to engage in an effective dialogue with public and private actors and to monitor developments in areas such as the rule of law and respect for fundamental rights. The facility finances initiatives at local level, regional networking and short-term visits to the EU.

The Commission has reviewed the facility to better reach out to local community-based organisations, taking into account feed-back from civil society organisations. The Commission will better target needs in each country and provide longer-term seed-funding to NGOs. Stronger, well-established organisations could become mentors and facilitators for smaller organisations."

For Montenegro, the 2010 Progress Report notes that:

"Civil society and non-governmental organisations are very active in awareness-raising, research and watchdog activities. Cooperation between the government and civil society in this area has improved, including participation of civil society in formulation of policies and legislation. However, this cooperation needs to be further strengthened."

The report underlines that the monitoring role of civil society needs to be consolidated.

"The government decided in June 2010 to establish the Council for Cooperation with NGOs. However, it is not yet functioning. In some cases the most critical NGOs have been exposed to political and administrative pressure. The procedure for selection of NGO representatives on the National Council for European Integration needs to be improved, as do the transparency and monitoring of state financing and tax relief for NGOs. State financial support to NGOs dealing with socially vulnerable groups is often insufficient compared to the social importance of their action...The cooperation of the government with NGOs, in particular in the course of the legislative process and on definition of major public policies and projects, remains insufficient. The Law on volunteer work sets very restrictive conditions on volunteer activities in NGOs.

Human rights are broadly respected in Montenegro. However there are concerns related to the effectiveness of anti-discrimination policies, freedom of expression and relations with the civil society. As regards relations with civil society, the existing dialogue is not fully satisfactory.

However, cooperation with civil society organisations, in particular in the framework of the legislative process and definition of major public policies and projects needs to be improved.

Further efforts are needed to build a solid partnership between government and civil Society."

For Montenegro, the Enlargement Strategy 2011-2012 states that:

"Very good progress has been made in the cooperation of State institutions with civil society organisations, one of the key priorities set out in the Opinion. The Law on NGOs was adopted in July. [...] Efforts have also been undertaken to improve cooperation with civil society at local level."

The 2011 Progress Report for Montenegro further notes that:

"Cooperation with civil society in the fight against corruption has improved significantly. NGOs have actively contributed to enhancing the strategic framework, providing evidence for initiating corruption cases and producing surveys.

The Council for Cooperation with NGOs has started functioning as an independent advisory body to the government on issues related to civil society. Contact points for cooperation with NGOs have been established in all the ministries and most other State bodies. NGOs are now regularly involved in the legislative and policy-making or monitoring process, including in such sensitive fields as the fight against corruption or the efficiency of the judiciary. [...] The legal and regulatory frameworks for NGOs' activities and State financial support to these organisations have been improved, notably through the adoption of a new Law on NGOs. [...] The dialogue with NGOs representing or dealing with the most vulnerable groups and gender equality is still not fully satisfactory [...] needs to be further strengthened"

2.4 Link with Multi-annual Indicative Planning Document

Experience with the so far limited implementation of IPA assistance and the evaluation carried out for CARDS projects in the fields of public administration, justice, liberty and security and civil society have led to strategic and operational recommendations which include: the need to target project objectives better; to involve civil society, not only for social matters; to increase the monitoring; and to ensure that cross-cutting aspects lead to concrete impacts.

On the assistance side, the main lesson learned is the need to ensure ownership by the beneficiaries and sufficient absorption capacity. This requires that there is a mobilisation of the civil society and a political consensus on key reform activities.

Support to **civil society** will be integrated in all sectors of the MIPD, in particular in the field of the environment, justice and home affairs, public administration reform and social/human

resource development, however specific assistance is mentioned in the sector *Governance and public administration*.

2. *Governance and public administration, including civil society*: to support the country's efforts in its public administration reform, in particular to implement its revised reform, well owned by Government.

The action plan (Judiciary Reform Strategy 2007-2012) also stipulates the need to foster the participation of civil society organisations (CSOs).

