CITIZEN PARTICIPATION

BEST PRACTICES IN THE WESTERN BALKANS AND THE EUROPEAN UNION
AUTHOR:

Eszter Hartay (ECNL)

DESIGN AND GRAPHICS:

Fidan Hallaqi

FUNDED BY:

The United Nations Democracy Fund

©KCSF, OCTOBER 2011


The illustration on this page was taken from the Standards of Public Participation published by the Austrian Federal Chancellery.
CONTENT

1. SUMMARY ............................................................................................................................................. 3

2. BACKGROUND ON CITIZEN PARTICIPATION PROCESS – THEORY ................................................. 5
   2.1. The main idea of the participatory democracy ................................................................................. 5
   2.2. The benefits and challenges of participatory law-making ............................................................ 5
   2.3. Forms of citizen participation ........................................................................................................ 7

3. MAIN DOCUMENTS OF CITIZEN PARTICIPATIONS IN EUROPE .................................................... 10
   3.1. European Union ............................................................................................................................... 10
   3.2. Council of Europe .......................................................................................................................... 11
   3.3. Other initiatives .............................................................................................................................. 12

4. BEST PRACTICES OF CITIZEN PARTICIPATION IN EUROPE .................................................... 13
   4.1. General overview of country situation on citizen participation in Europe ..................................... 13
   4.2. Old EU Member States .................................................................................................................. 14
   4.3. New EU Member States ................................................................................................................ 18
   4.4. Western Balkans ........................................................................................................................... 25

5. CIVIL SOCIETY CONSULTATION MECHANISMS ON EUROPEAN INTEGRATION PROCESS ......... 29
   5.1. New Member States ....................................................................................................................... 29
   5.2. Candidate and potential candidate countries ................................................................................ 31

6. CONCLUSIONS AND RECOMMENDATIONS ..................................................................................... 32
1. SUMMARY

Citizen participation is an inexhaustible topic and its relevance and contribution towards a healthy and developed democracy cannot be emphasized enough.

The present paper introduces the theoretical background of citizen participation in relation to the participatory democracy and through presenting its different levels and forms. It provides a short overview of the notable documents on the international and European level which serve as a compass for national legislations.

Most importantly, the paper aims to introduce best practices of citizen participation from different countries in Europe in three regions: the old EU member states, the new EU member states and the Western Balkan countries.

There are numerous forms of citizen participation recognized by the literature and the practice; from general consultation and sending comments to a draft law by e-mail to direct negotiations based on a strategic partnership agreement, from public hearings to CSO led bodies.

However, all of them are based on the right to access information which is the fundamental precondition of the active involvement of citizens. In recognition of this, the paper gives a few examples of the regulation of access to information.

The paper will present several models of citizen participation in legislative processes which is an important part of an overall institutional framework of cooperation, given that law and other general regulations are often the primary instruments of articulation and implementation of public policies.

On the level of active participation, different tools such as councils, compact steering groups and CSO led workshops were identified which provide an organized framework to shape the public policy.

The above forms of participation shall be secured not only on the national but also on the local level hence local governments are able to work more closely with citizens and tackle problems which directly affect their lives.

In the course of the research the author undertook a desktop research and relied mainly on previous publications, researches and other materials available in English. The review of the existing studies,

---


3 The term Compact is referred to a comprehensive agreement between the government and civil society which aims to structure and improve the cooperation between two sectors. Initially introduced in UK, this term is used also in other countries (KCSF note).
comparative analyses, guidelines, models, toolkits and cases studies were valuable sources to decide on the best practices that should be presented in this paper.

The paper is published by Kosovar Civil Society Foundation (KCSF) as a part of a bigger project funded by United Nations Democracy Fund (UNDEF) which aims empowering civil society inclusion on democratic policy-making in Kosovo, and is part of a series of training manuals, studies and codes of good practice on citizen participation in decision-making processes in Kosovo.
2. BACKGROUND ON CITIZEN PARTICIPATION PROCESS – THEORY

2.1. The main idea of the participatory democracy

Participation in decision-making processes means a possibility for the citizens, civil society organizations (CSOs) and other interested parties to influence the development of policies and laws which affect them.

Citizen participation is an integral part of the participatory democracy which reflects the democratization of the political relations after the crisis in the representative government and overcoming of the authoritative regimes in some countries in Southern Europe (Spain, Portugal and Greece).

However, it is important to note that participatory democracy does not suspend constitutional and legal competences possessed by representatives of the executive and legislative powers in the procedure of passing and implementing laws and other instruments of public policies but it rather enables authorities to carry out these competencies more efficiently. The consultations between the authorities and the interested parties further helps to deal with some deficits of the political representation in the contemporary parliamentary democracies.  

CSOs play a twofold role in this process: on the one hand, CSOs allow citizens to organize themselves and express their legitimate interest more effectively and on the other hand, they are also a legitimate party to the process (at least insofar as some of the human rights from which the right of citizen participation is derived are also extended to CSOs (e.g., freedom of speech, freedom of association, freedom of free access to information).  

2.2. The benefits and challenges of participatory law-making

Participatory democracy makes continuous civil participation possible in the political process and contributes to the open and transparent work of executive and representative authorities. Furthermore, participation can help towards:

- Creating fair policies/laws reflective of real needs enriched with additional experience and expertise;
- Facilitating cross-sector dialogue and reaching consensus;
- Adopting more forward and outward looking solutions;
- Ensuring legitimacy of proposed regulation and compliance;

---

4 Participation of NGOs in the process of policy- and law- making. Comparative Analysis, Bulgarian Center for Not-for-Profit Law, 2009
6 Golubovic, D., Velat, D., Citizens’ participation in the process of preparation and implementation of laws and other public policy instruments. ECNL. 2009
• Decreases costs, as parties can contribute with own resources;
• Increasing partnership, ownership and responsibility in implementation;
• Strengthening democracy - preventing conflict among different groups and between the public and the government and increasing confidence in public institutions.

However, it should be noted that ensuring a participatory law making process has its own challenges and obstacles, too.

From the side of the government:

• The political context may not be supportive for public involvement;
• Governmental bodies and representatives may not understand the advantages of citizen participation sufficiently;
• Lack of transparent and efficient mechanisms of civil participation- delay in the adoption of proper legal background in compliance with the international legal standards;
• Lack of institutional framework and capacity for participatory processes;
• It may not be clear who to consult or engage;
• The government may consult only partially, with so-called “friendly” organizations- lack of general standards and procedures regarding appointment of representatives of civil society;
• The governments may be pressed by deadlines to adopt certain legislation;
• Participatory processes are costly; they require investment in organizing meetings, writing comments, providing feedback.

From the side of the citizens, CSOs and other interested parties:

• The citizens, CSOs and other interested parties may not have enough understanding of the issues at stake;
• They may not understand the necessity of cooperation with the government;
• They may not have the proper communication skills and lobbyist ability to express their opinion;
• They may not have enough capacity to react to the government’s notice quickly and take part in the consultations on a professional way;
• They may not raise concrete solutions for problems but only criticize the proposal of the government;
• The strategic partners of the government may not be accepted and able to represent the opinion and interest of the sector;
• Lack of coalitions, networks at the local and national level in order to articulate opinions more efficiently.
When developing the appropriate standards for participation in a country it is important to consider not only the opportunities, but also the challenges so that appropriate mechanisms are adopted to address and circumvent them.\(^7\)

### 2.3. Forms of citizen participation

#### 2.3.1. Intensity of citizen participation

In 1969 Sherry Arnstein established the idea of the “Ladder of Participation” which functioned as a continuum ranging from the most exploitative and disempowered to the most controlling and empowered. Arnstein’s ladder proposed eight ‘levels’ of participation under three broad categories (Nonparticipation, Tokenism and Citizen Power).\(^8\)

---

\(^7\) Hadzi-Miceva-Evans, K. Comparative Overview of European Standards and Practices in Regulating Public Participation, OSCE, MCIC and ECNL, 2010

Since Arnstein, others have presented more simple interpretations of the various types of citizens’ participation. As an example, OECD methodology\(^9\) introduces three different levels of cooperation between citizens and authorities in formulating public policies:

**Access to information** – It is the first and fundamental right which is underlying the whole process of participation. It is a one-way process where the information flows from the authorities to the citizens. This type of interaction provides passive access to information upon demand by citizens and active measures by government to disseminate information to citizens (e.g., request for official documents, Official Gazette, internet pages of the authorities).

