# AMERICAN UNIVERSITY OF ARMENIA

# SOCIAL PARTNERSHIP MECHANISMS IN ARMENIA: OPPORTUNITIES AND OBSTACLES

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# **List of Abbreviations**

NGO – Non Governmental Organization

RA – Republic of Armenia

NA – National Assembly

PVO – Private Voluntary Organizations

GONGO - Government Organized Non-governmental Organizations

FOI – Freedom of Information

PFCS – "Professionals for Civil Society" NGO

EU – European Union

USAID – United States Agency for International Development

#### Abstract

Theoretically, Governments and NGOs should be partners in promoting social goods and services to society. In practice, social and political realities do not always provide a functional relationship between Government and NGOs. The purpose of this Master's Essay is to discuss a framework of thought in considering the Government and NGOs in the context of social partnerships in Armenia, with a focus on the reasons and trends of the dysfunctions of the current relationship. The research also aims at looking what kind of opportunities exist for NGOs: means and mechanisms to promote meaningful NGO-Government partnerships; how successful are they in doing that; and what are the main obstacles, limitations or constraints faced that prevent normal functioning of NGOs in Armenia in provision of social services? Finally, it will draw lessons and recommendations from already studied and examined systems to improve cooperation between the government and public sector in Armenia.

The first part of the Essay defines the main concepts and discusses the relevant to the topic literature. The second part shows the findings that have been reached during the research. In the third part the analysis, conclusions and recommendations were drown from the above discussed.

#### **Literature Review**

Theoretically, Governments and NGOs should be partners in promoting social goods and services to society. In practice, social and political realities do not always provide a functional relationship between Government and NGOs. The purpose of this Master's Essay is to discuss a framework of thought in considering the Government and NGOs in the context of social partnerships in Armenia, with a focus on the reasons and trends of the dysfunctions of the current relationship. The research also aims at looking what kind of opportunities exist for NGOs: means and mechanisms to promote meaningful NGO-Government partnerships; how successful are they in doing that; and what are the main obstacles, limitations or constraints faced that prevent normal functioning of NGOs in Armenia in provision of social services? Finally, it will draw lessons and recommendations from already studied and examined systems to improve cooperation between the government and public sector in Armenia.

#### Civil society and democracy

Civil society<sup>1</sup> is composed of the totality of voluntary civic and social organizations and institutions that form the basis of a functioning society as opposed to the force-backed structures of a state (regardless of that state's political system) and commercial institutions.

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<sup>&</sup>lt;sup>1</sup> The term civil society is difficult to understand as there are conflicting and sometimes contradictory definitions out there as to what it precisely means. However, there is a good amount of agreement that civil society refers to the set of institutions, organizations and behavior situated between the state, the business world, and the family." Specifically, this includes non-governmental organizations (NGOs), private voluntary organizations (PVOs), peoples' organizations, community-based organizations, civic clubs, trade unions, gender, cultural, and religious groups, charities, social and sports clubs, cooperatives, environmental groups, professional associations, academia, policy institutions, consumers/consumer organizations, the media, citizens' militia and organized religion.

The literature on links between civil society and democracy have their roots in early liberal writings like those of Tocqueville. However they were developed in significant ways by 20th century theorists like Gabriel Almond and Sidney Verba (1989), who identified the role of civil society in a democratic order as vital. They argued that the political element of many civil society organisations facilitates better awareness and a more informed citizenry, who make better voting choices, participate in politics, and hold government more accountable as a result (Almond and Verba, 1989).

More recently, Robert Putnam has argued that even non-political organisations in civil society are vital for democracy. This is because they build social capital, trust and shared values, which are transferred into the political sphere and help to hold society together, facilitating an understanding of the interconnectedness of society and interests within it (Putnam, 1993).

The functions of current nation states are well known and agreed upon. The State is in charge of ensuring "...a foundation of law, a benign policy environment, investment in people and infrastructure, protection of the vulnerable and protection of the natural environment" (Clayton 1996, 17). While implementing its essential functions the state and its institutions deal with myriad of commercial and nonprofit entities. Even if NGOs are important actors per se, they are not a "system on their own" operating in a vacuum, but part of a wider environment (Bratton, 1989). Dialogue between the latter and the former is essential for maintaining democratic system of governance.

#### Civil society-State relations

What are NGOs? Clarke (1998) defines NGOs as "private, non-profit professional organizations, with a distinctive legal character, concerned with public welfare goals. In

developing world, NGOs include philanthropic foundations, church, development agencies, academic think-tanks, human rights organizations and other organizations focusing on issues such as gender, health, agricultural development, social welfare, the environment, and indigenous peoples." Larry Diamond in 1994 in the article "Toward Democratic Consolidation" while discussing the role of civil society in democratic consolidation refers to interest groups. According to him NGOs, interests groups are the constitutional part of civil society. In democratic societies the necessary linkage between the public opinion and representative government are political parties and interests groups, NGOs (Diamond, 1994).

What general patterns do state-society relations take? Scholars concerned with analysis of the shifting nature of state-society relations have offered a wide range of more or less specific characterizations. Their attempts have often been based on their understanding of the character of the modern state *vis-à-vis* society, particularly the peripheral capitalist state. In recent times, these characterizations have offered new labels rather than new explanatory insights. The key element of state-society relations is that the state is in constant and changing interaction with the various elements of society at any given time. This interaction depends on the balance of social forces involved in the institutional and class interactional nature of the state, but the state, in relation to them and to fulfill its functions, "seeks to dominate them, regulate their activities and set the rules by which conflict between them can be resolved" (Ngunyi and Gathiaka, 1993, 29).

Taking this as a major defining element, state-society relations can be classified in the broadest sense as threefold:

- cooperative/supportive
- oppositional
- neutral/indifferent

These broad classes do not carry any evaluative connotation. They can be either positive or negative depending on the specific outcomes for democracy and/or sustainable and equitable urban management. Under *cooperative/supportive relations* we can have promotive, integrative interactions between the state and the institutions of society. Under *oppositional relations* we can include hostile, repressive, adversarial, extractive, competitive, and exploitative interaction, while the class of *neutral and indifferent interactions* includes deliberate or unconscious neglect, ignorance, or inadequate knowledge about the other party or sheer lack of capacity to do anything with or for the other party (Tade Akin Aina, 2002).