Regarding civil society, the Enlargement Strategy makes reference to the CSF and underlines its importance for the increased participation of CSOs in the reforms to be undertaken in the Western Balkans and Turkey. It also states that support schemes to civil society partnerships should give priority to sectors such as culture, minorities and business associations.

2.5 Link with Country Strategies on Civil Society

No Country Strategy on Civil Society (development) is currently available in Montenegro.

The Strategy of Cooperation of the Government of Montenegro and NGOs of November 2009 lays out the objectives, principles and forms of the cooperation of the two partners. Areas of the cooperation include consultations, advising, development of a regulatory framework relevant for NGOs activities, and joint activities (on strategic documents, identification of priorities, operational programmes, implementation of policies, and joint evaluation of the outcome of the Government's policies).

3. Description of project

3.1 Background and justification:

Effective pluralism implies the respect for human rights, the rule of law and the possibility for political change. Civil society activities – often defined as primarily non-state, non-business and non-private activities – mirror this pluralism. They encourage citizens to organise themselves and to collaborate in their common interest. A thriving civil society contributes to a more open, participatory and consequently a more dynamic democratic society. Through its advocacy activities, civil society can help ensure that accession negotiations between the candidate country institutions the EU are not merely technical discussions. Accession will only be successful when it is supported by citizens who understand the necessary institutional, political and economic changes.

The institutional framework for civil society support in **Montenegro** includes the network of contact persons within ministries, other governmental bodies in charge of cooperation with NGOs, the Government's Office for the Cooperation with NGOs and the Civil Society Council. It needs to be further improved

Currently there are some 6,000 CSOs registered with the Ministry of Interior and Public Administration, but little more than one hundred could be considered to be active CSOs. Civil society input into a number of high-profile national strategies (in the fields of human & minority rights, gender, sustainable development and Poverty Reduction Strategy Paper) has been incorporated through various forms of national consultation and joint policy working groups. However, consultations have been carried out on an ad-hoc basis and only with organisations that are well-connected to the government and public administration. The

recognition of the important role of CSOs was confirmed by the recent consultations with CSOs held by the Prime Minister and those related to the Action Plan for monitoring recommendations given in the EC's Opinion on Montenegro.

Currently there are two state funding mechanisms (managed by the Government & the Parliament's Commission) and another funding mechanism at local level under the responsibility of municipal committees. According to CSOs, their effectiveness and integrity is seriously impaired by lack of transparency and poorly developed and inappropriate funding criteria.

CSOs have formed short-term coalitions to carry out single issue campaigns. Other successful networks include the 'Network of SOS hotlines for women and children victims of violence', the 'Network for European integration process', various unions of associations for people with disabilities, umbrella organisations for self-help groups, and the NGO coalition 'with Cooperation towards the Goal' (focused on sustainable development of civil society). Rights-based CSOs with advocacy objectives are increasingly active in establishing networks.

Most trade unions are organised through the Confederation of Trade Unions of Montenegro and the Union of Free Trade Unions. Both of them have achieved social partner status and are included in social dialogue with the Confederation of Employers and the Government.

In general, the main challenge of the majority CSOs is to ensure the organisational and financial sustainability and improve the quality of their services. Specific challenges include increasing the number of staff with sufficient management and technical skills, deepening the knowledge of national and EU policies, and strengthening the analytical skills required for participation in policy dialogue. The demanding procedures for international donors' assistance pose an additional challenge for majority of CSOs

Capacity building is needed by most CSOs. There is a need for training on different topics (such as, the development of the organisations' strategic planning, project development / management / monitoring /evaluation / reporting, and specific thematic areas of interest to the organisations, EU policies, etc.). Although a number of training sessions and significant support has been provided by TACSO, this is not reaching all the organisations that are most in need of assistance. There is a need to further the coalition building of CSOs with a strong focus on Montenegro's pressing issues and reform processes. Strengthening networking of larger and small CSOs is much needed to facilitate sharing of relevant information and capacity building of small organisations. Community-based organisations are also in need of financial support.

3.2 Activities:

Support to civil society in order to address the above-mentioned issues will be provided using one or more of the methods of implementation mentioned under 4.1 of the main text of the Financing Proposal. The mechanism for selection of the type and method of implementation is also explained there, as further developed under point 3.4 below.