**Consultation** – This is a two-way relation in which the government invites the public to provide its opinion, comments, views and feedback on a specific document. It is a reactive way of participation – the public becomes involved because the government requests this (e.g., comments on the draft law or law proposals).

**Active participation** – It is a higher level of two-way relation in which citizens are actively included in proposing policy alternatives and in shaping the policy dialogue. It may be described as a situation where the representatives of the public share a seat at the table with the government representatives (e.g., strategic partnership, membership in working groups).

The CoE Code of Good Practice also highlights the dialogue as an active form of participation and prerequisite for collaborative relationship. It requires “a two-way communication built on mutual interests and potentially shared objectives to ensure a regular exchange of views.”

### 2.3.2. Levels of citizen participation

The participation process can be applied at more than one level:

- at the highest level where strategies, general approaches and overall concepts are developed (e.g., policy and decrees);
- in planning activities and program development and
- in concrete projects.

---

\(^9\) Citizens as Partners: OECD Guide to Information, Consultation and Public Participation in Policy-Making
2.3.3. Concrete forms of citizen participation

There are numerous mechanisms and models adopted to facilitate cooperation and include CSOs in decision-making processes. Due to the length barriers the paper will focus only on some of the following tools grouped on the basis of the three levels of cooperation:

<table>
<thead>
<tr>
<th>Access to information</th>
<th>Consultation</th>
<th>Active participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Webpage (FAQs)</td>
<td>Public hearings and Q&amp;A panels</td>
<td>Cross-sector bodies (councils, boards, committees, advisory bodies)</td>
</tr>
<tr>
<td>E-mail list, e-mail alerts</td>
<td>Public meeting with discussion</td>
<td>CSO led bodies</td>
</tr>
<tr>
<td>Notice board</td>
<td>Request for comments, online consultation</td>
<td>Compact Steering Groups</td>
</tr>
<tr>
<td>Public meeting to inform</td>
<td>Petitioning</td>
<td>Strategic partnership</td>
</tr>
<tr>
<td>Opportunity to inspect official documents</td>
<td>Key government contact</td>
<td>Citizen jury</td>
</tr>
<tr>
<td>Webcasting</td>
<td>Expert seminars</td>
<td>Co-drafting</td>
</tr>
<tr>
<td>Campaign, lobbying</td>
<td>Capacity building and training seminars</td>
<td></td>
</tr>
<tr>
<td>Research</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3. MAIN DOCUMENTS OF CITIZEN PARTICIPATIONS IN EUROPE

The importance of public participation in policy and law making has been recognized globally. Major intergovernmental organizations have produced documents and created models to support and strengthen citizen participation. Although some of these documents are not legally binding, they lay down standards, principles and best practices which should be considered in initiatives on national level.

3.1. European Union

The European Commission developed the White Paper on European Governance\(^{10}\) in 2001 which, among others, aimed to reinforce the culture of consultation and dialogue on EU level and thus increase the legitimacy of the decisions. The paper highlights five principles of ‘good governance’: openness, participation, accountability, effectiveness and coherence, which not only “underpin democracy and the rule of law in the Member States, but they apply to all levels of government – global, European, national, regional and local.”

The White Paper recommended changes in several directions, and obliged the European Commission to undertake action to implement them. As one of the results, in 2002 the European Commission adopted the General principles and minimum standards for consultation of interested parties by the Commission (EC Principles and Minimum Standards). It emphasizes the importance of providing clear consultation documents, consulting all relevant target groups, leaving sufficient time for participation, publishing results and providing feedback.

The participatory approach of making policies and laws on level of EU and its member states was enshrined in the Lisbon Treaty as well.\(^{11}\) Specifically, Article 10 prescribes that: “Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.”

Even more importantly, the European Parliament adopted a resolution on the perspectives of Developing Civil Dialogue under the Treaty of Lisbon in 2009.\(^{12}\) The resolution reinforces the significance of consultation and calls on EU institutions to adopt binding guidelines concerning the appointment of civil society representatives, methods for organizing consultations and their funding, and calls on them to maintain registers of actives CSO. Further, the resolution calls on EU institutions and Member States to make full use of legal provisions and best practices to “step up dialogue with citizens and CSOs”, and especially in those regions and sectors where it is not fully developed. The resolution also acknowledges that dialogue with citizens at all levels requires certain


financial resources, and therefore calls on the stakeholders and responsible bodies to ensure that such dialogue is adequately funded.  

### 3.2. Council of Europe

The issue of participation is addressed in several recommendations of the Council of Europe.

**Recommendation CM/Rec (2007) 14:** “Governmental and quasi-governmental mechanisms at all levels should ensure the effective participation of NGOs without discrimination in dialogue and consultation on public policy objectives and decisions. Such participation should ensure the free expression of the diversity of people’s opinions as to the functioning of society. This participation and co-operation should be facilitated by ensuring appropriate disclosure or access to official information. NGOs should be consulted during the drafting of primary and secondary legislation which affects their status, financing or spheres of operation.”

**Recommendation CM/Rec (2010) 5:** “Member states should ensure that non-governmental organisations defending the human rights of lesbian, gay, bisexual and transgender persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons.”

**Recommendation Rec (2001) 19** highlights the 13 basic principles of a local democratic participation policy. In the light of the principles the Recommendation identifies specific steps and measures to encourage and reinforce citizens’ participation in local public life.

In terms of local participation the other fundamental document is the European Charter of Local Self-Government (1988) which is the first internationally binding treaty that guarantees the rights of communities and their elected authorities and establishes the principle of subsidiarity. By signing the European Charter, the states undertook to respect a core of basic principles, *inter alia*, the right of citizens to participate in managing public affairs.

Although it does not have a mandatory character it is also worth to mention the Code of Good Practice for Civil Participation in the Decision-making Process (2009) which defines the sets of general principles, guidelines, tools and mechanisms for civil participation with the intent that it will be implemented at local, regional and national level.

---


14 The text of the Recommendation: https://wcd.coe.int/wcd/ViewDoc.jsp?id=1194609

15 The text of the Recommendation: https://wcd.coe.int/wcd/ViewDoc.jsp?id=1606669


3.3. Other initiatives

There are numerous other international conventions which highlight the importance of the access to information and the public participation in decision-making processes. The United Nations Economic Commission for Europe adopted a Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on 25 June 1998 in the Danish city of Aarhus ("Aarhus Convention"). The Aarhus Convention is not only an environmental agreement but it is also a document about government accountability, transparency and responsiveness. The Aarhus Convention grants the public rights and imposes on Parties and public authorities obligations regarding access to information, public participation and access to justice.18

Besides, the World Bank19 and OECD20 have also undertaken initiatives and produced guidelines, reports and case studies to increase participation in decision-making processes.

---

20 Citizens as Partners: Information, Consultation and Public Participation (2001); Evaluating Public Participation in Policy Making (2005): [http://www.oecd.org/document/2/0,3746,en_2649_33735_40758338_1_1_1_1,00.html](http://www.oecd.org/document/2/0,3746,en_2649_33735_40758338_1_1_1_1,00.html)
4. BEST PRACTICES OF CITIZEN PARTICIPATION IN EUROPE

4.1. General overview of country situation on citizen participation in Europe

The procedures and rules for citizen participation may be regulated in legally binding documents (laws, regulations) like in Hungary and in documents with no binding measure (codes, standards) like in England and Austria. Most of the countries, however, use both tools (for example Croatia) in order to provide some flexibility for the stakeholders where it is reasonable.

In some countries the right of participation is regulated as high as in the Constitution (like in case of Hungary and Croatia). However, in many other countries it is not considered specifically in the constitution but it derives from other rights (e.g., freedom of expression, freedom of association, right to referendum).

