



**CASE
STUDY:**

**Civil society organisations and Instrument
for Pre-Accession funds in Macedonia**

CEE bankwatch
network


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Introduction

This case study was prepared by the Center for environmental research and information Eko-svest from Macedonia in order to provide help and support to interested civil society organisations in programming and monitoring of the IPA funds. The IPA (Instrument for Pre-Accession) was established for all Western Balkan countries and Turkey in order to help the countries prepare for the accession with the European Union. Its implementation started in 2007 in all countries. However, different processes and different funds are available for each country on basis of its needs, preparedness and progress made. Although different, all countries have the same goal- improve their economic and social development, cross-border cooperation, rural development and human capacity development.

Having in mind our experience with involvement in IPA funds programming and monitoring, it was important to make this experience available to our neighboring countries and partner organisations. We would like to support all interested civil society organisations to get involved in IPA programming and monitoring and we strongly believe that our experience described below will benefit their work and goals. We also believe that there are better models for involvement of civil society in IPA programming and monitoring, and for sure we do not advocate for the “Macedonian” model to be used in every country because every country and every civil society sector is different and unique and needs to develop its own best functioning model. The most important issue is the unified position of the civil society organisations. If civil society organisations are unite in what they demand and clearly demand it, the Governmental institutions will have to make that happen. After all, aren't we all practicing true democracy and public participation?

About IPA

The Instrument for Pre-Accession Assistance (IPA) is the financial instrument for the European Union (EU) pre-accession process for the period 2007-2013. Assistance is provided on the basis of the European Partnerships of the potential candidates and the Accession Partnerships of the candidate countries, which means the Western Balkan countries, Turkey and Iceland. The IPA is intended as a flexible instrument and therefore provides assistance which depends on the progress made by the beneficiary countries and their needs as shown in the Commission's evaluations and strategy papers.

The beneficiary countries are divided into two categories, depending on their status as either candidate countries under the accession process or potential candidates under the stabilisation and association process, namely:

- candidate countries: Macedonia, Croatia, Turkey;
- potential candidate countries: Albania, Bosnia and Herzegovina, Iceland, Montenegro, Serbia including Kosovo as defined by the United Nations Security Council Resolution 1244/1999.

Exceptionally, and in the interests of coherence and efficiency, other countries may benefit from measures financed by the IPA. Provided these measures form part of a regional, cross-border, trans-national or worldwide framework and do not duplicate other programmes under Community external aid instruments.

The IPA was designed so as to address the needs of the beneficiary countries within the context of pre-accession policy in the most appropriate way. Its main aim is to support institution-building and the rule of law, human rights, including the fundamental freedoms, minority rights, gender equality and non-discrimination, both administrative and economic reforms, economic and social development, reconciliation and reconstruction, and regional and cross-border cooperation.

To ensure targeted, effective and coherent action, the IPA is made up of **five components**, each covering priorities defined according to the needs of the beneficiary countries. The first two components concern all beneficiary countries:

- **Component I (Transition Assistance and Institution Building)** provides financing for institution-building and associated investments. It supports measures to drive stabilisation and the transition to a democratic society and market economy. Component I is open to all candidates and potential candidates and is managed by Directorate-General Enlargement.
- **Component II (Cross-Border Cooperation)** supports cross-border cooperation between candidates and potential candidates and with EU Member States. It may also fund participation in transnational cooperation programmes (under the Structural Funds) and Sea Basin programmes (under the European Neighbourhood and Partnership Instrument or ENPI). Component II is open to all candidates and potential candidates and is managed by DG Enlargement and DG Regional Policy.
- **Component III (Regional Development)** finances investments and associated technical assistance in areas such as transport, environment and economic cohesion. It is open to candidate countries only and is managed by Directorate-General Regional Policy.
- **Component IV (Human Resources Development)** aims to strengthen human capital through education and training and to help combat exclusion. It is open to candidate countries only and is managed by Directorate-General Employment, Social Affairs and Equal Opportunities.

- **Component V (Rural Development)** contributes to sustainable rural development. It provides assistance for the restructuring of agriculture and its adaptation to EU standards in the areas of environmental protection, public health, animal and plant health, animal welfare and occupational safety. It is open to candidate countries only and is managed by Directorate-General Agriculture and Rural Development.