A more detailed list of activities and results will be set out in the guidelines for the call for proposals (one for each year's allocation).

The following main activities have already been identified for support:

Component 1: Strengthening the capacity of CSOs to participate and represent citizens in decision making and the formulation of major public policies, and to monitor and evaluate the implementation of policies, strategies and laws.

The aim of this component is to further the capacity of CSOs to better represent citizens while actively participating in decision making processes and the formulation of public policies. This will include the development of advocacy, analytical, negotiating skills required for participation in policy and social dialogue. The component will also focus on the improvement of the cooperation between CSOs and the Government at both national and local level through timely sharing of information, particularly in the course of the legislative process and definition of major public policies.

In addition, this activity will increase CSOs capacity to monitor and evaluate the implementation of strategies as well as to participate in the implementation of different EU policies in Montenegro. CSOs will also be able to upgrade professional standards in specific thematic areas of their interest. This will be achieved by facilitating that CSOs from Montenegro share knowledge and good practice with CSOs in pre-accession countries and EU Member States.

Component 2: Support to civic and capacity-building initiatives to enforce the role of civil society in community development

The aim of this component is to address the lack of CSO capacity at the local level. Community-based organisations will be supported with action, operating, events and training grants. Smaller organisations will also get support to build their capacity for community development through partnership projects and networking with well-developed CSOs. Their capacity to delivering quality services to citizens will also be increased.

The **thematic areas** identified for IPA 2011 Civil Society Programme include among others: public administration; strengthening of CSOs; environment & sustainable development; gender equality; EU approximation; social dialogue; corporate social responsibility; public procurement; youth policies; judiciary and parliament. They have been identified in consultation with CSOs.

The thematic priority areas for the IPA 2013 programmes will be identified at a later stage in consultation with CSOs, the Government Office for the Cooperation with NGOs, and the TACSO team.

In order to address the needs mentioned above, a Call for Proposals will be launched to establish at least 10 grant contracts. Of these, 2-4 are expected to be signed with grant beneficiaries that are able to administer a re-granting scheme. The number of sub-grantees contracts may vary from 15-25.

A Call for proposals to be launched under the IPA 2013 programme will also include a re-granting scheme.

3.3 Expected results and measurable indicators:

Result 1:

- CSOs actively involved in developing, implementing and monitoring the implementation of public policies

- Improved cooperation between CSOs and the government at national and local level
- CSO initiatives developed on the basis of the best EU policies and practices
- Effective involvement of trade unions in social dialogue

Indicators:

- Number and nature of CSO-supported initiatives focused on citizens participating in decision making process at local/national level
- Number of CSOs participating in the formulation and implementation of public policies
- Number and nature of cases reported by CSOs of inadequate/insufficient implementation of public policies, strategies, laws and standards
- Number of partnership projects between CSOs and the Government at the national and local level
- Number of CSOs participating in networks and coalitions engaged at national/local/international level and the contribution to their core business and mission
- Adopted, adjusted and applied EU regulation

Result 2:

- Improved capacities of community-based organisations to advocate and to actively participate in community development
- Enhanced capacity of community-based organisations to provide aid and services to citizens
- Conditions created for the operation of newly established organisations
- Partnership and the role of CSOs at local level enforced through the implementation of local action plans

Indicators:

- Number of community based-organisations strengthened to participate in community development
- Number of initiatives by community-based organisations providing services to citizens
- Number of newly established organisations supported under approved proposals
- Number of local action plans implemented with the support of CSOs

3.4 Selection mechanism:

All components under the project will be implemented through a Call for Proposals to be organised once per year and per programme (IPA 2011 and IPA 2013).

In general, grants will have a value of between EUR 100 000 and EUR 200 000 for a duration of minimum 12 months and maximum 30 months. Up to EUR 200 000 will be allocated to intermediary CSOs to implement sub-granting schemes. The amount each beneficiary will be able to use for sub-granting will range between EUR 30 000 and EUR 100 000.