Certain aspects of citizen participation are regulated in laws on freedom and access to information, laws regulating the legislation process, specifically laws on participation in legislation and in case of local participation the law on local self-government.

Hungary is an example where all the above type of laws are existing, however, the implementation of the laws still leaves much to be desired. Besides Hungary, the right to access information is regulated in detail in the relative laws of England and Croatia as well.

The nonbinding documents have an extensive practice and significant effect in the old Member States while they are gaining more and more space in the Central and Eastern European region as well. Both England and Austria are outstanding examples for the adoption of non binding standards which were developed with the involvement of all stakeholders and are expected to be followed by the government authorities.

In the following, examples will be introduced from the three regions of Europe: the Old EU Member States, the New EU Member States and the Western Balkan countries. In case of each region one country will be introduced in detail (England, Hungary and Croatia) and 1-2 additional interesting examples will be summoned from other countries.

On the national level, most of the regulations apply for the consultation procedure during the policy and law-making of the ministries, governmental departments and other authorities and only few good practices were found concerning the involvement of the CSOs on the level of parliament (like Latvia).

On the local level, England demonstrates a good practice for both the regulation and the implementation of the consultation processes and other participatory tools (see the example of the city of Buckinghamshire). Local compacts are so developed that the current efforts rather focus on sharing experiences and provide guidance in workbooks and best practices to further enhance the implementation. In the Central European and the Western Balkan countries, however, many local governments do still not have institutional frameworks and capacity for participatory processes. However, the adoption of the national strategies has contributed to the higher acknowledgement of
the role of civil sector on local level and there is an increasing tendency in the adoption of binding (decrees) or nonbinding documents (local strategies). Budapest is one of the good examples where the City Council adopted a local decree which regulates the specific forms for the cooperation like the operation of the consultation bodies and the procedure of submitting comments on drafts.

4.2. Old EU Member States

4.2.1. England

England, as a long-standing democracy, is champion of good practices in both legally binding and not binding tools on civil participation.

As an example for the legally binding document, the provisions for the disclosure of information held by public authorities are laid down in the Freedom of Information Act 2000. The Act highlights the general rights to access information according to which any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds the requested public information and if that is the case, to have that information communicated to him.

The public authority shall comply with these promptly but not later than the 12th day following the date of the receipt unless the request is vexatious. In case of refusing the request the public authority shall also give the applicant a notice which states the fact, specifies the exemption in question and states why the exemption applies.

The public authorities shall set up a publication scheme which needs to be approved by the Data Protection Commissioner. The public authorities shall publish information in accordance with its publication scheme. The State Secretary shall issue a code of practice including guidance to public authorities about practice which would be desirable to follow. If it appears to the Commissioner that the practice of the public authority does not conform with the code of practice he may give recommendation to the authority and specify the steps which ought to be taken for promoting such conformity.

Besides, England has numerous non binding tools (compacts, codes, programs, workbooks, implementation plans, case studies, guides etc.) and a wide range of practice for articulating the necessity of involving the civil sector in the decision-making process both on national and local level.

Most importantly, the Compact on Relationships between Government and the voluntary and community sector (“Compact”) — an agreement between the government and the third sector — was
launched in 1998 on national level and was deemed as an instrument in moving many issues from the margins of government policy to becoming expected practice (e.g. 12 weeks consultation periods). On the basis of the experiences new national Compact was adopted in December 2009. According to the foreword of Simon Blake the National Compact should provide a framework to drive Local Compact action, ensuring productive relationships at all levels.

Following the adoption of the Compact, the Government issued the **Compact Code of Good Practice on Consultation and Policy Appraisal** in 2000 which sets out how consultation exercises are best run and what people can expect from the Government when it has decided to run a formal, public, written consultation exercise. The Code applies to central Government departments, including Government Offices for the Regions and ‘Next Steps’ Executive Agencies in England, however, it does not have a legal force. 

Even those departments which undertook to adopt the Code may decide not to conduct formal consultation exercises, however, they are encouraged to be clear about the reasons why the methods being used have been chosen. In the past 10 years the Code was further elaborated and the third and currently effective version was signed in July 2008.

According to the Code the seven consultation criteria, which shall be reproduced in consultation documents, are the following:

1. **When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. **Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees’ buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The Compact and the related Codes played a very important role as compass for adoption of Local Compacts. They serve as model and inspiration for local governments to follow national trends and apply them on local level in accordance to the needs of the community.

---

28 The list of the UK departments and agencies adopting the Code is available on the Better Regulations Executive’s website.
29 The Government acknowledges that sometimes the formal, written, public consultation is not the most effective or proportionate way of seeking input from interested parties.
At present, 100% of local areas in England are committed to better partnership working between local government, local public bodies and local voluntary and community organizations through Local Compacts. Local Compacts are living documents that regularly include detailed provisions for the consultation procedure. As an example, the Local Compact of Buckinghamshire lays down the following:

**Consultation**
Both sectors recognize that consultation is a two-way process which, in many cases, is influenced by the Government. Both sectors agree to do the following.

- Build on, co-ordinate, develop and improve existing consultation methods to make sure they include everyone.
- Assess relevant new initiatives, consultation papers, policies and procedures, particularly at the developmental stage, to identify implications for both sectors.
- Recognize the importance of involving the same representatives in consultation and partnership work, and that the representatives have the appropriate authority.

A good practice guide will be jointly developed by both sectors to support this work.

**Consultation timescales**
As most management committees in the voluntary sector will only meet every two to three months, the statutory sector will aim to follow Government recommendations of allowing 12 weeks for written consultations. However, both sectors recognize the time restrictions they work in and, if shorter timescales are necessary, they will consider alternative methods and approaches to make sure good quality, effective consultations are held.

Both sectors will aim to co-ordinate the timing of consultations and, where appropriate, share resources to help prevent too many consultations.

**Government consultation**
Both sectors agree to do the following.

- Give each other notice of possible future consultations from central Government and other agencies where possible.
- Share views and co-ordinate responses where it is helpful to provide a ‘Buckinghamshire’ view or opinion.
- Work together to encourage the Government to provide early notice of consultation timetables and realistic timescales.

**Consultation information**
Both sectors agree to do the following.

- Explain what the consultation is about and whose views are being sought.
- Explain why they have chosen the particular consultation method being used.
- Wherever possible, provide a summary of the consultation and say where the full version is available.
- Use simple language without any unnecessary jargon or, if this is not possible, with specialised terms explained.
- Explain how and when information gathered during the consultation will be used.
- Provide information on those who took part in the consultation and the result of it.
- Make consultation documents available in a variety of formats, where appropriate.
- Make a joint response where appropriate.
The statutory sector will do the following.
- Make clear where a consultation exercise can result in change.
- State how many stages of consultation there are going to be and who is being consulted.
- Make clear why a particular voluntary or community group is being consulted on a particular issue (for example, as a service provider, as a representative of the community or volunteers, as a representative of the VCS, as a campaigning organisation and so on).

The VCS will do the following.
- Provide and publicise information about consultations where appropriate.
- Use its network of organisations to encourage and support appropriate participation in consultation.
- Make clear whether it is responding as a service provider, a representative of the community or volunteers, a service user or a campaigning organisation.
- Make clear whether their responses are based on consultation with members or their own experience and knowledge.”

The regular review of the Local Compacts is important in order to evaluate the success of their implementation. In East Sussex, the Compact group uses a survey designed by NCVO which is sent out to people in both the public and the civil sector. The Compact group evaluates the answers, represents the result and proposes actions to the LSP.

All in all, England shows remarkable realization of true partnership between the national government, local governments and the CSOs – in the sense that its mechanisms have seen successful implementation as a result of commitment and dedication of all parties.

