

ACT 26/2001, OF 31 DECEMBER, OF COOPERATION FOR DEVELOPMENT

(Official Bulletin of the Government of Catalonia no. 3551, p. 454, of 11.1.2002)

THE PRESIDENT OF THE GOVERNMENT OF CATALONIA

Be it known to all people that the Parliament of Catalonia has passed and I, in the name of the King and in accordance with the provision of article 33 of the Statute of Autonomy of Catalonia, promulgate the following

ACT

Preamble

Aid to development is a fundamental component of the international order and cooperation designed after the Second World War to ensure the political stability and welfare of all the peoples of the world. Fifty years later the results of these efforts are very diverse. On the one hand, the advances achieved, in terms of both economic development and human development, are undeniable. On the other hand, the immense areas of poverty and deprivation, the ungovernable condition of so many lands and the emergence of new conflicts of astonishing cruelty, continuing oppression for reasons of sex, race or ethnic origin, culture, religion or age, the threat of environmental unsustainability of the current models of development and consumption and the growing economic inequality, both between countries and within them, make it today more essential than ever to give a new impulse to international efforts in cooperation for development and international solidarity, while seeking a new model of growth which permits the eradication of poverty and the causes generating it.

As the United Nations Development Programme (UNDP) Report for 1999 on human development says, the advances achieved in recent decades cannot be denied: the world in general offers today many more opportunities for people than it did twenty or fifty years ago. Since 1965 infant mortality has fallen by more than half and life expectancy has increased by a decade. In the developing countries the combined registration in primary and secondary teaching has more than doubled and the proportion of children in primary schools has moved from less than half to over three quarters. The literacy rate has gone from 47% in 1970 to 72% in 1997.

In spite of the progress made, there are still immense deprivations and inequalities in the world, especially in the developing countries, where more than a quarter of the four thousand five hundred million people living in them do not have some of the most basic opportunities of life: to survive past the age of forty and have access to the minimum private and public services. It is estimated that one thousand three hundred million people live in absolute poverty, with an income of less than a dollar a day. These deprivations and inequalities could worsen in a rapid and unbalanced way as globalisation takes place. The differences in income between people and between the poorest and richest countries continue to increase, following the trend of the last two

centuries, which must be stopped: in 1960 the richest 20% of the world population had thirty times the income of the poorest 20%; in 1997 the difference had increased to seventy-four times. Globalisation can produce, therefore, not only economic integration, but also social fragmentation and marginalization. Inequality linked to sudden changes in the economy and in cultural and behavioural standards poses new threats to human security: unemployment and marginalization, international crime, AIDS and new epidemics, insecurity in the financial markets, heating of the atmosphere. In the face of these old and new challenges a greater and renewed effort has to be made for international cooperation, which will have to be led now not only by governments, but also by international organisations, communities, associations, non-governmental organisations for development (NGODs), businesses and other agents of cooperation, all of which must come together to integrate a truly international community for development.

Catalonia has also to improve its responsibility in the construction of a more secure, more just, richer and more supportive international community. Today a credible national project or an advanced democratic society cannot be constructed without participating actively and decidedly in the construction of a more just and supportive international order. Peace, liberty, personal dignity, work, justice and a respect for pluralism, are all values which promote coexistence and progress. These values must be projected internationally by means of the initiatives for international cooperation and solidarity of the Catalan community for development, integrated by a vibrant fabric of agents of cooperation the actions of which must be recognised, encouraged and supplemented by the activity of the Government and local authorities of Catalonia. In this sense, this Act reflects the will to contribute from Catalonia to fulfilment of the commitment assumed by the developed countries, under the aegis of the United Nations, to destine 0.7% of their GDP to the cause of developing countries and peoples.

In the current institutional context, the commitment to solidarity and development is expressed, on the one hand, in the fiscal contribution of the Catalan people to the Spanish State budgets applied to these fields. This has not prevented, on the other hand, since the recovery of democracy, both the Government and the local authorities from gradually unfolding policies of cooperation expressive of the civic will to create a Catalonia more supportive and open to current global problems. The experience gained and the advances made are well known. In this sense, the decentralised official cooperation promoted in and from Catalonia was positively valued in the 1998 report of the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD). However, it must be recognised that many of these first efforts have been fragmentary and insufficient. It could not be otherwise, considering the new character of this policy in our history. We have learned that planning and classification were needed in the action of the administrations and that the operative capacities of both administrative action and agents of cooperation could be improved; that there must be more inter-administrative coordination and collaboration and with civilian society; that the effectiveness of the aid dispensed has to be guaranteed and coherence with

other Catalan public policies; that the resources directed to this end have to be increased substantially and progressively.

Now the time has come to transform this learning into a legislative framework capable of ordering, enthusing and reinforcing a sector of growing importance in our land. Thus is urged by the fact of the passing of the State Act 23/1998, of 7 July, of International Cooperation for Development, and in this sense the Catalan Parliament called on the Government, through Motion 101/V, of 13 May 1998, for policies of cooperation and development. The Advisory Council on Cooperation for Development, created by Decree 201/1995, of 11 July, which comprises the agents of cooperation acting in the sector, also came out in favour of this legal initiative, which the Government unfolds by means of this new Act.