In relation to the IPA 2013 programme, the size of grants, the minimum and maximum duration of projects as well as the indicative amount to be used for re-granting scheme will be identified at a later stage before launching a call for proposals and following the consultations with CSOs. For the call for proposals for projects supported under IPA 2013, this will incorporate findings related to the implementation of the projects supported under IPA 2011.

At least one consultation meeting with CSOs on priorities will be held per year. The TACSO team and LAG will also be involved in consultation with CSOs.

3.5 Conditionality and sequencing

The implementation of the National Strategy for Cooperation between the Government and non-governmental sector as well as fully functional Civil Society Council is of key importance to the success of the programme. The commitment of the Government is necessary for the full implementation of the Strategy.

3.6 Linked activities

The **CARDS 2003** Civil Society Programme was focused on several NGO projects dealing with social and economic issues. The **CARDS 2006** Programme aimed at developing policies and implementation models for addressing issues faced by the most vulnerable groups, such as children at risk, the elderly, people with disabilities and young Roma. The programme supported the creation of partnerships between clusters of CSOs at national and local level.

The **IPA 2007 Programme** (EUR 1 million) encouraged the networking of Montenegrin CSOs with EU counterparts and with local authorities in the areas of policy development and service delivery. It also supported the setting up of CSOs coalitions to develop a 'watch dog' function to policy implementation and created an environment for creativity and cultural exchange between the EU and Montenegro.

IPA 2009 Civil Society Development (EUR 2.2 million) aimed at enhancing the contribution of CSOs to the social, economic and political development of Montenegro. With a budget of approximately EUR 1.8 million, the programme supported 13 projects focused on the following thematic sectors: social/welfare services, government and civil society, urban development and management, strengthening civil society, legal and judicial development and refugees. A re-granting scheme is envisaged to support smaller scale projects (EUR 280 000)

The Civil Society Facility (CSF) is aimed at strengthening civil society within a participative democracy by increasing the capacity of CSOs to deliver quality services to their constituents, strengthening local and international networking, improving understanding of EU affairs /

procedures, as well as enhancing visibility, participation and influence, in order to facilitate a civil society friendly 'environment' and 'culture'.

Montenegrin CSOs can also participate in the **IPA Cross Border Cooperation (CBC)** component which focuses on cooperation in the areas of (i) economic, social and institutional cooperation and (ii) natural and cultural resources.

EIDHR 2008 & 2009 (EUR 700 000) supported civil society in the areas related to human rights (civil, economic, social), democracy and democratic reform (with emphasis on rule of law and fundamental freedoms), fight against discrimination (Roma, LGBT population, people with disabilities); gender equality in social and economic life.

EIDHR 2010 (EUR 400 000) aimed at strengthening the involvement of the civil society in Montenegro in shaping local and national policies regarding the protection and promotion of human rights and democratic reform.

IPA 2011 Civil Society Programme (EUR 1.8 million) will build on the results of previous EU and other donor assistance while addressing the priority areas of relevance to Montenegro's accession process.

EU member states supporting CSOs in Montenegro are Germany, the United Kingdom and the Netherlands. Their support comes in the form of small grants.

Since 2007, USAID has been focussing its support on the anti-corruption work of CSOs. USAID support to the CSO sector over the period 2002 -2010 totals USD 7.7 million. One of the components under the USAID's Good Governance Activity Programme 2010-2015 (USD 8.6 million) is focused on strengthening civil society oversight of public administration and courts and anti-corruption efforts. The programme will support advocacy and watchdog efforts by business associations, NGOs and media to advocate for tougher anti-corruption measures, draft secondary legislation, and stimulate public policy dialogue.

Over the past few years, UNDP enabled the participation of local NGOs in anti-corruption initiatives in Montenegro and supported CSOs focused on gender equality and urban planning issues. It also awarded Global Environment Facility grants to some NGOs dealing with AIDS/HIV related initiatives (grants ranging from EUR 50 000-100 000). Another 4-year grant programme was launched in 2007 with the financial support of SIDA (approx. USD 1 million) to improve the socio-economic position of Roma in Montenegro. The financial support of USD 300 000 was provided by BCPR for a regional project on IDP associations. Another gender programme (mostly funded by the EU funds, EUR 700 000) is ongoing and envisages the participation of CSOs. In January 2011, the UNDP and UNICEF commenced a social inclusion project supported under National IPA Programme (EUR 3 million).

