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**Acronyms and Abbreviations**

AAA Accra Agenda for Action (AAA)

CBOs Community based organisations

CCC Counterpart Creative Centre

CIDA Canadian International Development Agency

CoE Council of Europe

CIS Commonwealth of Independent States

CMU Cabinet of Ministers of Ukraine

CoE Council of Europe

CSDP Civil Society Development Programme

CSOs Civil Society Organisations

DMFA Danish Ministry of Foreign Affairs

DIHR Danish Institute of Human Rights

EIU Economist Intelligence Unit's

ENPI European Neighbourhood and Partnership Instrument (EC)

EIDHR European Instrument for Democracy and Human Rights (EC)

EC European Commission

EU European Union

GDP Gross Domestic Product

HRBA Human Rights Based Approach

IP Implementing Partner

INTRAC International NGO Training and Research Centre (UK)

ISAR ISAR Ednannia: Initiative Center to Support Social Action

MTPR Medium-Term Programme Review (November 2010)

LFA Logical Framework Analysis

NGO Non-governmental organisation

OECD/DAC The Development Assistance Committee of the Organisation

 for Economic Co-operation and Development

PPP Purchasing power parity

OSCE Organisation for Security and Co-operation in Europe

SIDA Swedish International Development Cooperation Agency

TOR Terms of Reference

UAH Ukraine hryvnia (the national currency)

UCIPR Ukrainian Centre for Independent Political Research

UNDP United Nations Development Programme

UNITER Ukraine National Initiatives to Enhance Reforms (PACT-USAID)

USAID United States Agency for International Development

VRU Verkhovna Rada of Ukraine (the Parliament)

**1. Introduction**

The current phase of the Neighbourhood Programme under the Danish Ministry of Foreign Affairs (MFA) has since January 2009 financed the *Civil Society Development Programme in Ukraine* (CSDP). The Programme ends June 2012 and has a total funding of 20 million DKK.

CSDP, which is implemented by UNDP Ukraine, aims at a strengthened civil society promoting democratic governance. It helps the CSOs to become stronger and enhance citizen participation in policy processes by developing the capacity of CSO´s at the regional and local level to effectively address citizens´ needs. It includes two main components[[1]](#footnote-1):

* Small grants scheme for CSOs in seven regions to provide services to their constituencies and communities aimed at improving the rights and situation of vulnerable groups, promoting human rights and promoting transparency and accountability of regional and local governments;
* Supporting the development of an enabling legal framework for civil society in Ukraine in accordance with recommendations of the Council of Europe.

Additionally, the CSDP helps to strengthen the capacities of the selected CSOs through training, CSO networking and experience sharing events, international study tours, as well as expert round table discussions, public awareness, and media events.

The overall objective of the present review is a documentation of progress as well as possible adjustments if deemed necessary in light of possible changes in context. The results of the review will be considered as one input into the considerations regarding possible future activities in the field of civil society development. (The TOR for the review can be found in Annex 1).

The team has chosen to place a rather large emphasis on considerations regarding possible future activities in the field of civil society development. This is due to the fact that the findings to a large extent are positive and as the present implementation period ends in nine months’ time.

The team consisted of: Mr Anders Baltzer Jørgensen, Ministry of Foreign Affairs, Technical Advisory Services, Team Leader and Mr Hans Peter Dejgaard, External consultant. Mr Fin Poulsen and Ms Louise Jersild, Ministry of Foreign Affairs, ENR, participated in the first two days of the visit as resource persons.

The team met the UNDP management, the main authorities and some of the donors and international NGOs involved in support to civil society in Ukraine. The two implementing partners and six NGOs supported by the programme were met during a brief field visit to Lviv town, where the team was accompanied by Ms Yuliya Shcherbinina UNDP Programme Manager and Mr Vasyl Romanyuk, CSDP Communications Expert. (The persons met can be found in Annex 2).

The team would like to thank all involved for their support and active participation in the review process. The team will especially thank the project staff for its readiness in providing the team with all information required. The findings and recommendations of the team do not necessarily reflect the opinions of UNDP or the Government of Denmark.

## 2. Civil society in Ukraine

During the implementation of Civil Society Development Programme (CSDP), Ukraine has been marked by significant changes. The period up to the election in February 2010 was characterized by political apathy where people felt worn-out after the five years of ineffective governance by the pro-Orange coalition. The election of the new President Viktor Yanukovych accumulated the power within one party – Party of Regions. Despite the fact that these elections were recognized by observers as the first clear and transparent elections in Ukraine, as recently expressed by Vaclav Havel, Ukraine has with President Yanukovych “*experienced a significant and alarming deterioration in its democratic framework. Fundamental tenets of a democratic society —freedom of expression, assembly and the press — are increasingly coming under pressure.*”

The Ukrainian context contains both threats and opportunities for the CSOs. The Parliament is probably close to adopting a new ‘Law on Civil Associations’, which according to a draft version could move the legal environment toward compliance with European standards: Simplification of CSO registration, less government regulation of CSO activities and better conditions for CSOs financial income. Today severe constrains exist in these areas.

Currently, on the agenda is also a draft law on ‘Charity Organisations’ and amendments to the taxation laws. Last year a regulation on ‘public access’ was adopted. It required that all executive bodies should establish public consultative councils. They have been established with more than 9,000 representatives many of which are from CSOs.

**CSO context**

It is necessary for the Ukrainian CSOs to increase their capabilities to play an active role in strengthening and deepening democracy in Ukraine. This is an important justification for the Danish support.