4.2.2. Austria

Similarly to England, the standards of public participation are laid down in a non binding document in Austria. The so-called “Standards of Public Participation- Recommendation for Good Practice” were developed by an inter-ministerial working group with the participation of 20 Austrian authorities (e.g., ministries and chambers) and adopted by the Austrian Council of Ministers on 2 July 2008. 41 institutions commented on the draft of the Standards of Public Participation. The Standards of Public Participation aim to help administrative staff of the federal government in the concrete conduct of high-quality participation processes. They are a contribution to good governance in Austria.

A checklist on preconditions and quality criteria for participation was also developed to help the authorities to ensure the success of the participation process.

Besides the Standards of Public Participation there are binding rules for participation regulated in sectoral laws (e.g., Environmental Impacts Assessment Act, Water Statute, Industrial Code) which shall be kept by the authorities.

32 National Council for Voluntary Organizations, an umbrella organization that has led compact development and implementation on behalf of the CSO sector.
4.3. New EU Member States

4.3.1. Hungary

The basic rules of access to information and civil participation in the legislative process are put down in the following laws in Hungary:

1. **Constitution**: The Hungarian Constitution in force stipulates the requirement to cooperate with the concerned CSOs. Unfortunately, the recently adopted Constitution called “Basic Law” which will enter into force on the 1st of January 2012 does not include such a provision.

2. **Law on Legislation**\(^{34}\): The recently adopted law includes the following general stipulation under the section on opinioning the draft legal regulations: "So far as an act expressly ensures the right for a state, local government or other organization to opine the draft of the legal regulations affecting its legal status or scope of activity, the initiator of the legal regulation shall ensure that the affected body can exercise its right." Otherwise, it refers to the Law on social participation in the preparation of the legal regulations which was simultaneously adopted.

3. **Law on social participation in the preparation of the legal regulations**\(^{35}\): The law regulates the rules of participation on national level. It determines two forms of consultation: 1) general consultation (sending opinion to an e-mail address indicated on the website of the authority) and 2) direct consultation (direct negotiations with selected organizations on the basis of a strategic partnership agreement signed with the competent minister).

4. **Law on Freedom of Electronic Information**\(^{36}\): On the basis of the law all bodies performing public duties are obliged to disclose the data of public interest (organizational and personnel data, and data concerning their activities, operation and management) on their own or - in absence of own website - on a central website. The Parliament shall publish the draft of the laws, the related documents (e.g., motions for amendment, committee recommendations) and the minutes of the general argument, detailed argument, closing argument, decision on the motions for amendment and the closing vote on its own website.

5. **Law on Local Governments**\(^{37}\): According to the recent amendment of the law “The municipal council shall determine the detailed rules of its operation in the decree on the organizational and operational regulations. The municipal council shall determine the order of such forums (village and city policy forums, city part consultation, village meeting etc.) which serve the direct information of the people, non-governmental organizations and their involvement in the preparation of the more relevant decisions. The municipal council shall be informed of their standpoint and the revealed minority opinions.”

---

\(^{34}\) Act CXXX of 2010 adopted in November 2010, entered into force on the 1st of January 2011

\(^{35}\) Act CXXXI of 2010, entered into force on the 1st of January 2011


\(^{37}\) Act LXV of 1990
Although citizen participation is regulated on national level in detail, some of the provisions have raised concerns and the implementation of the laws also leaves much to be improved. As an example, the scope of the Law on social participation applies only to the draft laws prepared by the ministries and due to the fact that significant number of draft laws were submitted to the parliament directly by the MPs the consultation procedure was missed several times. Other concerns related to the Law are that the minimum timeframe for the consultation procedure is rather short and the scope of exemptions is gratuitously large.

Contrary to the national level, civil participation is poorly regulated on the local level in Hungary. In several municipalities there is no separate local decree regulating civil participation, however, this situation most likely will change due to the referred obligation recently included in the Law on Local Governments.

One of the few good examples for the local decree is the Decree on the Matters of the Relationship between the CSOs and the Municipality of Budapest and the Tender Procedure adopted by the Budapest City Council.38 The Decree ensures the right for CSOs to express their opinion and stipulates the rules for the participation in the decision-making process. Some of the specific forms for the cooperation indicated in the Decree are: i) civil organizations are invited to the meetings of the City Council; ii) CSOs can comment on those drafts which are affecting citizens and cover conceptual questions; iii) consultation bodies are set up on specific issues with the involvement of CSOs; iv) holding civil forums for the sake of information and consultation; v) setting up a professional advisory and consultative board.

One of the models for cooperation and partnership introduced with Annex 1 of the Decree is the called consultation boards or civil-workshops.

---

**The framework rules for the operation of the consultation boards (so-called civil workshops) indicated in Annex 1 of the Decree**

**The aim of the operation of the civil bodies**

1) The Civil Consultation Council and the sectoral-professional civil workshops (hereinafter: civil bodies) are the institutional forums of the connection between the Municipality and self-organizing public sector in Budapest, on the basis of the democratic principles of citizen participation, partnership and publicity.

2) The civil bodies ensure organized framework for the participation in the public affairs for the communities and the citizens and the consideration of their opinion in the decisions of the Municipality of Budapest.

**The procedure of establishing the civil body system**

3) By the establishment of the civil body system the Mayor Office issues an invitation to the self-organizing communities of Budapest and an application form in order to set up professional civil workshops engaged in elderly, disabled, drug, homeless, social, healthcare, environment protection, city development, city operation, educational, cultural and sport issues.

4) The civil organizations submit their application within the provided timeframe, by indicating the professional workshop where they want to participate, furthermore, the exact person who represents the organization on the basis of the decision of its board.

5) On the basis of the submitted applications the Mayor Office conducts accreditation procedure according

---

38 61/2008. (XI.21.) Local government decree. You may find the Hungarian text on the following link: http://www.budapest.hu/engine.aspx?page=civil_deklaracio
to the following:
- The applicant civil organization is registered by the court and has legal personality;
- The legal form of the civil organization is association (alliance) or foundation;
- The civil organization is working primarily in Budapest for the sake of the interest of the metropolitan people;
- Those civil organizations which were established to support the activity and the operation of the institutions of the local government may become members of the system only in case they provide service to the residents besides supporting the institutions.

6) The possibility to submit missing documents shall be ensured for the applicants in the course of the accreditation procedure. The application shall be rejected in case the applicant does not correct the deficiencies within the provided timeframe. This, however, does not exclude the possibility to apply again – by complying with the accreditation requirements later on. The application to the workshops is continuous and open.

7) The given professional workshop may be established in case at least 5 organizations apply to participate in its work. The professional workshop shall cease in case the number of organizations de facto participating in its work reduces under 5.

8) The first meeting of the professional workshop is summoned by the Mayor Office. It informs the committee having professional jurisdiction in the given issues about the establishment of the workshop. The Mayor Office publishes the list of those civil organizations which are entitled to participate in the professional workshop.

9) On its first meeting the professional workshop creates its own operational rules in conformity with the regulations of the decree and elects the president from its members for one year.

10) The presidents of the professional workshops form the Civil Consultation Council. The first meeting of the Council is summoned by the Mayor Office. On its first meeting the Council creates its own operational rules in conformity with the regulations of the Decree and elects the president from its members for one year. The co-president of the Council is the person appointed by the Metropolitan General Assembly and responsible for the civil relationship.

11) After the development of the civil body system the Civil Consultation Council decides to establish further professional workshops or cease or merge existing ones. Before its decision the Civil Consultation Council shall negotiate with the affected general assembly committees.

The right and competence of the civil bodies
12) The sectoral-professional workshops can express their opinion about the documents provided by the general assembly and the general assembly committees for opinionating.

13) The Civil Consultation Council expresses its opinion concerning the conceptional question on local government-civil relations and other questions which do not belong to the specialty of any workshop.

14) The sectoral-professional workshops can make suggestions to the effected general assembly committee and the Civil Consultation Council to the general assembly to discuss specific issues, proposals.

15) The civil body system- on the basis of the cooperation with each committees- summarizes the experiences concerning the status, operation, development possibilities of the civil-local government partnership each year, furthermore, it prepares a summarizing evaluation for the Metropolitan General Assembly which is submitted by the person appointed by the Metropolitan General Assembly and responsible for the civil relationship.”

