



This project funded by the European Union.

Tools and Methods of CSO Participation in Public Policy Making: Overview of Good Practices in Croatia, Estonia and France

Author: Igor Vidačak

MONITORING AND ENHANCING THE ENABLING ENVIRONMENT FOR
CIVIL SOCIETY PROJECT





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TOOLS AND METHODS OF CSO PARTICIPATION IN PUBLIC POLICY MAKING:
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TUSEV Publications, January 2020

No: 82

ISBN: 978-605-81428-6-2

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ABBREVIATIONS

CESE	Economic, Social and Environmental Council (<i>Conseil Economique, Social et Environnemental</i>)
ECOSOC	Economic and Social Council
EKAK	Estonian Civil Society Development Concept (<i>Eesti Kodanikuühiskonna Arengu Kontseptsioon</i>)
EU	European Union
FDVA	Community Life Development Fund (<i>Le Fonds pour le développement de la vie associative</i>)
HCVA	High Council for Associations (<i>Le Haut Conseil à la vie associative</i>)
IGOs	Inter Governmental Organizations
INGOs	International Non Governmental Organizations
IPA	Instrument for Pre-accession Assistance
KATA	Civic Initiative Support Development Plan (<i>Kodanikualgatuse Toetamise Arengukava</i>)
KODAR	Civil Society Development Plan (<i>Kodanikuühiskonna Arengukava</i>)
NENO	Network of Estonian Non-profit Organizations
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
TUSEV	Third Sector Foundation of Turkey
UN	United Nations
WB	World Bank

TABLE OF CONTENTS

ABOUT TUSEV	6
PREFACE	8
1. INTRODUCTION.....	10
2. INTERNATIONAL AND EUROPEAN STANDARDS OF CIVIL SOCIETY PARTICIPATION	14
2.1. Benefits and Outcomes of Civil Society Participation In Policy Making.....	15
2.2. Enabling Environment for Civil Society Development as a Precondition for Effective and Meaningful CSO Participation	16
2.3. Standards of civil society participation set by different international organisations and the EU	18
2.3.1. United Nations.....	18
2.3.2. Organisation for Economic Co-operation and Development.....	19
2.3.3. World Bank	20
2.3.4. The Organisation for Security and Co-Operation in Europe.....	21
2.3.5. Council of Europe	21
2.3.6. European Union	22
3. EVOLUTION OF THE EU POLICY ON SUPPORTING PUBLIC SECTOR - CSO COOPERATION IN THE EU ACCESSION PROCESS	26
4. ROLE AND POSSIBLE DIMENSIONS OF PARTICIPATION OF CSOS IN VARIOUS PHASES OF PUBLIC POLICY MAKING CYCLE.....	30
4.1. Framework Documents on Cooperation Between Public Sector - CSOs.....	32
4.2. Structures for Cooperation Between Public Sector - CSOs	32
4.3. Programs of Building Capacities of CSOs for Effective Participation	32
4.4. E-Participation Tools Run by Governments or CSOs.....	32

5. OVERVIEW OF DEVELOPMENT AND IMPLEMENTATION OF DIFFERENT MECHANISMS OF SUPPORTING CSO PARTICIPATION IN POLICY MAKING IN SELECTED EU MEMBER STATES.....	34
5.1. Croatia.....	35
5.1.1. Framework Strategies and Policies: National Strategy for Creating an Enabling Environment for Civil Society Development	35
5.1.2. Structure: Institutional Framework for supporting active participation of CSOs in formulation and monitoring of public policies affecting civil society	37
5.1.3. Programs: National Foundation for Civil Society Development	40
5.1.4. E-consultations tools: Croatian E-consultations Platform	42
5.2. Estonia	45
5.2.1. Framework strategies and policies: Collaborative design of Estonian Civil Society Development Concept.....	45
5.2.2. Structures for cooperation between public sector and CSOs.....	48
5.2.3. Programs: National Foundation of Civil Society	50
5.2.4. E-participation tools: Rahvaalgatus.ee – e-platform for citizen engagement in the policy making through public sector - CSO cooperation.....	51
5.3. France	54
5.3.1. Framework strategies and policies on cooperation between public sector - CSOs	54
5.3.2. Structures for cooperation between public sector and CSOs.....	56
5.3.3. Programs of building capacities of CSOs for effective participation	60
5.3.4. E-participation tools	60
6. GENERAL FINDINGS AND CONCLUSIONS	64
7. BIBLIOGRAPHY	68

ABOUT TUSEV

Third Sector Foundation of Turkey was established in 1993 by leading foundations and associations of Turkey with the objective of strengthening the legal, fiscal and operational infrastructure of civil society organizations. For 25 years, TUSEV has been working to create a more enabling environment for civil society.

With the vision of a stronger civil society in Turkey, TUSEV works under four main program areas and undertakes activities that aim to;

Establish an enabling and supportive legal and fiscal framework for CSOs,

Encourage strategic and effective philanthropy and giving,

Facilitate dialogue and cooperation between the public sector and civil society,

Promote the recognition of Turkish civil society abroad and encourage collaborations at the international level,

Create resources and raise awareness through research on civil society.

PREFACE

Since 1993, Third Sector Foundation of Turkey (TUSEV), has been working to improve the legal, fiscal and operational infrastructure of civil society organizations (CSO). With our vision of a stronger civil society in Turkey, our foremost aim is to find solutions to the common problems of CSOs and develop a more enabling environment. In May 2018, under our Civil Society Law Reform programme, we started implementing the EU-funded Monitoring and Enhancing Enabling Environment for Civil Society Project, through the activities of which we strive to raise awareness about the legal and fiscal legislation concerning CSOs, to monitor the enabling environment for civil society development and to strengthen Public Sector - CSO relationship.

Within the scope of the project objectives, TUSEV has conducted the desktop research named "Tools and Methods of CSO Participation in Public Policy Making: Overview of International and European Standards and Practices with Case Studies from Selected EU Member States". The research includes a detailed analysis of public sector- CSO cooperation in Croatia, Estonia and France with specific references to the types of mechanisms used or the principles adopted.

We hope that our research will be beneficial for civil society organizations and public institutions in Turkey. We would like to thank all the individuals, institutions and organizations, who were involved in the preparation of this report and provided their views and experiences, for their valuable contribution and our expert who conducted the research, Igor Vidačak.

TUSEV will continue to work for a stronger civil society, share its knowledge and experience with its stakeholders through the common platforms and information resources we have created.

Sincerely,

TUSEV

1. Introduction

The meaningful participation of Civil Society Organizations (CSOs) in public policy making has been widely considered as an important indicator of the maturity of modern democracies, but also as a valuable tool of improving the quality of design and implementation of policies, as well as a pre-condition for building and maintaining the trust of citizens in the work of public institutions. Over the past two decades, there has been an ever-growing interest of key global and regional international organisations in exploring governance innovations and testing new models of structured dialogue with CSOs, as pre-dominant intermediaries between citizens and public authorities, but also in setting minimum standards of engaging civil society in decision making processes. The wide-spread use of information technologies has altered the way citizens and CSOs interact with public authorities, while in the same time rising expectations on the openness, transparency and responsiveness of central and local government bodies.

For the countries aspiring to become full members of the European Union (EU), the progress in institutionalizing relations between public sector and CSOs has become an important political criterium for the EU accession, subject to increasingly complex monitoring indicators dealing, among others, with legal, institutional and financial framework for the work of CSOs, existence of long term strategies for cooperation with civil society, as well as the quality of structures and mechanisms for policy dialogue with CSOs. The capacities of national governments to conduct meaningful public policy consultations and comply with standards of open and inclusive policy making have been considered as a significant part of the assessment of the effectiveness of reforms in the areas of public administration reform, rule of law and fight against corruption.

Despite various challenges in regard to recent trends of shrinking civic space in some EU member states, there is still a number of examples of best practices and innovative models of engaging citizens and CSOs in public policy making and improving institutional responsiveness to CSO policy inputs. These cases of best practices have been often developed within a specific political and social context in new and old EU member states, and cannot be necessarily replicated to other countries, but can certainly serve as an impetus for drawing lessons learned, identifying strengths and weaknesses, and comparing effects of different approaches to participation of CSOs in decision making.

This paper was developed within the framework of the “Monitoring and Enhancing the Enabling Environment for Civil Society Project” which aims to contribute to the enhancement of an enabling legal and fiscal environment for civil society in Turkey, and to increase CSO participation in policy and decision making processes as well with strengthening capacities of CSOs and public institutions on international standards for enabling environment and participation in policy and decision making processes. One of the expected results of this project is to increase knowledge and capacity of public institutions and CSOs on the methods and tools for ensuring public sector-civil society cooperation, and active participation of CSOs in the decision making processes. By providing insight into the practices and lessons learned from selected EU member states, this analysis aims to support CSOs and public institutions in shaping informed decisions on possible future legal and institutional mechanisms for their mutual cooperation and participation of citizens and interested stakeholders in development of public policies.

The first part of the report paper discusses fundamental values, principles and benefits of civil society participation in policy making, including the reflections on the importance of enabling environment for civil society development as a precondition for effective and meaningful CSO participation. In the second part, the focus is on providing an overview of key international and European standards of civil society participation, with an emphasis on United Nations (UN), Organisation for Economic Co-operation and Development (OECD),

World Bank (WB), Organisation for Security and Co-Operation in Europe (OSCE), Council of Europe and European Union (EU) standards and practices. This is followed by the analysis of the evolution of the EU policy on supporting public sector-CSO cooperation in the EU accession process. The next section elaborates on the role of CSOs in various phases of public policy making cycle (policy formulation, implementation and monitoring/evaluation), as well as the levels of CSO participation (meaningful access to information, consultation, active participation / partnership). The most substantial part of the paper brings insights from the selected EU member states practices of CSO participation in policy making, considering both successes and failures in ensuring effective and meaningful CSO contribution at various phases of policy cycle and at various levels of participation. The countries selected for this analysis bring perspectives from three EU member states – Croatia, as the most recent EU member state that has been developing mechanisms of public sector-CSO cooperation from the beginning of institutionalization of relations with the EU; Estonia, as new member state with extensive experience in using e-governance, digital tools for delivering public services and enhancing public participation; and France, as a founder of the EU with long experience and tradition in civic participation and building active citizenship and vibrant civil society. These case studies highlight different contexts, dimensions and levels of (country specific) CSO participation and cooperation with public institutions, while also allowing for comparisons among the countries. The study concludes with the elaboration of general findings and conclusions on the main conditions to be ensured for an effective and meaningful CSO participation.

2. International and European Standards of Civil Society Participation

2.1. BENEFITS AND OUTCOMES OF CIVIL SOCIETY PARTICIPATION IN POLICY MAKING

Strengthening civil society and citizen engagement in policy making has been widely recognized as an important component of the health and resilience of any democracy. As repeatedly stipulated by numerous international organisations and initiatives, effective and meaningful engagement of civil society in policy dialogue should be based on the values and principles of transparency, openness, inclusiveness, accountability, mutual trust and understanding, respect for CSO autonomy, and institutional responsiveness to CSO policy inputs.

There are numerous benefits of more advanced public sector-CSO cooperation in designing and implementing new public policies. From the perspective of government bodies, the potential for ensuring better quality of legislative and policy initiatives could be mentioned as one of the most obvious advantages. Allowing CSOs to take part in the working groups for drafting new legal or

policy acts, but also to comment on already prepared proposals during public consultations, enables government institutions to draw from the “wisdom of society” and use the sector knowledge and expertise available among CSO activists and professionals to prevent possible flaws in the future implementation. Careful design of the participatory drafting process as well as more strategic approach to conducting public consultations can result in getting innovative contributions, valuable information from CSOs on the situation in the sector/ policy area, expected costs and benefits, as well as the needs and concerns of the citizens and groups that will be affected by new legislation.

Additional benefits are related to strengthening the legitimacy of policy proposals, building a sense of ownership among main target groups as regards the proposed policy options and solutions for identified social problems, but also increasing the likeliness of the future support to the implementation of adopted policies, especially when CSOs and citizens feel their opinions are considered and if they receive explanation on what happened with their comments, and they feel treated with respect.

Open and inclusive policy dialogue between public sector and CSOs may also bring numerous positive effects on the increased awareness of public sector officials on the tools and methods of participation, values and practical benefits of cooperation, but also on fighting often with widespread prejudices and pre-conceived ideas among public sector officials on the work of organized civil society actors. On the other hand, by taking part in public consultations and structured dialogue with government, CSOs can strengthen their capacities, particularly the knowledge on the legislative process, institutional framework and responsibilities, and sharpen their skills of policy writing, advocacy and ability for more effective monitoring of the law and policy making processes. In short, practising participation is the best method of capacity building of CSOs and increasing their competences for influencing policy processes.

Finally, one of the most significant potential outcomes of improved and meaningful CSO participation in the policy making processes is trust-building. The development of mutual trust and understanding between CSOs and public institutions is primarily dependent on the quality of institutional responsiveness to CSO and citizen policy inputs but is also inextricably linked to the overall government commitment to creating more enabling legal, institutional and financial environment for the work of CSOs.

As the crisis of European democracies is predominantly related to the crisis of trust in institutions, there is a growing focus of opinion-makers all over Europe on the tools and measures that could remedy to this challenge.¹ In view of regressive trends of shrinking civic space in some European countries, and a number of cases of CSOs being stigmatized, oppressed or even

criminalized because of their advocacy initiatives, it is essential to emphasize that there can be no meaningful public sector-CSO cooperation in policy making without an enabling environment for civil society work. In other words, the government dedication to safeguarding civic space should be considered as a fundamental pre-requisite for success of any effort towards introducing new models of citizens and CSO engagement in public policy development.

2.2. ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT AS A PRECONDITION FOR EFFECTIVE AND MEANINGFUL CSO PARTICIPATION

There are different approaches to analysing enabling environment for CSOs at national levels, stemming from recommendations and guidelines of various international organizations and initiatives. During the last decade, in addition to the rising interest of the UN Human Right Council in safeguarding civic space², the Council of Europe and EU have demonstrated particular interest in determining conditions for creating favourable environment for civil society.