The first and most important specific feature of the Catalan model of cooperation that this Act recognises and promotes is the conception of public participation as supplementary to and promoting civil initiatives of solidarity and cooperation. This Act wishes to promote the spirit of enterprise in this field by means of collaboration, cooperation and agreement between social initiatives and administrative activity. What it wishes to motivate is not a bureaucracy of cooperation, but rather a multiplicity of initiatives and agents of cooperation, more and more able, connected and internationally recognised, which, with the support of nuclei of strategic management of the public administrations, are those that have to assume also a fundamental responsibility in the execution of the plans, programmes and projects of solidarity and cooperation for development.

This Act applies, while respecting the principles, objectives and priorities of Spanish policy established by the State Act 23/1998, to the activity of cooperation for development carried out by the Government of Catalonia, which includes not only actions directly intended to produce development in the beneficiary countries, but also those directed to increasing awareness and the degree of commitment of the Catalan people to international solidarity and development. This Act regulates cooperation for development carried out from the Government of Catalonia, although it provides that the values, purposes and ordering principles of cooperation also permeate the actions of the local authorities in Catalonia, and it establishes the mechanisms of coordination, collaboration and cooperation with them. The international cooperation regulated in this Act must be understood without prejudice to the exclusive competence of the State in matters of international relations, as referred to in article 149.1.3 of the Constitution.

This Act formulates the values and aims and the general legitimate interests of actions and public expenditure in the field of cooperation from an integral conception of human development, inspired in the contributions of the United Nations Development Programme, which encapsulates its democratic, social and environmental dimensions. The values refer to reasons ultimately fundamental for the actions of development and serve to mark out the criteria of evaluation. This Act emphasises the values commonly accepted by international regulations, although from our historical experience it gives priority especially to

the rights of peoples in the defence and promotion of their own culture, language and identity, and also the recognition of peace, economic and social rights and the need to contribute to the reinforcement of participative democracy and governability as foundations of an essential economic development, lasting, equitable and sustainable. The aims refer to the specific public good which must justify each specific development action and which also supply the criteria for a particularised evaluation. These values and aims are inseparable and constitute the point of reference from which this Act formulates the geographical and sector priorities to be specified later in the directing plan.

This Act establishes the principles ordering the activity of the Government of Catalonia in matters of cooperation for development, which, as legal principles, link together all the public decisions in this field. Some of these principles are a translation into this field of the principles of good management. Others are general principles of cooperation for development, backed up by international experience, such as the collaboration, participation and assumption of the projects by the receiving countries, or that of the liberality of aid. Among these latter, this Act has wished to note the principle of coherence between the policy of aid for development and the rest of the policies and actions unfolded by the Government and local authorities of Catalonia. This Act wishes, then, to make clear that development, which is the global public good sought, can never be considered exclusively as the fruit of aid for development.

This Act wishes the activity of the Government of Catalonia in matters of cooperation for development to be structured on four-year strategic planning and annual programming. The directing plan and the annual plans are the most notable expression of Government policy in this field. They will be prepared following a very broad process of information and participation with all the agents of cooperation interested. The principle of planning of the actions of cooperation for development, of which the directive and annual plans are the corollary, must permit adequate interdepartmental coordination, and the fact that single actions may respond to a strategic vision and be more foreseeable, localised, disciplined and more easily evaluated. This Act enumerates, without making *numerus clausus*, the more usual instruments of cooperation for development. Also it wishes to underline the modes to be applied, expressly opening the door to multilateral cooperation, which can be one of the strategic lines of the international presence of Catalonia in this ambit.

This Act reinforces the Government's organisational structure for cooperation for development from an awareness of the new era now beginning. The formulation of policy is attributed to Parliament, the Government, the minister for foreign affairs and the Cooperation for Development Interdepartmental Committee. The execution is attributed to the general directorate competent in matters of cooperation for development, which must be given the organisational human and material resources necessary to ensure the exercise of the functions granted to it by this Act. Both with regard to the formulation and the execution of the policy of cooperation for development, this Act establishes a broad regime of consultation, information and participation by means, principally, of the Cooperation for Development Council, and also through coordination and collaboration with the local authorities of Catalonia by

means of the corresponding coordination committee. Further, the Act establishes, in accordance with the experience acquired in its application, the creation of an organisational structure for the management of the Government policy of cooperation.

In this sense, the Act, as a reflection of awareness of the importance of coordination and collaboration between all the public administrations and entities, both national and international, bilateral and multilateral, calls on the Government Administration to establish the pertinent resolutions, conventions, agreements and contracts, both with the administrations and entities mentioned and with the government and non-governmental organisations of the beneficiary countries, and empowers it to do so.