39 It would be important to open the door for the informal groups to participate in the workshops as well.
4.3.2. Estonia

Several studies have shown that civil servants have an increased awareness about the need for civil society involvement in Estonia. A study conducted in 2006 showed that 92% of civil servants find CSO involvement to be necessary for better results in lawmaking. A more recent qualitative study by Tallinn University showed that civil servants who have permanent contacts with CSOs view the cooperation much more positively, while the lack of experience gives rise to unrealistic expectations, disappointment and prejudice.40

Contrary to Hungary, the rules of participation are regulated in a non-binding document called Estonian Code of Good Practices on Involvement for public institutions41. The Code was prepared in 2005 on the basis of EKAK42 and even though it is not binding public officials are recommended to follow its principles.

The objective of the Code is to harmonize the principles, from which the public sector institutions and non-profit organizations can proceed in involving the public and interest groups in decision-making. The Code includes eight recommended principles, which place great importance on the clarity of goals, openness of relationships, and dedication to goals.

The Code is expected to be applied by administrative agencies in the preparation of at least the following documents (strategic documents):

- Drafts of laws and their amendments;
- Drafts of the regulations and directives of the Government of the Republic;
- Drafts of Ministers’ decrees;
- Documents, concepts, policies, development plans, and programs that are important to the country’s development;
- Drafts of legislation of European Union institutions and other strategic documents (i.e. green and white books);
- Instruction and procedures for rendering public service;
- Conventions and international agreements, as well as the documents that are worked out within their framework, and that influence the society.

41 http://www.ngo.ee/node/278
42 Estonian Civil Society Development Concept
The eight recommended practices are the following:

1. **Clarity of the goals of engagement** - The initial assignment shall state the expected result and projected effect briefly, clearly, and simply without unnecessary terminology and with clear express of the expectations regarding the engaged parties. The initial assignment shall include an analysis of the alternative solutions for achieving the result of the engagement, furthermore, analysis of the influences shall be prepared.

2. **Engaged parties** - The agency/organization initiating the engagement shall determine the parties with whom to consult in the given field and take their wishes, needs, and distinctive features into consideration. They shall organize the registration of interest groups in order to guarantee that all the affected parties are informed. When determining the parties to be engaged, the registered interest groups and possible additional interest groups affected by the resolution shall be taken into consideration. The rights and restrictions of the engaged parties need to be defined and clarified.

3. **Engagement at the early stages** – The parties shall be involved in the preparation of the draft as early as possible and engaged throughout the entire course of the process. This could be preceded by informing and consulting on an informal basis to provide the parties with an idea of the problems. When the participation of the engaged parties in the activities of the working group is decided the specific needs shall be taken into account. The consultations should generally last for a minimum of four weeks and the exceptions when consultations may be shortened shall be determined. The length of the consultations may be shortened if consultations have already been held in connection with the draft of the same resolution and/or if, during the final period of the preparation of the material being consulted on, positions on only a few amendments are called for. The length of the consultations must be extended in the case of very voluminous and substantial drafts, as well as in connection with state holidays and vacations.

4. **Detailed plan for engagement** - The preparation of an engagement plan is recommended including the participants and stages, the beginning of the consultations, length, final deadline, form of engagement, methods, information channels, and the assessment of the interim summary and final results. The chosen form of engagement shall correspond with the content of the draft resolution, the potential effect, needs, opportunities, and other conditions of the parties. The leading coordinator for the engagement is determined with public contact details. If necessary, the coordinator shall advise the engaged parties, analyse and summarize the course of the consultations.

5. **Smooth communications** - It shall be ensured that the public, interest groups, and those possibly affected by the strategic document are informed. From the beginning of the engagement, the documentation related to engagement shall be made public and easily available through electronic information channels (preferably, on the website of the initiating organization), and if necessary, through alternative information channels and the public shall also be informed through mass media. Translation from the state language into foreign languages and vice versa is recommended in the case of drafts affecting the foreign-language-speaking population or in case of significant strategic documents.

6. **Interim summary of the course of the engagement** - If necessary, an interim summary should be compiled in the form of a verbal presentation, brief written report, written analysis, recorded decision, or alternative mapping to analyse the process and the feedbacks and correct the particulars of the process. The compilation of the interim summary and the securing of its availability shall be fixed in the engagement plan or agreed upon by the parties during the course of the work process. Based on the interim summary, it shall be decided if supplemental forms or methods of engagement need to be implemented, if experts need to be called, or the circle of parties need to be expanded.

7. **Announcement of the results** - The engaged parties shall be informed of the results. All parties shall receive a summary answer including all the proposals that have been presented (both the accepted and the rejected ones). The rejection of proposals shall be explained. The summary answer shall be forwarded to
the engaged parties no later than 30 days after the end of the consultations. The summary answer shall be made available on paper and on the Internet (and if necessary, through the mass media), as a complete text and/or as references to a complete text.

8. Assessment of the engagement and results- The engagement and the applicability of its results shall be assessed by the initiator of the engagement and the engaged parties. The initiators of the engagement shall ask for feedback from the engaged parties for the assessment of the process and the results. In the course of the assessment the performance of the initial assignment of the engagement, the productivity of the used forms and methods, the motivation of the parties to participate, the efficiency of the administrative work and the feedback and the satisfaction of the target group shall be analysed. In the case of the results, the following shall be analyzed: the correspondence of the results to the initial assignment; whether alternatives were considered; the applicability of the results to the subsequent development of the topic being consulted on; etc. The results of the assessment shall be considered in the planning and implementation of the next engagement processes.

4.3.3. Latvia

In Latvia, the basic principles and cornerstones of citizen participation are laid down both on the level of the government and the parliament (Saeima) and the monitoring of their implementation is ensured by separate bodies.

On the level of government the Cooperation Memorandum between Non-governmental Organizations and the Cabinet of Ministers (Memorandum) was signed by the Prime Minister and 57 CSOs in 2005. The Memorandum remained open for signature and may be joined by the CSOs twice a year. As a result, the number of signing organizations increased to around 240 until the present day.

"5. The Parties undertake to continue the development, implementation and improvement of the necessary mechanisms, in order to ensure that non-governmental organizations are well-informed and able to effectively participate in decision-making processes, by ensuring that:

a) opinions provided by non-governmental organizations are reflected in protocols of coordination of issues;
b) representatives of interested non-governmental organizations can participate in coordination sittings, advisory councils and working groups established for developing particular projects;
c) non-governmental organizations are informed on decisions adopted in relation to proposals submitted by them; substantiation for the adopted decisions is provided;
d) non-governmental organizations have the opportunity to follow the development of draft legal acts and give opinions on them; non-governmental organizations are better informed on the course of processing of draft legal acts and policy planning documents in the Cabinet and ministries."

The government policy and especially the implementation of the Memorandum is monitored by the Council for Implementation of the Cooperation Memorandum between Non-governmental Organizations and the Cabinet of Ministers (Council). The Council aims to facilitate the operation of an efficient public administration system that meets the interests of the society by ensuring

involvement of the civil society in the decision-making process. The Council determines the respective state budget priorities and prepares recommendations on necessary legal acts and policy planning documents connected with implementing cooperation between public administration institutions and CSOs. The members of the Council are the Director of the State Chancellery, a representative of the Prime Minister’s Bureau, the State Secretaries of ministries and seven authorized representatives from non-governmental organizations that have signed the Memorandum. The Council meets regularly on the basis of a detailed annual workplan.