The characteristics of the civil society in Ukraine today can still be traced to the history of mass organisations, and only about 17 per cent of the population[[2]](#footnote-2) is involved in any activity of a CSO (including faith based organisations, sport associations and political parties). New types of CSOs have emerged during the last decade, such as think tanks and advocacy groups with research, legislative drafts and campaigns aimed at the parliament, government and donors. They have sprung out of donor initiatives and depend to a very large extent on donor funding. Some tend to function as the same donor’s consultants. Internal governance and legitimacy in terms of having their own constituency or representing the public or specific interest group or communities have not been given a great deal of attention, resulting in many cases in weak links with citizens.

The concept of membership in Ukraine is still tarnished by the history of compulsory membership in a few mass organisations. Presently, membership organisations often have semi-open membership for specific groups of specialists. The majority of the CSOs count less than twenty members. A limiting factor is the high rate of membership fees taxation.

Due to the support modalities commonly used by donors, many CSOs are not driven by their mission, but are compelled to compete for short term project funding. The constant competition for funds, together with legally binding territorial restrictions for operations, has given the Ukrainian civil society a detached nature with limited collaboration and networking between CSOs.[[3]](#footnote-3)

There is some donor coordination on assistance to civil society, especially between UNDP, EC, Sida and Pact. An EC study from 2009 provides an overview of the key Ukrainian and international actors: “A mapping study of civil society in Ukraine.” A key challenge for the donor community would be to adhere to the Paris principles on ownership, alignment and harmonisation, when working with the same civil society partners.

**3. Main achievements on the planned outputs**

The programme is moving well towards the planned objectives, outputs and indicators. Particular highlighted could be the national legal component, which has been fundamental for the coming second reading in the Parliament of the Draft Law on Civil Associations. Furthermore, the programme has with a smooth small-grant mechanism achieved considerable outreach to CSOs in seven oblast regions. The progress reports also provide many cases and examples from project activities at local levels, e.g. interactions between CSOs and local government bodies. Following is a summary of activities undertaken in relation to the planned objectives and outputs:

*Key achievements regarding strengthening CSO capacity (Output 1)*

1. A **small-grant mechanism** has been established with public announcement and selection procedures with prior assessment of application and the organisation. Furthermore, the CSDP team and the Implementing Partners are undertaking site visits, monitoring, communication etc. with the selected grantees.
2. **Small grants**. In total, 106 projects have been awarded funding (until September 2011). They have been awarded to the following priority themes: Human rights, support to the vulnerable groups, and citizen participation.

|  |  |
| --- | --- |
|  | **UNDP CSDP Grants** (as of September 2011) |
|  Priority Themes | 1st round | 2nd round | 3rd round | Total per theme |
| Vulnerable groups | 12 | 16 | 15 | 43 |
| Citizen Participation | 10 | 15 | 9 | 34 |
| Human Rights | 14 | 15 |  | 29 |
| **Total** | **36** | **46** | **24** | **106** |

1. As of July 2011 about 7,700 individuals in 7 regions directly benefitted from these 106 grant projects. People’s rights were protected, interests advocated, services provided and knowledge and skills enhanced.
2. A total of 52 decisions were made by local and regional authorities with citizen participation and input on such areas as regional and local policies, strategic planning, local budgets, utility and housing services provision, social support, environment, urban planning and rural community development.
3. Through the projects supported by the small grants there have thus been achievements concerning promoting the rights of vulnerable groups, humanisation of the system of enforcement of punishment an enhancement of citizen’s involvement into the process of decision making on the local level, raised awareness and participation, local advocacy and information dissemination. There is scattered documentation through grantees reports and monitoring visits, but results and impacts have, however, not yet been systematically documented.
4. Training by national NGOs. The Implementing Partner (IP) CCC Creative Center has conducted two four-day training and networking events for grantees – one for each group of the CSOs implementing projects in the same thematic area. The training programmes were designed to meet the identified needs and expectations of grantees to the extent possible.

CCC conducted 4 training and networking events for 80 leaders of 44 CSO partners. Until now the other IP, ISAR “Ednannia” has organized 2 training and networking events for 56 leaders of 30 CSO partners. The CSOs have appreciated the courses on strategic planning, communication and media, results and impact among others
5. International Study Tours organised by CSDP/UNDP to Czech Republic. There were 21 participants from CSOs and 3 from government). The topic was citizen participation in local and national decision-making. Furthermore, visit to Copenhagen organized by the Danish Institute of Human Rights (DIHR), which also was appreciated by the 23 participants.
6. UNDP’s partner, DIHR, has provided 4 training courses for CSDP grantees from the seven oblasts:
* Approximately 100 representatives of the 50 grantee organizations obtained new knowledge and skills in Human Rights Based Approach. The training has provided knowledge about the concept as well as how to apply a right based approach in protecting vulnerable groups, improving public participation and access to information. A lager event remains to take place at the end of 2011.
* The work of the DIHR trainers received favourable comments and assessment among the participants.
* According to DIHR, the participants showed a strong dedication to advocate the interests of their target groups to the public as well as to the authorities. They are dedicated in giving a voice to the speechless. It should also be noticed that the median age of 36 years respond to the need for obtaining new leaders within the CSO community.

*Key achievements regarding an enabling legal framework for the civil society (Output 2)*

1. The CSDP programme has supported the analytical, awareness-raising and advocacy efforts that contributed to the adoption of the draft ‘Law on Civil Associations’ by the Parliament in the first reading in May 2011. This will hopefully lead to the adaption of the Draft Law on Civil Associations in the Parliament at the end of 2011.
2. Overall, the White Paper “Reforming Legal Environment for the Civil Society Development in Ukraine” has been a quality product, which has been developed and presented to a wide community of state and government officials, civil society representatives and international donors. The Paper has identified key legal bottlenecks which need to be addressed in order to create a more enabling environment for CSOs. It was facilitated by the Ukrainian Center for Independent Political Research, which has outlined UNDP strengths on collaboration with national legal experts.
3. The presentation of the White Paper took place on 8 July 2011, where a conference was attended by 80 representatives of various state institutions and branches of power. This was a good timing prior to the second reading in the Parliament of the draft Law on Civic Associations.
4. CSDP’s legal component has applied UNDP’s comparative advantage with good and frequent contacts with relevant government institutions, e.g. Secretariat of the Cabinet of Ministers, the Administration of the President and the Parliament among others.

