

**Estonian Civil Society Development Concept (EKAK):
Framework for Cooperation Between Third and Public Sector**

Brief overview and some learning points

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Process and content

Estonian Civil Society Concept (EKAK in Estonian as an abbreviation from Eesti Kodanikuühiskonna Arengukontseptsioon) was initiated by NENO in 1999 with financial support from UNDP. The document was rewritten three times before EKAK was approved by Estonian Nonprofit Roundtable (an open forum for all nonprofits in Estonia that was active from 2000-04) in 2001 and handed over to the Riigikogu (Estonian Parliament). Long process allowed participation of hundreds of NGOs – the project managers toured the country, met with NGOs at public roundtables and drew up bulky charts of amendments and proposals from people living in the remotest villages –, and the feeling of 'ownership' of NGO community over EKAK, thus making it a truly legitimate voice of the NGOs and not just a creation of one umbrella organisation. Moreover, writing the document and later seeing it adopted by Riigikogu certainly gave the Estonian NGO community a boost of self-esteem and self-recognition as a united force in society.

Parallel to the discussions within NGO community, the political parties were involved in the process in its development phase. Although it took more than a year before EKAK was adopted by the Riigikogu in December 2002, the delay was caused more by confusion which parliamentary commission should work with it (finally it was done in joint operation of culture, social and constitutional commissions), not by the reluctance of politicians. Finally, EKAK was adopted unanimously by all political parties represented in the Riigikogu. However, looking back to the process, it can be said that the it should have involved also ministries, because it was their mediocre awareness and interest in EKAK that later turned out to be the weakest link of its implementation.

EKAK is the strategy document, that defines the mutually complementing roles of public authorities and civic initiative, principles of their cooperation and mechanisms and priorities for cooperation in shaping and implementing public policies and building up civil society in Estonia. Besides concrete goals and fields of activities (e.g. improvement of the system of financing citizens' associations from public budget, systematisation of the statistics about third sector, development of the principles for public participation in the policy-making and for outsourcing public services to the nonprofit sector, etc) perhaps the most

Long process allowed widespread participation and made EKAK 'our own' document for the NGO community

Although the consensus was found between NGOs and politicians, more attention should have been paid for involving ministries' officials into the process

Structure of EKAK: goals, shared values and principles of cooperation, ways of achieving goals, and implementation

important underlying conception of this document is that both the public and the nonprofit sector are equal partners in developing the society, and that nonprofit sector remains independent even if it receives funding from public sector. Although it is likely that most of politicians at that time saw it just as a declaration, the fact that it was adopted by the parliament has been very useful for NGO community as since then it has been possible to refer to this document whenever there are problems with public and nonprofit sectors' cooperation.

Since the adoption in the Parliament, NGOs can always refer to this agreement in case of problems with cooperation between the sectors

In every two years (so far in 2005 and 2007) the parliamentary hearing takes place on EKAK implementation.

Implementation

A Joint Committee for EKAK implementation was established in 2003 composed of representatives of each ministry and NGOs from different fields. Among other things, the Committee was assigned to evaluate the degree to which the parties have fulfilled the commitments they undertook in the EKAK, as well as to develop an activity plan for the years 2004-06. There were three working groups established within the Committee: one dealing with legislation and involvement issues, second with sustainability of the nonprofit sector, and third with civic education.

At the end of 2006, NENO conducted an audit for the Joint Committee that identified three main problems in implementing EKAK: (1) lack of political interest; (2) poor quality and implementation of activity plan caused by insufficient financial and human resources (the budget for the Committee was allocated from a supplementary budget of approx. 130 000-190 000 Euros a year), and (3) unclear role and responsibilities of both the Committee and its members, especially from the side of public sector (the ministries were represented by officials who usually didn't have the power to make decisions in the name of their ministry). Due to the lack of government funding the NGOs represented in the Committee had to find the resources often on their own if they wanted the work to get done (e.g. many activities were funded by Baltic-American Partnership Programme). Furthermore, because of the limited resources the working

Problems with implementation: lack of political interest; insufficient financial and human resources, and unclear role of the implementation Committee and its members

groups within the Committee had to fulfill two contradictory roles, being at the same time responsible for implementation of the activity plan and evaluating the implementation. In the years following the establishment of the Committee its membership increased to 30, which also slowed down the efficiency of the work.