On the level of the parliament the Declaration about the development of civil society in Latvia and cooperation with non-governmental organizations (Declaration)\footnote{\url{http://www.nvo.lv/files/Cooperation_Saeima_-_NGOs.pdf}} was adopted by the Saeima in 2006 with the aim to extend the cooperation with the CSOs. According to the Declaration the Saeima considers the CSOs as equal partners and acknowledges that the participation of CSOs provides an essential contribution in the process of initiating, preparing and assessing laws. Furthermore, the Saeima decided on the following:

1) regularly assess the cooperation between the Saeima and NGOs and facilitate the exchange of experience of the Saeima committees by promoting the creation of a unified method for involving these organisations in the process of preparing laws;

2) provide for the Saeima in general and for each Saeima committee a coordinator responsible for cooperation with NGOs;

3) continuously improve the Saeima website and other mechanisms in order to inform NGOs and society about the work of the Saeima and its committees, as well as to facilitate educating the non-governmental organisations about participation in the process of preparing laws;

4) involve, according to a specific procedure, representatives of NGOs in the work of the Saeima committees and, within the framework of these committees, hear the opinions and suggestions of NGOs and society about the issues within the competence of the relevant committee;

5) arrange, according to a specific procedure, consideration of proposals for improving draft laws and draft decisions;

6) organise, not less than once a year, a meeting between the Saeima, along with the chairmen of its committees, and representatives of NGOs, i.e., a forum which assesses the results of existing cooperation and works out an agenda for further cooperation;

7) ask the forum to create a cooperation institution whose aim is to administer and coordinate the cooperation between the Saeima and NGOs, as well as to gather and review proposals for developing a civil society and improving cooperation between the Saeima and NGOs.”

The monitoring of the implementation is ensured by the Parliament-CSO Forum which is convened annually. The participants of the Forum discuss and evaluate the results of the cooperation and sets out the program and action points for the next year.

\footnote{http://www.nvo.lv/files/Cooperation_Saeima_-_NGOs.pdf}
4.4. Western Balkans

4.4.1. Croatia

In the region, Croatia has an extensive regulatory and institutional background for citizen participation.

The first level of the public participation is secured by the **Right to Access Information Act**. The government bodies of the Republic of Croatia and other persons onto which public authority was transmitted, directly managed or controlled by the government bodies of the Republic of Croatia are also obliged to comply with the regulations and allow access to the requested information or deny in specific cases. The Act stipulates 5 manners of providing information: i) regular disclosure of certain information ii) providing information directly to the person who requested iii) allowing access to documents iv) delivering the documents including the requested information directly to the person who requested v) in other manner. The government bodies shall also ensure direct access to their activities, meetings or sessions, and the agenda, application procedure and number of people that may be present shall be published in advance. Furthermore, they are obliged to nominate a responsible person to provide information, process request of applicants and administer a catalogue of information.

The general principles, standards and measures for conducting consultations are regulated by the **Code of Practice on Consultation with the Interested Public in Procedures of Adopting laws, other regulations and acts** (Code). The Code was adopted in 2009 as a result of putting down this objective in the Operational Implementation Plan for the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2007-2011. The Code applies to draft laws, regulations and other acts (e.g., strategy, resolution, declaration, program) of the state bodies. Furthermore, according to chapter IX it “shall be applied by the bodies of local and regional self-government units and legal entities vested with public authority in the procedures of adoption of general acts regulating matters within their scope of work which directly meet the needs of citizens, or other matters of interest for the public benefit of citizens and legal entities within their territory or within the field of their activity”.

The Code applies to interested public, which is defined broadly as: “citizens, CSOs (informal civic groups or initiatives, associations, foundations, funds, private institutions, trade unions, associations of employers), representatives of the academic community, chambers, public institutions and other legal entities performing a public service or who might be affected by the law, other regulation or act which is being adopted, or who are to be included in its implementation.”

According to the Code the minimum standards and measures for conducting consultations with the interested public are the following:

---

46 state government bodies, bodies of units of local and regional self-government or legal persons with public authority
47 The Code was adopted by the Government on 21 November 2009 as a result of a broad consultation process that the Office for Cooperation with Associations and the Council for Civil Society Development conducted with numerous CSOs.
[http://www.uzuvrh.hr/userfiles/file/code%20of%20practice%20on%20consultation-croatia.pdf](http://www.uzuvrh.hr/userfiles/file/code%20of%20practice%20on%20consultation-croatia.pdf)
“1. **Timely information about the plan for enactment of laws and adoption of other regulations and act**

The interested public should be informed in good time about the plan to enact laws and adopt other regulations and acts through the publication of a single list of laws and other regulations which are being drafted and proposed for enactment and adoption in the calendar year, with a statement of the authorities competent for the drafting and the tentative time limit for the drafting and enactment of the law or adoption of other regulation or act.

2. **Access to and clarity of the content of the consultation process**

Bodies responsible for drafting laws, other regulations and acts make a public announcement of drafts on web sites or in another appropriate manner. Notifications of and invitations to consultations about publicized drafts must be clear and concise and contain all information necessary to facilitate collection of observations from the interested public.

3. **The time limit for the implementation of Internet and other forms of consultations**

Public announcements of invitations to conduct consultations about draft laws and other regulations and acts must contain a clearly designated time limit for observations from the interested public. It is desirable for this time limit to be not less than 15 days from the public announcement of the draft on the web site of the body competent for the drafting, so that the interested public has sufficient time to study the draft in question and to form its opinion.

4. **Feedback information about the effects of the consultations conducted**

The observations by the interested public, as well as a summarized, unified explanation of the rejection of comments on certain provisions of the draft, shall be announced publicly on the web site of the body competent for its drafting, or in another appropriate manner, so that the effect of conducting consultations in the procedure for the enactment of laws and adoption of other regulations and acts is visible.

5. **Harmonization of the application of standards and measures of conducting consultations in state bodies**

In order to ensure the harmonized application of the above mentioned standards and measures by state bodies, coordinators for conducting consultations shall be appointed as contact persons in all central bodies of state administration, or in the Government offices responsible for drafting laws, other regulations and acts, in order to consistently monitor and coordinate the procedures for conducting consultations with the interested public.”

Furthermore, the Code highlights the importance of involving experts in the procedure of drafting the laws and other regulations and the monitoring of their implementation. It puts down criteria which should be taken into account when members of expert working groups are appointed:

- expertise
- previous public contributions to the subject-matter in question
- other qualifications relevant to the matter regulated by the law/regulation/act.
The institutionalization of the cooperation between the government and the CSOs has started with the establishment of the Office for Cooperation with NGOs in 1998 and further enhanced with the set up of the Council for Civil Society Development in 2002.

The Office for Cooperation with NGOs aims at creating an enabling environment for civil dialogue by the following means:

- Drafting, wide consultation process and implementing the Code
- Developing and implementing the Guidelines for the implementation of the Code
- Educational activities for nominated coordinators for conducting consultations
- Strengthen the capacities of public administration bodies for the implementation of European standards and methods for conducting
- Consultations with the interested public
- Education of civil servants at national, local and regional level on models of cooperation with CSOs
- Public data base of the 125 government and parliamentarian advisory bodies involving around 800 representatives of CSOs

The Council for Civil Society Development is an advisory body to the Government acting towards developing cooperation between the Government and the civil society organizations. The Council is a joint body consisting of 27 members out of which 12 members are representatives of relevant state administrative bodies and the Croatian Government offices, 12 members are representatives of non-governmental, nonprofit organizations and 3 members (1-1-1) are representatives of civil society from foundations, trade unions and employers’ associations. The 12 representatives of NGOs are democratically elected through a public call for proposals and transparent voting procedure. The Council has own initiative opinions and statements on draft laws, national programmes and plans regarding civil society development.

The Croatian Constitution is one of the very few constitutions which explicitly includes the right to local participation. According to Article 133: “citizens may directly participate in the administration of local affairs through meetings, referenda and other forms of direct decision making in compliance with law and local ordinances.”

An increasing number of local governments have been adopting local charters of cooperation between CSOs and local governments (e.g., Rijeka, Šibenik, Sisak, Županja, Beli Manastir). As an example, in 2008 the Assembly of the city of Sisak also adopted a Charter for Cooperation of the City of Sisak and Associations expressing a willingness and desire to develop an equal partnership with the citizens' associations. In addition to the Charter for Cooperation, Sisak has adopted additional documents that contain provisions on cooperation with civil society organizations such as the needs of public programs and Municipal Action for Youth. The Charter was developed in

---

50 As described in the Research Report LOTUS, developed by GONG and the Association of Cities of Croatia, 2009

Best practices of citizen participation in Europe
cooperation with associations from the city and every association can join the Charter at any time. The City actively cooperates with organizations in implementation of projects.

