

The Political Document of Cooperation between the State/Government and Civil Society

(Charter)

INTRODUCTION

This document aims at further developing the partnership between Civil Society (CS) in Albania and the Governance, both at the central and local level, thus creating a sustainable and favorable environment in support of a fruitful cooperation.

The document does not constitute a legal obligation, but it is a political commitment, publicly recognizing the Civil Society as a key social actor in the Albanian society. This document states and defines the reciprocal commitments of both Parties, aiming at:

- enhancing democracy by increasing the level of civic participation;
- highlighting the concern that the market economy does not enforce a market society, but ensures a higher social cohesion.

The document is based on the understanding and recognition that:

- the activity of Civil Society and other all-inclusive organizations constitutes the basis for the development of a democratic and all-inclusive society;
- the role of Civil Society organizations and independent civil initiatives is different from the one played by the state and the market, constituting an immense added value to the development of democracy;
- Civil Society organizations are an irreplaceable value, due to the role they play through citizens' involvement, services they offer, the support they provide to individuals and groups of interest and their contributions towards the community and the public life;
- the Government and the Civil Society organizations recognize and appreciate the irreplaceable role of volunteer work in the society and the role of Civil Society organizations in promoting it.

This document provides the framework, mechanisms and policies contributing towards:

- strengthening and promoting the cooperation of governmental bodies with the citizens and their non-governmental organizations;
- increasing citizens' engagement through the organizations they adhere to, in order to influence policy drafting and decision-making at central and local level;
- improving the conditions for the empowerment and sustainable development of CS organizations, by setting up a more favorable regulatory/legal framework;
- establishing the legal and institutional framework for the implementation of the European Union (EU) standards in relation to the CS;
- improving public communication and public access to information.

- supporting, promoting and encouraging volunteer work;
- improving the legal and financial facilities for developing and promoting philanthropy.

This document is based on the understanding of State, Governance and Civil Society as defined in the following paragraphs, as well as on the evaluations made regarding the role they play in democracy.

A. State and Governance

State is the set of institutions that possess the authority to make the rules that govern the people in a society, within the territory controlled by the state. State is distinguished from other social groups in terms of its purpose (establishment of order and security), methods (laws and their enforcement), territory (jurisdiction / space) and sovereignty.

The concept of the modern state is both separate from and connected to the concept of Civil Society. The nature of this connection is determined by the fact that Civil Society, with its presence and actions, constitutes a public sphere, which is an extra-institutional space. The Civil Society deals with issues of public interest in an autonomous way or independently from the state, while necessarily interacting with the state when intervening and participating in activities falling under the governance field of activity.

In a modern state, it is difficult to understand Civil Society without referring to the State. The State can be regarded as representing the "dominance policies", while the Civil Society the "consensus policies". Therefore, both, the State and the Civil Society, are necessary for completing the governance process in the society. The State represents the structure of governance, whereas the Civil Society creates and contributes to the values and the framework of norms needed for accomplishing the governing process.

Governance, as a concept, is connected to the relationship among the state, the citizens and the institutions set up by them. It defines the way in which the power is exercised for the efficient management of resources (economic, social, natural, human, etc.) on which the country development is based; as well as the way in which the political system shapes these processes. In a narrower sense, governance implies the decision-making process, as well as the implementation of these decisions.

Governance has two components: (i) the state capacity for exercising its authority (financial resources, administrative infrastructure, implementing policies, budget policies, staff skills, collection of taxes, etc.), and (ii) the state accountability in exercising its authority.

B. Civil Society

Civil Society organizations are the CS actors contributing to the development of the society and democratic processes in the country, while the CS in itself implies a much broader concept, which is essentially an expression of the active participation of individuals in expanding and consolidating human rights and freedoms, as well as of their contribution to a fair and open society.

Civil society is considered as that space within the social reality, where people seek to be affirmed and protect their rights and interests. Considered as such, it cannot be simply the entirety of non-profit organizations, because there exist a much broader activity involving other citizens groupings represented in trade union, business or consumers organizations, religious and ethnic organizations, social movements, as well as all kind of citizen groupings being active in the public sphere, representing particular interests. Media is also perceived as part of the Civil Society when exercising their public responsibilities, despite the profit-making goals determined by their business status. However, the main agents of the modern Civil Society are the ordinary people, acting through their volunteer organizations.

Civil society is everyone’s ‘property’, being both volunteer and public; it is the space which brings together freedom, as the characteristic of the private sector, with commitment to the people’s welfare, as the characteristic of the public sector: Hence, the Civil Society is public - without being coercive, and volunteer - without being private.