Members of the Joint Committee had to be at the same time responsible for implementation and evaluation

In order to solve these problems, NGOs recommended the revision of the principles and membership of the Joint Committee and formation of implementation units in both the public sector and NGOs. During the summer of 2007, the principles and membership of the Committee were revised, and as a result the new committee is smaller in number, but composed of higher level officials. It includes representatives of 10 umbrella organizations, business and trade unions, as well as chancellors (the highest state officials in Estonia) of the ministries of Finance, Social Affairs, Education, Culture, and Economic Affairs, and the deputy-chancellor of the Ministry of Interior. The Minister of Regional Affairs chairs the Committee. In addition, a representative of the Estonian Parliament and two government foundations (Enterprise Estonia and Non-Estonians' Integration Foundation) also sit on this Committee.

As about implementation units, a positive development has been the employment of additional two officials within the Ministry of Interior, under Minister of Regional Affairs, who are responsible for civil society development (from 2003-07 there was only one official working with these issues). The ministry plans to establish a department for civil society development that would act as the implementation unit of EKAK on behalf of public sector. Nevertheless, NGOs are also pushing for the formation of implementation unit on behalf of nonprofit sector, financed by the state budget. Although the need for such an unit was also supported by the chair of civil society support group in the Riigikogu, the negotiations are still ongoing without any signs of success so far.

Formation of units clearly responsible for EKAK implementation in both the public and the third sector could speed up the implementation process

The problems with the lack of units responsible for the implementation of EKAK became clear in the process of putting together the Civic Initiative Support Development Plan, known as KATA in Estonian. KATA aims to replace the activity plan for implementing EKAK from 2007. Essentially it is a document that brings together information about all the activities from the development plans of the various ministries

that are connected with civil society. The main problem however is that KATA does not perceive civil society as a whole (as EKAK does) but as a sum of specific activities particular to one sector. Therefore its focus is not on the cross-sectoral issues, e.g. sustainability of NGOs. Further, NGO participation in the development of KATA is also limited, because of the fact that it relies predominantly on the ministries' development plans.

Outcomes

The above provides a rather critical view of the EKAK implementation, with perhaps too much emphasis on the flaws of the system. As the initiators and as one of the leaders of implementation processes on behalf of NGO sector, we felt it is important to share these learning points in order to help prevent the same mistakes in the case of similar cooperation documents being launched in future in other countries. Doubtlessly, EKAK has initiated important steps in the development of the civil society in Estonia. Strategic approach has allowed both the public and nonprofit sector to recognise the value of a strong civil society. Based on that strategy (i.e. to do the right things), several guidelines and processes have been developed to achieve this vision (i.e. to do things rightly). Most important among them have been:

- agreement of several Codes of Good Practices of cooperation between public and nonprofit sector, namely Code of Good Practice on Involvement, Code of Good Practice on Public Service Delivery and Code of Good Practice on Funding (in process).
- launch of government's participation portal www.osale.ee, that allows civil society groups and individuals to post comments about the ongoing consultation processes, while the ministries can provide the public with draft laws, background materials as well as post polls
- appointment of officials in every ministry, whose direct responsibilities include involving the public in decision-making processes. These people will supervise the implementation of the Code of Good Practice on Involvement in their respective ministries, and help both government officials and nonprofit organisations in the matters of involvement.
- launch of Civil Society Fund, financed from state budget, that supports the development of nonprofit organisations and innovative programmes for civil society development. Also the mechanisms of public funding through ministries are currently under review, in order to harmonize the system.

EKAK has allowed a strategic approach for civil society development (as opposed to just doing random projects). As a result, Estonia has a functioning civil society and a sustainable nonprofit sector

- development plans for Voluntary Work and Civic Education (latter is currently in process)
- establishment of regional development centers in every county, providing free, broad-based consulting to NGOs and basic trainings at an affordable price.
- amendments to the Law of Nonprofit Associations that will make the annual reports of NGOs accessible in the public registry from 2010, thus making the sector more transparent and accountable
- amendments to the Law of Income Tax which, among other things, also specifies the public benefit (charity) status of nonprofits for tax incentives
- several research on civil society issues and training programs for both public and nonprofit sector

Further reading in English

- Full text of EKAK and its activity plans: www.ngo.ee/1030
- Estonian reports in USAID NGO Sustainability Index: www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/
- Kertu Ruus „Change of mindset underway as Estonian parliament adopts agreement on civil society“: www.policy.lv/index.php?id=102558&lang=en
- Katerina Hadzi-Miceva „Legal and institutional mechanisms for government-NGO cooperation in Croatia, Estonia and Hungary“: www.ngo.ee/orb.aw/class=file/action=preview/id=20327/Legal+and+Institutional+Mechanisms+for+Cooperation_KHM+Final.pdf
- Report by Urmas Reinsalu, the chairman of Civil Society Support Group in Riigikogu: www.ngo.ee/20508

You can also join NENO's free newsletter (published in every two months) to keep yourself posted with developments of Estonian civil society: www.ngo.ee/index.aw/set_lang_id=2

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