### Chapter III. FORMS OF COOPERATION

City of Sisak will develop partnerships with associations of citizens through the following forms of cooperation: counseling; information; financing.

**Consultation will take place through:**
- Develop effective mechanisms that will enable the active participation of citizens, civic organizations and informal civic initiative in the decision making process and to meet community needs;
- Consideration of proposals and suggestions from citizens’ associations in preparing development strategies and programs, as well as the prioritization of public need;
- Involvement of representatives of civic organizations in the working bodies to prepare and review proposals for significant development of the community and civil society;

**Information is achieved through:**
- Strengthening of dialogue and two-way communication between city government and citizens;
- Exchange of information that are important for the development of local communities and civil society;
- Build information systems and related systems that enable and facilitate the realization of the rights of citizens to access of information;
- Update links of civic associations on the website of the City of Sisak.

### 4.4.2. Montenegro

As a very recent initiative, the Government of Montenegro adopted a decision to found the Council for cooperation between the government and civil society organisations on 15 April 2010 which is a similar body to the Council for Civil Society Development in Croatia. The Council acts as an advisory body to the Government; its main goals are the further development of institutional mechanisms of cooperation and participation of NGOs, monitoring of Strategy implementation and improvement of relations between the Government and NGOs. The Council is composed of a chairperson and 24 members out of which 11 people are representatives of Ministries and the Head of the Office for cooperation with NGOs and 12 representatives of different sectors of civil society. The representatives of civil society shall be elected by way of public announcement. The Council meets once in a month and the members do not receive remuneration for their work.

---

51 The list of organizations that have joined the charter can be found on [www.sisak.hr/uploads/documents/Udruge-koje-su-pristupile-Povelji-o-suradnji-Grada-Siska-i-udruge-prvana1.pdf](http://www.sisak.hr/uploads/documents/Udruge-koje-su-pristupile-Povelji-o-suradnji-Grada-Siska-i-udruge-prvana1.pdf)
52 [www.sisak.hr/clanak_/7062/kvalitetno-partnerstvo-izmedu-grada-siska-i-sisackog-ald-a](http://www.sisak.hr/clanak_/7062/kvalitetno-partnerstvo-izmedu-grada-siska-i-sisackog-ald-a)
5. CIVIL SOCIETY CONSULTATION MECHANISMS ON EUROPEAN INTEGRATION PROCESS

5.1. New Member States

Eastern European CSOs have played a remarkable role in the democratic processes after the fall of communism. Their participation in civil society development was a major contribution to the achievements in the economic, political, social and cultural changes that led to the accession of the new Eastern-European members to the European Union. The government could further benefit from civil society participation input in the various aspects of the accession process. However, the attitude of the governments towards the importance of NGOs in the accession process varied greatly from country to country in the region.

Estonia serves as a good example for the government’s awareness of the need to enhance civil society development. In order to assist the accession process and to strengthen the participation of CSOs the Estonian Joint Consultative Committee was established in 2002. The Committee included the representatives of trade and industry, employers, trade unions, farmers and the CSO sector.

It was only in a few countries that the government actually documented its commitment to involve CSOs in the preparation of the country for accession in any substantial way. In Czech Republic the accession process gave an opportunity for the government to develop a specific form of partnership as one of its policies. It has become part of the national development program and sectoral operational programs for using the Structural Funds. Although the government did not co-finance the projects submitted under these funds and does not give advance grants, it has established an efficient political and institutional system which assist CSO as beneficiaries of EU funds.

The National Development Plan is the fundamental document for all operational programs and was drafted under the auspices of the Ministry for Regional Development with the active involvement of the CSO representatives. The basic coordinating body in the field of economic and social cohesion was the Steering and Coordinating Committee which had a CSO representative member appointed on the basis of nomination by the Governmental Council for NGOs. On the basis of this several operation programs were drafted and implemented under the competence of the separate ministries. They permitted CSOs operating in a given area to participate in the preparation of the ministry’s action plans for the development of that area and to have an improved access to EU funding provided for the same purpose.

For example, the Joint Regional Operational Programme was a multi-fund programme for the European Regional Development Fund and for the European Social Fund within the Ministry for Regional Development. The Commission for Regional Development was constituted as a basic

53 This chapter was developed on the basis of the following studies: Bullain, N., Toftisova, R. A Comparative Analysis of European Policies and Practices of NGO-Government Cooperation, ECNL, 2004; Golubovic, D., Velat, D., Citizens’ participation in the process of preparation and implementation of laws and other public policy instruments. ECNL. 2009
coordinating body responsible for the preparation of measures concerning regional policies. The non-profit sector has been represented in the Commission and in six of the eight working groups established by the Ministry that drafted the Programme.

During the preparation of the programmatic documents concerning the access to the Structural Funds CSO representatives drafted and submitted their comments on them. Fourteen regional roundtables were organized where CSOs could comment on the documents. The comments were forwarded to the drafters of the programming documents via several routes, however, the lack of a uniform system of submitting comments was a barrier that prevented the proper delivery.

In the process of EU accession in Romania NGOs conducted one of the most important advocacy campaigns developing wide-reaching communication with several central authorities responsible for the implementation of the structural funds. Being in contact with some of the CSO experts from new member countries that acceded in 2004, leaders of several organizations in Romania decided to start a dialogue with governmental and ministerial representatives in order to include non-governmental organizations as Beneficiaries of structural funds allocation.

The campaign started in 2006 with a national conference with experts from Germany, Poland and Hungary, and succeeded to bring to the same table representatives from five Management Authorities and active CSOs. With this occasion a white paper was published with measures that CSOs considered as important to be mentioned in programmatic documents and covered expertise and activities developed by CSOs in Romania (social economy, social services, employment in rural area, etc.).

The next step was to create sectoral working groups focused on operational programs (Regional Operational Program, Human Resources Operation Program, Agriculture, and Environment) and during the period 2006-2007 several meetings, debates and public hearings took place.

Within this context an informal coalition named “CSO coalition for structural funds” was created that interacted with Government and line ministries. This coalition organized a public event each 6 months (more for mass media and public opinion) to highlight with symbolic flags (red, yellow and green) the progress done by each Management authorities in order to include CSO proposals in operational plan.

A special focus for Coalition was to include CSOs in Monitoring Committees for each operational program. This coalition continues at this moment to be a space for discussion and a communication platform with Management authorities in a few important issues.

At the end of campaign CSOs were recognized as potential beneficiaries in all Operational Programs and were present in all Monitoring Committees as full member except for the Regional Operational Program where they have observatory status.54

54 The information about Romania was provided by Octavian Rusu.
5.2. Candidate and potential candidate countries

Serbia, as a potential candidate country, has set up the European Integration Office in 2004. The European Integration Office has a separate department for Communication and Training which organizes regular trainings for CSOs about EU and keeps regular communication with them via Internet. Partners from CSOs also help that regular trainings are delivered all around Serbia. The Office holds two or three meetings with partner CSOs annually and its representatives regularly participate on events organized by local CSOs related to the European Integration.

In 2005 the Office signed the “Memorandum of Cooperation in the European Integration Process” with CSOs bearing in mind the role of CSOs in the process of society democratization and in spreading European ideas and values. The Memorandum aims at institutionalizing the cooperation with CSOs in the process of Serbia’s accession to the European Union, improving activity coordination as well as cooperating for the purpose of regular and objective informing of the citizens on the EU accession process.

```
"Article 1.
The Parties shall undertake all necessary activities in future in order to ensure regular information exchange related to the activities for preparation, adoption and implementation of laws and policies in the area of European integrations i.e. related to projects and other activities in the European integration process.

Article 2.
The Office will, at organization of public debates on draft laws and other regulations related to the accession of the Republic of Serbia (as the member of State Union Serbia-Montenegro) to the European Union, take all necessary steps so as to ensure the participation of members from non-governmental organizations. Non-governmental organizations will ensure the participation of the Office representatives in activities and meetings related to European integrations."55
```

55 Golubovic, D., Velat, D. Citizens’ participation in the process of preparation and implementation of laws and other public policy instruments, ECNL, 2009
6. CONCLUSIONS AND RECOMMENDATIONS

As the Saeima, the Parliament of Latvia pointed out in its Declaration, the participation of CSOs provides an essential contribution in the process of initiating, preparing and assessing laws and the quality of adopted laws can be ensured by improving the availability of information and using the results of research carried out by the CSO experts.