In their relation with the State, Clarke (1998) presents the liberalist view that NGOs can fulfill three roles: complementing, reforming, and/or opposing the State. The idea of the complementing NGOs is one of NGOs as service providers and implementers of development activities. In this case, NGOs fill in the gaps left by public services (Thomas 1992). The complementary primary role is to lay the grounds for mutual confidence and promote the process of collaboration with the NGO sector. It is important for developing cooperation with the NGOs through financing, consulting, education and information sharing. It also coordinated legislative initiatives on issues affecting civil society organization. It channeled state funds in almost all fields of NGO activities through a transparent funding mechanism characterized through public announcement of calls for proposal and clearly stated criteria, creation of independent groups for review and assessment of projects and well-established monitoring and evaluation process. By the 1990s, the prevalent ideology among donors was to see the State as an "enabler" rather than a "provider" (Tandon 1991). Pinkney wrote: "The message of experience is that it is central to economic and social development, not as a direct provider of growth, but as a partner, catalyst and facilitator" (2003, 112). Pinkney observes that "where the State has not abandoned public

services or public enterprise altogether, it has frequently delegated the provision of services to NGOs." The *reforming* role of NGOs is related to NGOs as agents of advocacy and contributors to policy dialogue. NGOs can represent the interest of the people they work with and, hence, ensure that policies are adapted to 'real life'. In this way, policies are legitimized. NGOs can also contribute to generating informed public judgment. Tandon refers to this as "mediation" (Tandon 1991). Finally, NGOs can *oppose* the State, by acting as watchdogs and holding it accountable. This can either be done directly through lobbying, or indirectly by supporting groups that are adversely affected by government policy (Thomas 1992). This can also be seen as "mediation."

Civil society and the State gain from cooperation and dialogue. The State can contribute to the strengthening of NGOs devoted to the implementation of development activities, i.e. NGOs complementing the State. The extent to which this is possible depends on the political, economic, regulatory, informational and cultural context of the country in question. However, this relationship cannot solely be imposed by the State but must have its foundation in civil society itself (Clayton 1996). Sometimes this partnership between the state, commercial and nonprofit sectors is called social partnership.

Social Partnership, according to Wikipedia, the online encyclopedia is the term used for the tripartite, triennial national agreements reached in the Republic of Ireland. The process was initiated in 1987, following a period of high inflation and weak economic growth which led to increased emigration and unsustainable government borrowing and national debt. Strike and wage moderation have been important outcomes of the agreements and this has been seen as a signifant contributor to development of Ireland. Prior to this agreement bargaining was on a local level since 1981, before this, since 1970 national deals were the norm but came under increased pressure (Online Wikipedia).

The voluntarily agreements are agreed between the Government, main employer groups and the trade unions; since 1997 voluntary organisations have taken part. In addition to pay and wage issues, other issues such as tax and welfare are important constituents of the agreements; each agreement tends to be tailored to medium term national economic and social needs and often builds on its predecessor. Nowadays the term has transformed to include not only labor relations and agreements between the state, businesses and trade unions, but also different joint initiatives of government agencies and non profit organizations aimed at providing social services to vulnerable groups of population.

Social partnerships can help to decrease the cost of government services and increase their quality. This is due to the reason that NGOs know better the needs of their beneficiaries and have sufficient professional expertise to provide better quality and targeted services to alleviate their lives. From the other side cooperation or contracting out NGOs for provision of social services decreases the cost of those services by cutting the cost of maintaining bureaucratic apparatus by appropriate state agencies. Last but not least NGOs as public benefit organizations ideally shall be willing to perform the same job for lower payments than regular employees of a state institution (Arakelyan 2003). The definition of the term partnership tends to be controversial. The views on what constitutes a partnership range from any type of co-operation or initiative aiming at co-operation between at least two parties to the highest level of co-operation where two parties enter an agreement as equal partners. Partnerships can be concluded between any sectors of the society including NGOs, governments, businesses (Newman, 2006).

# Socio-economic rationale of application of the Social Partnership in Armenia

Ara Arakelyan (2003), while discussing the practice of social partnership in Armenia context in his book "Social Partnership" gives the advantages of Social Partnership from different sides. First and foremost economic advantages of the Social Partnership are apparent. Those advantages can be classified by the following factors:

- a) Involvement of external resources in the process of implementation of a given Social Partnership Project or policy. The NGO winning in the competition of implementation of Social Partnership Project must do investment both in financial and material, physical, intellectual and other forms. This will alleviate the budget tension of the state institution; will help involving additional non-budget resources for financing social sector, or minimal budget expenses will reach maximal result though decreasing bureaucratic expenses.
- b) Competition: this is an important principle of Social Partnership. As an elected party (through competitive selection process) of Social Partnership the participation of NGOs in the competition disseminates the idea that financial resources are not given without reason, even if the organization performed interesting and useful works in the past. For winning in the competition it is necessary to clearly plan the activities, to make the estimate clearly, show the advantages over the competitors. This approach enables to select the most deserving NGO participating in competition.

Second block of positive features in government and public cooperation are the organizational and technical advantages of such a partnership. They can be divided into three larger categories.

a) Ensuring of publicity for all social partnership activities. During elaboration and implementation of social programs a bilateral exchange of information is made from

- public to state and vice-versa, which enables to really formulate and matured problems of the society.
- b) Formation of criteria and norms of the quality of evaluation of activities and providing social services. Definition of the system of criteria for project evaluation is considered to be the basis of effective project implementation.
- c) Mutual dependence of parties from agreement. The Social Partnership projects are implemented on the basis of bilateral financial-legal agreement and responsibility.

