

REPUBLIC OF LITHUANIA
LAW ON THE DEVELOPMENT COOPERATION AND HUMANITARIAN AID

16 May 2013 No XII-311

Vilnius

(Last amended on 3 November 2016 No XII-2740)

Article 1. Purpose of the Law

1. The purpose of this Law shall be to regulate public relations pertaining to development cooperation activities and delivery of humanitarian aid by state and municipal institutions and agencies outside the Republic of Lithuania (hereinafter: ‘Lithuania’).

2. This Law shall define objectives and principles of the Lithuanian development cooperation policy, shaping, methods of implementation, coordination and funding of this policy, peculiarities of involvement of state and municipal institutions and agencies staff in development cooperation projects, goals, principles, methods of delivery and funding of humanitarian aid provided by Lithuania, as well as the responsibility for the implementation of the development cooperation policy and delivery of humanitarian aid.

3. In providing aid, Lithuania shall comply with the foreign policy priorities and international commitments.

Article 2. Definitions

1. ‘**Developing country**’ means a state or a territory included in the list of aid recipients compiled by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (hereinafter: the ‘OECD’).

2. ‘**Sustainable development**’ means the pursuit of prosperity for all, combining economic and social development as well as environmental policies.

3. ‘**Multilateral development aid**’ means mandatory and voluntary payments and contributions to funds, international organisations and international financial institutions carrying out and coordinating development cooperation activities, including part of the payments to the budget of the European Union (hereinafter: the ‘EU’).

4. ‘**Bilateral development aid**’ means aid provided by state and municipal institutions and agencies to institutions or civil society of partner countries, including non-governmental organisations, according to their needs.

5. **‘Humanitarian aid’** means measures and actions designed to save lives, alleviate suffering and maintain human dignity during and after man-made crises and disasters caused by natural hazards. Such aid shall also comprise disaster risk reduction, including crisis preparedness and recovery after it.

6. **‘Delegated cooperation’** means development cooperation activities carried out by one delegated donor country on behalf of one or several donor countries according to the partnership agreement.

7. **‘Official development assistance’** means assistance and humanitarian aid provided by state and municipal institutions and agencies for developing countries.

8. **‘Budget support’** means financial transfers to the national treasury of the partner country implementing poverty reduction strategy, conditional on a dialogue based on partnership and mutual responsibility, performance assessment and capacity building.

9. **‘International donors’** means foreign countries, international organisations, private funds, non-governmental and business organisations as well as other entities engaged in development cooperation activities or providing humanitarian aid.

10. **‘Technical assistance’** means support to a partner country, including scholarships, provided by funding training, sharing of best practices or capacity building projects and programmes.

11. **‘Donor country’** means a country which provides aid to partner countries.

12. **‘Partner country’** means a country which receives aid provided by international donors.

13. **‘State and municipal institutions and agencies’** means representative, executive and judiciary authorities as well as the institution of the Head of the State, law enforcement institutions and agencies, institutions and agencies exercising audit and control (supervision), and other state and municipal institutions and agencies financed from the state or municipal budgets and state monetary funds, upon which public administrative powers are conferred in accordance with the provisions laid down by the Law on Public Administration, enterprises and agencies providing public services to persons; also state and municipal enterprises, public establishments the owner or at least one of the part-owners of which is the State or a municipality, public limited liability companies and private limited liability companies in which the State or a municipality holds by the right of ownership shares or a part thereof carrying over more than 1/2 of the total votes at a general meeting of shareholders.

14. **‘Development cooperation’** means cooperation between donor countries and partner countries where a donor country supports a long-term and sustainable development of the partner countries, their efforts to reduce poverty and integrate into the global economy.

15. '**Development cooperation activities**' means delivery of bilateral and/or multilateral development aid and other actions contributing to the achievement of the Lithuanian development cooperation policy objectives.

Article 3. Objectives of the Lithuanian development cooperation policy

The Lithuanian development cooperation policy shall be an integral part of the Lithuanian foreign policy aimed at attaining the following objectives:

- 1) to contribute to global efforts to reduce poverty in developing countries and the implementation of other sustainable development goals decided on by the United Nations (hereinafter: the 'UN');
- 2) to contribute to the development of an area of democracy, security and stability as well as sustainable development in the partner countries;
- 3) to contribute to the enhancement of human rights and gender equality in the partner countries;
- 4) to strengthen political, economic, social and cultural ties with the partner countries;
- 5) to inform and educate Lithuanian society about development cooperation policies of the UN, EU and Lithuania, their goals and challenges, the results achieved, and to seek broader public acceptance and support for this activity.