The IPA is based on strategic multi-annual planning established in accordance with the broad political guidelines set out in the Commission's enlargement package, which now includes a Multi-annual Indicative Financial Framework (MIFF). The MIFF takes the form of a table presenting the Commission's intentions for the allocation of funds for the three forthcoming years, broken down by beneficiary and by component, on the basis of the needs and the administrative and management capacity of the country concerned and compliance with the Copenhagen accession criteria.

The strategic planning is made up of multi-annual indicative planning documents, with the MIFF constituting the reference framework. They are established for each beneficiary country and cover the main intervention areas envisaged for that country.

As regards action on the ground, annual or multi-annual programmes (depending on the component) based on the indicative planning documents, are adopted by the Commission. They are implemented following three management methods: by centralised, decentralised or shared management.

Assistance through IPA can take the following forms:

- Investment, procurement, contracts or subsidies,
- Administrative cooperation, involving experts sent from Member States (e.g. twinning),
- Action by the EU in the interest of the beneficiary country,
- Measures to support the implementation process and programme management,
- Budget support (granted exceptionally and subject to supervision).

Involvement of civil society in IPA

Programming

Civil society in Macedonia was not involved in the programming period 2007-2013 in an open and transparent manner. In 2007, civil society organisations were invited to make comments to the Regional Development Operational Programme. However, the call for comments was announced in August, during holidays and the deadline for the comments was end of August. Only one comment was submitted.

However, this consultation process for the Operational Programme was not done in a truly open and participatory manner. Civil society organisations were invited to comment on a document available only in English language, without any explanation and introduction. The process for the preparation of this document (Operational Programme) and what it means was not clear to civil society organisations. The period for comments was too short (it was less than 30 days) and during holiday season, making it impossible to prepare good quality comments and truly participate in the drafting of the document. Even though the Ministry of transport and communications was asked to prolong the period for comments, this did not happen and consultations were closed.

Selection of representatives

The implementation of Macedonia's Operational Programmes (OPs) requires setting up a Monitoring Committee. Usually, the European Commission advises governments and their environment ministries to include environmental NGO representatives in the committee when the operational programme includes environmental issues. In Macedonia, the Ministry of Environment and Physical Planning was in charge of the selection process for NGO representatives.

The process for selecting an environmental NGO representative for the Committee monitoring the implementation of the Regional Development OP in Macedonia was announced on May 5 2008 by the Civil Platform of Macedonia by e-mail. The Civil Platform of Macedonia was set up informally in 2004 to connect NGOs working on various topics, but does not represent the NGOs as such. The main initiators of the platform are the Macedonian Center for International Cooperation and USAID.

With its email announcement, the Civil Platform only informed 14 NGOs pre-selected by the Ministry of the Environment, and not all the environmental NGOs in the country. The announcement requested that candidates were to be proposed by May 7 - an unrealistically short deadline - and that the Secretariat of the Civil Platform would select the candidate. This suggested practice was hardly democratic - if environmental NGOs propose candidates, then they should be able to vote on them.

The Center for environmental research and information Eco-sense (Eko-svest) immediately sent to the Ministry of Environment and the Civil Platform comments on the process and asked for an open and democratic approach. The initiative for organising the process in a transparent and participatory way was supported by many NGOs, who sent emails calling for a new process. The following week, a meeting was organised between the environmental NGOs and the Ministry of the Environment. At this meeting, a new process was drafted, a verification committee was established and new criteria for the representatives were drawn up. One week later the whole process was organised and the voting had commenced. The process was transparent and the candidates' applications were posted on the environmental portal Eko.net.mk. The voting by environmental

NGOs also took place online, and the candidate and his deputy were selected in the given time. All environmental NGOs were informed via e-mail and the portal about the process and their chance to cast their vote.

Guidelines for transparent selection of civil society representatives

The following guidelines are provisional and can be modified for the need and purpose of the selection of the representatives. The main aspects of the guidelines are transparency and participation.

Transparency and participation

In order to organise a proper selection process of civil society representatives, the process must be transparent and allow involvement of all interested organizations. Therefore, it is necessary to ensure the following preconditions:

1. A special web page is created to allow for online voting
2. A special commission for verifying votes is established
3. The voting is public
4. The results are openly announced by the Verifying Commission

Website

Internet as a communication tool is widespread and allows easy access. We propose online voting for the selection. Casting votes by fax or e-mail is also possible.