Last but not the least; socio-political advantages of Social Partnership are apparent. They include but are not limited to the following categories:

- a) Application of Social Partnership system will increase targeting and publicity of solving problems of public importance. In all stages of implementation of Social Partnership Project the availability of information for public will be ensured. Not only is the publication of the competition and implementation results projected, but also the information flow from public to state employee and vice-versa will be provided.
- b) Insertion of Social Partnership system will increase the social and creative activation of the population. This will be realized by providing publicity of competitions, which will convince the author of each project that his interesting idea or suggestion will be given attention.
- c) Insertion of Social Partnership system will provide widening of public control over state officials' activity.
- d) The given Social Partnership system will be one of the most effective ways of Social Partnership. The NGOs act as a real public power in solving social problems of the

society, which is considered with and a partnership with state power with equal rights is established.

e) By insertion of Social partnership system adequate redistribution of social responsibility between state and public will be implemented. The state must create a relevant legal background for solving social problems and providing services by the NGOs. The public must assume the weight of solving many social problems, implementing in through the organizations established by it. In the result, the state will gradually pass solving of the important social problems to the NGOs by which it will widen the field of activity of civil society subjects.

The above mentioned is the theoretical grounds and benefits of cooperation. The practice, however, varies from country to country. Richard N. Blue and Yulia Ghazaryan (2004) in their study "Armenia: NGO Sector Assessment" talked about Armenian NGOs' relationship with Armenian Government and referring to politician's (expert's) opinion they wrote that Armenian Government needs a lot of training what NGOs are, because they view NGOs as organizations, which always struggle for money or have some program with international organizations. Such a view limits the chances of cooperation and instances of interaction between the two. Yet the fact is that there are many opportunities and mechanisms that when used, can be beneficial for both the state in fulfilling its role and NGOs in achieving their missions. Some of the frequently used mechanisms are discussed below.

# Mechanisms of cooperation

For the purpose of this paper, we have chosen to present two types of co-operation between NGOs and government, whether at the local or national level. Government

consultations with NGOs are essential, even if they do not always lead to a direct financing of NGOs are essential. They lead to the understanding that both sectors complement each other in the functioning of the society, and government feels at ease in contracting NGOs to provide services they traditionally provide. Finally, the adoption of good mechanisms to finance NGOs is essential to ensure a positive co-operation between the two sectors.

# Consulting between NGOs and the government

Non governmental organizations (NGOs), and in particular grass root organizations have a comprehensive understanding of problems faced by populations because of their direct contact with the people. Government institutions are more difficult to approach by individuals first for bureaucratic reasons and second because they tend not to be located in remote areas and do not directly confront problems that can be faced in these areas. For this reason, the expertise of NGOs can be of great value for the development of government policies. Consultations between NGOs and government can takes informal or more formal forms depending on the goals the parties intends to achieve.

Informal level consultations tend to take the form of conferences favoring dialogue. It is often used to develop a better cooperation between the parties when they wish to develop a policy to tackle a problem confronted by the society. Certain circumstances might encourage NGOs and governments to intensify their dialogue. In particular, the specific knowledge of an NGO, such as the expertise of a think tank, or the community dynamism NGOs can provide and which can be used by governments in times of social crisis, can incite discussion and even cooperation (Newman 2006).

The highest level of consultancy between NGOs and government is the "participatory process." This process takes place mainly at the local level where NGOs and local communities

are involved in local decision making. It is a mechanism that allows communities to participate directly in democratization process. This approach to democratization is currently being experienced or in project in many Latin American countries (Newman 2006).

# Delivery of public services performed by NGOs

Governments around the world tend to have resorted to NGOs for the provision of public services. This can be achieved through a grant or of a contract agreement between the State and the NGO. Governments contract NGOs for implementing both domestic social policies and also their development policies with developing countries.

Contracting of NGOs for the provision of social services by governments can be the result of (Newman 2006):

- States who traditionally contract NGOs for the provision of social services
- "Crisis of State capacity"

Economic crisis states to privatize social services. Contracting NGOs to provide such type of services is cheaper for the state than providing them through the bureaucratic apparatus of the State. It therefore enables the State to cut budget expenses.

The draft Law of the Russian Federation on State Social Orders defines social orders as the State mission to execute measures to solve significant social problems at the regional, federal and intergovernmental levels. The executing entity can be a charitable, non-commercial or other entity of the Russian Federation and is selected through a public contest established by government resolution. The government allocates the funds to a public entity, which will then transfer them to the executing entity. It provides that once the goals of the social program are

established, the legal entity which will execute the program, and the public entity responsible to organize the execution of the program have been selected by the government, a contract is signed between the public entity and the executing entity. The public entity controls that the funds are used in accordance with the social goals of the program. It is liable to the government for proper usage of the funds whereas the executing entity is liable to the public entity (Keni, 2000).

The provisions described in this draft are some of the elements necessary to ensure a fair co-operation between the State and NGOs.

#### **Hypothesis and Research Questions**

A hypothesis and several research questions are put forward in the framework of this study.

**Hypothesis:** There are insufficient mechanisms of cooperation of NGOs and the Government institutions in provision of social services in ROA.

# **Research Questions**

- 1. What is the attitude of Government officials towards NGOs?
- 2. What is the attitude of NGOs that provide social services to the public towards the Government?
- 3. What is the role of government in provision of social services? Will the government be the policy maker or service provider or both?
- 4. What is the role of NGOs in provision of social services? Policy maker or service provider or none?
- 5. Do Government officials see NGOs as partners or opponents?
- 6. Does the existing legal framework foster Government NGO cooperation?
- 7. Which mechanisms of cooperation are practiced the most and why?

# Methodology

According to Armenia 2005 NGO Sustainability Index provided by the USAID (2006), more than 4,000 NGOs now are registered in Armenia. Only part of them are well organized, functioning organizations. In the framework of this study probabilistic sampling was not applicable, because some NGOs exist only on paper and it was useless to include them in the sampling frame.