Finally, the Act regulates some specific instruments in order to facilitate promotion of the actions of the agents of cooperation in this sector to be promoted by the Government. To this end, it creates a Register of non-governmental organisations for development in Catalonia, for purposes of information and responsibility. On the other hand, it conditions the granting of subventions and aids for actions by the agents of cooperation in this field to the requirement by which the entities acting shall be non-profit-making. It establishes, finally, that the Government shall carry out, by way of conventions and agreements, the necessary actions to promote the training of volunteers and for the instruction and promotion both of professionals and of agents of cooperation of this sector.

CHAPTER I

General provisions

SECTION ONE

Purpose and ambit of application of the Act

Article 1

Purpose of the Act

1. The purpose of this Act is to establish and regulate the legal regime to which the activity of the Administration of the Government of Catalonia must be adjusted in matters of cooperation for development and international solidarity, understood as the global public good to the improvement of which Catalan society has made a commitment.

2. For the purposes of this Act, actions of cooperation for development are:

a) Those brought about by the public administrations or the agents of cooperation in order to contribute to certain countries and peoples constructing the conditions and capacities necessary for their human development and, especially, the eradication of poverty.

b) Those brought about by the public administrations or the agents of cooperation to the end of promoting information, awareness, education, training, values, capacities and the commitment of society, leading to better and greater cooperation with the individuals, peoples and developing countries.

3. For the purposes of this Act, agents of cooperation are understood as those institutions and entities legally constituted which act in the field of cooperation for development.

4. The resources destined to the cooperation of development are qualified as official aid for development (OAD) if they meet the requirements established by the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD).

Article 2

Ambit of application of the Act

1. This Act governs all the activities of the Government of Catalonia in matters of cooperation for development and international solidarity.

2. The values, aims and principles of this Act imbue the activities of local authorities in Catalonia in matters of cooperation for development. This Act also regulates the relationships of coordination, cooperation and collaboration between the Government Administration and the local authorities in these matters, within the respect due to local autonomy.

SECTION TWO

Values, aims, priorities and principles of the activity of cooperation for development and international solidarity

Article 3

Values

The activity of the Government Administration and the local authorities in matters of cooperation for development and international is guided by the following values:

a) Recognition of the human being, in his or her individual and group dimension, as the focus and final destination of the policy of public cooperation for development.

b) The promotion of peace, justice, equality and equity in the relationships between individuals, peoples, cultures, nations and states, and also the prevention and peaceful solution of conflicts and social tensions, and the strengthening and implantation of peace and coexistence.

c) The promotion and protection of human rights and fundamental liberties, indivisible and interdependent, considering liberty, democracy and personal dignity as fundamental to all efforts for human development.

d) Recognition of the right of the various peoples to the protection and promotion of their own culture, language and identity, and also the values of multicultural coexistence.

e) The protection and promotion of the most disadvantaged individuals and groups or those suffering political or economic discrimination for reasons of sex, race or ethnic origin, culture or religion.

f) Recognition of economic, labour and social rights, employment, business and good government as fundamentals of a lasting economic development, equitable and sustainable, also with an impact on the redistribution of wealth and on social justice.

Article 4

Aims

1. The activity of the Government Administration and the local authorities in matters of cooperation and international solidarity must be directed to promoting both human development and education and the civil commitment of the people of Catalonia in this field.

2. The activity of the Government Administration and the local authorities in matters of cooperation for development and international solidarity must encourage the economic development and social welfare of the inhabitants of the countries receiving the cooperation, so that they themselves can instrument a system of sustainable economic and social development in a reasonable period of time, and it must have the following aims:

a) The eradication of poverty and, especially, the provision of effective access to all the goods and services necessary to meet basic human needs.

b) Recognition and protection of human rights and internationally recognised fundamental individual and group liberties.

c) The promotion of sustainable human development integrated in its democratic, economic, social and environmental dimensions.

d) The promotion of equality of opportunities between sexes in the effective access to resources, services, education and training and, especially, the strengthening of full human rights and fundamental liberties for women and children.

e) The protection and promotion of the cultural identities of the peoples, including the universal linguistic heritage and respect for cultural plurality.

f) The promotion of education and training, especially at basic and professional levels, in order to encourage citizenship, good government, the development of productive capacities and the instruction of the people in general in questions related with reproductive health.

g) The promotion of employment and the capacity of enterprise, and access to scientific, technological and management knowledge, as the motors of economic and social development, and especially the promotion of small companies in the developing countries.

h) The contribution to eradicating social tensions and conflicts and their causes, and also promotion of the culture of peace and intercultural and inter-religious dialogue.

i) The contribution to foreseeing and solving situations of emergency.

j) Support for the processes of democratisation, ensuring the strengthening of the institutions and the capacities of collective action needed for good government and durable human development.

k) Support for the equitable participation of all countries in international trade and the development of instruments and conditions to encourage with justice the trade of countries with structurally more feeble economies.