**4. CSOs advocacy, service delivery and capacity development**

The interrelationship between service delivery, capacity development and advocacy has been emphasised in Danida’s Strategy for Support to Civil Society (2008). The review will therefore in this chapter focus on how the CSDP has followed requirements in the project document concerning a rights-based approach and advocacy, service delivery and capacity development. (Chapter 9 will deal with Danida’s Strategy for Support to Civil Society in relation to what can be done in the future)

***4.1 Rights based approach***

From the interviews it has become clear for the team that the CSDP programme has contributed to a better understanding among the CSO partners of the rights-based approach. The training courses undertaken by the UNDP-hired Danish Institute for Human Rights (DIHR) has presented this approach and helped in comprehending its practical implications. It has been important, helpful and crucial to expose the participants to international experiences with the rights based approach.

***4.2 Advocacy and networking***

The programme document has highlighted human rights and advocacy. As mentioned above, at both national and local levels positive examples can be observed. Especially at the local level, where it has resulted in increased engagement of local CSOs in exploring ways of opening up better relationships and two-way communications with local governments at rayon and oblast levels.

Lviv Regional Branch of “*Rehabilitation of People with Disabilities*” is doing very well in relation to the international convention and networking at international and national levels. The “*Ecology-People-Law*” CSO has a good knowledge of relevant multilateral environmental agreements. However, they are not able to link to national environmental coalitions, as such coalitions generally are lacking in Ukraine.

A large number of the CSOs have not considered the linkages to national and international level (e.g. national policy/strategy, conventions). There is thus a mixed capability to link local and national NGOs within advocacy in Ukraine.

According to the above-mentioned USAID study, there is a relatively weak coalition-building and networking at national and international levels within Ukraine’s civil society community.

 ***4.3 Service delivery***

An important feature in CSDP is its focus on human rights and inclusion of CSOs, who are present in seven oblast regions and are outside the “traditional circle” of human rights’ focused CSOs. This has resulted in a broad range of service delivery connected with advocacy at the local level. CSDP thus focus on right base approaches and embrace social, economic, environmental and cultural rights at the same time.

Most of the 106 sub-grantees cooperate at the local level with the local authorities. The number of people who receive services from CSOs have increased and pilot schemes have been tested. Within the thematic area for vulnerable groups, children and adults with disabilities, single mothers and vulnerable youths have been attended. Within “enhancing citizens’ involvement” local community groups have been involved in city strategic development, in housing and utility services, in youth policy in urban and rural communities and in support to small business development among others.

***4.4 Capacity development of Ukrainian CSOs***

Output 1 in the CSDP programme points to *increased strategic, managerial, advocacy and monitoring capacity of civil society organisations in selected regions.* UNDP has mainly responded to this planned output through study tours, site visits and training courses organised by CCC, ISAR, DIHR and UNDP. The various training events have, according to the course evaluations, been appreciated by the participants. In addition UNDP counts learning-by-doing as an effective capacity development method

The team agree with UNDP in the understanding of three levels of Capacity Development[[4]](#footnote-4):

1. Enabling the institutional environment (including the need for legal and regulatory changes to be more conducive for civic associations)
2. Organizational development with management, strategy, democratic structures, processes and procedures.
3. Human resource development, including equipping individuals with skills through training.

UNDP requests all potential grantees to fill out the questionnaire ‘*CSO Capacity Assessment Tool*’. In addition, the CSDP team also verifies information, arrange pre-award meetings, obtain letters of reference also from donors, look at annual reports, etc. These assessments are mainly aimed at the selection committee, and not so much on making improvements in close collaboration with the CSOs.

The strengths of the CSOs visited in Lviv were the technical/professional competences within their core businesses, abilities to raise funds from donors and private sources, to make contact with local government, abilities to take initiatives and finally their close contact with beneficiaries.

The most common weaknesses observed from the interviews with the six visited Lviv CSOs were perceived as lack of membership base, the very dominant leadership, lack of strategic planning and fundraising strategies and limited reporting to the public.

Considerable differences can be found from well-established to emerging/weaker organisations. A question for CSDP to consider is whether further differentiation could be applied to training and capacity development.

The team wants to point out that there is limited evidence that the training has implied improvement in the organisational capacity of the participating CSO’s. This reflects the traditional limitations in applying training approaches instead of more systematic and comprehensive Capacity Development approaches. International experiences systematised by OECD/DAC and INTRAC[[5]](#footnote-5) among others has suggested to shift the focus to look beyond training to broader approaches to learning and process facilitation, where CSO boards, managements and staff have a strong commitment to and drive for the application of tools and skills for reaching increased organisational capacity.

***4.5. Organisational, financial sustainability and ‘good CSO governance’***

Financial sustainability and organisational growth has been highlighted in the Danish MFA and UNDP programme documents as an important goal for Ukrainian civil society organisations. The Review Team will point to the two main weaknesses to the “consultant company” type of NGOs: 1) Financial sustainability due a very high dependency of foreign funds for paying staff, and 2) little constituency, membership and number of volunteers.

Of the six visited CSOs in Lviv, only Green Cross has significant involvement of volunteers in their work. In general, it seems that the majority of CSDP partners have very limited number of volunteers and are not committed to stimulate the recruitment of volunteers.

In the present set-up, the CSDP programme has paid little attention to strengthening governance principles within the supported CSOs partly because it was not strictly outlined in the programme document and due to the fact that the CSO did not demand such support. Strengthening of governance principles could be important in future support.