For the purposes of the study in-depth interviews separately have been conducted with five NGO representatives, five Government officials, and five representatives of international organizations that deal with NGOs. International organizations were purposefully chosen according to these criteria: three of them were the organizations that work with Armenian NGOs, and two were the organizations which work with Armenian Government. International organizations were US funded and EU funded donor organizations. Government officials were chosen as follows: two people were from local level officials, two were people working in the executive branch of the Government, one official worked in the legislative branch of the Government. All these officials were working with NGOs. three of chosen NGOs were national level NGOs who provide services to their beneficiaries and have their offices in marzes, and two of them were local level service provider NGOs.

# **Findings**

Through indepth interviews with government officials, NGO leaders and representatives of international organizations, an attempt was made to find out the true perceptions of NGOs about government agencies/officials and vice versa, and the perception of international organizations about NGO-government relations in Armenia.

#### The attitude of Government officials towards NGOs

Survey respondents are inclined to think that the most important functions of NGOs are identification and solution of major community problems from one side and protection and promotion of the rights and interests of public from another side. Yet, the government representatives believe that NGOs shall be engaged in charity work more and everything else to a lesser extend.

The majority of respondents from governmental and international organizations were able to name NGOs that cooperate with the government in provision of social services to public. In general fields of cooperation mentioned were tourism, professional expertise and consultations, joint drafting of legal acts, construction field, and health sector (e.g., drafting legislation against tobacco).

According to a local government representative, the majority of charities cooperate with government and with local governments in particular the most.

# Attitudes towards the Government of NGOs providing social services to the public

According to respondents, the government should support and cooperate with NGOs. Government should create sufficient conditions for NGOs to develop their organizational capacity and become financially sustainable.

Furthermore, NGOs believe that government should have strict regulations to ensure public participation in all levels of government decision making process.

NGO leaders warned that there are some obvious cases when ministries and regulatory agencies do show cooperation with NGOs for populist purposes only. True cooperation is possible if the government agency has some benefits from it. Usually this is in cases when there

is no sufficient expertise in governmental agencies or when NGOs are willing to do the job instead of government officials. They added that for ensuring high efficiency of public participation NGOs should be allowed to get involved in early stages of policy drafting and not afterwards.

# The role of government in provision of social services.

All three sides strongly agree that theoretically NGOs shall be involved in development and provision of state/local social policies. And they all strongly disagree that only government agencies shall be involved in development and provision of state/local social policies.

All of the respondents from government institutions think that in provision of social services to public today Government and NGOs are partners, but government shall not cooperate with all NGOs, but only selected ones who have considerable expertise and capacity. In contrast, NGO leaders do not share this opinion. NGO representatives believe that NGOs shall be involved in state decision making, but in reality neither they nor individual constituents are involved in decision making process. Also NGOs shall demand Government to be more accountable and responsive to public.

#### The influence of existing legal framework on Government – NGO cooperation.

The NGO sector is regulated by the Law on Public Organizations (2001), the Charity Law (2002), and the Law on Foundations (2002). The majority of organizations are registered under the Law on Public Organizations. Although the process has improved over the past year, registration takes place in Yerevan, creating a burden for organizations in the regions. The concept of volunteerism continues to be an issue, as tax officials do not yet consider volunteer

work to be tax free. A Vanadzor based organization called Media Group appealed to the court system to defend its right to use volunteers without being taxed, and was not only unsuccessful, but was ordered to pay court costs and damages. In addition, the law prohibits NGOs from generating income by engaging in direct entrepreneurial activities. As a result, as the representative of NGO Professionals for Civil Society claims, organizations continue to depend on donor funding. In 2005 the organization has launched a national campaign to improve the NGO legislative framework and create mechanisms for state funding (Maruqyan, 2004).

According to NGO representatives there are several major legal limitations in NGO related legislation that hinder the NGO-Government cooperation. Most importantly, they mentioned that the law on Public Organizations limits NGO ability to be engaged into direct entrepreneurial activities. This limits the possibility of NGOs receiving the service contracts from governmental agencies for providing services to public. In addition to the NGO law is very simplistic, not differentiating between different types of NGOs, for example professional associations, service providing organizations or advocacy groups go under same format. This does not allow provision of flexible tax benefits to service providing NGOs for whom it may be a major help. From the other side it is possible to define by legislation that in receiving service provision contract NGOs have a preference. Its absence is not a hindrance but the presence would rather give a boost to that kind of cooperation. Another hindrance is that there is no such a provision that will allow NGOs represent their constituencies in the court.

According to government officials NGO related legislation lacks provisions that could give the right to NGO to professional certification and licensing. Many foreign NGOs have this right. Although some NGOs currently receive state support in the form of grants, that process is not regulated, which leaves room for manipulation and non transparent interaction between the

state institutions and NGOs. In different government programs there are NGOs involved. However, most of those NGOs are those with close connections with government officials. None of the NGOs interviewed had the chance to get state funding or support in any form. The issue of NGO selection process by governmental agencies for partnership and cooperation purposes shall also receive legislative regulation.

# The most frequently practiced mechanisms of NGO-Government cooperation.

According to NGOs and representatives of international organizations there is some cooperation on the local level through personal contracts, but the nature of that cooperation may be observed in the form of social partnerships for provision of social services to vulnerable strata of society. Government gives grants to NGOs, but the process of selection is not transparent at all and only selected organizations receive those grants. Although some ministries cooperate with NGOs asking for professional opinion, but this is not general norm for all advanced NGOs it is practiced by case by case basis. Furthermore, NGO leaders claim that sometimes the government initiated cooperation is for protocol purposes only or otherwise for legitimizing unpopular governmental decisions or programs. Workgroups, round tables, general discussions around the problem are the most used mechanisms according to government officials.

Over the past year, NGOs have cases of cooperation with the government increased, however, the relationship between the two is at times artificial and communication is often unclear according to majority of NGO representatives interviewed. The government has been creating government-organized or affiliated NGOs (GONGOs) and at times co-opting existing NGOs. This allows government officials to effectively exclude progressive organizations from the policy-making process at the same time "showing" NGO involvement in the process.