3. In order to encourage the commitment and capacities of the people of Catalonia in favour of development, the Government Administration and the local authorities must undertake and promote actions directed to:

a) Information, awareness, education and the necessary training to promote a civil commitment to solidarity and development, and to improve knowledge and capacities so that they may become effective.

b) Promotion of initiative and encouragement of the capacities of agents for cooperation to formulate and carry out programmes and projects of cooperation for development, in accordance with the values and aims of this Act, especially the training and teaching of volunteers, collaborators and professionals for specialised work in this field.

c) Promotion of the study, research and generation of information systems and internationally interconnected banks of knowledge, to support the activity of cooperation for development of the public administrations and agents of cooperation.

d) Promotion of the Catalan community for development in order to facilitate an exchange of information, ideas and experiences, sharing services and offering support for the permanent learning of its members, while encouraging relations with developing countries and with the international community for development.

e) The promotion of fair and supportive trade to improve the commitment of the institutions, companies and consumers in favour of more equitable trade with the developing countries and, consequently, the promotion, in the whole of Catalan society, of proposals of discussion over the need for sustainable and respectful consumption, to make it possible for all humanity to maintain as a minimum the bases of welfare.

Article 5

Priorities

1. Priorities among the actions of cooperation for development and international development are countries and peoples which are victims of situations of poverty, emergency or transgression of human rights.

2. Geographical priorities are the countries and peoples of the Mediterranean, especially those of the Maghreb, Latin America, Sub-Saharan Africa and others with which Catalonia has had or has special relations of an historic, social, economic, cultural and migratory character.

3. Without prejudice to the specific factors set out in the Directing Plan to which article 8 makes reference, the following are sector priorities for the activity of the Government of Catalonia Administration in matters of cooperation for development:

a) The eradication of poverty, cover for social needs and basic infrastructures, the strengthening of human capital, development of the associative and productive fabric and the promotion of entrepreneurial capacity.

b) The prevention of conflicts and promotion of peace, civil and public institutional development and construction of the necessary institutional capacities for human and democratic development, with special attention to processes of decentralisation and self-government which respect fundamental human rights and liberties, individually and collectively recognised internationally.

c) Protection and promotion of identities and cultural pluralism, understanding these as part of the universal heritage.

d) Environmental sustainability.

e) Protection of equity between men and women and the promotion of women's rights, especially with regard to reproductive health.

f) Encouragement of more fair and reliable international trade.

- g) The protection of children.
- h) Emergency aid.

Article 6

Ordering principles

The activity of the Government of Catalonia Administration and of the local authorities in matters of cooperation for development and international solidarity shall attend to the following principles:

a) The principles of collaboration and complementariness between the public powers and the initiatives of support and cooperation for development among Catalan civil society.

b) The principles of transparency and information and of participation of the agents of cooperation in the public activity in this field.

c) The principle of planning of the public activity.

d) The principle of coordination of all the activity of the Government Administration in the field of cooperation for development.

e) The principles of effectiveness, efficiency and responsibility in the application of the policies, programmes, projects and actions in general, both of the public powers and of the agents of cooperation which use public resources for the purposes of cooperation for development.

f) The principles of responsibility, participation and the assumption of programmes and projects by the communities or governments of the developing countries and agreement with the agents of cooperation of these countries.

g) The principles of coordination, collaboration and cooperation between the public administrations, in the framework of their respective competences, and also with other agencies and international bodies of solidarity and cooperation.

h) The principle of liberality of the actions of cooperation considered as official aid for development, in accordance with the provision of article 1.4.

i) The principles of control, monitoring and evaluation of the actions of cooperation for development.

Article 7

Principle of coherence

1. The values, aims and ordering principles contained in this Act link together all the activity of the Government of Catalonia Administration and also affect the activity of the local authorities in Catalonia in the exercise of their legally recognised competences.

2. When a public action by the Government Administration not qualified as cooperation for development could impact significantly in a developing country, the competent minister in the matter may request consideration and a report, optional and not binding, from the organisms to which reference is made in articles 22, 23 and 24.

3. When a public action by a local authority not qualified as cooperation for development could impact significantly on a developing country, the local authority may request consideration and a report, optional and not binding, from the organisms to which reference is made in articles 23 and 24.

CHAPTER II

Planning, instruments and modes of cooperation for development

SECTION ONE

Plans of cooperation for development

Article 8

The directing plan

1. The Government of Catalonia Administration shall prepare regularly every four years a directing plan establishing the forecast resources and the geographical and sector priorities which must be respected and specified in the annual plans of cooperation for development.

2. The directing plan is the principle technical expression of Government policy in matters of cooperation for development.

3. The formulation of the directing plan corresponds to the general directorate competent in matters of cooperation for development and must be based on a broad process of research, information, consultation and participation and on the evaluation of previous experience. The minister competent in matters of foreign affairs shall present the project for the directing plan to the Government so that it may be passed through Parliament.

4. The directing plan shall fix the geographical and sector priorities of the period, the strategic objectives, the products and the results which it seeks to obtain, and also the human, material, financial or management resources necessary. The plan will also indicate the lines of coordination, collaboration or cooperation with other public or private agents, bilateral or multilateral, necessary or appropriate for the reinforcement of the strategic objectives of Catalan public cooperation.