In order to increase practical knowledge on public participation tools and methods, the UN Human Rights Council and the UN Office of the High Commissioner for Human Rights (OHCHR) has recently published Guidelines on effectively implementing the right to participate in public affairs. The Guidelines provide practical recommendations to both states and civil society, outline the right's basic principles and emphasise the need to provide a safe, conducive environment for people to participate freely.³

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- ¹ For more information on the issue see the European Parliament resolutions, including the Resolution on addressing shrinking civic space in developing countries (2016/2324(INI), 2017) and the Resolution with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights (2015/2254(INL), 2016).
 - ² For more information on the issue see the Resolution on civil society space adopted by the UN Human Rights Council, on, 3 October 2014 (A/HRC/RES/27/31), as well as the Resolution "Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment", adopted by the Human Rights Council, 9 October 2013 (A/HRC/RES/24/21)
 - ³ Guidelines of OHCHR are available at: [<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/230/45/PDF/G1823045.pdf?OpenElement>] & [<http://ecnl.org/what-can-a-participation-fiesta-and-the-un-have-in-common/>]

The Council of Europe approach to creating enabling environment for CSOs was formulated in the 2009 Code of Good Practice of Civil Participation in Decision Making.⁴ It includes the following conditions that allow for a constructive relationship between CSOs and public authorities: “the rule of law, adherence to fundamental democratic principles, political will, favourable legislation, clear procedures, long-term support and resources for a sustainable civil society and shared spaces for dialogue and cooperation”.⁵

European Commission has attached special importance to the development of indicators for measuring progress in key components of enabling environment for civil society development in partner countries, especially in countries candidates for EU membership, also through supporting various projects and programs aiming at ensuring regular monitoring of progress of those countries.

When it comes to advancing the dialogue with civil society in EU external relations and development co-operation around the world, the European Commission has put forward three priorities for the EU, which reflect the new approach to support CSOs with regards to the promotion of inclusive and sustainable growth as well as in service delivery:

Enhancing efforts to promote a conducive environment for CSOs in partner countries,

Promoting meaningful and structured participation in programming and policy processes to build stronger governance and accountability at all levels,

Increasing local CSOs’ capacity to perform their roles as independent development actors more effectively.⁶

In order to strengthen CSOs at local level, the European Commission has started supporting the development and implementation of roadmaps for engagement with civil society in partner countries. These roadmaps are intended to develop a more strategic and structured dialogue with civil society at country level, but also strengthening coherence, homogeneity and impact of EU actions.⁷

In general, four components are considered to be essential for an enabling environment:

-
1. *Favourable political, cultural and socio-economic landscape* shaping the public understanding of the role, activities and values of civil society, and influencing public trust and support,

 2. *Respect of fundamental freedoms of expression, association and peaceful assembly*, and supportive legal and regulatory framework enabling free and autonomous operations of CSOs, including rights of CSOs to formalised, transparent and non-discriminatory registration procedures, and the absence of disproportionate or unwarranted state interference,

 3. *Supportive framework for CSOs’ financial viability and sustainability*, particularly – a supportive legislation on funding of CSOs, including international and domestic public and private sources of funding, and availability of resources - either through direct grants or indirect funding through favourable tax rules for private donations, membership fees and philanthropy) allowing for civil society capacity-building, long-term programming and delivery of activities;

4 European Council (2009) “The Code of Good Practice of Civil Participation in Decision-Making”, available at: [https://rm.coe.int/guidelines-for-civil-participation-in-political-decision-making-en/16807626cf]

5 Ibid, p.6

6 EC Communication (2012). “The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations”, (COM (2012)0492), available at: [https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2012%3A0492%3AFIN%3AEN%3APDF]

7 More information on the roadmaps is available at: [https://europa.eu/capacity4dev/public-governance-civilsociety/minisite/roadmaps]

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4. *Existence of policies and structures enabling dialogue between CSOs and public authorities, as well as narratives and discourses empowering engagement of CSOs and citizens in public policy development.*⁸

In order to achieve sustainable results in the field of civil society participation, a fundamental pre-condition is to improve the overall political, legislative, social and economic environment which enables development of civil society. In other words, establishing structures of cooperation, new online platforms for public consultations or tools of e-participation are not effective without favourable conditions for citizens and CSOs to fully play their role in democratic society, by openly sharing their concerns and acting to influence and shape the policy making.

2.3. STANDARDS OF CIVIL SOCIETY PARTICIPATION SET BY DIFFERENT INTERNATIONAL ORGANISATIONS AND THE EU

A number of international conventions highlight the importance of the public participation in decision making processes, while various international and regional organisations have established advanced practices of structured dialogue with CSOs in shaping their decisions, while also adopting recommendations, guidelines and manuals for improving public participation practices in their member states.

2.3.1. UNITED NATIONS

The rights to associate, protest, access information, speak up and act are recognized and protected by the Universal Declaration of Human Rights (1948) and its implementation UN conventions. More specifically, International Covenant on Civil and Political Rights, adopted by UN in 1966, recognizes and protects the right of every citizen to take part in the conduct of public affairs (article 25 of the Convention). According to the official interpretation of the Office of the United Nations

High Commissioner for Human Rights, this article means that “citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association”.⁹

One of the first international legal instruments that systematically approached the regulation of access to information and public participation in decision making is the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted by the United Nations Economic Commission for Europe in 1998 in Aarhus (“Aarhus Convention”). The purpose of the Aarhus Convention is to enable timely, adequate and effective participation of interested public in decision making, including the requirements to ensure:

Early access to information on opportunities to participate,

Reasonable deadlines and timeframe for participation as early in the process as possible,

Provision of all relevant information and opportunities for public comments,

Feedback to the comments of the public;

Elaboration of reasons behind results of public participation and effects of public comments on the final outcomes of adopted acts/policies.

The monitoring of the compliance of member states-contracting parties of this Convention is conducted by the *Aarhus Convention Compliance Committee*. Overall, the Aarhus Convention is not to be considered only as an environmental agreement but

⁸ More information on monitoring and assessing an enabling environment for civil society development is available at: [<http://civicspacewatch.eu/>] and [<https://fra.europa.eu/en/publication/2018/challenges-facing-civil-society-orgs-human-rights-eu>]

⁹ This interpretation is taken from the UN Human Rights Committee, General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), 12 July 1996, CCPR/C/21/Rev.1/Add.7, para, available at: [<https://www.equalrightstrust.org/ertdocumentbank/general%20comment%2025.pdf>]

rather a document granting the public advanced rights in decision making and imposing on public authorities new obligations regarding access to information, public participation and access to justice, while strengthening further the principles and values of government accountability, transparency and responsiveness.

Based on the article 71 of the UN Charter, ever since 1946, UN has institutionalized the mechanisms for formal participation of civil society in UN decision making processes by introducing the consultative status to NGOs with Economic and Social Council of the UN (ECOSOC). This relationship between civil society and ECOSOC is governed by the ECOSOC resolution 1996/31 which opens the possibility for international, regional and national NGOs, non-profit public or voluntary organizations to obtain consultative status. There are three categories of status - general, special and roster consultative status, with 5,083 NGOs this status with ECOSOC by 2019.¹⁰ By gaining the consultative status, CSOs, the biggest component of NGOs, get the opportunity to participate, submit reports and deliver presentations and organized debates/meetings at UN events, but also receive accreditation to enter UN premises and undertake more advanced networking, advocacy and lobbying within UN decision making processes.

When awarding the consultative status to CSOs, ECOSOC takes into account a number of criteria. More particularly, ECOSOC emphasizes the need to ensure, to the extent possible, the participation of CSOs from all regions and areas of the world, especially from developing countries and economies in transition, in order to help to achieve a just, balanced, effective and genuine participation of CSOs from all regions and areas of the world. Besides, particular attention is paid to CSOs that have special expertise or experience upon which the

Council may wish to draw, as well as to organisations that can demonstrate that their work is of direct relevance to the aims and purposes of the UN.¹¹ Finally, the criteria for awarding consultative status include the recognized standing or representative character of CSOs in their field of competence, but also representative structure and appropriate mechanism of accountability to its members, as well as internal democratic and transparent decision making processes. All above mentioned criteria are very relevant for discussions on criteria for inclusion of CSOs in different consultative/participatory mechanisms at national levels.

The CIVICUS 2014 Report emphasized that global governance has undergone “incredible transformation” over the past twenty-thirty years, and there is much more space for civil society to access global organizations today.¹² On the other hand, the Report points out that it is still not clear how seriously intergovernmental organizations (IGOs) take civil society outreach and how much influence CSO leaders exert beyond their ‘two minutes’ plenary speeches at UN conferences, stressing in the same time that CSOs often lack the technical capacity and skills to influence IGO policies.¹³

2.3.2. ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Within the framework of the Organisation for Economic Co-operation and Development (OECD) and World Bank, the predominant discourse on new public management, efficiency and optimization of public administration has been gradually complemented, since the end of 1990s, by the discourse on “good governance”, with a growing emphasis on better regulation and the quality of the process of public policy development, which has been generally perceived as one of the important indicators of economic and social

¹⁰ For more information on the issue see the website of the NGO Branch, Office for ECOSOC Support and Coordination of UN Department of Economic and Social Affairs, which supports the work of the Committee on NGOs of the UN ECOSOC, available at: [<http://csonet.org>].

¹¹ For more information on the issue see UN ECOSOC Resolution 1996/31 – Arrangements for Consultations with NGOs (Part I – Principles to be applied in the establishment of consultative relations).

¹² Civicus, (2015) “Beyond our Two Minutes: State of Civil Society / Intergovernmental Organization Scorecard”, published as part of Civicus Annual “State of Civil Society Report for 2014”, available at: [http://civicus.org/images/SoCS_IGO_final3.pdf]

¹³ Ibid, p. 208

development. OECD guidelines entitled “Citizens as Partners: Information, Consultation and Public Participation”, have been developed in 2001 as practitioner’s guide for public sector officials in OECD member and non-member countries, offering a practical “road map” for developing solid frameworks for informing, consulting and engaging citizens during policy making. In this OECD handbook, public participation in decision making has been highlighted as one of the corner stones of good governance, better regulation, greater transparency and fight against corruption.

Dimensions of public participation in shaping new policies is considered by OECD are explored at three levels: information, consultation and active participation, where the potential for citizens’ influence on policy making gradually rises.

Information is approached as a one-way relationship, from the government to citizens, where the government disseminates information on policymaking on its own initiative (through public records, official gazettes, and government web sites) or based on citizens’ requests for access to information.

Consultation implies a limited two-way relationship between government and citizens where the government asks for and receives citizens’ feedback on policy making (by enabling comments on draft legislation, public opinion surveys, etc.), which requires proactive approach by the government in publishing of relevant information/documents beforehand.

Finally, OECD guidelines consider *active participation* as an advanced two-way relation between government and citizens based on the principle of partnership. In this relationship, citizens and CSOs are able to take

greater responsibility in policy formulation (by proposing policy options in working groups, citizens’ panels or other mechanisms of policy dialogue), while the final decision rests with the government.¹⁴ Following up on the 2001 guidelines, in 2005, the OECD published the Guide “Evaluating Public Participation in Policy Making”, designed as strategic guidance for policy makers and senior government officials responsible for commissioning and using evaluations of public engagement.¹⁵

The recent 2019 OECD report on regulatory practices across the European Union analyses practices to improve the quality of laws, including practices and experiences of stakeholder engagement in policy making processes. Based on precise indicators of performance of different countries, these OECD reports encourage a positive competition among countries, but also serve as important incentives for OECD member states and other countries for mutual learning and exchange of best practices.¹⁶

2.3.3. WORLD BANK

The World Bank (WB) has tested various approaches to include CSOs in its decision making processes over the years - from regular policy dialogue with CSOs through the Bank – NGO Committee in the 1980s and 1990s, to establishing CSO advisory committees in several Bank units during the 2000s. In 2001, the WB produced the Sourcebook “Consulting with Civil Society”¹⁷ with the aim to provide a practical source of advice for improving the way the Bank engages in effective policy and program consultations with civil society. The Sourcebook purpose is to provide guidance for Bank staff, governments, and other stakeholders who lead and organize public consultations, on how to engage civil society and promote participatory development.

¹⁴ OECD, (2001) “Citizens as Partners OECD Handbook: Information, Consultation and Public Participation” [<https://www.internationalbudget.org/wp-content/uploads/Citizens-as-Partners-OECD-Handbook.pdf>]

¹⁵ More information is available at: [<http://www.oecd.org/gov/evaluatingpublicparticipationinpolicymaking.htm>]

¹⁶ OECD, (2019) “Better Regulation Practices across the European Union, OECD Publishing, Paris”, available at: [<https://doi.org/10.1787/9789264311732-en>]

¹⁷ The updated version of World Bank Sourcebook is available at: [http://siteresources.worldbank.org/CSO/Resources/ConsultationsSourcebook_Feb2007.pdf]

In 2014, the WB established an Advisory Council to guide the development and implementation of a Strategic Framework for Mainstreaming Citizen Engagement in World Bank Operations as follow-up to the WB Strategy commitment to increase engagement with citizens for improved results.¹⁸ The objective of the Strategic Framework is to “facilitate mainstreaming of citizen engagement in WB-supported policies, programs, projects, and advisory services and analytics to improve their development results and, within the scope of these operations, to strengthen engagement processes between governments and the private sector and citizens at the national, regional, local, or sectoral level”.¹⁹ Despite these efforts, in general, the WBs tentative experience with civil society participation in its governance structure is far less advanced than the track record of the UN where CSOs have historically had more access and representation space.

2.3.4. THE ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE

The Organisation for Security and Co-Operation in Europe (OSCE) has traditionally been opened for participation of CSOs, allowing them to participate in human dimension meetings on an equal basis with participating states, but also providing valuable opportunities for CSOs to hold side events during Human Dimension Implementation Meetings (HDIMs) in which they can focus on specific subjects or countries in greater depth than in the regular sessions of the event. When it comes to standards and practices of citizen engagement, OSCE bodies dialogue with CSOs has resulted in a number of recommendations and guidelines, including the OSCE Office for Democratic Institutions and Human Rights (ODIHR)– Venice Commission Guidelines on Freedom of Association from 2015²⁰, as well as the

recommendations on enhancing the participation of associations in public decision making processes, developed also in 2015.²¹

2.3.5. COUNCIL OF EUROPE

The Council of Europe has a long-lasting tradition of cooperation with CSOs, which has started in 1952 with the establishment of the consultative status for non-governmental organizations (NGOs), which has evolved into participatory status in 2003. Since 2005, the Conference of International NGOs (INGOs) has become an official institution of Council of Europe, thus contributing to an even stronger role and influence of civil society in decision making processes of the Council.

The participation of CSOs and citizens in policy making processes has been repeatedly mentioned in different recommendations and other acts of the Council of Europe institutions.