The constraint for increasing the CSOs constituency in the current legislation for a civic associations or charitable organization, which makes it difficult to expand membership as the state is demanding 2/3 or 50per cent quorum for decisions at civic organisations’ general assemblies, should also be mentioned. This is expected to be improved in a new NGO legislation.

**5. Programme management**

The Programme is managed by UNDP under a Direct Execution Modality. UNDP is responsible for the overall management of the programme. UNDP is also accountable to the Programme Board. The managerial duties of the day-to-day running of the programme are delegated to a project coordinator.

The programme Board consists of representatives of UNDP in Ukraine, the Danish MFA and a representative of the Civil Society Advisory Board. Meetings, which are chaired by UNDP, are semi-annual and based on a progress report submitted before the meetings. Meetings have been held regularly, all with participation from the DMFA.

Reporting has been thorough, although there is no mentioning of problems encountered and few reflections. Furthermore, the results framework mainly deals with physical targets, i.e. no of activities undertaken which are fairly far from measuring outcomes and outputs.

Initially Implementing Partners for each of the three thematic subject areas were also included in the programme. They have worked with two different modalities which to an outsider are fairly similar. Together with UNDP they assess the capacity of the CSOs, facilitate the selection for grants through a selection committee, provide possible assistance to the potential grantees in project formulation, conduct programmatic and financial management for UNDP, monitor grants through reporting and on site monitoring, and they report to UNDP. After 2010 UNDP has be directly responsible for signing agreements. The Programme staff and UNDP Kiev have the capacity to manage and implement the programme.

The CSOs met by the team voiced satisfaction with the inputs from the two IPs, CCC and ISAR. This is also mentioned in the UNDPs own Medium Term Programme Review (MTPR) from October 2010

Programme inputs are provided so that the visibility of Danida is high.

The financial management seems to be thorough in both modalities. Everyone agreed that - with some inaccuracies in the accounts from some CSOs which were immediately corrected - there are no real mistakes. The programme is subject to the usual audit arrangements as per UNDP rules and regulations. In this case it will be a thorough financial audit of the entire programme in the spring of 2012.

Most modalities and strategies applied in Ukraine focuses on control and upward accountability. The programme staff could, however, benefit from knowing better from other ways of supporting civil society, which are more in accordance with the Paris Declaration and the Accra Agenda for Action. It could, therefore, be considered to send the programme manager on a suitable training course.

***5.1 Budget***

Spending follows annual budgets which are made and agreed upon in the Steering Committee. The budget has thus changed slightly from the outset, with changes which are within the allowed limits. Overall the programme seems to be within budget. According to figures provided by the CSDP, 980,625 USD is left at present. This leaves sufficient funds for the remaining nine months as new funds to cover a “balance” of 97,569 USD in 2012 will be provided by UNDP, according to the cost sharing arrangement with DMFA.

***5.2 The relation between physical and financial progress***

As mentioned in chapter 2, the physical progress has been good in all programme activities. One component has, although successful, spent much less than anticipated – the support to the legal framework. The largest budget entry in the programme is grants to the CSOs. The programme is now supporting more CSO projects than the 90 originally anticipated.

The team has two remarks concerning the budget as it looks today. The final budget for the IPs is as low as only 9 per cent. This indicates that whatever TOR they were working under, with all requirement on the tendering and reporting process, there were little funds for capacity development of CSOs in addition to the training events mentioned in chapter 3 f. It is also evident from the DIHR budget that training and capacity development by an international organisation is rather costly – about 12 per cent of the total budget. This highlights the need to apply their services in a strategic manner, which the programme also seems to have done. Management comprise presently about 13 per cent of the budget. (UNDPs overhead comprises an additional 7 per cent)

The review agrees with the MTPR that there should be a focus on scalability and replicability in relation to the grants this would ensure even better progress.

**6. Vulnerable target groups and poverty orientation**

In spite of a fairly high GDP per head (6,696 US $ PPP in 2010[[6]](#footnote-6)), there is a large number of Vulnerable and Poor in Ukraine. In 2009, 26.4 per cent of the population were under the poverty line. A recent report documents that when a multidimensional social exclusion is applied 37.7 per cent experience acute exclusion while 16.9 per cent suffer from critical exclusion.[[7]](#footnote-7)

Although not a requirement in the Neighbourhood Programme, the CSDP addresses vulnerability and exclusion. This should be looked into in the forthcoming impact assessment.

**7. Considerations of gender and environment**

Although only addressing **gender** specifically in a few cases, the programme seems generally to have mainstreamed gender. It has a balanced provision of resources to women led and men led CSOs (58 and 48 respectively).

The CSOs are required to ensure equal participation of women and men in project activities. There is gender balanced participation in training activities and in international study visits. Finally there are 5 projects which specifically target gender equality and women’s rights

**Environmental** improvement or protection is not a specific target for the CSDP. However, the improved possibilities for all NGOs which Component 2 works toward, has also benefitted environmental CSOs. Furthermore, environmental movements often engage in democratic processes.

**8. Assumptions and risks**

The Danish programme documents comprised two assumptions: 1) That there is room for CSO activities in Ukraine and 2) that the Cabinet of Ministers, the Verkhovna Rada of Ukraine and the Ukrainian civil service is genuinely interested in reforming the sector and will be open to engage in a constructive dialogue with CSOs. The first is demonstrated. It seems however that it was an issue for CSDP to find sufficient CSOs engaged in at least one of the planned thematic areas – the rights of suspected, accused and convicted persons. So they have broadened the range of themes. Regarding the second assumption the adoption of the Law on Civil Associations in the first reading in the parliament show that it has been fulfilled, but recent political changes also show that the interest and influence of the president will be much more important in the future.

Four risks have been mentioned.

*Political instability*. There *has* been political instability but the programme has shown that it – through UNDPs good connections with the government, the cabinet of ministers, Verkhovna Rada and the political parties – has been able to manoeuvre through difficulties.