5. The directing plan must be approved by Parliament.

6. In establishing the four-year sector priorities, the directing plan shall take into account:

- a) The values, aims and principles established by this Act.
- b) The material, human and financial or management resources necessary and the capacity of cooperation effectively existing in Catalonia.
- c) The demands formulated by the most needy communities and governments.
- d) The cooperation already delivered to the developing countries by other institutions and agencies, bilateral or multilateral.
- e) The conditions of viability, feasibility and durability of the programmes and projects to be carried out.

Article 9

The annual plans

1. The annual plans of cooperation for development are the instrument of programming of the activity of the Government of Catalonia Administration in this field and must develop the objectives, priorities and resources established by the directing plan.

2. The actions of cooperation for development involving expenses charged to the Government budgets must figure in the annual plan, which also

must contain a heading sufficient to meet emergencies and unforeseen situations.

3. The general directorate competent in matters of cooperation for development must prepare the project for the annual plan. The definitive formulation corresponds to the minister competent in matters of foreign affairs, who, after the essential prior consultations with, among others, the agents of cooperation, in the framework of the Council of Cooperation for Development, must submit it to the Government to be considered and, if though fit, approved.

4. The annual plan must be presented to Parliament for awareness and to be debated.

5. The forecasts of the plan must be incorporated in the appropriations of the Government budgets of the respective year and must be established sufficiently in advance to be included in the corresponding Government Finance Act.

SECTION TWO

The instruments of cooperation for development and international solidarity

Article 10

Enumeration of the instruments

The actions of the Government of Catalonia Administration in matters of cooperation for development and international solidarity are instrumented by means of:

- a) Technical cooperation.
- b) Economic and financial cooperation.
- c) General humanitarian aid and emergency humanitarian aid.
- d) Education and social awareness for development.
- e) The generation of special funds for cooperation and other relevant instruments in order to carry out the ends and objectives established by this Act and the plans of cooperation for development.

Article 11

Technical cooperation

1. The purpose of technical cooperation is support to the efforts of developing countries in improving the capacities of individuals, organisations and institutional bodies, both in the field of production and in educational, health, scientific, cultural, social, trade union, political, administrative and democratic matters.

2. The determinant criterion on which technical cooperation must be based is the contribution to the creation of national and local capacities for the permanent improvement of the human resources, institutions and social capital which are the conditions of all lasting development.

3. Technical cooperation will be carried out through actions, programmes and projects: in education and training; in research and technological development; in the contribution by experts; in information, documentation, exchange, advice, consultation and studies and, in general, everything which contributes to raising the institutional capacities in the beneficiary countries.

4. The technical cooperation of Catalonia will be based on the respect and promotion of the cultural identity of the beneficiary peoples and countries.

Article 12

Economic and financial cooperation

1. Economic cooperation consists in contributions to projects of investment for development with the aim of improving the physical capital of the beneficiary countries, and also in projects of economic aid to determined sectors of those countries, such as education, health, the food industry, infrastructures, and social and productive sectors.

2. Financial cooperation consists in official contributions to international bodies of an economic and financial nature, in donations, the granting of loans destined to programmes and projects for basic social development, the granting of loans conceded and any other measure destined to improve the access of the beneficiary countries to financial capital.

Article 13

Humanitarian aid: general and in emergencies

1. General humanitarian aid comprises:

a) Aid for rehabilitation and reconstruction, both of physical infrastructures and of economic and social infrastructures, and for the establishment of the necessary capacities to reduce vulnerability and to determine the basis for development of the countries and communities affected.

b) The prevention of disasters originating from natural or human causes, through information, prevention and the covering of risks to which certain human communities are subject.

2. Emergency humanitarian aid comprises:

a) Emergency aid with the aim of saving human lives threatened by natural catastrophes, conflicts or wars.

b) Immediate aid to refugees and people displaced as a result of natural catastrophes, conflicts or wars, and also to the countries receiving such refugees.

3. The provisions for emergency humanitarian aid must be set out in a specific head in the Government budgets.

4. Humanitarian aid from the Government must be coordinated with that of other donors and must be coherent with the priorities and the assignment of tasks established by the strategic planning of aid in the global sense.

Article 14

Education and social awareness for development

1. Education and social awareness for development comprise the carrying out of actions, programmes and projects directed to achieving the ends established by article 4.

2. The programmes and the projects of education and awareness consist in campaigns of dissemination and support, training programmes, information systems and other actions which serve to improve the commitment and national capacities for development.

SECTION THREE

Modes of cooperation for development

Article 15

Bilateral cooperation

1. Bilateral cooperation consists in the activities carried out by the public administrations directly with the institutions and entities of the beneficiary countries, or with those instrumented by them, by means of agents of cooperation financed by the administrations or which form part of the plan agreed by them.

2. The bilateral actions financed by the Government of Catalonia Administration must be based on a sufficient knowledge of the circumstances and in coordination with those of other donors.

Article 16

Multilateral cooperation

1. Multilateral cooperation is constituted by the programmes and projects undertaken jointly or through financial contributions to international organisations which are for the purpose of promoting development.

2. The Government of Catalonia Administration may constitute development funds with the international organisations to which reference is made in section 1, or join in with them. The Government must participate in the administration of these funds, which must be destined to achieving the ends and objectives established by this Act, by the directing plan and by the annual plans of cooperation for development.