In 2007, the Council of Europe’s Recommendation CM/Rec(2007)14 on the Legal Status of Non-Governmental Organisations in Europe and Recommendation invited government institutions at all levels to “ensure the effective participation of NGOs without discrimination in dialogue and consultation on public policy objectives and decisions”, pointing out, among others, that “NGOs should be consulted during the drafting of primary and secondary legislation which affects their status, financing or spheres of operation.”²²

In 2009, the Code of Good Practice for Civil Participation in the Decision-Making Process, was adopted first by the Conference of INGOs and supported by the Committee of Ministers in (2009) which defines the sets of general principles, guidelines, tools and

¹⁸ World Bank, (2014) “Strategic Framework For Mainstreaming Citizen Engagement in World Bank Group Operations”, available at: [https://consultations.worldbank.org/Data/hub/files/consultation-template/engaging-citizens-improved-results/openconsultationtemplate/materials/finalstrategicframeworkforce.pdf]

¹⁹ Ibid, p.1

²⁰ OSCE-ODIHR – Venice Commission (2015), “Guidelines on Freedom of Association”, available at: [http://www.osce.org/odihr/132371?download=true]

²¹ More information on the issue is available at: [https://www.osce.org/odihr/183991]

²² “Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe”, Council of Europe, available at: [https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d534d]

mechanisms for civil participation that are expected to be implemented at local, regional and national levels.²³ The added value of this Code is in providing useful matrix of participation, enabling an easy visualisation of opportunities for CSOs and public authorities to interact with each other in key stages of the political decision making process (from agenda setting, through formulation and implementation, to monitoring and reformulation) and their connection with four levels of participation (information, consultation, dialogue and partnership). With the aim of promoting this Code, the Council of Europe has established strategic partnerships with CSO networks in its member states.

The principles and guidelines reflected in the Code have been partly based on an earlier Recommendation CM/Rec(2009)1 of the Committee of Ministers to member states on electronic democracy (e-democracy), which aims to ensure that increasing implementation of e-democracy “provides opportunities for meaningful and effective public deliberation and participation in all stages of the democratic process, responsive to people’s needs and priorities”, but also “maintains and enhances citizens’ trust in democracy, democratic institutions and democratic processes”.²⁴

In September 2017, based on recommendation of the Council Secretary General, the Committee of Ministers adopted “Guidelines for civil participation in political decision making guidelines”, aimed at promoting participation of all individuals and societal groups in political processes and decision making in member states.

It is also important to mention two Council of Europe documents addressing civic participation at the local

and regional levels. In 1985, the Council adopted the European Charter of Local Self-Government, the first internationally binding treaty that guarantees the rights of communities and their elected authorities, establishes the principle of subsidiarity, but also obliges the states to respect a core of basic principles, including the right of citizens to participate in managing public affairs.²⁵ Besides, 2009 Council of Ministers’ Recommendation CM/Rec(2009)2 on Evaluating, Auditing and Monitoring Participation and Participation Policies at Local and Regional Level, which recommends member states to “undertake or step up work to evaluate democratic participation and its impact at local and regional levels; and to use fully their potential for raising citizens’ awareness and understanding of the functioning of democracy and encouraging their greater participation in it”.²⁶

2.3.6. EUROPEAN UNION

Since the entry into force of the Lisbon Treaty in 2009, the participatory nature of the EU policy and law making processes have been codified in the article 11 of the Treaty, stipulating the importance of giving “citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action”, but also requiring EU institutions to “maintain an open, transparent and regular dialogue with representative associations and NGOs”.²⁷

The importance of the dialogue with civil society sector started being mentioned in official EU documents only during the 1980s. Until then, the cooperation with civil society was looked at exclusively as part of the sphere of competence of the member states, and the only European initiatives in the area were related to the work of EU agencies for aid to developing countries.²⁸ It is

23 More information on the Code is available at: [<https://www.coe.int/en/web/ingo/civil-participation>]

24 Available at: https://www.coe.int/t/dgap/goodgovernance/activities/key-texts/recommendations/Recommendation_CM_Rec2009_1_en_PDF.pdf

25 “Recommendation CM/Rec(2009)1 of the Committee of Ministers to member states on electronic democracy (e-democracy)”, Council of Europe, available at: [<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/122>]

26 “Recommendation CM/REC(2009)2 of the Committee of Ministers to member states on the evaluation, auditing and monitoring of participation and participation policies at local and regional level”, Council of Europe, available at: [<https://www.coe.int/en/web/youth/-/recommendation-on-the-evaluation-auditing-and-monitoring-of-participation-and-participation-policies-at-local-and-regional-level>]

27 Consolidated by the Council of the European Union in June 2016, available at: [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12016M011>]

28 Anheier, H. and Kendall, J., (1999) “The third sector and the EU policy process: an initial evolution”, *Journal of European Public Policy*, 6 (2), 24-32.

only by the beginning of 1990s, mainly due to the new institutional and symbolic framework given by the Treaty of Maastricht and the concept of a Europe of citizens, there was a sudden rise in the number of CSO networks actively involved in advocacy and in a dialogue with European institutions, and a move to a gradual explicit acknowledgement of their role in EU policy making.

In 2000, the European Commission published a discussion paper called “The Commission and NGOs: Building a Stronger Partnership” (COM/2000/11 final).²⁹ This document brings concrete proposals formulated for an improvement of the existing dialogue with the organized civil society. The impact of this document has been underlined by the particularly large number of reactions received by from both member states and candidate states. As a response to the results of public opinion surveys in member states that show a very low level of citizen support for and knowledge about the work of European institutions, but also as an answer to decreasing trust in the work of institutions due to recent collective resignation of the EC due to alleged case of nepotism and financial irregularities, in 2001 the Europe-

an Commission published a white paper about European governance, which marked the beginning of substantial reforms of the system of governance at all levels, from European to national and local levels, and defined the principles and guidelines for the strengthening of relations between European institutions and civil society, and for bringing CSOs more actively into the process of defining and implementing EU policy via numerous consultative mechanisms.³⁰

Among the measures that were launched following extensive debates on reform of European governance, in 2002 the EC adopted *General principles and minimum standards for consultation of interested parties by the Commission* which introduced clear guidelines on consulting CSOs and other representatives of interested public.³¹ The document elaborates for the first time on the importance of complying with general principles of participation, openness, accountability, effectiveness and coherence in conducting public consultations. It also specifies and explains the minimum standard of public consultations as elaborated below.

TABLE 1: EUROPEAN COMMISSION MINIMUM STANDARDS OF PUBLIC CONSULTATIONS³²

Clarity of the content of the consultation process	All consultations should be clear and concise and should include all necessary information to facilitate responses.
Consultation of target groups	When defining the target group(s) in a consultation process, the EC should ensure that relevant parties have an opportunity to express their opinions.
Publication	Adequate awareness-raising publicity should be ensured and communication channels to meet the needs of all target audiences should be adapted; open public consultations should be published and announced on the websites linked to the “single access point” on the Internet.
Time limits for participation	Sufficient time for planning and responses to invitations and written contributions - at least 8 weeks for reception of responses to written public consultations and 20 working days’ notice for meetings should be provided
Acknowledgement of receipt	Receipt of contributions should be acknowledged. Results of open public consultation should be displayed on websites linked to the single access point on the Internet.

²⁹ European Commission (2000), “The Commission and NGOs: Building a Stronger Partnership”, COM/2000/11 final)

³⁰ European Commission (2001), “White Paper on European Governance”, (COM (2001) 428 final)

³¹ European Commission (2002), “Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission”, COM (2002) 704 final.

³² Ibid, p.19-22

From 2012, based on extensive debates launched through the European Transparency Initiative, these consultation standards have been upgraded in regard to the time limit for participation and new system of notification on open consultations. The duration of consultations was prolonged from 8 to 12 weeks, while the European Commission also introduced an alert service for upcoming initiatives for all organisations that sign up for the Transparency Register. Although being of voluntary character, the Transparency Register has become a very important tool of improving transparency of relations between European Commission, European Parliament and all organized interests that communicate with these institutions. Officials of European Commission and European Parliament are not able to hold meetings with any organisation that is not in the Register nor take part in their events. Besides, since 2015, they have started publishing the list of meetings with CSOs and all other organized interests with the aim of increasing openness, accountability and public scrutiny of their work.

One of the key mechanisms for involving wide range of CSOs and interested public in EU policy making processes is the single web portal for public consultations. Initially in place since 2003 and known as “Your Voice in Europe” portal, the European Commission revised it in 2015 and it serves as single access point for all public consultations, CSOs and wider public to get involved and provide comments at all stages of the EU policy making process – from impact assessment, policy formulation to implementation of policies.^{33 34}

In addition to open consultations, the EC has developed a number of mechanisms of structured dialogue with organized civil society, through a variety of working groups, advisory and expert committee.

The key formal institutional channel of CSO participation in EU policy making is the European Economic and Social Committee (EESC), advisory body of the EU, composed of representatives of three main pillars of organised civil society: employers’ associations, trade unions and NGOs from different field of activities.³⁵ The EESC is considered to be the voice of civil society in the EU, aiming at bridging the gap between the EU and CSOs. It plays an important role in providing opinions on all legislative acts, but also launching its own initiatives and influencing the agenda of EU decision-makers in the areas of interest for CSOs from across EU member states.

Finally, the EP, as the only democratically elected EU institution, also seeks to nurture open dialogue with CSOs. Among various initiatives launched by EP, one should particularly mention “Citizens’ Agora”, a unique tool in structure and breadth, for bringing together the EP and hundreds of CSOs to debate issues on Parliament’s agenda. Records of the Agora’s work are sent to EU and national institutions and to all organisations involved.³⁶

In addition to above mentioned trends of setting up new mechanisms for consultation and participation of civil society in the EU policy making, there has been a substantial progress in improving the citizens and CSOs influence on agenda setting, especially through European Citizens Initiative³⁷, but also through different opportunities for petitions, as well as through the improved access to information on the work of EU institutions, including the availability of documents in all stages of decision making process, which allows more advanced CSO monitoring of the quality of the legislative process.

33 More information on the EC public consultations web portal is available at: [https://ec.europa.eu/info/consultations_en]

34 More information on different opportunities for CSOs and citizens for policy making is available at: [https://europa.eu/european-union/law/have-your-say_en]

35 More information on the composition and working methods of the EESC is available at: [<https://www.eesc.europa.eu>]

36 More information on possible contribution of EP Citizens Agora is available at: [<https://www.politico.eu/article/agora-is-good-for-democracy-but-its-no-panacea/>]

37 European Citizens Initiative is a new instrument of participatory democracy established by the Lisbon Treaty. More information on its implementation is available at: [<http://ec.europa.eu/citizens-initiative/public/welcome?lg=en>]

3. Evolution of the EU Policy on Supporting Public Sector - CSO Cooperation in the EU Accession Process

The improved dialogue and cooperation between public sector and civil society has gradually become one of the cornerstones of the EU political conditionality policy towards countries aspiring to become full members of the EU or to develop more advanced partnership agreements with the EU.

One of the lessons learned from 2004 and 2007 EU enlargement rounds was that difficult EU accession related policy reforms, essentially driven by elite executive actors, cannot be sustainable without an active and vibrant civil society that should be able to monitor the compliance of national government with adopted EU standards before and after the EU accession. In order to ensure the irreversibility of key reforms in the area of the rule of law, fight against corruption and protection of fundamental human rights and freedoms, the EU has developed long-term programs of investment in building capacities of CSOs, as

well as assisting governments in establishing structures for dialogue with CSOs, and developing and implementing more favourable policies for supporting civil society development.

The new increased EU focus on developing civil society in accession countries was first elaborated in a 2004 EC Communication on Turkey's progress towards accession, where the EC stressed that "civil society should play the most important role in the EU-Turkey dialogue". In 2005, the Commission presented its Communication on "Civil Society Dialogue between the EU and Candidate Countries", which was announced as a "first step on the way to strengthening a dialogue between civil societies in Turkey and Croatia and in the EU,[...] in parallel with accession negotiations".³⁸

³⁸ European Commission Communication on Civil Society Dialogue between the EU and Candidate Countries, COM(2005)290, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52005DC0290>

The more advanced EU policy for civil society in candidate countries and potential candidate countries was formulated in its Enlargement Strategy of 2007-2008 where the need “to strengthen civil society bodies and their role in the political process” was clearly stressed, as a reaction to unsatisfactory results of purely executive-driven reforms.³⁹ Along with new political conditionality related to the role and participation of civil society, the European Commission designed the Civil Society Facility (CSF), as a new financial instrument supporting regional and national CSO programs leading to strengthened sustainability of civil society in countries beneficiaries of the Instrument of Pre-Accession Assistance (IPA). These objectives have also been adequately reflected strategy and programming documents, including the Accession Partnerships and the Multi-annual Indicative Planning Documents for IPA countries.

The 2018 European Commission Enlargement Strategy for Western Balkans reiterated the strategic importance of civil society participation by emphasizing that “Governments should ensure stakeholders can actively participate in the reform and policy making process, for example by establishing inclusive structured dialogues on reform priorities with the involvement of an empowered civil society. An enabling environment for civil society organisations is therefore crucial.”⁴⁰

In order to allow for a more advanced monitoring of the progress of candidate countries in the area of public sector-CSO cooperation, and overall environment for civil society development, the European Commission has developed Guidelines for support to civil society in IPA countries for the period 2014-2020.⁴¹

This document was prepared through wide consultations with a great number of stakeholders from CSOs and government bodies. One of the main objectives of the EU support to civil society that has been set by the EU is to strengthen the ability of government to work in partnership with civil society through dialogue and cooperation based on willingness, trust and mutual acknowledgment around common interests. In this regard, the EC has set a clear expectation from the public institutions (from candidate and potential candidate countries) to recognise the importance of CSOs in improving good governance through CSOs’ inclusion in decision making processes – as one of the intrinsic components of the conducive environment for the development of vibrant and active civil society.

The European Commission Guidelines suggest two basic indicators for measuring the progress in the quality of inclusion of CSOs in decision making processes as described in Table 2. The effective monitoring of the indicators in the table requires an advanced collection of data and an active participation not only of CSOs, but also EU delegations and relevant government bodies.

39 European Commission Communication “Enlargement Strategy and Main Challenges 2007-2008”, 6.11.2007, COM(2007) 663, available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0663:FIN:EN:HTML>

40 European Commission Communication “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”, COM(2018) 65 final, available at: [https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf]

41 European Commission (2013), “Guidelines for EU support to civil society in enlargement countries, 2014-2020, DG Enlargement”, available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/52526/guidelines-eu-support-civil-society-enlargement-countries-2014-2020_en]

TABLE 2: EUROPEAN COMMISSION MONITORING INDICATORS – INCLUSION OF CSOS IN DECISION MAKING PROCESSES⁴²

Percentage of laws/by laws, strategies and policy reforms effectively consulted with CSOs in terms of:	Quality of structures and mechanisms in place for dialogue and cooperation between CSOs and public institutions in terms of:
adequate access to information	CSO representation in general
sufficient time to comment	representation of smaller/weaker CSOs
selection and representativeness / diversity of working groups	its visibility and availability
acknowledgement of input	government perception of quality of structures and mechanisms
degree to which input is taken into account	CSOs perception of structures and mechanisms
feedback / publication of consultation results	

⁴² European Commission (2013), "EC Guidelines for support to civil society in IPA countries for the period 2014-2020", available at: [https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/pdf/civil_society/doc_guidelines_cs_support.pdf]

4. Role and Possible Dimensions of Participation of CSOs in Various Phases of Public Policy Making Cycle

As already elaborated in previous sections, a wide spectrum of documents and recommendations of international, European and national recommendations and guidelines emphasize the role and potential contribution of CSOs to different phases of the public policy making cycle. Namely, when it comes to the main levels of CSO participation (information, consultation, dialogue and partnership), it is important to emphasize that a number of opportunities and methods are potentially connected to each of these four participation levels and can be used in the interaction of CSOs and public authorities at six different stages of the policy making process:

1. Agenda setting,
2. Drafting of policy,
3. Decision making,
4. Implementation of policy,
5. Monitoring and evaluation
6. Reformulation of policy.