*Difficult procedure of amending the legislation and regulations*. The CSDP has also been able to overcome this risk due to its good contacts in government circles etc.

*Local NGOs face a lack of capacity and resources to successfully implement their projects*. The review observed that it is only some of the CSOs who lack this capacity. The capacity question has been addressed by the programme, but more can be done.

*Lack of cooperation between local CSOs and local governments*: It appears that the funding itself and the fact that many local CSOs also are engaged in service delivery and engagements of local administrators in regional events has improved the relation between the CSOs and local governments.

**9. Strategic and aid effectiveness considerations**

This chapter complements chapter 4’s reviewing of CSDP’s approach and achievements in relation to service delivery, capacity development and advocacy. It presents some possibilities which the programme have in relation to Danida’s Strategy for Support to Civil Society (2008) and the Aid Effectiveness Agenda. These considerations do not refer to requirements in the programme documents.

Sida has during the recent years undertaken a number of external in-depth ***organisational assessments***, which has led to the conclusion that the organisations are not likely to fix the shortcomings on their own. Systemic changes require experience and practices often not found in Ukraine. Among issues are the need to understand the difference between governance and management, to develop internal policies, to make practical change management steps in an organisation and tackle sensitive issues as the leadership. According to Sida, further development of CSOs may require process facilitation, coaching, mentoring etc. on a set of organisational development issues.

It is likely that ***decreased funding*** can be foreseen within some years from the bilateral agencies. Consequently, it would be good to address replicability mechanisms, up-scaling efforts, sustainability criteria and exit strategies.

***Constituency*** and ‘good governance’ are by the review team seen as important elements in future organisational sustainability of CSOs. If CSOs are to hold state institutions accountable it is also important that they themselves are seen as legitimate, transparent and accountable. In a possible future programme more attention shall be paid to strengthened governance principles within the supported CSOs internal democracy, accountability and transparent decision-making. Attention can thus be paid to managing member-based organisations, handling constituency, voluntarism and volunteer policy, NGO governance principles with Assembly, Board and staff, conflict of interest/procurement and procurement.

The progress reports contain no references to the **aid effectiveness agenda**. It is the team’s impression that the Paris principles on ownership, alignment, harmonization and accountability have not had high priority during the implementation. In applications, CSOs could be obliged to refer to their strategic plan (if they have one). The projects should take the CSO’s own planning, monitoring and results measurement system into consideration. The project documents and reporting should not only be made for the donor (upward accountability), but also to the CSOs own governance structure and constituency.

***Partnerships*** have existed for some time. In Lviv, the team was told that some CSOs have worked with CCC since the nineties. They highlighted advises and training they have received during these years for strategic planning, advocacy, financial management and account system among other issues. The team was informed by both IPs (CCC and ISAR) that they intend to work in partnership with the CSOs

Such partnership approaches requires ***continuity and predictability***, which often increases the “added value” of the implementing NGO partners. This can be contradictory to intensive tender procedures and short project periods.

Most CSOs had multiple donors, each with different requirements, formats etc. from the various donors. It seems that few examples can be found in Ukraine of ***core-funding*** based on alignment to the partners’ strategic plans, relying on its partners’ governance structures, annual work plans and reports to their own annual assembly or board.

The relatively weak coalition-building and networking at national and international levels in Ukraine has been mentioned. Examples with stronger linkages could be collaboration with national CSO networks influencing national legislation/strategies, it could be anchors to international conventions and fora, local case stories to a national shadow report to the UN Universal Periodic Review (UPR), etc.

In the future, CSO applicants may be requested to propose ways of ***strengthening their linkages***, both to national (and international) advocacy, and to exchange of technical knowledge and practices among organisations working within the same subject.

**10. Considerations on future support**

The present phase of the CSDP is ending in June 2012. The team will therefore devote a little space in the review on the future, which could contribute to the discussion between UNDP and the Neighbourhood Programme on what will happen after June 2012**. It is emphasised that the review team is solely responsible for these considerations.**

The following thoughts come out of the generally positive findings in the review and from a conclusion that a support like the CSDP programme is relevant and will be needed in Ukraine for some years to come.

1. *Trends in the development of civil society and in the overall response to civil society in Ukraine:*

CSDP should continue to take advantages of UNDP’s good relation to the governance sector, e.g. through the continuation of the legal component, which can address the threats and opportunities in relation to the regulation and implementation of the ‘Law on Civil Associations’ as well as laws on taxation, charity, access to public information, etc.

1. *Reasons for continuing*:

As mentioned in this report, the programme has succeeded in supporting a wide range of civil society organisations. The support is slightly different from that of other donors in supporting a variety of smaller and medium size NGOs – many of these with good outreach into different target groups in seven oblasts. It is also evident that such a support will be needed for years to come in relation to advocacy service delivery and capacity development.

1. *Strengths to be continued:*
* The legal component has been successful and requires monitoring and follow-up from Ukrainian CSO networks the following years.
* The capacity and size, the strategic approach within an overall frame, the ability to reach the grassroots, CSDP’s support to local CSOs working in a number of oblasts, which connect service delivery with advocacy at local level, CSDP strength in promoting collaboration between CSOs and local authorities are all strength which will be needed.
* The well-functioning “small-grants machinery”, ensuring that projects are selected and that funds are channelled to the CSOs in the regions.
* The fact that the programme supports CSOs own mandate and planned activities.
* Programme management in Kiev approaching Ukrainian CSO implementing partners and international advisors providing specialised strategic inputs and transferring relevant international experiences.
1. *Special considerations to be taken into account:*

It can be argued that a new phase should reflect upon which new things to initiate and what to do different in order not to fall into a ‘developmental comfort zone’. The following considerations could be taken into account, if a new phase is going to be prepared.