CHAPTER III

The organisation of cooperation for development

SECTION ONE

Governing organs of the policy of cooperation for development

Article 17

The Parliament of Catalonia

1. Parliament will promote and be aware of the policy and the activity of The Government in the field of cooperation for development, it will deliberate over them and control them.

2. Parliament, by means of the established mechanisms, shall debate the general lines and basic directives of the Government policy in matters of cooperation for development.

3. Parliament shall approve the four-year directing plan and must be advised of the annual plans of cooperation for development, pursuant to articles 8 and 9.

Article 18

The Government of Catalonia

1. The formulation, direction and evaluation of the policy of Catalonia in matters of cooperation for development correspond to the Government.

2. The Government, on the proposal of the minister for foreign affairs, shall present the directing plan to Parliament for approval, if thought fit. Also on proposal from the same minister, the Government shall approve the annual plans of cooperation for development.

Article 19

The competent minister in matters of foreign affairs

The minister competent in foreign affairs is concerned with:

a) The political direction and coordination of the actions carried out in the field of cooperation for development by the various departments and bodies of the Government of Catalonia, in accordance with their respective competences.

b) The final drafting of the directing plan and the annual plans of cooperation for development and the submission of these to the Government for discussion and final approval, if thought fit, of the annual plans.

c) The proposal to the Government of regulations for the execution of this Act and the exercise of the power of instruction to all the departments and organs of the Government acting in this field.

d) The evaluation of the actions of cooperation for development financed totally or partially with funds from the Government.

Article 20

Other departments

The departments of the Government of Catalonia which undertake actions of cooperation for development in the field of their respective competences must respect the strategic directives of the directing plan and must include them in the annual plans, in the preparation of which they participate through the Interdepartmental Committee of Cooperation for Development.

Article 21

The general directorate competent in matters of cooperation for development

1. The general directorate competent in matters of cooperation for development, under the direction of the corresponding minister, is responsible for:

a) The preparation and monitoring of the directing plan and the annual plans of cooperation for development.

b) The preparation of proposals for the regulations necessary to apply this Act.

c) The direction of the work of technical coordination of all the departments and organs of the Government which carry out actions in the field of cooperation for development.

d) The establishment and conducting of relations of coordination, collaboration and cooperation with public or social agents and with agencies, bilateral or multilateral, as needed for the better achievement of the strategic objectives of the Government of Catalonia policy in the field of cooperation for development.

e) Direction of the execution of the directing plan and the annual plans of cooperation for development.

f) Promotion and supervision of the programmes and projects financed or co-financed with funds from the Government, and the supply of support for them.

g) The evaluation of the sector and geographical actions of programmes and projects, in order to reinforce their capacities of formulation and management.

h) Coordination with the Spanish Agency of International Cooperation (SAIC) in the actions as necessary, according to their urgent or necessary character.

i) The exercise of all the functions attributed to it by this Act or entrusted to it by the competent minister in matters of foreign affairs.

2. The general directorate competent in matters of cooperation for development must be given the appropriate organs to fulfil the functions entrusted to it in the field of cooperation for development and international solidarity.

SECTION TWO

Organs of coordination and collaboration and consultative organs

Article 22

The Interdepartmental Committee of Cooperation for Development

1. The Interdepartmental Committee of Cooperation for Development is the technical organ for interdepartmental coordination of the Government of Catalonia Administration in this field.

2. The Interdepartmental Committee of Cooperation for Development is presided over by the minister competent in foreign affairs and is composed of representatives of the departments and organs of the Government, as established by regulation.

3. The Interdepartmental Committee of Cooperation for Development has the following functions:

a) To ensure the information, coordination, coherence and complementary nature of the activities of the Government of Catalonia Administration in the field of cooperation for development.

b) To know the directing plan and the annual plans and to deliberate and report on them.

c) To know the monitoring of the annual plans and the evaluation of the policy and directing plan of cooperation for development, and to report and deliberate on them.

d) Any other function entrusted to it by its chairman.

Article 23

The Local Authorities Coordination Committee

1. The Government and local authorities coordinate, collaborate and cooperate in execution of the respective activities of cooperation for development, without prejudice to their respective autonomy.

2. The Local Authorities Coordination Committee is created for the purpose of promoting information and communication, collaboration, cooperation and reciprocal assistance in carrying out the actions of cooperation for development of the Government Administration and the Local authorities.

3. The public administrations must report to the Local Authorities Coordination Committee on actions carried out in the field of cooperation for development.

4. The Local Authorities Coordination Committee has functions of information, discussion, consultation and the promotion of collaboration between public administrations. Without prejudice to any other functions which may be established by law or regulation, it is responsible to:

a) Have knowledge of the directing plan and annual plans of the Government of Catalonia, and also the programming of the local authorities in these fields, and to issue a report on them.

b) Promote joint actions for the identification, formulation, execution, financing and evaluation of programmes and projects of cooperation for development.

c) Promote the creation of a database containing systematised information as referred to in paragraph 3.

d) Have knowledge of the monitoring reports and evaluations of the plans and annual programmes of the public administrations of Catalonia, and to deliberate over them.

e) All the functions tending to promote voluntary coordination, collaboration and cooperation among the Catalan public administrations in the field of cooperation for development.