The Fund for Active Citizenship (FAKT) registered as independent foundation in 2008, earlier present in Montenegro as a country office of the Balkan Fund for Local Initiatives (BCIF) from Belgrade, while today fully financed by foreign foundations such as Mott Foundation and Rockefeller Brothers Fund. In the period from February 2008 till the 2011 FAKT contributed 743,467 EUR for 104 projects of local CSOs.

3.7 Lessons learned

Based on the implementation of past programmes:

- **Organisational capacity:** The majority of NGOs in Montenegro lack human resources and adequate financial management capacity to handle donor funding as well as capacities for strategic planning.
- **Watchdog capacity:** CSO advocacy in Montenegro is developing. Some powerful NGOs have begun to use their advocacy skills to influence policy and lawmaking. However, this needs to go much further and there is a continuing need to help CSOs build and improve their advocacy and watchdog role.
- **Service provision:** These activities are well diversified, with CSOs at both the local and national level providing services in the areas of health, education, environmental protection and governance. CSOs continue to play an important role in providing services in the social sector, especially to marginalised and vulnerable groups. This is recognised by the Government.
- **Engagement in policy dialogue:** Low levels of analytical capacity in the majority CSOs, including skills for policy research, stakeholder analysis and participatory needs assessment, are a major constraint on the wider engagement in advocacy and policy dialogue.
- **Public awareness and understanding of civil society:** civil society organisations need to increase their efforts to publicise their values, objectives, activities and achievements
- **Networking of CSOs:** the formation of further CSO coalitions and networks and the strengthening of existing ones should be encouraged in order to expand civil society's role in policy dialogue and assist it to maximise its potential

4. Indicative Budget (in EUR)

| | EU - IPA assistance 2011-2013 (indicative for budget appropriations 2013) All Institution Building | | | | Total Co-financing of Project 2011-2013 (indicative) | Total IPA + Co-financing 2011 -2013 |
|--------------------------------------|---|-------------|------------------|------------------------|---|--|
| | 2011 | 2012 | 2013 | Total 2011-2013 | | |
| Measure 1: Call for Proposals | 1 800 000 | - | 1 000 000 | 2 800 000 | 280 000 | 3 080 000 |
| TOTAL | 1 800 000 | - | 1 000 000 | 2 800 000 | 280 000 | 3 080 000 |

5 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN PER QUARTER)

| Contracts | Start of Tendering | Signature of contract | Project Completion |
|--------------------|--------------------|-----------------------|--------------------|
| Call for Proposals | Q1 2012 | Q4 2012 | Q4 2015 |
| Call for Proposals | Q1 2013 | Q4 2013 | Q4 2016 |

6. Cross-cutting issues

6.1 Equal Opportunity

Equality between men and women is one of the fundamental principles of any democratic society. Yet, many women in Montenegro do not enjoy such rights. The criteria published in the Call for Proposals and the subsequent selection of CSO projects will take specific account of the need for gender mainstreaming and the needs of disadvantaged and marginalised groups. Special efforts will be made to ensure that women are fully included in the project activities and benefit from the project results. Since poverty is the result of many forms of gender inequalities (in the workplace and in families), these inequalities need to be tackled across a wide range of areas through the proposed projects. In general, gender needs will be considered as an analytical instrument, from programme design onwards.

6.2 Environment

Damage to the environment has grown steadily worse in recent decades and as a consequence the quality of life for people living in urban areas has declined considerably. The Call for Proposals will invite the project beneficiaries to contribute to addressing environmental issues which have direct impact on the lives of disadvantaged groups and the cultural heritage. Environmental considerations will be taken into account during the implementation of projects activities.

6.3 Minorities

The detailed preparation of projects will take into account the specific needs of ethnic communities, in particular Roma, who are generally considered to be the most marginalised ethnic group in Montenegro. The activities will include initiatives which meet the needs of ethnic communities and ensure gender equality mechanisms in particular those benefiting women from minority groups.