1. The diversity of the recipient CSOs should be taken into account. In the work, the diversity of technical competence and organisational strength, which does not necessarily coincide, should be acknowledged. There should be a larger differentiation of capacity development support and ways of channelling funds.
2. The reports from the IPs reveal that the tender processes are extremely laborious (and thereby costly). The total amount of labour and costs involved in the tendering process could be diminished by having longer implementation periods and larger budgets for more well-established CSOs. In some cases core funding could be considered for such organisations. This would follow the Paris principles and the recommendation expected from the Busan high-level conference.
3. CSDP could strengthen the linkages between local – national – regional and international level through promoting increased involvement of participating CSOs in networking, national coalition etc. In the project applications, they could be requested to explain how to strengthen their linkages and networking, e.g. collaboration with national CSO networks on influencing national legislation/strategies, it could be anchors to international conventions and fora, it could be local case stories to a national shadow report to the UN Universal Periodic Review (UPR), etc.
4. Capacity development should move beyond the training approach to a comprehensive approach based on international approaches and experiences. Capacity development should be the task of mainly national NGOs, which are experienced within this field. They could also to certain degree count on international ‘capacity developers’ for further improving their skills and tools to be transferred to the participating CSOs in the regions.
5. Thus the CSOs could – if motivated - benefit from differentiated capacity development efforts (being built into a possible next phase), aimed at increasing partners organisational capacity. The next phase could also include a specific budget line for ‘capacity builders´ to be spent in accordance with Terms of References suggested by the CSO partners, who can draw on a good resource base from the Implementing NGOs as well as the UNITER marketplace (demand-driven with vouchers), e.g. experienced process facilitators on organisational development, leadership and change processes.
6. For strengthening Ukrainian ownership and the possibilities for partnerships the sub-contracts and financial transfers from UNDP through the Ukrainian Implementing CSO Partners should be looked into. Their role could be reformulated allowing them to strengthen their partnerships with the beneficiary CSOs, meaning real partners and not just service providers. In addition a clear division of labour and responsibilities between UNDP and the Ukrainian implementing partners should be defined.
7. UNDP/CSDP’s requirements for planning, monitoring and reporting should be considered, so participating Ukrainian CSOs are allowed to make greater headway towards applying the five principles of the Paris Declaration’s aid effectiveness agenda (ownership, alignment, result based management, accountability and harmonisation). In particular, CSDP and the Implementing Partners could step up efforts for alignment to the supported CSO’s planning, monitoring and reporting.
8. In relation to the strongest of the CSOs a ‘core-funding’ modality can be applied for the entire programme period. This would allow for CSDP support – if possible together with other donors - to build on the partner organisations’ existing own governance structures, planning and monitoring as well as downward accountability to their memberships and constituencies. Site visits and dialogues could in core funded CSOs focus on the strategic level of the CSO.
9. In relation to weaker CSOs, project funding could still be continued. The length of the project period could be flexible according to the supported activities.
10. Support for future projects should put more emphasis on managing (member-based) organisations, handling constituency, voluntarism and volunteer policy, NGO governance principles within assembly, board and staff, conflict of interest/procurement, transparency and procurement.
11. As mentioned above, one of the strengths of the CSDP programme is the efficient management. However, one could in the future consider more ‘lean management’ thinking.
12. Future projects could pay more attention to the CSOs fundraising and sustainability strategy, including the promotion of local government co-funding and depend less on staff paid by international donors.
13. Considerations of possible links to regional activities with civil society organisations in other countries supported by the Danish Neighbourhood Programme.

**11. Suggestions for activities to be undertaken the next nine months**

The review has no specific recommendations for adjustments in the present programme. The activities in the programme will during the next nine months depend on whether the Danish Neighbourhood Programme and UNDP agree that a next phase shall be formulated.

The team has the following suggestions for the work to be undertaken in the remaining 9 months of the project period:

***Suggestion 1:***

UN is recommended to facilitate Ukrainian CSOs to be engaged in the preparation and outcome of the Busan high-level conference and its results in relation to the aid effectiveness agenda with its principles from Paris and Accra (AAA).

***Suggestion 2:***

One or two CSDP team members could benefit from training in Northern Europe, aiming at obtaining more understanding of trends and methods applied by international NGOs. Furthermore, follow up training could be considered in Kyiv of a wider group of Ukrainian CSOs.

***Suggestion 3:***

In the remaining months there should be a focus on training and exchange of experiences among the CSOs, including how they could increase their attention towards financial and organisational sustainability (including constituency and membership).

**If UNDP and Danish MFA agree in principles to proceed with the next phase, the review team makes the following additional suggestions for the remaining 9 months of the current phase:**

***Suggestion 4:***

The result of the impact assessment/evaluation will be important for obtaining lessons learned, including impact on the programmes target groups and which strategies and activities have achieved the best effects. The TOR and the set-up of the assessment should be discussed thoroughly with the Neighbourhood Programme.

***Suggestion 5:***

CSDP staff and UNDP should consider how to address and align partnerships, downward accountability plus scalability and replicability.

***Suggestion 6:***

CSDP staff and UNDP shall together work on the modalities for future CSO support, including core funding and project support. This should be combined with a work searching for the optimal UNDP modality under which the next phase can be undertaken.

***Suggestion 7:***

Undertake the formulation of the next phase that could build on the strengths in the current phase (national policy-legal level, outreach to local CSOs, etc.) as well as the previous chapter 10 on ‘Considerations on future Support’.

***Suggestion 8:***

CSDP staff could systematise experiences from this phase regarding CSO activities co-funded with local governments and furthermore, how the next phase can further address domestic fundraising and the reduction of CSOs dependency on foreign aid.

***Suggestion 9:***

Prepare an improved result framework, which include more qualitative aspects of the programme, e.g. on CSOs’ organisational capacity, strengthening community based organisations, etc.