For the purpose of the analysis of practices and experiences in selected EU member states, the main tools elaborated in the Council of Europe Code of Good Practice of Civil Participation in Decision Making will be used as a basic analytical framework. The following four tools or mechanisms that can provide cross-cutting support to CSO participation throughout the whole decision making process that will be addressed:

Framework documents (strategies/policies) on cooperation between CSOs and public authorities

Structures for cooperation between CSOs and public sector

Programs of building capacities of CSOs for effective participation

E-participation tools

Each of these mechanisms/tools is considered to be of essential importance for ensuring policy and institutionalization of conducive environment for effective and sustainable public sector-civil society cooperation.

4.1. FRAMEWORK DOCUMENTS ON COOPERATION BETWEEN PUBLIC SECTOR - CSOS

The adoption of strategic documents, policy programs, road maps or framework agreements for government cooperation with civil society is considered to be a necessary requirement for ensuring long-term commitment of the government to implementing standards of CSO participation in policy making, as well as improving the overall environment for civil society development. The drafting of roadmaps or strategies of cooperation with civil society has been supported by the European Commission especially in EU enlargement countries, but also in different partner countries across the world. These roadmaps are usually accompanied with action plans with details on responsibilities of different government bodies. In view of complexity of civil society development policies and importance of ensuring positive horizontal effects on openness of all government bodies for cooperation with CSOs, a central coordination and monitoring of the implementation of these strategic documents is necessary.

4.2. STRUCTURES FOR COOPERATION BETWEEN PUBLIC SECTOR - CSOS

The effective implementation of adopted standards of interaction between CSOs and public sector require development of mutual trust and understanding. It is often assumed that the establishment of structures of CSO-public sector cooperation and mechanisms for regular, structured policy dialogue can facilitate trust building and contribute to overcoming prejudices that sometimes burden the relations between CSOs and government bodies. The structures of cooperation can include: cross-sector advisory bodies of the public sector, gathering CSOs and government representatives at regular joint sessions for discussion on policy proposals (related to civil society or wider government agenda affecting socio-economic development); permanent or ad-hoc working groups, expert councils and other advisory bodies; government offices, departments or ministries as central coordinators of government policies for civil society; appointed government plenipotentiaries, contact persons for cooperation with CSOs in different

ministries - as examples of mostly government (top-down) established mechanisms, etc. On the other hand, there are different forms of bottom-up initiated dialogue with governments through ad-hoc or permanent forum, alliance or coalition of CSOs.

4.3. PROGRAMS OF BUILDING CAPACITIES OF CSOS FOR EFFECTIVE PARTICIPATION

European Commission has been developing a number of funding schemes for developing the capacity and skills of local, regional and national CSOs for active participation in policy making. Through European Social Fund (ESF) programs supporting better governance and empowerment of civil society, a number of EU member states have invested substantial ESF funds into capacity building activities and enabling stronger contribution of CSOs to formulate, implement and monitor reforms in the areas of public administration reforms, education, employment and social policies. In candidate countries, IPA CSF sponsored programs of capacity building have resulted in testing and developing numerous innovations in CSO participation in policy making and local and national levels, particularly in regard to monitoring the implementation of the EU acquis in candidate and potential candidate countries.

4.4. E-PARTICIPATION TOOLS RUN BY GOVERNMENTS OR CSOS

In view of their growing potential for improving democratic practice and participation of CSOs, e-participation tools have been widely used across EU member states in different phases of policy making cycle, but mostly in early stages of agenda setting (crowdsourcing platforms, e-surveys) and policy formulation (e-consultations portals). European Commission has been also extensively supporting the development and implementation of various innovative e-participation tools in both member and candidate countries, with the aim of promoting transparency, accountability and responsiveness of institutions, and improving the public oversight over the performance of the government bodies.

The analysis of the cases in selected countries in the following section will seek to highlight each of the four mentioned mechanisms, with particular emphasis on why and how certain mechanisms has evolved in specific country context.

5. Overview of Development and Implementation of Different Mechanisms of Supporting CSO Participation in Policy Making in Selected EU Member States

In the following section, the case studies of three EU member states will be explored with regard to experiences in developing and implementing mechanisms of CSO participation in various phases of policy cycle and at various levels of participation. The focus will be on the already mentioned four mechanisms that are providing cross-cutting support to CSO participation throughout the whole decision making process, namely: Framework documents (strategies/policies) on cooperation between CSOs and public sector, structures for cooperation between public sector and CSOs, programs of building capacities of CSOs for effective participation and e-participation tools.

First, case studies from Croatia highlight specific experience of the most recent EU member state that has been developing mechanisms of public sector-CSO cooperation from the beginning of institutionalization of relations with the EU in early 2000s. Then, the focus will be on Estonia, as new EU member state with extensive experience in using e-governance, digital tools for delivering public services and enhancing e-participation. This section concludes with examples from France, as an old EU member state with long experience and tradition in civic

participation and building active citizenship and vibrant civil society. These case studies will highlight different context, dimensions and levels of (country specific) CSO participation and cooperation with public sector and will allow us to draw some lessons learned and formulate some final recommendations for public participation practitioners in CSOs and public institutions.

5.1. CROATIA

5.1.1. FRAMEWORK STRATEGIES AND POLICIES: NATIONAL STRATEGY FOR CREATING AN ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT

The first National Strategy for Creating and Enabling Environment for Civil Society Development was adopted by Croatian Government in 2006, for the five-year implementation period 2006-2011, along with an Action Plan. The development of the Strategy was initiated after the start of the EU accession negotiations of Croatia, as a response to the growing importance of the role of civil society in the social and economic development of the country and a rising number of funding opportunities for

CSOs, both from international and domestic sources of financing. More particularly, the preparation of the Strategy and Action Plan was motivated by several factors. First, there was a strong pressure from civil society towards government to formulate clear long-term policy for supporting more enabling environment for development of CSOs in a participatory and inclusive way. Second, the gradual decentralization of management of EU funds for CSOs, including more advanced participation of national structures in programming of priorities of funding, led to rising expectations from the European Commission in regard to the adoption of Government Strategy which would reflect long-term government commitment to the meaningful cooperation and partnership with CSOs in shaping and implementing public policies. Third, the adoption of the Strategy was a necessary next step after the adoption of the Programme of Cooperation of the Government and the Non-Governmental Sector in 2000, (which set some basic principles of cooperation without any precise measures) and lessons learned from the initial years of functioning of main institutions supporting the public sector-civil society cooperation. Finally, the adoption of the Strategy and Action Plan was motivated by the need to design a more systematic approach to addressing a series of complex issues related to the civil society development which required a long-term vision based on values shared by both government and civil society. Based on the experiences in implementing the first Strategy, but also in view of the need to ensure the post-accession sustainability of the support to civil society, the next Strategy and Action Plan 2012-2016 were formulated and adopted in July 2012. This document sought to ensure the continuity of activities and measures started in the previous implementation period. Currently, the third Strategy and Action Plan are being prepared for 2019-2023 period. The Strategy and Action plan also served as an important basis for promoting more advanced coordination of international and national donors for CSOs in Croatia and enhancing synergy around key priority objectives in creating more enabling environment for civil society, as agreed by both government and CSOs.

The first two strategies and action plans were designed through a participatory and inclusive way, with participation on a wide number of CSO representatives from all over Croatia, while the preparation of the third Strategy is also following the same approach. By way of illustration, the drawing up of the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012-2016 began at the NGO Days 2011 when about two hundred participants from CSOs and government bodies together developed the proposals for the vision of civil society development in Croatia. For this purpose, open space technology allowing the dynamic engagement of participants in a wide number of workshops was used. The conclusions of the discussions were used as a starting point for preparing the structure of the Strategy and the activities of the working groups established for each of the main chapters of the Strategy/Action Plan. The formulation of the first draft of the Strategy involved more than 50 representatives of CSOs and public administration bodies and were accompanied by several thematic expert meetings dedicated to specific measures and activities of the National Strategy.⁴³ At the final stage, CSOs from all over Croatia were given the opportunity to discuss and provide final inputs to the draft Strategy during the National NGO Days 2012 central event.

The National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012-2016 comprises four main parts: the value basis of relations between the state and civil society, overview of the state of development of civil society in Croatia, priority areas of the National Strategy and Action Plan for the National Strategy implementation. The priority areas addressed by the Strategy and Action Plan are: i) the institutional framework for civil society development support, ii) civil society and participatory democracy, iii) strengthening the role of CSOs for social and economic development and activity, and iv) further civil society development within the international context. For each of the above-mentioned areas, the Action Plan defines objectives and measures; implementing and co-implementing

43 The integral text of the Strategy is available at:
[<https://udruga.gov.hr/UserDocsImages/UserFiles/File/National%20Strategy-Civil%20Society-Croatia-2012-2016-eng.pdf>]

bodies; deadlines; funding sources necessary for their implementation; and the indicators on the basis of which the progress in the implementation is to be evaluated. The document lists in total 26 objectives, 27 measures and 91 implementation activities. The Government Office for Cooperation with NGOs is responsible for the overall coordination of the implementation of the Strategy, while the Council for Civil Society Development serves as a key mechanism for joint (Government-CSO) monitoring of the progress in achieving the Strategy objectives and measures. For the purpose of promoting open monitoring of the progress in the implementation of the Strategy and Action Plan, an internet platform has been established and managed by the Government Office for Cooperation with NGOs, containing the latest information on implemented activities.⁴⁴

KEY LESSONS LEARNED: NATIONAL STRATEGY FOR CREATING AN ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT

The complexity of civil society related policy issues requires a more advanced strategic approach by the Government, ensuring a coordinated and complementary work of different government bodies in fulfilling various measures and activities that should contribute to improving institutional, legal and financial framework for the work of CSOs and effective public sector-CSO cooperation.

In order to ensure ownership of CSOs and government bodies over objectives, measures and activities of the Strategy and Action Plan, an inclusive and participatory drafting process should be ensured in all phases of the process.

The adopted Strategy and Action Plan could serve as a valuable basis for a proactive coordination of international and national donors in the area of civil society development.

5.1.2. STRUCTURE: INSTITUTIONAL FRAMEWORK FOR SUPPORTING ACTIVE PARTICIPATION OF CSOS IN FORMULATION AND MONITORING OF PUBLIC POLICIES AFFECTING CIVIL SOCIETY

Three main institutions have been set up for the purpose of supporting the development of civil society in Croatia:

Government Office for Cooperation with CSOs

National Foundation for Civil Society Development.

Council for Civil Society Development

As a response to the need of improving the communication with an ever growing number of CSOs implementing important development projects funded from a wide variety of international and domestic sources, in October 1998, Croatian Government established the Government Office for Cooperation with NGOs as an autonomous Government office under the Prime Minister's cabinet, responsible for the overall coordination of the government civil society policy, including the coordination of implementation of standards of public funding, as well as standards of public consultations. In view of the complexity of the civil society policy that deals with many different inter-related policy areas within the competence of a variety of government bodies, but also in view of importance of harmonizing the performance of more than twenty government bodies financing CSO projects and programs, it proved to be important to have a coordinating policy unit in the central government, able to ensure effectiveness of funding mechanisms: Besides, the Government Office for Cooperation with NGOs was entrusted important responsibility of developing and overseeing the implementation of standards of participation of CSOs and wider public in policy making processes, while also conducting a number of training sessions on Government-CSO cooperation for civil servants at all levels, in cooperation with State School for Public Administration. The Office acts as intermediary body for European Social Fund (ESF)

44 The Platform for monitoring the implementation of the Strategy and Action Plan is available at: [<http://strategija.udruga.hr>]

grant schemes and is in charge of programming and monitoring the implementation of ESF funded projects of CSOs.⁴⁵

The establishment of the National Foundation for Civil Society Development in 2003 (by a special law passed in Croatian Parliament) was motivated by the need to ensure the sustainability of CSOs, development of capacity building programs for CSOs and ensuring balanced regional development of civil society, especially with the progressive withdrawal of different foreign donors from Croatia. The source of funding of the National Foundation (around 6 million euros per year) was ensured through a new Law on games of chance, which enabled part of revenues from lottery funds to be used for public benefit programs of CSOs. The National Foundation allocates three-year operating grants for CSOs in three different categories, depending on years of experience and annual budget of CSOs, with approximately 90 operating grants provided every year. It also implements a number of other grant schemes⁴⁶, including the support to small civic initiatives, establishment of thematic CSO networks, but also acts as implementing agency for ESF grant schemes for CSOs, closely cooperating with the Government Office for Cooperation with CSOs.

With the aim of ensuring a regular platform for dialogue with CSOs from different sectors, in 2002, the Council for Civil Society Development was set up as a cross-sector consultative body of the Government. Given the particular relevance of the work of the Council for Civil Society Development for this study, its work will be presented in more details.

Since its establishment in 2002, the Council for Civil Society Development as advisory body of Croatian Government, the Council gradually developed into the most important institutional mechanism for structured dialogue between government and CSOs, aimed at ac-

tive participation of wide spectrum of CSOs into shaping public policies affecting CSO work and development. The role of the Council has been changing over the years while his current tasks and structure were determined by the 2009 Government Decision, which has already been amended several times.⁴⁷

The key tasks of the Council are:

Ensuring participation in continuous monitoring and analysis of public policies related to / or influencing the development of civil society in Croatia and cross-sectoral cooperation,

Providing opinion and advice to government on draft regulations that influence the development of civil society and enabling appropriate participation of CSOs in debates on national and European legislation and policies affecting civil society,

Contributing to the programming of priorities of state budget funding of CSO projects and programs, and analysis of government annual reports on public funding of CSOs,

Contributing to programming and setting priorities for the use of EU funds open to Croatia, based on an effective consultation with CSOs,

Monitoring the implementation of the National Strategy for Creating an Enabling Environment for Civil Society Development,

Ensuring cooperation with Croatian CSO representatives in the European Economic and Social Committee in formulating a civil society standpoint at the EU level,

Managing the nomination and selection of representatives of CSOs in commissions, advisory or working bodies at the request of the state administration bodies, government offices and other public authorities.