This fact was widely recognized and secured by the Council of Europe, the European Union and other intergovernmental organizations in both binding and nonbinding documents.

The Council of Europe developed several documents, in the form of charter, protocols, recommendations, strategies and codes. Although it does not have a mandatory character the guidelines of the Code of Good Practice for Civil Participation in the Decision-making process stemming from concrete practical experiences of dialogue and cooperation are often cited. In terms of local level the European Charter of Local Self-Government was the first international binding treaty which recognized that there may be various forms of direct participation exercised by the citizens. Significantly the Additional Protocol to the European Charter more explicitly provides that states should regulate the right to participation, and it defines it as a right to “seek, to determine or to influence the exercise of local authority’s powers and authorities”.

On the level of EU, the participatory approach of making policies and laws and the principle of subsidiarity was highlighted in the Lisbon Treaty and further elaborated in the Resolution on the perspectives of Developing Civil Dialogue under the Treaty of Lisbon adopted by the European Parliament.

It is very important to build up a detailed regulatory background securing different forms of the citizen participation on all the three intensity levels. At first, the access to information shall be guaranteed with detailed regulation such as in case of England where deadline is prescribed by the law and the authorities shall set up and use a publication scheme.

The governmental departments and other authorities need to have a clear guideline for the general consultation process as well. It can be laid down in a binding document like in case of Hungary or in a nonbinding document like in Croatia and England. Irrespectively from the form of regulation, the key issue is the implementation of the provisions. In many countries on local level there is no evident practice of cities to adopt decrees or regulations governing participation so it is necessary and reasonable to lay down the basic rules on national level. At the same time, the autonomy of the local governments shall be respected by leaving them the right to define the specifics based on the local peculiarities.
Conclusions and Recommendations

The different kind of regulations- and especially the non binding documents, such as the English Compact Code of Good Practice, the Austrian Standards and the Estonian Code of Good Practice- highlights the most important criteria of a good quality and effective consultation procedure:

1. The interested public should be informed in good time about the plan to enact laws, other regulations and acts (list of laws planned to be adopted in the calendar year with the statement of the authorities competent for drafting and the tentative timing).
2. The consultation should start as early as possible, when there is scope to influence the policy outcome and the interested parties should be engaged throughout the entire course of the process.
3. It should be clear from the very beginning what is the exact proposal of the government, what the expected benefits of the adoption are, how much it can be modified in the course of the consultation procedure and how many stages of consultation are planned to be.
4. From the beginning of the consultation the draft law or other document shall be made public and easily available through electronic information channels.
5. The consultation period should last long enough to allow the citizens and CSOs to submit a well-prepared opinion with concrete suggestions (minimum four weeks prescribed by the Estonian Code can be a reasonable timeframe for both parties).
6. The consultation period may be shortened in exceptional cases and the reason shall be determined.
7. The participation of the affected people shall be secured.
8. The comments- both the accepted and the rejected ones- shall be analysed, summarized and published within a specific deadline after the procedure (for example 30 days as recommended in the Estonian Code of Good Practice).
9. The necessary institutional capacity shall be provided (appointed coordinator in all central bodies of state administration).

It shall be also noted that the consultation is a two-way process where not only the authorities but the citizens and CSOs have their own responsibilities, too. As an example, they should provide information about the consultation and use its network to encourage appropriate participation on it, where appropriate. In the course of the consultations they should make an effort to provide professional and constructive opinion based on factual and up to date information.

However, the CSOs are able to engage in the policy-making process and shape the policy dialogue most effectively if they can express their opinion while sharing a seat at the table with other CSOs and the government representatives. There are numerous institutionalized forms of the active participation but examples for joint bodies can be found in many countries both on national and local level. Such bodies (councils, committees) can deal with and advise on specific communities needs, express opinion on documents, make suggestion to discuss specific issues (for example the Council in Croatia) and support the implementation of the policy document (like the compact steering groups in England). There are also examples for CSO led bodies (like the workshops at the Budapest Municipality) which are rather grass root initiatives based on the active involvement and commitment of CSOs. In both cases it is essential to determine the method of selecting the
participant CSOs or citizens and the scope of the possible members shall be broad and not limited to
the registered organizations.

On the level of parliament, there seems to be less legally mandated opportunity to affect the
decisions, however, the following steps may be taken to enhance citizen participation based on the
positive example of Latvia: i) setting up a coordinator (if possible, generally and for each committee
as well) who is responsible for the cooperation with the CSOs; ii) involve CSO representatives in the
work of the parliament committees; iii) arrange consideration of proposals for improving drafts laws;
iv) organize meetings annually to assess the results of existing cooperation and work out an agenda
for further cooperation.

Finally, as it was duly pointed out by the European Parliament in its resolution on the perspectives of
Developing Civil Dialogue under the Treaty of Lisbon the dialogue with citizens requires certain
financial resources. So before any of the participation methods is officially launched the adequate
financial sources shall be secured in the light of the following questions: how long it will take to
develop it, what methods of participation will be used, what does it take to set it up and what is
needed to ensure its effective implementation.
MISSION

Kosovar Civil Society Foundation – KCSF is an independent, not-for-profit organization focused in supporting local civil initiatives leading to a strong civil society movement that will promote a democratic culture and will be responsive to the socio-economic needs of Kosovo. Kosovo’s European perspective has brought KCSF a strong focus on issues related to the EU framework for Western Balkans and Kosovo in particular.

PROGRAMS AND ACTIVITIES

Kosovar Civil Society Foundation, in line with its scope of work, operates with two main programs:

Civil Society Development Program

KCSF, within this program, is focused on supporting local civil initiatives leading to a strong civil society movement that will promote a democratic culture and will be responsive to the socio-economic needs of Kosovo. In specific, during the last years KCSF is focused on creating an enabling environment for functioning of civil society, mainly through:

- Capacity building of CSOs and public authorities through information provision, policy papers, trainings & coaching for and on civil society
- Direct advocacy on creating an enabling legal framework and mechanisms for strengthening civil society’s role in the society
- Supporting and participating in the networking initiatives, locally and internationally

Support to European Integration Program

Within this program Kosovar Civil Society Foundation engages to promote the improvement of the knowledge about the functioning of the EU, to increase the public awareness and to promote the dialogue within the European Integration process. Concretely, through this program KCSF is engaged in accelerating the European integration process, informing and increasing the awareness as well as promoting the implementation of key documents which govern the relations between Kosovo and EU through:

- Information and awareness raising of Kosovo’s society about the European integration process
- Increase the capacity of Non-Governmental Organizations, of civil society, media and public authorities in Kosovo about the European Union through offering of information, analysis, studies for and about the European integration process
- Direct advocacy for establishment of necessary mechanisms for better use of civil societies capacities within this process
- Promote regional cooperation in European integration process and sectorial areas of EU, through networking and establishment of sectorial partnerships within EU common policies.

How to contact us?

Fazli Grajqevci 4/a
10000 Prishtina, Kosovo
Tel/Fax: + 381 (0)38 248 636, 248 643
E-mail: office@kcsfoundation.org
Web: www.kcsfoundation.org

HIGHLIGHTS

- 284 PROJECTS GRANTED
- 403 SCHOLARSHIPS AWARDED
- OVER 600 GRADUATES FROM EUROPEAN INTEGRATION SCHOOL
- MORE THAN 150 BASIC AND ADVANCED TRAININGS
- OVER 25 PUBLICATIONS