***Suggestion 10:***

UNDP could provide ideas for potential regional linkages to CSO interventions in other countries, i.e. Belarus, Moldova and Ukraine.

**Annex 1**

**J.nr. 403.Ukraine.1-13**

**Terms of Reference for Mid-term review**

**of Danish support to the**

**Civil Society Development Programme**

**in Ukraine**

# BACKGROUND

Well-functioning Civil Society Organisations (CSO´s) play an important role in ensuring proper implementation of political and economic reforms and in developing Ukrainian society in general. Overall, civil society in Ukraine experienced a steady growth over the past years both in terms of numbers of CSO´s and in their capacity. However, CSOs still need to enhance their capacity to monitor and advocate improvement of human rights, transparency and accountability at all levels of public administration, not least at the local level. The international financial crisis which hit Ukraine hard has also to some extent had a negative effect on the further development CSO´s, especially in terms of access to funding. Ukrainian CSO´s are still to a high degree dependent on international support.

The current phase of the Neighbourhood Programme under the Danish Ministry of Foreign Affairs (MFA) has since January 2009 financed the *Civil Society Development Programme in Ukraine*. The Programme has been extended until June 2012 and has a total funding of 20 million DKK.

The Civil Society Development Programme (CSDP) aims at a strengthened civil society promoting democratic governance. The CSDP helps the CSO´s to become stronger, diminish their dependency on the donor community, and enhance citizen participation in policy processes by developing the capacity of CSO´s at the regional and local level to effectively address citizens´ needs. The CSDP is implemented by the UNDP Ukraine.

The CSDP includes two main components:

* Small grants scheme for CSO´s in seven regions (Chernihiv, Donetsk, Kirovohrad, Kherson, Khmelnytskyi, Lviv, and Luhansk) to provide services to their constituencies and communities aimed at improving the rights and situation of vulnerable groups, promoting human rights and promoting transparency and accountability of regional and local governments;
* Supporting the development of an enabling legal framework for civil society in Ukraine in accordance with recommendations of the Council of Europe.

Additionally, the CSDP helps to strengthen the selected CSO´s capacity through training, CSO networking and experience sharing events, international study tours, as well as expert round table discussions, public awareness, and media events.

Prior to the current CSDP programme in 2006 the MFA launched the first phase of the programme with OSCE as implementing partner. The aim of this programme was to assist in the development of sustainable CSO´s within human rights as well as transparency and accountability. Following a review in February 2008 it was decided to continue with a second phase of the programme with a slight refocus to include also support to the on-going process of reforming the legislation that governs civic organisations in Ukraine. The programme management was transferred from OSCE to UNDP.

# OBJECTIVES

The overall objective of the review is a documentation of progress as well as possible adjustments if deemed necessary in light of possible changes in context. The results of the review will be considered as one input into the considerations regarding possible future activities in the field of civil society development.

The aims of the review are to:

* Assess, and where appropriate, recommend adjustments to the strategy applied by the programme.
* Assess the continued relevance of its management structure, financial systems and reporting arrangements.
* Assess the results achieved so far by the programme in terms of impact and outcome.
* Assess trends in the development of civil society and in the overall response to civil society in Ukraine in order to set out strategic directions of possible future activities in the field.
* Assess possibilities of incorporating activities in a possible future regional programme.

**3. OUTPUTS**

* Review Aide Memoire (RAM) of 10-15 pages describing the review team´s findings and recommendations. A Process Action Plan (PAP) will be attached to the report, as appropriate.

All documents will follow DANIDA’s Aid Management Guidelines.

## SCOPE OF WORK

The team will review the implementation and progress as well as the organisational set-up of the programme. Based on desk review of relevant documentation, meetings with resource persons in Copenhagen, field visits and meetings the review shall include, but not necessarily be limited to, assessment of the following aspects:

* Context developments of relevance to the programme in particular trends in development of civil society, including the role of CSO´s, public and political awareness of CSO´s, cooperation with national and regional authorities, and the legal framework.
* Progress in terms of programme outcomes and achievements of major outputs, assessed against the indicators set out in the programme document.
* The strategy applied by the programme, including exit strategies and sustainability consideration.
* The management structure of the programme, including the capacity of UNDP Kiev to manage and implement the programme.
* Cooperation with Implementing Partners (Counterpart Creative Centre (CCC), ISAR “Ednannia”).
* The regional strength of the programme.
* Cooperation with legal experts (Ukrainian Center for Independent Political Research).
* Cooperation with the international partner, Danish Institute for Human Rights (DIHR).
* The monitoring of the programme including the quality of the input available to the Programme Board (work plans, budgets, progress reports, etc.).
* The disbursements and expenditure and relationship between physical and financial progress of the programme (i.e. correlation between performance and allocated funds).
* The donor coordination and mapping in the sphere of civil society development.
* The visibility of the programme (i.e. the visibility of the Danish donor).
* Crosscutting issues, in particular human rights and gender equality, as well as HIV/AIDS and other relevant priority themes.
* The financial management of the programme including the auditing of the programme.
* Future Activities

1. **METHOD OF WORK**

The review team will begin with consultations in Copenhagen with the MFA, the Danish Institute for Human Rights and with other resource persons in Copenhagen. The mission will present a Mission Preparation Note outlining the main issues and the proposed approach to the review to the MFA. UNDP in Kiev will be given the responsibility to organise the programme of the mission. Besides meetings with the implementing partners, the team should also meet with government counterparts and other key stakeholders such as SIDA, USAID, EU and OSCE.

The tentative itinerary:

6 September: Travel Cph-Kiev (arr. Kiev 19:05)

7 September: Meetings: UNDP and main Partners

8 September: Other Meetings

9 September: Visit to Lviv

10 September: Visit to Lviv cont.

11 September: Report Writing

12 September: Meetings

13 September: Morning: Meetings

Afternoon: Report writing

14 September: Report writing Afternoon Debriefing

15 September: Morning: Travel Kiev-Cph (dep. Kiev 13:10)

After the mission the team will brief the Ministry of Foreign Affairs in Copenhagen. The RAM will be finalised immediately after.