Article 4. Principles of the Lithuanian development cooperation policy

The principles of the Lithuanian development cooperation policy shall be as follows:

- 1) partnership with the partner country, the international community of donor countries, international organisations, international financial institutions, local and regional authorities, civil society, including non-governmental organisations, in Lithuania and abroad;
- 2) responsibility of the partner country – each country has the primary responsibility for its development strategy and its implementation;
- 3) solidarity – in support of the global community's efforts to achieve the sustainable development goals decided on by the UN;
- 4) efficiency, transparency and accountability of the delivery and use of aid;
- 5) coordination and complementarity – cooperation of donor countries in implementing joint multi-annual programmes, aid provision to compliment development cooperation activities of individual donor countries, thus ensuring the optimum use of human and financial resources;
- 6) policy coherence – taking account of the development cooperation objectives when shaping other policies;
- 7) use of Lithuania's gained experience and comparative advantages, taking into

consideration the priority needs of the partner country.

Article 5. Principles of delivery of humanitarian aid

1. When providing humanitarian aid, Lithuania shall act in accordance with international law, including international humanitarian law, and comply with the following fundamental humanitarian principles:

- 1) humanity – human suffering must be addressed under all circumstances with a view to protecting their lives, health and dignity;
- 2) neutrality – aid must not favour any side in an armed conflict or other dispute;
- 3) impartiality – aid to affected populations or their groups must be provided regardless of their nationality, race, religion, gender, ethnic origin, political opinions or other features, solely on the basis of need;
- 4) independence – humanitarian aid objectives are achieved in an autonomous manner, without taking into consideration political, economic, military or other objectives.

2. Lithuania shall coordinate its humanitarian actions with humanitarian actions of the EU, UN and other humanitarian actors.

Article 6. Methods and instruments of implementation of the development cooperation policy

1. The development cooperation policy shall be implemented:
 - 1) by providing bilateral and/or multilateral development aid;
 - 2) by informing and educating the public on development cooperation.
2. Bilateral and multilateral development aid may be provided through projects and programmes as technical assistance, delegated cooperation, aid to the partner country to develop its trading system and private sector (including granting of soft loans and guarantees, and the participation in private sector entities of the partner countries), and to strengthen its civil society; also as co-financing of projects and programmes implemented with funds of other countries as well as through budget support. Projects and programmes may be implemented by Lithuanian and foreign entities.

Article 7. Shaping, implementation and coordination of the development cooperation policy

1. The Ministry of Foreign Affairs of the Republic of Lithuania (hereinafter: the ‘Ministry of Foreign Affairs’) shall:

- 1) shape the Lithuanian development cooperation policy, organise, coordinate, control

and be responsible for the implementation of this policy, with the exception of the cases set out in paragraph 2 of this Article;

2) in order to achieve the objectives of the Lithuanian development cooperation policy referred to in Article 3 of this Law and in consultation with the interested institutions and the public, plan development cooperation activities and present recommendations to state and municipal institutions and agencies regarding the involvement in such activities;

3) from the budget appropriations allocated to it and in accordance with the procedure laid down by the Minister of Foreign Affairs of the Republic of Lithuania (hereinafter: the 'Minister of Foreign Affairs'), implement the Development Cooperation and Democracy Promotion Programme (hereinafter: the 'Programme') directly or through the public institution Central Project Management Agency (hereinafter: the 'CPMA') where the Ministry itself cannot implement the Programme by more efficiently making rational use of allocated funds and this does not exclusively relate to the diplomatic service;

4) collect information about the involvement of the staff of state and municipal institutions and agencies in the development cooperation projects;

5) each year submit to the OECD's Development Assistance Committee statistical data on development assistance and humanitarian aid provided by Lithuania;

6) each year publish on its website a report on the development cooperation projects and the results of their implementation.

2. The Ministry of Finance of the Republic of Lithuania shall be responsible for the coordination of the implementation of the development cooperation policy with international financial institutions as well as for the planning of funds for contributions for membership in international financial institutions, including part of the payments to the EU budget, in accordance with the procedure laid down by the Government of the Republic of Lithuania (hereinafter: the 'Government').

3. When participating in the implementation of the Programme, the CPMA shall, in accordance with the procedure laid down by the Minister of Foreign Affairs and with the funds allocated for the Programme:

1) organise the selection of development cooperation projects financed with the funds of the Programme, conclude contracts for the implementation of the selected projects and supervise the implementation thereof;

2) contribute to the improvement of the capacities of the staff of state and municipal institutions and agencies to design and implement development cooperation projects;

3) in cooperation with the Ministry of Foreign Affairs, collect and provide information to state and municipal institutions and agencies on envisaged and/or published tenders for development cooperation projects financed with international donors' funds.