Motivated by increasing foreign pressure, many government officials have created advisory councils that include both government and NGO representatives. The purpose of the advisory councils is to give an impression of inclusiveness and participation, rather than receive input and advice. The intentions of government officials is evidenced by their process for forming the advisory councils, the lack of any clear results, and the sense that the council meetings are more media events or populist activities. Those activities however never bring to tangible partnership cases according to interviewed NGO representatives.

Mechanisms to promote inter-sectoral partnerships improved over the past year, both legally and practically according to USAID NGO sustainability index. One such partnership was successful in getting a fairly progressive Freedom of Information Law passed. In 2005, NGOs have closely monitored the implementation of the law and have reported numerous violations, taking some to court. One NGO has created a FOI "black list" for those government agencies that refuse to provide information they are required to give. They went further by taking to courts those government officials who don't provide information. In January the Mayor of Armavir city was forced to provide the transcripts of City Council following to court decision (Aravot daily, 2007).

#### Analysis

The research has identified that according to NGOs, government officials usually do not take them seriously. Moreover, they have very limited willingness to cooperate with NGOs and in cases when they do so; it is done mostly from selfish reasons. However, there were some limited occasions when positive cooperation was also cited. This is interesting, in the light of

negative perceptions of NGO representatives. In contrast to that, government officials believe that they in fact cooperate with NGOs and do not see any obstacles for future cooperation.

Here probably one shall consider what do the two sides understand under the word "cooperation" and what are the true or latent expectations from such a cooperation for each of the sides. NGOs claim that government officials under "cooperation" understand participation in events mostly. Those are activities that do not necessarily require some kind of contribution or effort from participants. Secondly, NGOs have observed that governmental agencies show interest for cooperation only when NGOs have some funding for projects with their beneficiaries. Yet, when the issue comes to involve NGOs in their program activities of provide financial and technical assistance to NGOs the government agencies become less cooperative or sometimes antagonistic.

According to representatives of international organizations such a situation is an outcome of current system or rather the absence of any system. Currently there are no systems set up in governmental agencies on how to work with NGOs, whom to give preference, or whose services to use. One of the international organizations that works with the Armenian Legislature said that they have set up a system of collection of NGO information to be used by government officials. However the system is in the process of development and there is limited interest from experts and other government officials to contact organizations whom they do not know personally. Secondly, the luck of any transparent system or procedure on how to work with NGOs allows government officials to open their own NGOs (often refereed as GONGOs) and "work with them." This is particularly the case when there is a need to "secure" loyalty or there is substantial funding involved. "Professionals for Civil Society" (PFCS) NGO currently works to improve the situation through revision of legislative framework. However there is limited interest from the

side of NGOs who are involved in service provision to support this advocacy initiative. Furthermore, those who come to support have either limited capacity or limited resources to exercise pressure on the Government for positive reform.

Another finding of the survey was that Ministries or the central government agencies are more prone/open to cooperation than local government bodies. This comes back to the system issue. Ministries and the parliament have more advanced infrastructures set up for communication and partnership with nonprofit sector. Furthermore, they are a major recipient of donor assistance in contrast to local governments. One may conclude that technical assistance and expertise available to different ministries and parliament have improved their infrastructures and maid them more accessible and credible partner with NGOs than local governments. Secondly, the centralized management structures are still in place and as a result the national government agencies have more resources, services and programs, which make them more attractive for NGOs. The funding and opportunities of cooperation of central government motivate NGOs to approach them more than that of local governments. As one NGO representative puts it, "...they (local government) have limited recourses and even if they agree to cooperate there is no much use of them".

The system of local governance in Armenia is a recent phenomenon. It is still less developed in three main perspectives. It does not have much funding, the system of governance is very simplistic and they are more accountable to central government rather than to public. This is due to the fact that the tax base of local governments is very limited and so is their tax collection capacity. Secondly, the professional capacity of local governments staff is not very advanced. Thirdly, during the election of local governments' officials the central administrative resource plays a major role and naturally the elected officials have limited interest in public

needs. If we combine this with almost no public demand from NGOs or public side for more or better quality services than we will have the full picture of situation. Yet, it is the local government who needs the social partnerships the most. As Arakelyan (2003) argues, this will allow them to satisfy the public demand for more services with their limited budgets. It will further help to make the available services more targeted and better quality by using information and expertise accumulated in Armenian NGO sector in last decade.

Next, the NGOs themselves in the role of the critics of the government policies rather than being the policy shapers. This may be due to the fact that it is usually much easier to criticize rather than to offer solutions. And in some cases, particularly when NGOs do not have resources or sufficient expertise they tend to go for the first (criticizing the government). From the other side, the government respondents also did not see the NGOs much as policy shapers or designers. They believe that major function of NGOs is engagement in humanitarian projects. The burden of history has its say in this situation naturally. For decades people used to see the state as the sole provider of social services in the country. The last ten-fifteen years of independence are not enough to change the stereotypes inculcated in public vision of the role of the state. It is natural that nowadays public officials have such a vision of NGOs. A second historical event that played major role in the development of such a stereotype is the earthquake in 1988, which brought major aid flows into country. From those early days NGOs were involved as humanitarian organizations and the subsequent flow of refugees as a result of Karabakh war combined with several years of economic hardships ossified the role of NGOs and humanitarian organizations. To change that perception much time and effort is needed by donor agencies, NGOs themselves and the government. NGOs can be as low cost service providers and alternatives to state services.

The findings show that the nature of cooperation is also very simplistic. As interview results show mostly used mechanisms of NGO- Government cooperation are personal contacts, participation in events, and round tables. More sophisticated forms of partnership as social contracting for service provision, working groups, joint projects, government grants, are the least used forms of cooperation (case by case basis). Experience and expertise of both sides of the social contract give such results. Even though the social partnership is a recent phenomenon, there is already considerable experience and practice of cooperation. It is available not only in developed world but also in former Warsaw Pact countries like Hungary (Bullain 2001). Access to these resources would improve the mechanisms of partnership greatly. The international donor agencies working in Armenia are in the best position to facilitate this flow of information.