Since democracy is not simply about laws and legal procedures, but it gets the content and thrives on social movements and people’s active participation in CS organizations, this kind of political and social reality renders much importance to such organizations making them key actors in the society. The space in the social reality where the citizens’ actions and organizations are shaped is what we call the Civil Society. The stronger the civil society, the greater are the opportunities for a broader democracy.

The Civil society and its institutions create the possibility for people to get organized not only politically, but socially, as well, so that the public scene is not dominated by political parties only. When this is achieved, the society takes another step forward, reflecting a higher level of democracy. For this reason, the status of the CS in Albania is an important indicator that reflects the degree of democracy in the country and is naturally considered as a standard of the country’s integration in the EU, being at the same time a constant challenge that should be met successfully by the government.

GENERAL PRINCIPLES FOR A SUSTAINABLE COOPERATION

The State and the CS organizations, established and operating in compliance with the relevant Albanian legislation in force, recognizing that:

- the right to freedom of assembly and association with others for any lawful purpose constitutes one of fundamental human rights under Article 46 of the Constitution of the Republic of Albania;
- the freedom of activity and citizens' participation in public life, constitutes the basis for a true democracy;
- the CS organizations have a vital mission and role in the sustainable development of the civil society, constituting an indispensable factor in a democratic society,

are *jointly committed and actively involved in* recognizing and respecting the reciprocal values and to cooperating based on the principles outlined following in this document, namely *the Charter*:

Participation and Involvement

The central and local government, the public institutions and the state administration should address with much care and devotion the principle of citizens' participation and involvement through:

- the provision of a rich, coherent and accessible information, which would allow for the participation of citizens in policy and decision making;
- the establishment in the public institutions of mechanisms that would really facilitate the achievement of the objectives set out in the Law on Access to Official Documents, as well as the implementation of the Order concerning the setting-up of Public Information Offices in the line ministries. The Civil Society should have access to the official documents and the state officials should be trained in order to properly respond to the public demands;
- developing systems for monitoring and evaluating their work, inviting the CS organizations to be involved in the monitoring and evaluating of the government policies;
- the public sector activity is perceived as valuable and trustworthy by the citizens only when it reflects their opinions and proposals, consequently resulting into an improved governance.

Respect and Reciprocity

Throughout the process of cooperation and coordination, the public sector and the CS are complementary in the roles they play respectively. As such, the relationship between them is based on respect and reciprocity:

- the public authorities respect the right of the citizens and their organizations to define their missions and objectives in an independent way, as well as perform their activities independently, within the existing legal framework;
- the parties respect the legislation in power and are equal before it;
- the public authorities and the CS entities maintain the democratic principles in their respective governing bodies;
- the public sector and the CS organizations acknowledge and uphold that the exchange of ideas, perspectives and experiences contributes to the understanding and identification of the priority interests of the public and to a higher commitment towards their fulfillment;
- the parties are committed to an open and constructive dialogue, mutually respectful and open to other opinions, thus building a climate of trust between them;
- The cooperating relations should be tolerant, respecting the contributions of each party, showing at the same time appreciation for the conditions, difficulties and challenges that parties have to cope with in the framework of the partnership.

The Partnership

The partnership principle refers to the cooperation based on equality, in order to enable a dialogue that respects the views of the parties in defining the common goals at the benefit of the public interests. The Parties agree that:

- The partnership between the CS organizations, on one hand, and governance and the public institutions, on the other hand, establishes a cooperation which would serve the interests of the public.
- The partnership is an added value to the work for achieving the common objectives and goals.
- The consultations between the parties contribute to building up fair cooperation relations and improve political developments.
- The state and the CS organizations commit themselves to cooperating, in the framework of relevant legal mechanisms, through sustainable partnership relations and a proactive and transparent dialogue for promoting concepts, viewpoints, policies and programs and realizing projects oriented towards economic growth, consolidation of democratic values, rule of law and public welfare.
- The cooperation and partnership between the state and the CS organizations aims at enhancing the coherence, efficiency, sustainability and quality of public policy development and implementation, as well as encouraging the best values through exchanging of experiences, knowledge, expertise, sustainable dialogue and mutual understanding.
- In their cooperation with the CS organizations, all levels of governance and the public institutions as well take into account the Basic Principles on the

Status of Non-Governmental Organizations in Europe (Council of Europe, May 2003).