⁴⁵ More information on the competences and activities of the Office are available at: [<https://udruga.gov.hr>]

⁴⁶ More information on the National Foundation is available at: [<https://zaklada.civilnodrustvo.hr>]

⁴⁷ More information on the wider context of the Council establishment and work, see Lendić Kasalo, V. and Vidačak, I. (2013), *Fostering Structured Dialogue with Civil Society Organisations in Croatia - Case of the Council for Civil Society Development*; in Morten Meyerhoff Nielsen (ed.), "Good Governance through Participative Democracy and Client Oriented Public Administration", Proceedings of 6th Annual ReSPA Conference held on 19-20 April 2012, Danilovgrad; ReSPA

With the aim of carrying out its tasks more effectively, the Council establishes its permanent and temporary working groups. It submits to the government annual report on its work.

The Council has 37 members: 17 representatives of public authorities and 20 representatives of wide spectrum of actors of organized civil society, namely:

14 representatives of CSOs,

1 representative of foundations,

1 representative of trade unions,

1 representative of employers' associations and

3 representatives of national associations of local and regional self-government.

The Council president is elected among CSO members of the Council. The President and members of the Council are appointed for 3 years and may be re-appointed. Its work is regulated by the Rules of Procedure and the Government Decision. Expert and administrative assistance to the Council is provided by the Government Office for Cooperation with NGOs.

Key strengths of the Council as platform for CSO participation in policy making

One of the key strengths of the Council is the transparent and participatory election of CSO representatives in the Council. The key innovation consists in the procedure of electing 14 representatives of CSOs in the Council, out of more than 50.000 CSOs/associations registered in Croatia. Members of the Council representing CSOs are elected by CSOs themselves through a transparent and democratic procedure on the basis of the public call for nominations and public call for voting for eligible candidates, the participation of hundreds of CSOs in electing the Council members increases the legitimacy of their work. The two-stage procedure of electing Council members begins by a

public call for nominations published in all media and the website of the Office for Cooperation with NGOs. CSOs nominate candidates solely for the area in which they operate, taking into account that every CSO or a formal network or association of CSOs can nominate only one candidate for member and substitute member of the Council. Nominations are sent by post using a standard nomination form with a set of required supporting documents. The expert commission appointed by the Council checks the eligibility of candidates and establishes the list of candidates with valid nominations published on the Internet. After that, a public call for voting for eligible candidates is published on the Office website and CSOs vote for eligible candidates submitting a standard voting form available on the Internet by regular post, respecting the principle that one organisation can vote only once. Finally, the expert Commission (nominated by the previous Council) proceeds to counting votes, and candidates with the biggest number of votes are proposed to be appointed members and substitute members of the Council by the Government Act. For the purpose of ensuring transparency, detailed information on all valid and invalid votes by candidates are available on the Internet. In addition, all organizations are able to access all supporting documentation and check the validity of votes sent by post, which contributes to the transparency of the process.

Given the difficulties most governments face when trying to set criteria for identifying and nominating CSOs in various advisory bodies, working groups and similar consultation mechanisms, the procedure for the election of CSO members of the Council is an example of good practice, with an already proven potential for replication in other countries (Montenegro, Macedonia, Albania, Kosovo, etc.).

The second strength of the Council is its effort on promoting of culture of dialogue, building trust and mutual understanding. During last 16 years, the Council met around eighty times in regular sessions, but also initiated approximately the same number of events enabling numerous opportunities for dialogue between CSOs and

government bodies in Croatia.⁴⁸ The Council activities, jointly with the Government Office for Cooperation with NGOs and the National Foundation for Civil Society Development, led to some positive results, including the adoption of a number of strategic and policy initiatives improving the enabling environment for CSOs, including criteria and procedures of public funding of CSOs, as well as standards of public consultations in policy making. The activities of the Council have contributed to promoting the concept of open, collaborative governance and transparency across Croatian public administration, but also to improving the trust and mutual understanding between the government bodies and CSOs. The regular structured dialogue between government bodies and CSOs, but also regular exposing public administration to the joint assessment of their work in a safe environment, government bodies tend to overcome prejudices and introduce new practices much more quickly than in other circumstances.

Main weaknesses in the work of the Council

Although it has proved to be resilient to different changes in the Government, the visibility and the influence of the Council have been decreasing during last years. This trend has been particularly noticeable since 2016 and the inability of the Council to push for the adoption of the new National Strategy for creating an enabling environment for civil society development. This is partly due to the lack of interest of political leaders (from right-wing parties), rising ideological polarisations in society, and growing perception of the civil society development topics as being predominantly linked to agenda of the left-wing political parties. Another challenge is related to the low hierarchical level of representatives of government bodies in the Council, which often results in their inability to formulate clear standpoints of their ministries on relevant issues discussed at Council sessions. In addition, the heterogeneity of civil society interests represented in the Council makes it difficult for CSOs to agree on common positions and join advocacy efforts on some important policy issues. Besides, many representatives of CSOs in the Council approach the discussions at the Council from a very sub-sectoral perspective, lacking vision and

strategic view on impact of proposed policies on wider civil society. Moreover, the sessions of the Council do not always follow the legislative dynamics, and certain legislative/policy proposals are not forwarded to the Council in timely manner, which decreases its potential for influencing the policy making process.

KEY LESSONS LEARNED: CROATIAN COUNCIL FOR CIVIL SOCIETY DEVELOPMENT

Gradual trust-building is the main benefit of this cross-sectoral government advisory body (comprising relevant ministries/government offices and representatives of CSOs) that enables regular government-CSO policy dialogue on main issues affecting civil society development

Open and transparent selection of CSO representatives in the Council, based on clear criteria and procedures, increases their legitimacy

Mandate of the work of the Council needs to be precisely defined to avoid unrealistic expectations from CSOs, as well as the procedures and methodology of preparing Council sessions

Political support and recognition of the Council (including appointment of adequate, high level representatives of government bodies) is necessary to ensure effective follow-up of Council conclusions and recommendations and its impact on policy formulation, decision making, as well monitoring the implementation of policies affecting CSOs

5.1.3. PROGRAMS: NATIONAL FOUNDATION FOR CIVIL SOCIETY DEVELOPMENT

During the last fifteen years, Croatian Government has supported the development of a number of capacity building programs for CSOs, financed both from national budget, but also co-financed with EU pre-accession and structural funds.

48 More information on the Council work is available at: [<https://udruga.gov.hr/savjet-za-razvoj-civilnoga-drustva/120>]

After more than a decade of substantial investments of various international donors into capacity building programs for Croatian CSOs from the beginning of 1990s, Croatian Government decided to take more ownership for sustainability of capacity building programs for CSOs and set up the **National Foundation for Civil Society Development** in 2003.

Since its establishment, the National Foundation has invested systematic efforts in the development of a number of programs of building capacities of CSOs for more effective participation in local, national and European policy making processes. The most significant program has been the provision of **three-year operating grants**, covering salaries and operating costs of 90 organisations every year in three different categories depending on the amount of annual budget, number of employees and years of experience. The criteria and procedures for the allocation of operating grants are very strict with several round of assessments, including the on-the-spot check of CSO financial management, before the signature of the grants. The CSOs-recipients of these operating grants were enabled to focus on their mission and core activities of organisations, but were also obliged to invest in different self-financing activities and attend various capacity building programs on social entrepreneurship, quality assurance management and other programs supporting the sustainability of organisations, after the end of operating grants.

In 2006, **five regional CSO resource and support centres** were established by the National Foundation with the aim of providing continuous information, training and advice to local CSOs. Throughout the year five regional support centres organize a number of training sessions and workshops aiming at improving capacities of local CSOs for applying to different national and EU calls for proposals, as well as at developing various skills needed to ensure sustainable management of their organisations. In addition to regional support centres, the National Foundation established nine **“centres of knowledge for social development”** as expert-hubs

in different fields promoting more advanced research and awareness-raising on areas of strategic importance for civil society development. Besides, special capacity building programs were developed to improve the **quality assurance management in CSOs**, with the aim of improving their potential for self-financing and sustainability of their programs. In addition, the National Foundation manages the call for proposals for CSOs entitled “Knowledge without Borders” which enables the co-financing of Croatian CSO representatives’ participation in expert conferences and seminars abroad, but also the participation of foreign experts in events organized by Croatian CSOs with the aim of improving knowledge, competences and skills of CSOs in different policy areas.

Besides, through grants schemes run by the Ministry of Social Policy and Youth, the infrastructure for supporting the development of volunteering has been set up, including regional and local volunteer centres. The role of these volunteer centres is to provide **continuous support to CSOs and other organizers of volunteering** through training on design of sustainable volunteer programs and management of volunteers, but also to facilitate citizens participation in volunteer programs in their local communities.

Since 2007, the Government Office for Cooperation with CSOs has been systematically programming **EU funded grant schemes for building capacities of CSOs** for effective participation in shaping, implementing and monitoring the EU acquis related policy reforms.⁴⁹ These capacity building programs were funded from the EU IPA program from 2007 until 2013, and later were continued to be funded from the European Social Fund.

⁴⁹ More information of EU IPA funded grant schemes for capacity building of Croatian CSOs, programmed by the Government Office for Cooperation with NGOs is available at: [<https://udruga.gov.hr/eu-programmes/165>]

KEY LESSONS LEARNED: CAPACITY BUILDING PROGRAMS FOR CSOS

The sustainability of capacity building programs can be ensured by setting up specialized national foundation or regional and local CSO resources centres that are able to raise additional funds.

Diversification of funding of capacity building programs for CSOs can be achieved through careful programming of EU and national funds, and proactive donor coordination.

Operating grants for CSOs are important investment in improving potential of CSOs to act as long-term partners for social development and change.

5.1.4. E-CONSULTATIONS TOOLS: CROATIAN E-CONSULTATIONS PLATFORM

Central Government e-consultation platform was launched in April 2015, as a single web access point to all open (and closed) public consultations launched by state bodies in Croatia. It aims at ensuring harmonized implementation of standards of public consultations by over 50 government institutions. The launch of e-consultations platform (esavjetovanja.gov.hr) was preceded by six years long efforts to implement the *Code of Practice of Public Consultations in Procedures of Adopting Laws, Other Regulations and Acts* (Official Gazette, 140/2009), that was adopted as one of the priority measures of National Anti-Corruption Action Plan and National Strategy for Creating an Enabling Environment for Civil Society Development, following strong pressures from CSOs. These efforts included appointing and training of consultation coordinators in all government bodies, introducing regular and systematic training on public consultations open for all civil servants at the State School for Public Administration, standardizing templates and practices of reporting on the results of public consultations, and publishing annual reports on public consultations (coordinated by the Government Office for Cooperation with NGOs). According to the data available at the e-consultation home

page "savjetovanja.gov.hr", before and after the launch of central e-consultations platform, more than eighty training sessions were held for all state bodies, in order to make sure they are all acquainted with modalities of use of new central online consultations tool. The most important innovations introduced by the platform are:

Open and permanent access to all received policy inputs of registered users, as well as to responses of government bodies to these contributions;

Allowing an open monitoring of the institutional responsiveness of all government bodies;

Email notifications of newly opened consultations by all state bodies;

Simple way of commenting on all draft laws, regulations and acts and

User-friendly overview of the legal act under consultation.

In order to improve the overall responsiveness of government bodies through public participation in the decision making process, several legal changes were introduced before the launch of the platform. In 2013 the Law on the Right of Access to Information (Official Gazette 25/2013) prescribed the obligation for all government bodies to conduct internet consultations (in principle 30 days) and publish reports on results of consultations with overview of accepted and rejected inputs. That was preceded by 2012 changes to the Rule of procedures of Government and Parliament that also enshrined mandatory preparation of reports on results of consultations on draft laws, other regulations and acts. In 2013, Constitutional Court abolished two implementing acts of the Ministry of Education due to non-compliance with public consultation standards, stressing in its Decision that: "... the democratic nature of the procedure under which takes place public dialogue on issues of common interest is what makes an act, as a result of these procedures, constitutionally acceptable or unacceptable"⁵⁰. This Decision of the Constitutional Court had far-reaching impact at political

decision-makers and contributed to raising awareness of the importance and values of public consultations.

In parallel with the launch of central e-consultations platform in 2015, the Law on the Right of Access to Information (Official Gazette 85/2015) was amended to lay down the use of central e-consultation platform as a legal obligation for all government bodies when launching new public policy consultations. The establishment and the use of the Platform was coordinated and managed by the Croatian Government Office for Cooperation with NGOs, one of the government policy coordination units responsible to the Prime Minister, which contributed to ensuring better central coordination, standardization of the use of the new e-consultations mechanisms, and ensuring better institutional responsiveness.

Factors for contributing the institutional responsiveness to citizens and CSO inputs through e-consultations

Based on the available data and lessons learned from the use of Croatian central e-consultation platform, it is possible to identify several factors that contribute to better government/institutional responsiveness to inputs of citizens and CSOs through e-consultations and draw some lessons learned.

Legal obligation of the use of e-consultations

platform by public institutions: The consistent and regular use of the e-consultation platform by different government bodies requires high level of motivation of civil servants, adequate awareness and understanding of senior management and key decision-makers, but also advanced policy coordination, which is a challenge even for the countries with longer democratic tradition and more developed administrative culture. The analysis of Croatian experience indicates that legal obligation of the use of central e-consultation platform may increase the probability that all public institutions would take it more seriously and use it consistently. It is only after the changes of Government Rule of Procedures in 2012, legal codification of standards of public consultations in the Law on Right of Access to Information in 2013, as well as Decision of the Constitutional Court emphasizing de facto

mandatory nature of public consultations on acts that directly affect citizens and interest groups, that responsible public institutions started to take more seriously the implementation of standards of public consultations set in the (non-binding) Code on practice of consultations already in 2009.

Legal obligation of institutional response to received policy inputs:

Introducing legal obligation to provide response to all contributors and prepare report with elaboration of reasons for not accepting certain inputs as well as rationale behind chosen policy options proved to be effective in Croatian case. In 2012, under the pressure of CSOs, the Government changed its Rules of Procedures to make the submission of reports on results of public consultations obligatory for all acts adopted by the Government. This reform was foreseen in the National Action Plan for implementing Open Government Partnership Initiative⁵¹ and was strongly advocated by some of the most prominent policy watchdog CSOs in Croatia. This was followed by 2013 amendments of the Law on Right to Access to Information prescribing mandatory government response to received contributions in public consultations, and further strengthened by systematic monitoring of its compliance by independent Commissioner for Access to Information⁵². The new rules of procedures of the Parliament in 2013 introduced the obligation for all acts submitted to the Parliament to contain report on the outcomes of public consultations. All of these legislative changes, combined with already mentioned Decision of Constitutional Court, further stressed the importance of meaningful policy consultations and contributed to raising the awareness on the values of institutional responsiveness in policy making processes.