4. From the funds allocated to state and municipal institutions and agencies for development cooperation activities or received in carrying out such activities, the CPMA shall, in accordance with the procedure laid down by the Government:

1) organise the selection of development cooperation projects of state and municipal institutions and agencies, conclude contracts for the implementation of the selected projects and monitor the implementation thereof where the state and municipal institutions and agencies cannot perform this by more efficiently making rational use of allocated funds;

2) contribute to the drafting of project proposals by state and municipal institutions and agencies for development cooperation projects financed with international donors' funds, administer their implementation where the state and municipal institutions and cannot perform this by more efficiently making rational use of allocated funds;

3) in cases of participation in the implementation of the programmes referred to in Article 8(2) of this Law, conclude contracts, supervise their implementation and control the use of funds.

5. The Ministry of Foreign Affairs shall, in accordance with the procedure laid down by the Government, select the development cooperation projects referred to in paragraph 3 of this Article, and state and municipal institutions and agencies shall select the development cooperation projects referred to in paragraph 4 of this Article.

6. The functions referred to in paragraph 3 of this Article shall not limit the possibilities of the CPMA to participate in the development cooperation projects implemented and administered by the Ministry of Foreign Affairs, where such projects are financed with the funds of the Programme.

7. State and municipal institutions and agencies shall, in accordance with the procedure laid down by the Government:

1) take, within their competence, decisions concerning their involvement in development cooperation activities;

2) take a decision to file an application to participate in a development cooperation project announced by international donors independently or together with a natural or legal person having relevant competence;

3) provide, from the budget appropriations allocated to them, bilateral and/or multilateral development aid through international donors to institutions or civil society of the partner country, including non-governmental organisations;

4) consult with relevant non-governmental organisations and business associations regarding development cooperation issues.

8. Assets belonging to the State or a municipality by the right of ownership and managed by state and municipal institutions and agencies by the right of trust may, in compliance with the Law of the Republic of Lithuania on the Management, Use and Disposal of State and Municipal Assets, be transferred by those state and municipal institutions and agencies free of charge into the ownership of international organisations, state or municipal institutions of foreign countries as well as public legal persons of foreign countries, where such assets are destined for carrying out development cooperation activities.

9. In order to attain policy coherence, a national development cooperation commission (hereinafter: the 'Commission') headed by a representative of the Ministry of Foreign Affairs shall be set up for coordination of development cooperation activities. The Commission shall comprise representatives of state and municipal institutions and agencies, non-governmental organisations and business associations operating in the area of development cooperation. The composition of the Commission and its regulations shall be approved by the Government following on a recommendation by the Minister of Foreign Affairs. The Commission shall perform the following functions:

1) submit proposals to the Ministry of Foreign Affairs with respect to the planning of development cooperation activities;

2) submit proposals to the Ministry of Foreign Affairs with respect to the coordination of actions of state and municipal institutions and agencies with the aim of achieving development cooperation objectives;

3) submit proposals to the Ministry of Foreign Affairs with respect to international cooperation with the aim of achieving development cooperation objectives;

4) submit proposals to the Ministry of Foreign Affairs with respect to the adoption and amending of legal acts related to development cooperation;

5) consider reports on development cooperation activities of state and municipal institutions and agencies and assess their compliance with the objectives and principles of the development cooperation policy of Lithuania;

6) deal with other issues related to development cooperation.

10. Civil society, including non-governmental organisations, shall participate in the implementation of the development cooperation policy, inform and educate the public on development cooperation, foster a society's positive attitude towards development cooperation and encourage to contribute to its development and strengthening.

Article 8. Funding of the development cooperation policy

1. Development cooperation activities shall be financed with the budget appropriations allocated for the Ministry of Foreign Affairs, other state and municipal institutions and agencies as well as with other funds received in accordance with the procedure laid down by law, which are, in line with the OECD methodology, regarded as official development assistance.

2. Sources of funds of programmes for achieving specific development cooperation objectives may be in the form of grants from the state budget, voluntary targeted contributions from foreign countries, international organisations, financial institutions, funds of independent natural and legal persons, interest yielded on the funds held in banks and other lawfully acquired funds. The management of such programmes shall be defined by the agreement between the programme donors, and in the absence of such agreement, the description of the programme approved by the Government. The funds of the programme shall be accumulated in a separate account opened by the institution specified in the agreement of the programme donors or in the programme description.