1. **TIMING AND REPORTING**

The review will take place in a period of 16 days in September 2011. Nine days in the field and one week for preparatory work and report writing. A draft Review Aide Memoire will be provided at the debriefing in Kiev. A final version will be provided immediately after the briefing of MFA in Copenhagen.

1. **COMPOSITION OF TEAM**

The team will be composed of:

Mr. Anders Baltzer Jørgensen, Ministry of Foreign Affairs, Technical Advisory Services, Team Leader

Mr. Hans Peter Dejgaard, External consultant

Fin Poulsen/Louise Jersild, Ministry of Foreign Affairs, ENR, will participate in the mission as resource person. *TBC*

1. **LIST OF DOCUMENTATION**
* Programme Document
* Appraisal Report
* Annual and semi-annual Progress Reports
* Minutes of Programme Board meetings
* UNDP Mid-term review of November 2010

The list will be updated by UNDP Kiev.

Copenhagen, 21 July 2011

**Annex 2**

**List of Persons met in Ukraine**

***List of Persons met in Kyiv***

**Ministry of regional development, construction, housing and utility services**Olga Mashtakova, Head of Public Information Section

**Secretariat of the Cabinet of Ministers of Ukraine**

Natalya Oksha, Head of Public Relations Section, Department of Public Informational and

Communications

Tetyana Andriychuk, Head of Civil Society Development Support Office

**CCC Creative Center**

Palyvoda Liubov, President
Volodymyr Kupriy, Executive Director
Natalia Kupriy, Projects Manager

**Initiative Center to Support Social Action (ISAR Ednannia)**Olena Hubar, Administrative and Programme Advisor
Volodymyr Sheyhus, Executive director

**Civic Coalition for the Adoption of the New Law on Civic Associations**Oleksandr Vinnikov, Chairman, European Law Advancement Network, member of the Civic Coalition

**SIDA**Mirja Peterson, Counsellor, Embassy of Sweden

**Delegation of the EU to Ukraine**Ms. Stefanie Harter, EU Delegation Projects Coordinator

Stanislav Topolnytsky, Programme Officer, Civil Society and Human Rights

Ms. Tetyana Shulga, EU Delegation Sector Manager Regional Development and Culture

Ms. Myroslava Didukh

Mr. Dominique Pappenheim.

**PACT**Balazs Jarabik [BJarabik@pactworld.org]Chief of Party, PACT
Roland Kovats, Chief of Party, Ukraine National Initiatives to Enhance Reforms (UNITER)

**Technical Support to the Public Sector Reforms in Ukraine (Phase II) Project**Peter R. Korsby, Team Leader (15, Prorizna St., office #620, 6th floor)

Jens Moller, International Expert

**UNDP and CSDP team**Ricarda RIEGER Country Director

Elena PANOVA Deputy Country Director

Yuliya Shcherbinina, Programme Manager, UNDP Ukraine

Valeriy Oliynyk, CSDP Project Manager

Victoria Sbuelz, NGO Specialist

Vasyl Romanyuk, Communications Expert

Olga Chirkina, Administrative and Finance Associate

Alyona Khort, Grant Associate

***Lviv CSOs supported by the CSDP***

**Ecology People Law**Olena Kravchenko, Executive Director
Yelyzaveta Alekseyeva, Programme Coordinator, Lawyer
Hanna Khomechko, Development director
Taras Zhyravetsky, Senior lawyer

**Green Cross Society**Oleksandr Voloshynskyi
Larysa Malynovych, Psychologist-Consultant, Employment Trainer
Andriy Davydiv, Information Specialist

**West-Ukrainian Resource Center**Vasyl Poluiko, President
Levko Dovhan, Programmes Coordinator

**Lviv City Hall / Initiatives Support Center**Victoria Dovzhyk, Chief, Economic Development Section, Lviv City Hall
Yuri Batiuk, Vynnyky Deputy Mayor (suburban town outside Lviv)
Taras Khoma, Vynnyky Town Council Member
Oksana Ivasiv, NGO trainer

**Initiatives Support Center**Oksana Poraiko

**Rehabilitation of People with Disabilities Foundation**Yaroslav Hrybalskyi, Head
Yaroslav Mudryi, Project Coordinator
Halyna Herasym, Programmes Coordinator

**Citizen Advocacy Center**Leonid Tarasenko, Director
Tetyana Yatskiv, Project Manager
Nadiya Zelinska, Lawyer
Oksana Koval, Lawyer.

1. Here the team follows the nomenclature in the Danish programme document. The UNDP project document has two “outputs”. [↑](#footnote-ref-1)
2. Guidelines for Support to Civil Society Organisations in Reform Processes in Ukraine (Sida 2009). Another source is the CCC study: “Civil Society Organizations in Ukraine: The State and Dynamics. 2002-2010”. [↑](#footnote-ref-2)
3. See USAID’s ‘2010 NGO Sustainability Index for Central and Eastern Europe and Eurasia’. [↑](#footnote-ref-3)
4. From various OECD/DAC publications and CIDA’s publication: CAPACITY DEVELOPMENT: WHY, WHAT AND HOW. 2000. [↑](#footnote-ref-4)
5. The British INTRAC has published a number of good publications about international concepts and practices on aid effectiveness and organisational development of CSOs, of which several have been translated into Russian. [↑](#footnote-ref-5)
6. EIU Country Report, Ukraine August 2011 [↑](#footnote-ref-6)
7. All figures are from: UNDP: National Human development report: Ukraine: Towards social inclusion 2011 [↑](#footnote-ref-7)