Capacities of initiator and manager of the e-consultations platform:

It is assumed that the government owned and managed e-consultations platforms are more likely to be used by relevant government bodies and provide adequate response to citizens' inputs but are also more likely to motivate public and interest groups to participate.

⁵¹ "Report on implementation of Government Action Plan for Open Government Partnership Initiative for 2012-2013", available at [www.udruge.vlada.hr]

⁵² The institution of Commissioner for Access to Information was established in 2013, as an independent body responsible to Croatian Parliament.

When it comes to platforms for e-consultations on draft policies, it is argued that they can only be sustainable in long term if owned and managed by government bodies that are responsible for drafting and implementing those policies and are best placed to provide response on outcomes of consultations. Besides, the regular use of the Platform by a great number of public institutions (50 in the Croatian case) requires both human and financial resources for maintenance of the system and ensuring prompt solving of any technical problems, which cannot depend on donors' priorities or duration of CSO's projects. The higher the capacity of institution responsible for managing the platform, the higher may be the potential for ensuring the clarity of rights and obligations for administering e-consultations platform at all institutional levels and standardizing methods of processing of inputs of citizens/interest groups as well as preparing adequate response by all relevant institutional users. Finally, since the launch of Croatian e-consultations, 80 training sessions were organized by responsible Government office for all ministries and government agencies using the platform, with the aim of ensuring the harmonization of procedures and standards⁵³.

Real name policy versus anonymity in e-consultations: All documents and inputs published at Croatian e-consultations Platform are accessible to everyone. However, users cannot post any inputs anonymously – all need to submit their personal identification number on registration and their name is visible next to their inputs. That approach stirred some intensive debates at the time of the launch of the Platform with reactions from Ombudsman and Commissioner for Access to Information. Nevertheless, the evidence from three years of use of Croatian e-consultation platform, and processing more than fifty thousand policy inputs, showed some positive effects of the real name policy. First, it did manage to prevent hate speech and offensive content on the platform, unlike many similar online portals in Croatia. Second, it has encouraged more focused and constructive online policy dialogue. Third, it has improved transparency of policy formulation process. Finally, it has contributed to

empowering citizens and other groups to openly articulate and stand behind their positions in public debates, which altogether builds a case for a democratic potential of real name policy in online consultations.

Disclosure of received policy inputs and institutional responses: All inputs received from citizens, CSOs and other stakeholders are visible immediately online. This policy of full disclosure of all received inputs can be cost-effective only in combination with real name policy in online consultations. Otherwise, institutions responsible for managing policy consultations would need to spend too much time in checking the content of all inputs and removing possible offensive or hate speech, which can consume disproportionately more time and human resources. Immediate disclosure of all received policy inputs may bring a number of benefits, both from users and government perspective. For government-run platforms, the legal obligation of disclosure of institutional response serves as additional impetus to prepare reasonable and quality response to received inputs. Disclosure of both received policy inputs and institutional responses enables re-use of that data for future research, but also allows external assessment of the institutional performance of conducted consultations.

Individualized versus collective summary institutional response to received policy inputs: Although it undoubtedly generates additional administrative burden and may have negative impact on legislative duration, it is assumed that individual institutional response to each contribution may increase trust in the process being meaningful and willingness of citizens and interest groups for future participation. The analysis of incentives and drivers of public participation is very demanding and requires more complex approach. An overview of data on the rise of contributors to online public consultations via websites of ministries during the period 2011-2014 (prior to the launch of central e-consultations) offers interesting findings. Namely, in only three years the number of contributors to public consultations increased for more than 4000%. The main change happened during 2012 when

53 More information is available at: [<https://savjetovanja.gov.hr/vijesti/tri-godine-portala-e-savjetovanja/1171>]

government bodies started to regularly publish detailed tables with all received written inputs and individualized responses to all contributors with an elaboration of reasons for not accepting certain comments. Despite an obvious administrative burden, Croatian Government continues with the policy of individualized response of institutions. It is assumed that citizens and interest groups' expectations on the standards of institutional responsiveness grew quite high in past six years, since 2012 and start of practices of individualized government responses, and especially since the launch of e-consultations platform. Lowering the standards at this stage would probably result in certain political damage for political leaders.

KEY LESSONS LEARNED: CROATIAN E-CONSULTATIONS PLATFORM

Training and capacity building of civil servants on benefits, values and skills of e-consultations is crucial for sustainability of the e-consultation (e-participation) tools

Legal obligation of the use of e-platform by government bodies increases the probability of its success

Strong central coordination of the use of e-consultations improves its effectiveness and the standardization of its use

Open and permanent access to all policy inputs of citizens, CSOs and other users, as well as access to all individual responses of government bodies to received inputs increases the quality of institutional responses, but also the overall accountability and effectiveness of CSO and citizen participation

The process of commenting on all draft laws, regulations and acts, as well as responding to received comments, needs to be easy and user friendly for both CSOs/ citizens and public institutions

Email notifications on new consultations launched by state bodies are essential for timely access to information on opportunities for CSOs and citizens to get involved

5.2. ESTONIA

5.2.1. FRAMEWORK STRATEGIES AND POLICIES: COLLABORATIVE DESIGN OF ESTONIAN CIVIL SOCIETY DEVELOPMENT CONCEPT

Estonian Civil Society Development Concept (EKAK) was initiated as a bottom-up initiative of Network of Estonian Non-profit Organisations (NENO) in 1999, as a response to the need for a long-term strategic approach to supporting civil society development in the country. The adopted strategic approach was expected to encourage both the public and non-profit sector to recognise the value of a strong civil society and agree on key mechanisms for enhancing sustainability of CSO programs.

After long discussions with hundred CSOs around the country and several rounds of amendments, the EKAK was approved in 2001, by the Estonian Non-profit Roundtable, an open forum for all non-profits in Estonia. Then it was handed over to the Estonian Parliament where EKAK was adopted unanimously by all political parties in December 2002. The whole process was coordinated by NENO, with the financial support of UNDP.

The long and inclusive process of development of the Concept allowed the participation of a wide spectrum of CSOs and enhanced ownership of EKAK by CSO community. A number of open meetings and roundtables were held in the remotest parts of the country, encouraging citizens to provide their comments and strengthening the legitimacy of the process. Apart from discussions within civil society, the political parties were also involved in the development of the document, in this way a consensus between CSOs and politicians was reached before the document was sent to the Parliament, where it was adopted unanimously.

As one of the main weaknesses of the process, the former director of NENO points out the lack of participation of the ministries who were expected to implement the proposed reforms. It is exactly the lack of ministries'

officials' awareness and interest in EKAK that turned out to be the weakest link of its implementation.⁵⁴

As a basis for strategic development of Estonian Civil Society, EKAK specifies the role of public authorities and civil initiatives, principles of cooperation and mutual relations of public authorities and non-governmental organisations in shaping and executing public policies and building civil society in Estonia. As the most important underlying principles, this document highlights equal partnership of both the public and the non-profit sector in developing the society, but also the independence of the non-profit sector regardless of possible funding from the public sector. Besides, EKAK reflects the following priorities for development of the sector: sustainability, accountability, and transparency mechanisms for civil society.

The content of the documents covers various goals and fields of action related to a number of inter-sector issues, such as: participation in policy making, improving the system of public funding of CSOs, systematisation of the statistics about third sector, outsourcing of public services to non-profit sector, civil awareness and education, voluntary service and philanthropy.

Key important outcomes of EKAK

Civic Initiative Support Development Plan: As one of the direct results of EKAK, Civic Initiative Support Development Plan 2007-2010 (KATA) was approved in 2006, replacing the activity plan for implementing EKAK. KATA served to standardize the government's approach to nurturing civil society and was focused on bringing together information about all the activities from the development plans of the various ministries that are

connected with civil society⁵⁵. This new development plan set five goals for the three year implementation period: (1) to raise the administrative ability of the public sector in communicating with citizens and CSOs/NPOs; (2) to bring into order the system of financing the CSOs/NPOs; (3) to engage CSOs/NPOs consistently and successfully in the decision making processes; (4) to raise awareness and develop cooperation between the public, private and the non-profit sectors and (5) to develop and support civic activism.⁵⁶

In 2011, Civil Society Development Plan 2011-2014 was approved, while in 2015 the new Civil Society Development Plan 2015-2020 was adopted and is still in force. The general objective of the "Civil Society Development Plan 2015- 2020 (KODAR) is to improve operational capability of citizens' associations and strengthen socially active citizenship, thereby contributing to the achievement of the overall state governance objective "Promoting citizens' initiative and participatory democracy in cooperation with citizens' associations and the public authorities"⁵⁷. It builds on the positive impact of the previous Plan and is organized around three main objectives:

1. The participation of civil society organizations in policy making is a natural and valued in society;
2. The impact of civil society organizations in the prevention and solving of societal problems and improving people's well-being has increased social innovation, social entrepreneurship, and the provision of public services;
3. Capable CSOs with sufficient resources for the development and the effective functioning.⁵⁸

⁵⁴ More information on EKAK see K., Urmo (2008) Estonian Civil Society Development Concept (EKAK): Framework for Cooperation Between Third and Public Sector - Brief overview and some learning points, paper submitted to the European Conference "How to foster civil dialogue in Europe" 15 May 2008, Brussels; available at: [[https://heakodanik.ee/sites/default/files/files/EKAK_brussels%20\(1\).pdf](https://heakodanik.ee/sites/default/files/files/EKAK_brussels%20(1).pdf)]

⁵⁵ Hadzimizeva, K. (2007) Legal and institutional mechanisms for government-NGO cooperation in Croatia, Estonia and Hungary, [https://heakodanik.ee/sites/default/files/files/213_Legal%20and%20Institutional%20Mechanisms%20for%20Cooperation.pdf]

⁵⁶ Ibid.

⁵⁷ The summary of the Civil Society Development Plan 2015-2020 is available at: [https://www.siseministeerium.ee/sites/default/files/elfinder/article_files/estonian_cs_dev_plan_2015-2020_extract.pdf]

⁵⁸ Rosenzweigová, I. (2016), Policy Papers on Cooperation between the State and Civil Society Organizations - A comparative Analysis, ECNL, available at: [http://ecnl.org/wp-content/uploads/2016/10/Paper_on_cooperation_strategies_ENG_March-22-2016.pdf]

The Implementation Plan for the latest Civil Society Development Plan 2015-2020 allocates the financial resources separately for the each implementing year to ensure there are sufficient resources throughout the whole implementation period⁵⁹.

Code of Good Practice on Involvement for public institutions: Among the most important achievement of the EKAK implementation was the agreement Code of Good Practice on Involvement for public institutions, which was first developed in 2005, as a collaborative, partnership effort of CSOs and public institutions. In addition, EKAK encouraged the launch of government's participation portal www.osale.ee, that allows civil society groups and individuals to post comments about the ongoing consultation processes, while the ministries can provide the public with draft laws, background materials as well as post polls. In addition, officials have been appointed with responsibilities to involve the public in decision making processes in every ministry, but also to supervise the implementation of the Code of Good Practice on Involvement in their respective ministries and help both government officials and non-profit organisations in the matters of involvement.⁶⁰

The Code of Good Practice on Involvement was in force until 2011, when it was upgraded and renamed as the Good Practice of Involvement and its use was codified by the Government Rules for Good Legislative Practice and Legislative Drafting, which make participation and impact assessment compulsory for all legislative acts in Estonia.⁶¹ The objective of the Good Practices 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. It is a collection of recommendations to all state authorities and especially to those who prepare drafts for the Government's decisions. Local governments are also welcomed to follow the good practice of engagement in decision making.⁶²

Good Practices of Involvement have seven sections:

1. Public Engagement: setting conceptual framework and determining the scope of the use of Good Practices for Government decision making, including the Government positions on European Union issues
2. Interest Groups Engagement: assessing the impact of a draft decision on interest groups and society as a whole; identification of the interest groups whom the intended decision will affect
3. Designing public and interest group engagement and notifying of participation possibilities: determining interest groups to be engaged, stages of proceeding, clarifying initial deadlines of a draft act and the name and contact information of the officials responsible for drafting the act and engagement issues.
4. Cooperation with interest groups and the public in different stages of preparing decision and explaining purpose of engagement: consulting with interest groups and the public in the earliest possible stage of proceeding and during the whole process; Collecting opinion on intention to develop a draft Act, a strategy document or another document; submitting initiatives of the European Commission to interest groups along with a draft position of the Government and explanatory note; notifications on opening a public consultation, its purpose and timeframe for consultations – at least four weeks.
5. Information channels for public consultation: selecting consultation channels taking into account the possibilities of the public and interest groups to access the documents sent for consultation; publishing consultations through government e-consultations portal.

⁵⁹ Civil Society Development Plan 2015-2020 is available at: <https://www.siseministeerium.ee/et/eesmark-tegevused/kodanikuuhiskond>

⁶⁰ Urmo, K. (2008) Estonian Civil Society Development Concept (EKAK): Framework for Cooperation Between Third and Public Sector - Brief overview and some learning points, paper submitted to the European Conference "How to foster civil dialogue in Europe" 15 May 2008, Brussels; available at: [\[https://heakodanik.ee/sites/default/files/files/EKAK_brussels%20\(1\).pdf\]](https://heakodanik.ee/sites/default/files/files/EKAK_brussels%20(1).pdf)

⁶¹ More information on the issue is available at: [\[https://www.riigiteataja.ee/en/eli/508012015003/consolide\]](https://www.riigiteataja.ee/en/eli/508012015003/consolide)

⁶² More information on Estonian Government Office is available at: [\[https://www.riigikantselei.ee/en/engagement-and-participation\]](https://www.riigikantselei.ee/en/engagement-and-participation)

6. Feedback and notifying of consultation results: obligation of adequate feedback to interest groups within a reasonable period of time, generally within 30 days of the end of consultation; preparing a summary of the consultation results, including the justification of reasons for not adopting the decision

7. Assessment: government analyses the conduct of engagement, including attainment of the goal, relevance of the used methods, participation of interest groups in consultation, efficiency of providing feedback and satisfaction of interest groups with the engagement; using the results of the assessment in planning and organising the next public engagements

Other important outcomes of EKAK:

Launching of government's participation portal www.osale.ee, that allows civil society groups and individuals to post comments about the ongoing consultation processes, while the ministries can provide the public with draft laws, background materials as well as post polls

Developing agreement of several Codes of Good Practices of cooperation between public and non - profit sector (Code of Good Practice on Involvement, Code of Good Practice on Public Service Delivery and Code of Good Practice on Funding)

Launching the Civil Society Fund, financed from state budget, that supports the development of CSOs non-profit organisations and innovative programmes for civil society development. Also the mechanisms of public funding through ministries are currently under review, in order to harmonize the system

Developing development plans for Voluntary Work and Civic Education

Establishing regional development centres in every county, providing free, broad-based consulting to CSOs and basic trainings at an affordable price.