5. The Local Authorities Coordination Committee will have a balanced composition, with the participation of representatives of the departments and organs of the Government, district and local bodies as designated by their respective entities, and of the Catalan Fund of Cooperation for Development. The Committee shall be chaired by the minister competent in foreign affairs, who may delegate to the corresponding director general.

6. The composition and functioning of the Local Authorities Coordination Committee must be governed by regulation, after prior consultation with the local authorities.

Article 24

The Cooperation for Development Council

1. The Cooperation for Development Council is the organ of consultation and participation of the Catalan community for development in the activity of the Government Administration in this field. It is attached to the department competent in foreign affairs through the corresponding general directorate.

2. The Cooperation for Development Council is formed by representatives of the Government of Catalonia Administration, the non-

governmental organisations for development and other institutions, entities and individuals recognised as distinguished members of the Catalan community for development.

3. The Cooperation for Development Council has the following functions:

a) To issue a report, of a prior and essential nature, on the pre-projects and other general provisions of the Government Administration in this field.

b) To issue a report, of a prior and essential nature, on the directing plan and the annual plans of cooperation for development.

c) To have knowledge of the follow-up reports on the annual plans and the evaluations of the directing plan and to propose, after study and deliberation, the appropriate recommendations.

d) To deliver to the Government, through the minister competent in matters of foreign affairs, the initiatives and proposals that it deems fit for the improvement of actions in this field.

e) To propose, according to special circumstances, changes in the annual plans and, if necessary, the directing plan.

f) Other functions assigned to it by the minister competent in foreign affairs or those required expressly by Acts or regulations.

4. The composition, organisation and functioning of the Cooperation for Development Council must be established by regulation, having previously informed the Cooperation for Development Advisory Council.

CHAPTER IV

Coordination, collaboration and cooperation of the Government of Catalonia Administration with other institutions

Article 25

General principle

1. The Government of Catalonia Administration, in the field of its competences, relates with the local authorities and with other administrations and public institutions acting in cooperation for development in order to improve the effectiveness and efficiency of the respective programmes and projects.

2. The Government Administration, for the purpose referred to in section 1, may establish protocols, conventions, agreements, plans and joint programmes and other forms of collaboration and cooperation, and also take part in consortiums or in other types of entities as appropriate to achieve the common aims of cooperation for development.

3. The Government Administration must make available to the local authorities and the other administrations and public institutions interested the necessary information to facilitate coordination and to promote collaboration and cooperation for development.

Article 26

Collaboration with the State Administration and the autonomous communities

1. The Government of Catalonia Administration takes part in the Interterritorial Cooperation for Development Committee created by article 23 of the State Act 23/1998, of 7 July, of international cooperation for development.

2. The Government Administration oversees especially coordination with the State Administration and promotes the relevant formulas of collaboration, cooperation and mutual information for the undertaking of programmes and projects of common interest in the field of cooperation for development.

3. The Government Administration also promotes collaboration and cooperation with the other autonomous communities in carrying out programmes and projects of common interest in this field.

Article 27

Relations with donor countries and those receiving the cooperation

The Government of Catalonia Administration must promote formulas of collaboration and cooperation relevant to the public institutions and private entities of the donor countries and those receiving the cooperation, in order to improve the effectiveness and efficiency of the programmes and projects of common interest in this field.

Article 28

Relations with international organisations of cooperation

The Government of Catalonia Administration must promote relations and collaboration with the international organisations and other international agents, in order to encourage the objectives and the results indicated in the plans and to facilitate contributions from the cooperation agents and local administrations to the programmes and projects of cooperation for development of the international organs and agents.

CHAPTER V

Promotion of initiatives and social capacities

Article 29

General principle

1. The commitment of Catalonia to cooperation for development and international solidarity is expressed in the political will and in the actions of the Government and the local authorities, and also in the fiscal effort and voluntary contributions of its people and in the initiatives promoted from within its social fabric and led by non-governmental organisations for development, the universities and teaching centres, companies and business associations, trade unions, professional colleges, churches and other agents of civil society which promote and project everywhere the supportive spirit of Catalonia.

2. The Government Administration organises its actions of cooperation for development and international solidarity from the principles of collaboration and complementariness with the initiatives of the agents for cooperation. In order to reinforce and promote the initiative and capacity of the agents of cooperation operating in this field, the Government Administration must:

a) Supply information and a list of the agents of cooperation with the administrations and public institutions and with private entities of the donor countries and those receiving the cooperation.

b) Give support to the services of information, documentation, research, education and the training needed to improve the commitment and capacities for development, especially those which have or could have a international impact.

c) Grant aids and subventions and establish agreements of cooperation or other formulas of collaboration with the agents of cooperation to which paragraph 1 refers, and which have as their purpose the achievement of the aims included in the directing plan and the annual plans of cooperation for development.