Concluding this issue, one can say that today there is limited interaction, cooperation and information exchange between Armenian NGOs and Government. Moreover the forms of that interaction or cooperation are very primitive and immature.

The view and expectations of NGOs that provide social services to population from the Government can be called a bit strange. What they expect from the government is that government creates conditions for them to develop their organizational capacity and financial sustainability. The practical campaign by a local NGO to improve the financial sustainability mechanisms is case to the point. As "Professionals for Civil Society" NGO (PFCS) representatives mention, it is very difficult to convince service provider NGOs to join their campaign to improve the legislative environment in which they provide their services. However, they forget about one basic thing, that like businesses compete in free market economy; NGOs also shall compete for stakeholders, beneficiaries and government cooperation. It is the task of the management team or the board of a given NGO to ensure their organization has developed

systems and infrastructures, knows the needs of their beneficiaries and provides high quality services that are of demand. This does not mean that in such a competition they shall defeat the other players. This simply means that they shall work harder, come up with creative ideas and match their projects with different governmental and none governmental partners to achieve the utmost public benefit. It further means that aside from service provision they shall get involved in policy shaping to improve the environment in which they work. Some organizations have already understood the need for involvement in policy processes. For example the largest national service provider organization, "Mission Armenia" NGO already two years ago has started to develop an advocacy strategy and promote partnership with government to maintain the level of services it had. The move is also under the pressure of international organizations who start to incrementally decrease their funding and scope of operation in Armenia. Representatives of international organizations have also observed this trend of decrease of donor funding in Armenia.

Similarly, majority of interviewed NGOs believe that it is the government responsibility to ensure public participation in policy processes. However, the public participation has at least two sides. One is the information and mechanisms set up to ensure participation and the second one is the interest and capacity of civil society organizations to participate in the processes. What most NGOs speak up is the first portion. None of them speaks about the second important component of participation. Interestingly, the government officials and international organizations note that very often NGOs either do not have sincere interest of participation or show such an unprofessional behavior that they immediately get into the blacklist of government entities that have initiated the given event. To improve the situation not only donor agencies shall

support capacity building programs but also interested governmental agencies. This is because they are the primary beneficiaries of any meaningful public participation/drive.

Another important finding is that there is considerable miscommunication between governmental agencies and NGOs. NGOs consider this to be natural, since they feel themselves accountable to the donors only, who finance their activities and define their agendas per se. As a result of miscommunication, NGOs and government officials have different perceptions about each other. When NGOs believe there is limited cooperation/partnership with government and government officials believe they are cooperating with NGOs very well. The situation may further be attributed to limited NGO accountability to government and the public in general including but not limited to NGO beneficiaries. Representatives of international organizations also observe that the donor funding plays crucial role in determining the agenda of local NGOs. Understanding all this, it is possible to achieve greater impact in provision of social services if the efforts of governmental agencies and NGOs are combined. International organizations have major role to play in fostering this cooperation through pushing for accountability of NGOs before their beneficiaries and government partners.

The findings show that there is an agreement between representatives of government, NGOs and international organizations that government shall not be the sole policy maker or service provider. They also agree in that the government shall be more involved with developing social policies and NGOs are a capable resource to provide those services. However, they do not agree on the mechanisms through which NGOs can be involved in service provision activities using government funding or contracts.

NGO representatives believe that the current legislative framework does not allow effective cooperation. Yet, the government officials do not see major problem in this. This is due

to the fact that most of the NGOs would like to see at least two things, one is the right to provide paid services and the second is a competitive mechanism to procure government contracts or receive government grants. From the government side, the issue is viewed in a different light. Deputy Minister of Justice Mr. Ashot Abovyan, the author of the current NGO law claimed at numerous occasions that is the government allows NGOs to get into direct entrepreneurial activities than NGOs will demand for tax free status. And if this happens most of the businesses will register their NGOs to get tax release. The argument is weak and hinges on the understanding that currently the tax collection system is not very strong and an additional "loophole" would further complicate the situation. The debate is an open and ongoing one and a subject of a totally different research that is who it will not be discussed in detail here. Secondly, when it comes to contracting and competition mechanisms, it is obvious that the current absence of such mechanisms gives freedom to state officials responsible for distribution of those resources. Naturally, if there is no external pressure they will tend to keep the existing system and their de facto power to distribute government resources at their own will. Efforts of NGOs to improve the situation gave some positive results (Arakelyan, 2003). The cities of Vanadzor and Goris already have municipal level decrees on setting up such systems. However much remains to be done by NGOs in setting up effective mechanisms of procurement of government services by NGOs.

The last interesting finding is that representatives of international organizations have observed that there is a considerable tension between NGOs and government institutions in provision of social services. They view each other as opponents rather than potential associates. However, neither NGOs nor government officials believe that there is a tension between the two. Hopefully with the increase of service provision level by NGOs and decrease of government

direct service provision this tension will disappear and the two sides will understand the effectiveness of partnering up in joint initiatives to better serve their beneficiaries.

International organizations' representatives think that the work of Armenia's NGOs is heavily shaped by donor initiatives and their funding strategies. The elite-centrism of Western donors has selected the type of people who establish and operate NGOs, donor-sponsored training seminars have taught and prepared NGOs to discuss the topics of interest to donors (e.g., gender mainstreaming, advocacy, trafficking) and to use the same languages (linguistic and discursive) as donors. On the other hand, NGO members claim, while they are affected by the policies and strategies of donors they are not passive consumers, they are cultural interpreters who customize global discourses and projects to better serve local needs. Is it then possible to so arrange matters that local NGOs will be able to cut down on the "customizing" and straightforwardly address local concerns? Yes, but the mechanisms for this are still in the growing stages of development. Armenian NGOs, government officials who work with NGOs, and representatives of some donor organizations are currently discussing and considering ways how NGOs can be more locally sustainable and legitimate in society. For this to occur, they maintain that there needs to be more transparency, sharing of information, multi-level cooperation (NGO-government, NGO-NGO, NGO-society), accountability to beneficiaries, and real dialogue with donors if NGOs are to play a more significant role in society.