The website to be created can be a page on existing website. At different stages of the selection it should contain the following information:

Stage 1: General information on the call (purpose, timeline, details)

Stage 2: Information about the selection, candidates and voting

Stage 3: Publish information about the selected candidates, report from the voting.

Verifying Commission

A Verifying Commission is a body established to make sure that the selection of representatives takes place according the principles of transparency and participation. This Commission can have 3-5 members, in the case of selection of civil society organisations these members would ideally be from civil society organisations. The tasks of the Verifying Commission are as follows:

- Announce the call on the website and number of representatives needed
- Set the criteria for candidates for representatives
- Develop methodology for voting
- Develop the format of the application form for the candidates
- Decide the timeline for the selection and deadlines for voting
- Accept application forms from candidates
- Announce the list of candidates to the website
- Counting of votes, announcing results from selection and chosen candidate(s)
- Prepare a final report from the selection process

Voting

Voting should be open. Every NGO could cast a single vote for one candidate, through an online form on a web page. Every vote should be automatically appearing on the website after the vote.

Monitoring committees in Macedonia

How are they set up?

Monitoring Committees are set up according to the Framework Agreement between Macedonia and EC and according to EC regulation establishing IPA (Instrument for Pre-Accession). The goal of the MCs is to ensure effectiveness and quality of the implementation of the operational program.

Macedonia currently has Operational Programme for Regional Development (OPRD) 2007-2009. Implementing body of this programme is a specially established Operating Structure, and a supportive Secretariat.

The Monitoring Committee is a collective body and consists of two co-chairpersons, as well as members and observers. The composition of the Committee is decided by the Operating Structure, in agreement with the Commission. There are voting and non-voting members.

The Committee composition can be reviewed and extended by the Head of the Operating Structure, in agreement with the Commission, in order to guarantee sufficient representation and membership.

The members of the Committee and their substitutes are nominated by their respective authorities and appointed by the Head of the Operating Structure who informs the Commission and the other committee members.

In Macedonia the MC is set up of the following institutions with their representatives:

- Government of Macedonia- Sector for euro integration
- European Commission
- Ministry of finance
- Ministry of transport and communications
- Ministry of environment and physical planning
- Ministry of local self-government
- Ministry of labour and social politics
- Environmental NGOs

The selection of representatives of environmental NGOs was done in a transparent and participatory manner, by the environmental NGOs.

MC Member role and power

Each member is expected to perform the following tasks:

- Reviews progress of the Operational Programme;
- Examines reports provided;
- Examines proposals to amend financial agreement;
- Proposes to the Operating Structure examination or revision of the programme;
- Provides the Committee with the necessary elements to allow it to assess the overall effectiveness, quality and coherence of the implementation of the programme and operations towards meeting the objectives;
- Examines proposals from the Committee for possible decisions on any corrective measures to ensure the achievements of programme objectives; and
- Provides the Committee with information on progress, results and various implementation aspects.

Each member votes when decision is needed. There is no record anywhere that a member can veto a decision.

Monitoring Committee Meetings

The Committee meetings are held at least twice a year at the initiative of the Operating Structure or the Commission. Additional meetings can be called at the request of the Commission, the Head of the Operating Structure or a simple majority of Committee members.

The Secretariat informs all the members in writing about the date and the draft agenda of the next meeting, including any supporting documents at least fifteen working days prior to the defined date of the Committee meeting. This information and all necessary documents and materials can be provided also by e-mail or fax.

The Committee members can make proposals for the agenda of the meetings in writing, addressed to the co-chairpersons and the Secretariat, tabling a resumé of the issue, not later than five working days prior to the meeting. All proposals made by the Committee members and concerning amendments in the agenda are to be put to a vote at the beginning of the meeting.

For some specific issues and topics from the agenda, the co-chairpersons can invite external experts, non Committee members, to attend the meeting

All materials and documents, subject to discussion, are to be treated as confidential until the end of the meeting to which they relate or unless otherwise stated. After the end of the meetings the synthesis of the meeting is published on the official internet page of the Operating Structure of the Operational Programme

Decisions taken at the Committee meetings which are to be followed by certain activities are sent to all Committee members within 15 working days.