Article 30

Non-governmental organisations for development

For the purposes established in this Act, non-governmental organisations for development are understood to be non-profit-making entities of private law, legally formed, which have as their principal institutional purposes, expressly set forth in their respective constitutions, the carrying out of activities of cooperation for development and international solidarity as referred to in article 1.2, in coherence with the values, aims and principles established in this Act.

Article 31

Register of non-governmental organisations for development

1. A Register of non-governmental organisations for development is created, in which all the entities defined by article 30 which have their head office or permanent delegation in Catalonia may be entered. This Register will be of a public character and the form of access and functioning must be determined by regulation.

2. The non-governmental organisations for development wishing to access any aid or subvention from the public administrations computable as an official aid to development must meet the following two conditions:

a) Being entered in the Register of non-governmental organisations for development, or in that of the Spanish International Cooperation Agency.

b) Having its head office or delegation and permanent structure in Catalonia, in order to ensure the achievement of the respective statutory purposes.

Article 32

Promotion of volunteer service in cooperation for development and international solidarity

1. The Government of Catalonia Administration must promote, by means of competent bodies, volunteer service in programmes and projects of cooperation for development and international solidarity at the charge of non-profit-making public and private entities, especially those which respond to the values, principles, purposes and plans established by this Act.

2. For the purpose of the provision of paragraph 1, the Government Administration may establish agreements with the entities referred to; these agreements, within the current legislative framework, must specify the commitments of the signing parties, in order to ensure that the aforesaid entities

provide the training, basic needs, personal security, responsibility and information necessary for the fulfilment of the volunteer contract, which does not constitute employment.

Article 33

Promotion of training in matters of cooperation for development

1. The Government of Catalonia Administration must give support to the initiatives of the local authorities, institutions and entities for the education and training of professionals in cooperation for development, especially those who have international recognition. Also it must oversee the continuous training of those actively cooperating.

2. The Government Administration, for the purpose referred to in paragraph 1, can establish agreements with universities, non-governmental organisations for development and entities of other natures.

Article 34

Aids and subventions

1. The Government of Catalonia Administration may finance, through direct aid or subventions, the programmes and projects of the non-governmental organisations for development which meet the requirements established in article 31.2 and correspond to the provisions of the directing plan and the annual plans in this field.

2. The Government Administration may also finance programmes and projects of cooperation for development through collaboration and cooperation agreements with the administrations, institutions and public or private entities existing as deemed fit in each case, provided that they are non-profit-making and correspond to the provisions of the directing plan and the annual plans.

ADDITIONAL PROVISIONS

One

Directing plan of cooperation for development and international solidarity

The Government, within the maximum period of nine months from the coming into force of this Act, shall present to Parliament, for approval, if deemed fit, the first project directing plan of cooperation for development and international solidarity.

Two

Creation of the organisational structure appropriate to the policy of cooperation for development

With the presentation of the first directing plan there shall be proposed, in accordance with the experience acquired and with the deliberation and prior reports by the consultative organs, the creation of the Catalan Cooperation for Development Agency or, if necessary, of the organisational structure most appropriate for the achievement of the aims of the policy of cooperation for development and international solidarity of the Government Administration. The

proposal shall be presented to Parliament, with the prior deliberation and report provided by the bodies to which reference is made in articles 22, 23 and 24.

Three

Resources of the Government of Catalonia Administration destined to cooperation for development

The Government of Catalonia Administration must gradually increase the contributions destined to cooperation for development and international solidarity, in order to achieve the contribution of 0.7% of its unconditioned current income, in the budgets for the year 2010 at the latest.

TRANSITIONAL PROVISIONS

One

Competence in matters of cooperation for development

The organ to which reference is made in the Second Additional Provision must assume, from the moment of its creation, the organisation and competences that this Act establishes for the general directorate competent in matters of cooperation for development, as assigned to it by the competent minister.

Two

Validity of the Decree 201/1995

Until there the regulation development of this Act is established, and in anything which does not contradict it, the Decree 201/1995, of 11 July, of the creation of the Advisory Council of Cooperation for Development, shall continue in force.

FINAL PROVISIONS

One

Repeal

All provisions of an equal or lower rank are repealed where they oppose what this Act establishes.

Two

Regulation development

The Government is empowered and, as corresponds to him, the minister competent by reason of the matter, to undertake the regulation development of this Act in the maximum term of six months from its coming into force.

Therefore, I order all people to whom this Act may be of application to cooperate in its compliance, and that the relevant courts and authorities see to its compliance.

Palace of the Government, 31 December 2001

JORDI PUJOL

President of the Government of Catalonia

NURIA DE GISPERT I CATALA

Minister of Government
and Institutional Relations

On 17 December 2001 the Parliament of Catalonia passed the Cooperation for Development Act, which establishes a legislative framework able to promote, order and coordinate Catalan cooperation in favour of developing countries and peoples. With the passing of this Act the Catalan chamber expresses its recognition and support for the positive and fruitful presence in Catalan civil society of a broad fabric supportive of NGOs and entities which are acting in the fields of cooperation and international solidarity.