#### **Conclusion**

In the era of globalization and representative democracy, citizens' full participation in public policy formation is the one of the fundamental grounds on which the accountable and truly representative government can be sustained. Citizens demand more accountability and

transparency from their governments and opportunity to participate in formation of public policies that have immediate impact on their lives and lives of coming generations. As was mentioned by Putnam non-political organizations in civil society are vital for democracy. This is because they build social capital, trust and shared values, which are transferred into the political sphere and help to hold society together, facilitating an understanding of the interconnectedness of society and interests within it (Putnam 1993).

When juxtaposing the above described ideal with Armenian reality of our days the hypothesis put forward was that there are no effective mechanisms of cooperation for government institutions and NGOs in provision of social services to the public. To test the hypothesis the opinions of experts from international organizations, representatives of civil society and government institutions were put together. International theoretical mind was compared with local examples and experiences. The conclusion is straightforward; there are legal limitations, low level of information exchange between the parties and limited organizational capacity that hinder the development of social partnership practices in Armenia. From one side NGO community does no posses enough capacity to initiate and offer a partnership. From the other side the government institutions do not show special interest or motivation for cooperation. This situation is a result of luck of exchange of information and low level of rust in each other, which in turn blocks further communication channels and opportunities. Last but not least the underdeveloped legal framework further complicates the situation and leaves limited chances for government NGO cooperation in provision of social services to vulnerable strata of society.

However the real problem or threat is not in underdeveloped legal environment, but in unwillingness of parties to take the initiative to improve it. NGOs continue to believe that it is

the government responsibility to provide sufficient legal framework and governmental agencies with their traditional conservatism do not undertake any steps of improvement. Furthermore they still have a way to go before they will understand the real benefits of partnering up with civil society organizations to provide the services they are require to supply. The problem is not the lack of information exchange but the luck of willingness to open up for the public. This equally applies to both government entities and nonprofit organizations. None of them wants to be accountable to the other. And what is the cooperation without accountability?

There are some objective limitations and hindrances too. Sometimes, NGOs fear that entering into partnership with governments will infringe upon their independence. This should not be the case if the NGO chooses to adopt self-sustainable measures such as engaging in economic activities and other alternative sources of funding. Secondly, partnerships at the local level should be considered more effective in transition countries. Their flexibility and intimate proximity with local conditions provides the means to answer efficiently the specific needs of a community, and trust relationships can be more easily established at the local level. Taking into consideration that local NGOs are too small or not sufficiently developed one can say that they are not able to participate in partnerships. On the other hand, contracting at the local level with NGOs operating at the national level can alienate local communities and preclude their effective involvement in partnerships. There can, in these circumstances, be a conflict between what the NGO sees as the public good and what the community wants. Accordingly, great care must be taken in choosing NGOs with whom a useful partnership can be undertaken. And that can be a challenge for civil servants with limited cooperation experience and vision.

All in all there is no one simple solution to improve the situation. A comprehensive and multilateral effort needs to be launched to break the ice. As a result of this in-depth study of the

situation three major groups of recommendations are put forward to improve to overcome the vicious cycle and start a mutually beneficial cooperation between the government and NGOs. The first group of recommendations is for NGOs, particularly those that provide social services to their beneficiaries. The second group of recommendations is for state institutions, both for those who are in charge of provision of services and for those who are in charge of policy development. The third set of recommendations is for international organizations implementing development projects in Armenia and donor agencies funding those projects.

# Policy recommendations for NGOs

- 1. NGOs should publish their annual financial and program reports to build trust and increase the awareness of Governmental agencies. Annual reports shall include information about the work done by the particular NGO during the previous working year, show the appropriateness of the mission and visions of that NGO with the work done, and find out are they going in the same direction or not? This will show that NGOs not only accountable to their donor organizations (mainly international) but also towards their government partners, beneficiaries and public in general.
- 2. NGOs through their work have to build the credibility of governmental agencies and show them that they are not only money spenders (as many government officials think) but they are capable to do really good work in the sphere of provision of social services to public. The most successful partnership cases in the social service provision sphere should be publicized by all means of mass media for the government agencies to understand the benefit of partnering up non-governmental organization in provision of social services to public. International organizations should help NGOs to develop their

public relations' skills. This will help our NGOs to work more transparent and access able to everybody who wants to know about their activities.

# Policy recommendations for Government

- 1. The Ministry of Justice and National Assembly Standing Committee on State legal affairs should set up a working group composed of their experts, NGO representatives and representatives to improve the NGO legislation to include motivation mechanisms for NGOs providing social services, to allow government procurement and other relevant mechanism to create favorable legislative environment for NGO government cooperation.
- The Government of Armenia through the Office of the Prime Ministers should pass a
  resolution establishing policy of transparent and proactive information provision by
  Ministries to civil society organizations through their web sites, mailing lists and
  traditional media.
- 3. The Ministry of Territorial Administration should start up an initiative with NGOs and representatives of local governments to ensure that mechanisms are in place for systematized cooperation in local level. For that purpose it would be useful to develop model guidelines for local government officials.
- 4. The Ministries of Health and Labor and Social Security should establish the practice of inviting NGOs who provide social services in development of their long term and short term plans. Particularly this is important in budget design phase. This process shall not be much complicated, since both ministries are already developing program budgets for almost a year. In contrast to "line-item budgeting" this new format allows to provide

much more targeted services and the most importantly measure the impact and usefulness of those programs for the beneficiaries.

# Policy recommendations for International organizations

- Donor agencies should organize exchanges of experience programs for NGOs and government officials to learn new mechanisms of joint partnership and cooperation. Groups can be formed by the representatives of National Assembly, central government, local government and NGO representatives. They will see the work of other international NGOs with their governments and learn lessons from their experience.
- International organizations should design training programs for NGOs to show them the
  mechanisms how they can successfully publicize their work results to the broad public
  and different levels of government.
- 3. International organizations should organize NGO fairs and receptions, bringing together government officials and NGOs. This will improve information exchange between Government and NGOs through provision of information on specific policy initiatives of different governmental agencies and NGO- Government networking opportunities.