The working language on the Committee meetings is the English language. Simultaneous translation to and from the national official language, including for the documents and materials discussed, is provided if necessary.

The Committee is a permanently acting body and the decisions of the Committee are to be taken by consensus. In case that no consensus is reached the Committee will make decisions on the basis of a simple majority of the voting members present at the meeting. The voting is open, by a display of hands.

In Macedonia there have been 4 provisional and 3 official Monitoring Committee meetings. The provisional meetings were in order to agree on code of conduct, rules and procedures of the committee, as well as to present the programme to the members. The official meetings that were held were to provide reports and updates and request changes to OPRD.

There has been no voting so far except one of the changes in OPRD where finances allocated for certain activities were shifted to other (complete renovation of the Skopje rail station).

Usually the members that come from the governmental bodies do the reporting and inform the others and other members (EC and NGOs) make all the comments, remarks and suggestions. So far the EC and NGO comments have been complementary (in terms of bad management/ improvements needed, expansion of the committee, need for changes in programme etc). Usually there are not many responses by the governmental side on the meetings. The meetings seem very official and formal.

Accountability

(From the "Code of conduct")

The members of the MC shall account to the society for the decisions and activities undergone and shall provide proof of their decisions. The members are obliged to observe

confidentiality in their work and by announcing of information when required for common wealth. Summary of approved minutes from every session of the MC shall be announced for the public. Official statements of the MC shall be announced to the media by the Chairman/Co-Chairman and/or a voted Speaker/Spokesman. The remaining members of the Committee may announce statements for the public but not as interpreter of official statements of the Committee.

Communication to the outside world

Communication was regular among NGO representative and other environmental/other NGOs. Tools used: Eko-svest website, Eko.net portal, e-mail. Before each meeting the representative would send a note to all the NGOs and request opinions and suggestions on the topics to be discussed by the Committee. After each meeting, the representative would send out a summary of the meeting discussions.

So far, there has been not much interest by the NGOs (only few, sporadically). The reason for this is the low capacity and understanding of NGOs- they are not acquainted with EU funds and how they work. On several occasions the representative has called on a joint meeting to provide this information and help the NGOs understand and get involved but with no luck.

The opinion of the NGOs is that if they transparently chose their representative he/she should be the one following the issue, without making them do the same. Additionally, they are not able to fundraise for such activities themselves.

How efficient is for NGO to be member of the MC?

There are two meetings each year, so preparation and meetings do not take too much time. The following boxes list the advantages and disadvantages to being a member of the Monitoring Committee.

Advantages

- ✓ Knowing all the details about the projects
- ✓ Getting the information first
- ✓ Learning about progress in detail
- ✓ Learning about implementation difficulties
- ✓ Learning about potential IFI involvement before it actually happens
- ✓ Getting all the direct contacts and establishing good relations with institutions.

Disadvantages

- ✗ Not getting support/interest by/from NGOs
- ✗ Acting alone in the Committee brings no result when trying to push for something
- ✗ Not enough "other sector" players in the Committee makes an NGO look like opposition in the Committee
- ✗ Time allocated to reporting on audits and similar technical issues is wasted.

Future possibilities

Programming

In 2011, the European Commission will publish its proposals for the future Cohesion policy regulation (2014-2020). The Instrument for Pre- Accession (IPA) is one of the elements of the Cohesion Policy, and so, the reform of the Cohesion Policy directly affects IPA funds.

Civil society should get involved in the reform process at an early stage (in 2011) and voice their opinions about the future distribution of EU funds. In 2012 programming will start in each member state, and candidate as well as potential candidate countries, which will result in preparation of new national reference frameworks (for member states) and strategic coherence frameworks (for candidate countries) as well as new operational programmes for the period of 2014-2020.

Civil society organisations will get the opportunity to participate in the consultations regarding the operational programmes and the indicative list of major projects for the period 2014-2020. It is expected that this will happen in 2012. It is of great importance that civil society organisations are well prepared for this process and joined together in voicing concerns and proposals, so that the policies and documents could be changed for the benefit of the countries and their citizens.