3. In the implementation of the EU and other international agreements on official development assistance, Lithuania will seek to increase its official development assistance, taking into account financial resources of the State.

Article 9. Effectiveness of the development cooperation policy

1. Effectiveness of the development cooperation policy shall be achieved by:

- 1) contributing to the implementation of the EU development cooperation policy, in line with the best practices of the EU Member States in this area;
- 2) taking into account global trends of the development cooperation policy and coordinating the Lithuanian development cooperation policy with the UN, international financial institutions, OECD and activities of the World Trade Organisation in the area of aid for trade;
- 3) informing and educating the Lithuanian public about development cooperation activities, development cooperation projects implemented by Lithuania and the results thereof, ensuring public endorsement and support for this foreign policy area;
- 4) gaining by state and municipal institutions and agencies, civil society, academic community the experience in international and EU development cooperation projects;
- 5) involving volunteers in development cooperation projects.

2. Effectiveness of the development cooperation policy shall be assessed in the light of the effectiveness criteria applied by international organisations to the support for development cooperation and shall be presented in accordance with the procedure laid down by the Government.

Article 10. Methods of humanitarian aid delivery

1. Emergency and long-term humanitarian aid may be provided.
2. Emergency humanitarian aid shall be provided by rapidly responding to immediate needs.
3. Long-term humanitarian aid shall be provided in protracted crises or in crises when the delivery of aid is particularly difficult and when the overall international humanitarian response is not sufficient.
4. Emergency and long-term humanitarian aid may be provided in the form of financial allocation, food stuff, various items, health care and other services and measures in accordance with humanitarian needs, in the form of providing of international civil protection assistance, also in the form of actions aimed at restoring the minimum living conditions and reducing disaster risk, including disaster preparedness and recovery.

Article 11. Delivery and funding of humanitarian aid

1. State and municipal institutions and agencies shall, within their respective competences, take decisions on delivery of humanitarian aid or initiate such decisions in accordance with the procedure laid down by the Government.
2. State and municipal institutions and agencies shall provide humanitarian aid with the budget appropriations allocated for them in accordance with the procedure laid down by the Government. Assets belonging to the State or a municipality by the right of ownership, managed by state or municipal institutions and agencies by the right of trust and destined for humanitarian aid may be transferred by those state and municipal institutions and agencies free of charge into the ownership of international organisations, state or municipal institutions of foreign countries, public legal persons of foreign countries in accordance with the procedure laid down by the Law on the Management, Use and Disposal of State and Municipal Assets.
3. Civil society, including non-governmental organisations, other natural and legal persons not covered by this Article, may be involved in the delivery of humanitarian aid and contribute to informing and educating the public about the delivery of humanitarian aid, the objectives, principles, measures and results of such aid.
4. Delivery and funding of international assistance in civil protection shall be regulated by the Law of the Republic of Lithuania on Civil Protection and its implementing legislation.

Article 12. Involvement of the staff of state and municipal institutions and agencies in development cooperation projects

1. The staff of state and municipal institutions and agencies, implementing development cooperation projects, who are involved in their implementation (hereinafter: 'staff ') may be remunerated from the project funds. The remuneration for the involvement in projects shall be paid in accordance with the conditions and tariffs stipulated in the project contracts. Where such conditions and tariffs are not stipulated, the amount of remuneration for the involvement in projects shall be fixed by heads of state and municipal institutions and agencies implementing the projects, however, the amount of such remuneration may not exceeding three and in the case of the project manager – four average gross monthly earnings in the whole economy most recently published by the Statistics Lithuania. The remuneration from other funds of state and municipal institutions and agencies shall not be paid to the staff for the time they are involved in the projects and for which they receive remuneration from the project funds.

2. Where an employment contract is terminated at a state or municipal institution or agency by agreement between the parties due to the involvement of a staff member in a development cooperation project, such staff member shall be entitled to return, within three months after the end of the project, to the same post at the state or municipal institution or agency where he was employed prior to the involvement in the project, except in cases when, under law, a competition must be held to fill the post. In cases where it is not possible to return to the same post, a staff member shall be entitled to return, within the time limit set out in this paragraph, to another posts for which remuneration is not less than the amount of remuneration received prior to the involvement in the project at the same state and municipal institution and agency.

3. Conditions for participation of civil servants of state and municipal institutions and agencies in development cooperation projects shall be laid down by the Law of the Republic of Lithuania on Civil Service.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