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# Appendix A: Questionnaires for in-depth interviews

# **Questionnaire for Government officials**

- 1. What do you think is the main functions/purpose of NGO?
- 2. Please name an Armenian NGO that you have heard about doing good job during last year.
- 3. Can you name an NGO which has cooperated with Government to solve some basic question during the last year?
- 4. In your opinion, in provision of social services to public today Government and NGOs are
  - a. Competitors/opponents
  - b. Partners
  - c. Hostile to each other
  - d. Neutral to each other

e.	Other (please specify)	
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5. Do you strongly agree, somewhat agree, somewhat disagree or strongly disagree with the following statements:

	Strongly	Somewhat	Somewhat	Strongly	DK/can't
	agree	agree	disagree	disagree	say
NGOs shall be					
involved in					
<u>development</u> of					
state/local social					
policies					
NGOs shall be					
involved in					
<u>provision</u> of					
state/local social					
policies.					
-					

Only government agencies shall be involved in development of state/local social policies.			
Only government agencies shall be involved in provision of state/local social policies.			

- 6. Shall state agencies contract out NGOs to provide social services to public or they shall provide it themselves?
  - a. Government should provide it itself
  - b. NGOs should provide it
  - c. Government and NGOs together should do it

d.	Other	

- 7. Are there any legislative limitations that hinder cooperation of NGOs and government in provision of social services? Please bring an example.
  - a. If YES, who is responsible for improving the NGO legislation?
  - b. If NO go to question 8.
- 8. If you had the chance to change one legal provision that would contribute to increase government collaboration with NGOs what it would be?
- 9. What kind of cooperation mechanisms do you know that have been used by NGOs and government in Armenia during recent year?
- 10. Please name the one mechanism of interaction/cooperation between NGOs and government that is practiced the most in Armenia.

- 11. What do you think is the reason that the named mechanism is used the most?
- 12. Do you think the mentioned examples/mechanisms are widely practiced or in case by case basis?

# **Questionnaire for NGOs**

- 1. What do you think about the functions of Government related with NGOs?
  - a. What responsibilities does government have in regard to (in front of) NGOs and how satisfactory government performs?
- 2. What do you think which level of Government is more apt to cooperate with NGOs? Why?
- 3. In your opinion, in provision of social services to public today Government and NGOs are:
  - b. Competitors/opponents
  - c. Partners
  - d. Hostile to each other
  - e. Neutral to each other
  - f. Other (please specify)
- 4. What is the most important role that NGOs can fulfill in relation to Government in Armenia?
  - g. Complementing the State (NGOs as service providers and implementers of development activities)
  - h. Reforming the State (is related to NGOs as agents of advocacy and contributors to policy dialogue)
  - i. Opposing the State (by acting as watchdogs and holding it accountable)Other

5. Do you strongly agree, somewhat agree, somewhat disagree or strongly disagree with the following statements:

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	DK/can't say
NGOs shall be involved in development of state/local social policies  NGOs shall be involved in provision of state/local social policies.					
Only government agencies shall be involved in development of state/local social policies.					
Only government agencies shall be involved in provision of state/local social policies.					

6. Shall	state	agencies	contract	out	NGOs 1	to	provide	social	services	to	public	or	they	shall
provide	it then	mselves?												

j.	Government	should	provide	it itself
J.	00,41111111	5110 011 01	P-0,144	10 100 011

- k. NGOs should provide it
- 1. Government and NGOs together should do it

- 7. Are there any legislative limitations that hinder cooperation of NGOs and government in provision of social services? Please bring an example.
  - n. If YES, who is responsible for improving the NGO legislation?
  - o. If NO go to question 8.
- 8. If you had the chance to change one legal provision that would contribute to increase government collaboration with NGOs what it would be?
- 9. What kind of cooperation mechanisms do you know that have been used by NGOs and government in Armenia during recent year?
  - a. Incorporation of user groups into specific projects
  - b. Joint working on specific projects
  - c. Framework agreements
  - d. Policy influencing relationships
  - e. Other
- 10. Please name the one mechanism of interaction/cooperation between NGOs and government that is practiced the most in Armenia.
- 11. What do you think is the reason that the named mechanism is used the most?
- 12. Do you think the mentioned examples/mechanisms are widely practiced or in case by case basis?

# **Questionnaire for International Organizations**

- 1. How important do you believe is the NGO-Government cooperation?
- 2. In your opinion what is the level of intensity of current relationship of Armenian NGOs and Government?

3. Do you strongly agree, somewhat agree, somewhat disagree or strongly disagree with the following statements:

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	DK/can't say
NGOs shall be involved in development of state/local social policies					
NGOs shall be involved in provision of state/local social policies.					
Only government agencies shall be involved in development of state/local social policies.					
Only government agencies shall be involved in provision of state/local social policies.					

- 4. Please mention which of the mentioned relationships is the one least utilized by NGOs in Armenia and why?
  - a. Complementing the State (NGOs as service providers and implementers of development activities)
  - b. Reforming the State (is related to NGOs as agents of advocacy and contributors to policy dialogue)
  - c. Opposing the State (by acting as watchdogs and holding it accountable)

d.	Other (please	specify)	

- 5. Are there any legislative limitations that hinder cooperation of NGOs and government in provision of social services? Please bring an [the most important] example.
  - a. If YES, who is responsible for improving the NGO legislation?
  - b. If NO go to question 6.
- 6. If you had the chance to change one legal provision that would contribute to increased government collaboration with NGOs what it would be?
- 7. What kind of specific cooperation mechanisms do you know that have been used by NGOs and government in Armenia during recent year?
- 8. Please name the one mechanism of interaction/cooperation between NGOs and government that is practiced the most in Armenia.
- 9. What do you think is the reason that the named mechanism is used the most?
- 10. Do you think the mentioned examples/mechanisms are widely practiced or in case by case basis?