Responsibility and accountability

Actions taken at the interest of the public require the transparency, responsibility and accountability of both, public authorities and CS organizations:

- The Albanian government and all other structures of governance as well are accountable to all Albanians with regard to their actions. They have the responsibility for defining development priorities and mobilizing all relevant resources to achieve them; as well as for developing policies and taking decisions at the best interest of the public.
- The CS organizations are responsible and accountable to ensure that all their activity is organized at the citizens' interests and operates in compliance with the Albanian Constitution and the legislation in force.
- The governance and the CS organizations have different responsibilities towards their citizens; however both sides are equally committed to performing with integrity, objectivity, responsibility, accountability, transparency and honesty.
- The governance and the CS organizations are both responsible for having an efficient cooperation. An integral part of this responsibility is the ethics of cooperation during the consultation processes in relation to policy making and implementation, monitoring of implementation, ethics of financial practices and funding, as well as the transparency in relation to all processes mentioned above.
- The CS organizations are accountable towards the communities they serve and their supporters.

Independence

The independence of CS organizations is one of the basic principles of successful cooperation:

- The CS organizations are free and independent in defining their mission, goals and activities.
- The CS organizations develop their activities out of any state influence; the principles of their activity are defined through internal mechanisms and self-regulatory rules, in terms of both organization and the object of their activity.
- The state supports and encourages the activity of the CS organizations, in accordance with the law, without affecting their activity and functioning.

- Proper priority is given to the financial support provided by the state to the CS organizations.
- The public authorities recognize and support the independence of the CS organizations, including their legitimate right to comment on government policies and to monitor the public sector activity, regardless of any financial relationship existing between them.
- Financing of CS organizations on partisan grounds should be avoided when funding is granted by the state budget, public institutions, etc.,
- The independence of the CS organizations implies its legitimate right to comment on legislation, government programs and to lobby for their amending with a view to protect citizens' interests without being subjected to prejudice or restrictions by the state.
- The CS organizations' lobbying activity at the citizens' interests should not affect any existing financial relationship.

WAYS TO ACHIEVING COOPERATION AND FINANCIAL SUPPORT

The state and public authorities, at all levels, ensure that serious efforts are undertaken for creating opportunities for the citizens and their organizations to be involved in the preparation, implementation and evaluation of policies, laws, programs, etc. They commit themselves to policies that support voluntarism and create incentives for its promotion.

In order to have a realistic cooperation, which is sustainable and at the interest of the public, the government authorities, at the central and local level, are committed to setting up relevant mechanisms and clear procedures, which ensure the involvement of citizens in policy formulation and decision-making, enable their representation in non-political advisory bodies (councils, boards, committees, working groups, etc.), respecting, at the same time, the authority granted/delegated to the representatives of non-governmental organizations.

The governmental bodies take care of systematically improving the conditions for a sustainable development of CS, giving priority to the organizations protecting and promoting human rights, gender equality, minority communities and groups without social support and/or socially excluded ones.

The Government gives priority to the transfer of state services to the CS organizations, gives financial support to and procures the existing social services provided by CS organizations, especially the ones not offered by the public institutions.

The Government is committed to improving the legal framework defining the relations between the CS organizations and the State as such that allows fiscal and

tax relief and define the type and extent of taxes to be charged on the CS organizations.

On their part, CS organizations are committed to developing mechanisms and instruments that ensure the transparency of their activity, especially financial one, towards state institutions and the general public, in order to increase their credibility and improve their image.

Following the good willingness demonstrated through the establishment of the Civil Society Support Agency/CSSA, the government ensures that the activity of CSSA will be politically independent, non-partisan, transparent and open to the public.

The central and local government bodies are committed on creating alternative opportunities to increase the financial support to the CS, by encouraging philanthropy initiatives and the involvement of the business sector.

IMPLEMENTATION OF THE CHARTER

- In order to give the Charter the attributes of a binding document, the parties commit themselves to lobbying for its adoption by the Albanian Parliament.
- The parties initiating the drafting of the Charter encourage the idea that members of the Albanian Parliament coming from the CS organizations create the Parliamentarian Group of CS Friends.
- Within 6 months following the adoption of the Charter, the Government and CS Joint Committee is established, which will be responsible for designing and monitoring the Charter implementation plan.
- The Council of Ministers will appoint, within its operational structure, a section/person in charge of monitoring the implementation of the Charter.
- The Government is committed to report, at least every second year, to the Parliament of Albania on the progress of the implementation of the Charter.
- The CS organizations and institutions commit themselves to promoting the Charter among their members, partners, donors, etc.
- The Council of Ministers commits itself to promoting the Charter in all public institutions and governmental agencies.