Amending the Law of Non-profit Associations that will make the annual reports of CSOs

Being accessible in the public registry from 2010, thus making the sector more transparent and accountable

Amending the Law of Income Tax which, among other things, also specifies the public benefit (charity) status of non-profits for tax incentives

Conducting several researches on civil society issues and training programs for both public and non-profit sector.

KEY LESSONS LEARNED: ESTONIAN NATIONAL CIVIL SOCIETY DEVELOPMENT CONCEPT/PLAN AS WELL AS GOOD PRACTICES ON INVOLVEMENT FOR PUBLIC INSTITUTIONS

Drafting of the National Strategy/Plan for supporting civil society development needs to ensure full participation of ministries that will be responsible for implementation of Strategy/Plan measures.

Participatory preparation of the rules and standards of participation of citizens and CSOs in policy making could lead to stronger ownership and sustainability of the use of adopted standards

Integrating standards of public participation into obligatory government acts can improve the compliance by government officials, but strong central coordination is needed

Requiring a continuous awareness raising and promotion of adopted standards among civil servants and CSOs

5.2.2. STRUCTURES FOR COOPERATION BETWEEN PUBLIC SECTOR AND CSOs

A Joint Committee for EKAK implementation was established in 2003 composed of representatives of each ministry and CSOs from different fields, while parliamentary hearing on EKAK implementation took place every two years. There were three working groups established within the Committee: one dealing with legislation and participation issues, second with sustainability of the non-profit sector, and third with civic education.

The main challenges in implementing EKAK commitments, as identified by the Joint Committee, were: “(1) lack of political interest; (2) poor quality and implementation of activity plan caused by insufficient financial and human resources, and (3) unclear role and responsibilities of both the Committee and its members, especially from the side of public sector (the ministries were represented by officials who usually didn’t have the power to make decisions in the name of their ministry)”.⁶³ The Joint Committee membership increased to 30 in the first years which also undermined the efficiency of its work – leading to the revision of its membership and mandate. In 2007, the new, smaller joint committee was established, composed of representatives of 10 umbrella organizations, business and trade unions, as well as highest state officials - chancellors of the ministries of Finance, Social Affairs, Education, Culture, and Economic Affairs, and the deputy-chancellor of the Ministry of Interior, but also representatives of the Estonian Parliament and two government foundations. The Joint Committee was chaired by the Minister of Regional Affairs.

Altogether, the Joint Committee currently has 21 members from 20 different organisations/institutions. It holds at least 2 meetings a year and reports to the Government on its work. It is focused on discussing final reports on the implementation of the Civil Society Development Plans, as well as the new implementation plans for next years.

The Government Communication Office at the State Chancellery was also engaged actively with fostering the culture of public participation among public authorities. Besides, in 2007 each ministry named an official who is responsible for organizing public participation in law-making processes. A Parliamentary group for the support of civil society was also formed in Estonian parliament including representatives from all political parties in the Parliament.⁶⁴

Currently, the Ministry of Interior is responsible for analysing, planning and coordinating state policy in the field of

civil society, in order to “ensure more effective cooperation between state structures, local governments and citizens’ associations in the course of the development of a secure and open society”.⁶⁵ It is also responsible for coordinating the preparation and implementation of the Civil Society Development Plan 2015-2020. The implementation of the Development plan encompasses the area of work of a number of ministries – namely the Ministry of Social Affairs (e.g. social innovation and social entrepreneurship for the provision of social and employment services), Ministry of Education and Research (e.g. civil education, school democracy, participation of young people), Ministry of Culture (e.g. activities for people who do not speak Estonian, activities aimed at promoting an open-minded attitude and active social participation regardless of the persons’ linguistic or cultural background), the Ministry of Justice (e.g. broader legal environment, statistics) and the Ministry of Finance (e.g. data and statistics pertaining to citizens’ associations) and other policy areas of the Ministry of the Interior (e.g. security in the community and supporting the participation of new immigrants in society).⁶⁶

Within the Ministry of Interior, two officials from the Department for Local Government and Regional Affairs are assigned for supporting the implementation of the Civil Society Development Plan. They are responsible for analysing, planning and coordinating the active community development and the cooperation between public sector and CSOs, but also for providing support to the work of the Joint Committee for Implementation of the Estonian Strategy/Plan. Although CSOs have been advocating for the establishment of a special department for cooperation with civil society and the allocation of more human resources for this purpose, this has not happened yet.

Finally, the Ministry of the Interior supports the development of CSOs through the **National Foundation of Civil Society**, which belongs to its area of government and the goal of which is to strengthen civil society.

⁶³ Urmo, K. (2008) Estonian Civil Society Development Concept (EKAK): Framework for Cooperation Between Third and Public Sector - Brief overview and some learning points, paper submitted to the European Conference “How to foster civil dialogue in Europe” 15 May 2008, Brussels; available at: [https://heakodanik.ee/sites/default/files/files/EKAK_brussels%20(1).pdf]

⁶⁴ Hadzimizeva, K. (2007) Legal and institutional mechanisms for government-NGO cooperation in Croatia, Estonia and Hungary, available at: [https://heakodanik.ee/sites/default/files/files/213_Legal%20and%20Institutional%20Mechanisms%20for%20Cooperation.pdf]

⁶⁵ See the web page of Ministry of Interior: [https://www.siseministerium.ee/en/regional-affairs/civil-society]

⁶⁶ Ibid.

KEY LESSONS LEARNED: STRUCTURES FOR COOPERATION WITH CSOS

Ministries represented in the joint committee for monitoring the implementation of National Strategy and Action Plan need to be represented at higher level, enabling them to taking decisions and ensuring proper follow-up of conclusions of Joint committee

Adequate human resources need to be allocated in the institution/ministry responsible for coordinating the implementation of the civil society policy

5.2.3. PROGRAMS: NATIONAL FOUNDATION OF CIVIL SOCIETY

National Foundation of Civil Society (KUSK) is a State funded foundation which supports the development of operational capacities of CSOs for purposeful achievement of their objectives. It implements calls for proposals for funding of Estonian CSOs acting in public interest regardless of their fields of activity. KUSK implements calls for proposals for financing CSO development needs identified as a result of self-analysis, or for the development of a pre-determined specific capacity. It also supports research on civil society, international cooperation programs of CSOs, but also mediates international funding programmes for civil society. KUSK supports annually around hundred projects and initiatives, with the investment of around 3.5 million euros every year, contributing to solving social problems through social entrepreneurship, services offered in public and private sector partnership, volunteering, etc.

The support programme for CSOs consists of different support measures. In addition to the open calls for proposals focused on raising operational capacity of CSOs, KUSK also implements the call entitled "*Incubation and grants for Innovative Solutions*" focused on finding innovative solutions with great impact to critical problems in the society. Based on an open call, the

CSOs or teams with the best proposed ideas go through an "incubation programme" designed to improve their ideas and build them into working solutions. Best three solutions are selected and provided funding.

In addition, National Foundation provides two additional types of grants:

Grants for Support Actions (funding provided to one-time events or actions that support the development of CSOs and Estonia's civil society at large, e.g. handbooks, lectures, trainings etc.)

Grants for Civil Society Events (funding available for regular events that enhance Estonia's civil society, are nation-wide and target all CSOs acting in the public interest of Estonia. The events need to be listed in the implementation plan of the Civil Society Development Plan 2015-2020).⁶⁷

National Foundation also support international cooperation activities of Estonian CSOs. More particularly it provides the *travel grants* for supporting the participation of Estonian experts in an international event, training or preparatory meeting in international projects, but also for inviting a foreign trainer to conduct a training. Besides, *grants to cover self-financing in international projects* are also available for CSOs who have applied for or are already collaborating in an international project to cover up to 50% of the needed self-financing in the project.

In cooperation with county governments and development centres, KUSK offers expertise and consultations on a variety of topics from how to start an CSO to advice on how to become a sustainable organization (including apply for funding).⁶⁸

More specifically, with the financial support of National Foundation for Civil Society, the Network of County Development Centres provides support and advice to CSOs in establishing and developing their organisa-

⁶⁷ More information is available at: [<https://www.kysk.ee/ngo-support-programme>]

⁶⁸ See the web page of National Foundation: <https://www.kysk.ee/about-us>

tions.⁶⁹ The Network includes the county development centres which employ 17 CSO consultants which are coordinated by the National Foundation of Civil Society. Consultants who are providing the following services:

Consultations: Advising for potential, start-up and operating CSOs in each county in order to contribute to their active and sustainable operation. Consultations take place in the following areas:

Establishment and development of a CSO,

Writing or amending of the Articles of Association of a CSO,

Growing operational capacity and inspiring the leaders,

Operating subsidies for CSOs; Organisation management, etc.

Trainings: Implementing regular trainings for start-up and operating CSOs taking place in each county, with the aim of developing their members' and leaders' knowledge and skills for sustainable operation.

Joint Action Week: Co-ordinating the all-Estonian week for CSOs – Joint Action Week. The aim of the Joint Action Week is to introduce the civil society and value citizens' initiative, civic dignity and common creation in order to encourage people for more initiatives and enterprising attitude.

Finally, with the aim of promoting excellence in the work of CSOs, in the beginning of the year, a reward is granted to the best CSO of the previous year. The election of the CSO has been organised by the Network of Estonian Non-profit Organizations (NENO) since 1996⁷⁰.

KEY LESSONS LEARNED: CAPACITY BUILDING PROGRAMS FOR CSOS

Setting up of a state funded National Foundation for Civil Society focused on raising operational capacities of CSOs has had substantial positive impact on sustainability of CSO programs

Diversification of grants and support programs for CSOs need to base on regular assessment of needs of CSOs and adapted accordingly

The establishment of county/regional development centres has enabled effective decentralized support to improving capacities

5.2.4. E-PARTICIPATION TOOLS: RAHVAALGATUS.EE – E-PLATFORM FOR CITIZEN ENGAGEMENT IN THE POLICY MAKING THROUGH PUBLIC SECTOR - CSO COOPERATION

Rahvaalgatus.ee is a digital platform for citizen initiatives addressed to the Parliament of Estonia (Riigikogu). It was set up in 2016 by the foundation - Estonian Cooperation Assembly⁷¹ (in collaboration with the Let's DO it foundation) and the Chancellery of Parliament which enacted the procedure of using this citizen initiative portal into the law.

The Platform was established as one of the results of the work of the Estonian People's Assembly, set up by Estonian President in 2013 with the aim of overcoming rising political distrust and disengagement, following the large political funding scandal in the country at the time. One of the aims of the Estonian People's Assembly, as nation-wide deliberative democracy experiment, was to propose recommendations on democratic reform and allow more possibilities for citizens to engage into policy making between (and in addition to) elections. The deliberative process was organised by the Estonian Cooperation As-

⁶⁹ More information on the services provided by the Network of County development centres is available at: [<https://www.makis.ee/en/ngo-consultants/>] and [<https://www.arenduskeskused.ee/en/>]

⁷⁰ More information is available at: [<https://heakodanik.ee/en/the-prominents-of-the-third-sector/>]

⁷¹ More information on Estonian Cooperation Assembly (and its advisory body composed of CSOs and public institutions) is available at: [<https://www.kogu.ee/en/>]

sembly, the Praxis Centre for Policy Studies, the Network of Estonian Non-profit Organisations NENO, the Open Estonia Foundation and the e-Governance Academy, together with representatives of the four parliamentary parties, the Office of the President of the Republic of Estonia as well as several IT and communication professionals.

Estonian People's Assembly invited Estonian citizens to put forward proposals for democratic change and to comment on these proposals. It was a crowdsourcing process with four main stages⁷²: 1) gathering proposals and comments on them; 2) analysing the proposals, 3) gathering expert opinions on the proposed legislative changes and conducting an impact assessment and stakeholder deliberation events on five priority topics; and 4) deliberation to select the final proposals to be submitted to the Parliament.

An e-democracy open-source platform "Your Priorities" was used in order to quickly and efficiently finalize the crowdsourcing process.⁷³ Following the three weeks of crowdsourcing proposals and after the analysis and deliberation on two thousand proposals, fifteen proposals were selected and submitted to Parliament for debate. Parliament took forward and accepted three of the proposals and partially adopted four more. One of the proposals accepted and passed into law by Parliament was the establishment of the platform *Rahvaalgatus.ee* which permits citizens to suggest proposals through the Platform, debate on them and then vote as to whether the proposals should make it onto Parliament's agenda. The proposals require 1,000 signatures (given by at least 16-year-old citizens) to be put forward to Parliamentary Committees. The relevant Parliamentary committee is required to inform the contact person(s) of the initiative, within a 30-day period starting from the submission date, as to whether the initiative will be taken up or not. If the initiative does not correspond to the necessary requirements, the Parliament

committee will return it to the contact person with an opportunity to make amendments. In case it decides not to proceed with the initiative, it will give the reasons for the decision.

Key Strengths of Rahvaalgatus as a platform for citizens' participation in policy making

Since launching in 2016, sixteen initiatives in total have reached the Parliament, while more than 30 proposals are still gathering signatures.⁷⁴ Until the launch of *Rahvaalgatus*, there was a low belief of Estonian citizens in the use of e-participation tools, as no results or feedback have been seen after sending collected signatures, petitions or proposals to policy and decision makers.

One of the key strengths of the platform is the promotion of collaborative efforts between CSOs, citizen advocacy initiatives and networks, public institutions, academic community in the important agenda-setting phase of the policy making process through identifying problems, finding solutions and following up on submitted proposals to the Parliament. Through these collaborative and co-creation networks, there is a potential to renew the governance models, educate citizens on everyday democracy and facilitate systemic changes.

The platform is lowering the threshold for citizens access to agenda setting and formulation of policies of the Parliament, by simplifying the expected format of submitted proposals with text that should be as simple as possible and is structured by default. One of the obvious strengths of this e-platform is that it relies on the unique national digital infrastructure: every signature is authenticated, thus reinforcing the legitimacy of petitions. Besides, it enables an automated information exchange, follow-up of initiatives, everyday user support and advice to campaigners,

72 For more information on the work of Estonian People Assembly and *Rahvaalgatus* platform, see Simon, J., Bass, T., Boelman, V. and Mulgan, G. (2017), *Digital Democracy - The tools transforming political engagement*, Nesta, 2017, available at: [https://media.nesta.org.uk/documents/digital_democracy.pdf] Summary information on this Estonian citizen participation tool is available at: [https://www.involve.org.uk/resources/case-studies/estonian-peoples-assembly-and-rahvaalgatus#footnote1_7jehfh]

73 *Your Priorities* is an eDemocracy web application designed by the non profit Citizens Foundation to help groups speak with one voice. More information is available at [https://yrpri.org/domain/3] and [https://citizens.is/]

74 Pehk, T. (2018), "CEO of Estonian Cooperation Assembly, available at: [https://www.opengovpartnership.org/stories/rahvaalgatus-ee-yet-another-e-platform-civic-engagement-no-process-of-democratic-renewal]

communicating results of initiatives. The processes are kept as open as possible and almost zero moderation is needed. The code of good conduct of the Platform is focused on promoting discussion culture and argumentation, with no hate speech and personal insults. Rahvalgatus is gathering wide variety of users and diverse mix of topics ranging from environment, spatial planning to citizenship and ageing society issues, providing especially CSOs with the opportunity to use the Platform as an advocacy tool.

A number of awareness raising activities are launched with the aim of encouraging citizens and CSOs to get engaged - including annual "opinion festivals" gathering hundreds of discussions on vital topics, advocacy networks like the youth and environmental organisations. By offering idea calls and co-creation of proposals, the Platform is contributing to argument-based discussions, raises the awareness on benefits of evidence-based policy making, but also contributes to trust building.

Main Weaknesses of the Rahvalgatus as platform for citizens participation in policy making

According to some CSOs, although the overall e-participation has increased, the quality of submitted initiatives needs to be improved. Several CSOs and representatives of public authorities underline that the training of CSOs (also regarding the use of e-participation platforms) is a priority to reduce the gap and make participation more equal. The CSOs also emphasize the need to create more meeting places (infrastructure needed) and improve the culture of holding meetings and discussions in order to exchange information between them and have more possibilities to influence decision making⁷⁵. Besides, Estonian villages and smaller communities raise the issue of how proposals from villages are taken into account until they reach the parliament.

Finally, there are still insufficient human resources in the Estonian Cooperation Assembly to ensure a proper follow-up mechanism of initiatives, including stronger

engagement of advocacy groups working with the topics of initiatives, attracting media attention and encourage advocacy groups and engagement experts to evaluate the proceeding of citizen initiatives.

Launched in 2007, the OSALE website - government's participation portal www.osale.ee - acts as a common public consultation platform for all government agencies of Estonia.⁷⁶ The initiative was encouraged by the implementation of EKAK with the aim of facilitate government consultations with CSOs, but also improving the overall transparency and openness in decision making which could lead to better quality public decisions, policy and legislation.

The e-participation component of the Osale portal enables CSOs and citizens to participate in public consultations/ hearings and publicly give their opinion about draft legislation prepared by government agencies. The portal Osale is linked to the Government Electronic Coordination System for Draft Legislation (EIS) which tracks the development of all Estonian and EU draft legal acts and makes available RIAs and documents of legislative intent - describing the problem to be addressed, analysing policy options and determining initial likely impacts.

During its first years of use, the interest in the consultations was significant, but then it started decreasing and stagnating. According to the feedback from CSO representatives, administration of osale.ee is "very passive, which is why it has only a small number of active users". Despite a generally good assessment of the functions of osale.ee, the main criticism is focused on the lack of proactive approach of responsible State Chancellery in promoting and further developing the Platform, as well as making it more convenient for the end-user (see Council of Europe - Conference of INGOs, 2017). The OECD 2019 Report on Better Regulation across the EU indicates that "the interactive central website osale.ee displays all ongoing public consultations but is not widely used and linkages to EIS could be strengthened".

⁷⁵ Council of Europe - Conference of INGOs, (2017) "Civil participation in the decision-making process - Fact finding visit to Estonia", 25-26 SEPTEMBER 2017, available at: [<https://rm.coe.int/report-visit-of-the-conference-of-ingos-to-estonia/168077ca73>]

⁷⁶ Hinsberg, H. (2007), "Osale: the Estonian e-Participation tool", available at: [<https://joinup.ec.europa.eu/document/osale-estonian-eparticipation-tool-osale>]

**KEY LESSONS LEARNED:
E-PLATFORMS FOR CITIZEN ENGAGEMENT
(RAHVAALGATUS.EE AND OSALE.EE)**

Bottom-up initiative for the launch of the civic e-participation tool Rahvaalgatus.ee was essential for strengthening ownership and acceptance of the tool by citizens and CSOs. Strong political will, manifested through the support of the Estonian Parliament and President, combined with innovations coming from CSOs, are crucial for establishing and ensuring sustainability of Rahvaalgatus.ee as e-participation tool.

Necessity of a wide promotion of the e-participation mechanism through collaborative efforts of CSOs and public institutions

Strengthening human resources of the organisation managing the e-platform for citizens engagement is a pre-condition for ensuring adequate follow-up of policy initiatives generated through the e-platform.

Following the establishment of the e-participation tool, an efficient provision of user help-desk need to be ensured, offering technological support, hands-on user training and easily accessible advice

Technical features need to be easily understandable, navigable and convenient for users.

Continuous promotion is needed for general participation principles and specific campaigns for ongoing consultations in e-Participation channels.

5.3. FRANCE

5.3.1. FRAMEWORK STRATEGIES AND POLICIES ON COOPERATION BETWEEN PUBLIC SECTOR - CSOs

In July 2001, marking the centenary of the 1901 law that established the legal basis for the creation of non-profit associations, the Prime Minister and the President of the Permanent Conference on Non-Profit Life (CPCA) signed a Charter on Relations between the Government and the Non-Profit Sector which outlined a series of reciprocal obligations to be undertaken by both the State and non-profit associations. The Charter marked an important step in the redefining of relations between the State and non-profit organisations and laid the foundations of a shared culture. In 2014, the Charter of Reciprocal Commitments between the State, Mouvement Associatif⁷⁷ and Territorial Collectivities was renewed, setting key principles of mutual cooperation and partnership between State, local and regional government bodies and CSOs.⁷⁸

The general standards of public consultations and participation of CSOs in policy making are set by the Code of relations between the Public and the Administration entered into force on 1 January 2016, after long work on its development, launched by the Inter-ministerial Committee for Modernization of Public Action.⁷⁹ The Code sets the following principles: ensuring publicity of open consultations and modalities of procedures of conducting consultations, providing timely information to participants, conducting the consultations during at least 15 days and preparing synthesis report on final outcomes of consultations, which is published along with announcements of the follow-up steps.⁸⁰ Besides, in 2011, based on the Law on simplification and improvement of the quality of law-making, the Government adopted a Regulation (Decree) on open

⁷⁷ The Mouvement Associatif, founded in 1992 as Permanent Conference on Non-Profit Life (CPCA), is the most representative French national network of NGOs, gathering more than 700 national federations and unions of associations, representing over 500.000 associations. More information is available at: [<https://lemouvementassociatif.org/>]

⁷⁸ The Charter is available at: [<https://www.associations.gouv.fr/IMG/pdf/CharteEngagementsReciproques.pdf>]

⁷⁹ The Code is available (in French) at: [<https://www.legifrance.gouv.fr/>]

⁸⁰ See articles L. 131-1 and L. 132-1 of the Code.

internet consultations which provides instruction for all national and regional/local administration bodies on how to organize open public consultations on draft legislative acts. These steps have marked a gradual shift from the traditional corporatist approaches to participation of civil society in consultative bodies/committees to more open, transparent methods of participation, relying on emerging digital tools.

The development of national strategy for supporting civil society has been initiated by the Prime Minister in November 2017, when he announced the road map for co-creation of national civil society policy.⁸¹ In December 2017, the Working Group for drafting the National Strategy for Civil Society has been set up composed of representatives of CSOs, ministries and local/regional government bodies. Three thematic sub-groups responsible for elaborating proposals of measures and activities. As an outcome of the work in working groups, in June 2018, the Mouvement Associatif presented to the Prime Minister the Report entitled: "For an ambitious civil society policy and development of engaging society" with proposal of 59 measures to be integrated into the future National Strategy.⁸² In November 2018, the Government presented the draft Road map for future Action Plan for supporting civil society development, with details on measures to be implemented. The work on developing the National Strategy is still in progress.

On the other hand, French Government has adopted different sectoral strategic documents that foresee the development of cooperation with civil society. Two national strategic documents are particularly relevant for this analysis – the Strategy for Partnerships with Civil Society Organizations 2018-2023⁸³, and French National Open Government Partnership Action Plan 2018-2020 entitled "For a Transparent and Collaborative Government".⁸⁴ Both documents have been designed in close cooperation with CSOs and focus on improving public

sector-CSO cooperation in two specific fields – international development cooperation and open government.

Strategy for Partnerships with Civil Society Organizations 2018-2023 was designed by French Development Agency (AFD) and reflects the French Government's priorities aimed at strengthening partnerships with civil society organizations and increasing the share of official development assistance channelled through CSOs, in accordance with the commitments made by the French President.

The Open Government Partnership Action Plan foresees a number of measures to improve the participation of CSOs in public policy making. Among others, the Action Plan introduced the Government commitment to the development of a single platform for online public consultations until the end of second quarter 2019.

KEY LESSONS LEARNED: FRAMEWORK STRATEGIES AND POLICIES

Strong political supports the development of the National Strategy at all stages, combined with active participation of wide spectrum of representative CSO networks, is essential for ensuring the legitimacy of the process leading to the adoption of the document

Mainstreaming civil society participation in different sectoral strategies and policies is an important for raising awareness of all government departments on the benefits of cooperation with CSOs.

81 More information on the plan is available at: [<https://www.associations.gouv.fr/la-methode-de-construction-d-une-politique-vie-associative-detaillee.html>]

82 The Report is available at: [https://www.associations.gouv.fr/IMG/pdf/rapport_complet_chantier_vie_asso_lma.pdf]

83 Full text of the Strategy is available at: [<https://www.afd.fr/en/partnerships-civil-society-organizations-strategy-2018-2023>]

84 The Action Plan is available at: [<https://www.opengovpartnership.org/documents/france-action-plan-2018-2020>]

5.3.2. STRUCTURES FOR COOPERATION BETWEEN PUBLIC SECTOR AND CSOs

The Economic, Social and Environmental Council (Conseil Economique, Social et Environnemental - CESE):

The council is a constitutional consultative assembly enabling formal participation of wide spectrum of French civil society actors in the legislative processes in France. It represents key economic, social and environmental fields, promoting cooperation between different actors of organized civil society and socio-economic interests, and ensuring their active contribution to shaping and reviewing public policy. The CESE has 233 members, all active stakeholders in civil society, appointed for a term of five years with a possibility for renewing the term (not more than two consecutive terms). The Council meets throughout the year, usually twice a month in plenary sessions (to vote on proposals of opinions) and has working methods similar to those of parliamentary assemblies.⁸⁵

The CESE has a long history that dates back to 1924 when the first National Economic Council was set up, while the mandate, role and composition of the Council has been changing over the decades. In 1946, the Economic Council was established in the French Constitution and was functioning under that name until 1960. From 1960 until 2008 it functioned as Economic and Social Council. The current name and set-up of the CESE (Economic, Social and Environmental Council) has been agreed following France's constitutional reform in 2008, and enactment of organic law in 2010. Apart from the change of name (to include also environment), the constitutional reform also included the change of composition, introducing possibilities of petitions to influence agenda-setting of the CESE, as well as lowering the age limit for becoming CESE member, in order to allow for youth organizations representatives to get involved. The last legislative changes have foreseen three main groups in the CESE – 140 members from organizations dealing with economic development and social dialogue, 60 members

from organisations dealing with social and territorial cohesion and community, while 33 members come from the field of environment and nature protection. The procedure of appointment of CESE members has been defined in the law, and it primarily relies on representative networks of associations who are specifically entitled to propose/ delegate their representatives in the CESE. In some cases, especially in the absence of representative network associations, responsible ministries or national consultative bodies (such as National Council for Associations/community life) designate members of the Council for certain specific areas.⁸⁶ The composition of CESE also takes into account the need for gender balance – with 45,7% women members in current term.

Main roles of the Council:

Giving advices for the government and parliament, and participating in the development of economic, social and environmental policies;

Using its structure to promote dialogue between socio-professional groups with initially different concerns that combine to shape proposals in the public interest;

Contributing to the review of public policy on economic, social and environmental issues;

Promoting constructive dialogue and cooperation with consultative bodies created within local governments and with its counterparts in the EU and other countries;

Facilitating informing citizens.

CESE usually adopts from twenty-five to thirty opinions on different policies related to its spheres of competences.

As far as the structure of the EP is concerned, the Economic, Social and Environmental Council is headed by

⁸⁵ More information on CESE methods of work is available at: [<https://www.lecese.fr>]

⁸⁶ More information on the National Council for Associations is available at: [<https://www.associations.gouv.fr/la-vie-du-hcva.html>]. For additional information on framework for CSO participation in public policy making in France, see for example: Chabanet, D. and Trechse, H.A. (2011), EU Member States' Consultation with Civil Society on European Policy Matters, EUI Florence, pp 65-69; or Sabine Saurugger (2007), Democratic 'Misfit'? Conceptions of Civil Society Participation in France and the European Union, Political studies: 2007 VOL 55, 384-404 doi: 10.1111/j.1467-9248.2007.00662.x

the CESE President, elected by a secret ballot involving all members at a plenary session. The President is tasked with overseeing the work of the Council and ensuring that everything runs smoothly. He is assisted by the Bureau and the Secretary General and works with the Bureau to determine the Council's key focal points and overall strategic direction. The President convenes the Bureau, chairs its meetings and sets the agenda. He also calls plenary assemblies. The Bureau is a body of peers that provides day-to-day oversight of Council initiatives, comprising the CESE President and 18 other representatives including six vice-presidents, two financial oversight officials, four secretaries and six other members. The Secretary-General is appointed by the government based on Bureau recommendations and takes part in Bureau decisions. Reporting to the CESE President, he oversees section initiatives and supervises the civil servants who head the various directorates. The CESE's administrative structure comprises four directorates, each reporting to the Secretary-General.

In addition to online public consultations run by CESE, there is an opportunity for citizens or CSOs to refer any economic, social or environmental matter to the CESE by petition. In case the petition is admissible, the Council will give its verdict at a plenary assembly on the issues raised by approved petitions within one year, along with proposed follow-up. The CESE opinion will then be addressed to the prime minister, the president of the National Assembly, the president of the Senate and the representative who submitted the petition and will be published in the Official Gazette.

Based on the initiative of French President Macron, in May 2018, French Council of Ministers has adopted and sent to the Parliament the Proposal of Constitutional Reform which includes, among others, the transformation of CESE into the Chamber of Civil Society. This reform was a response to the need to improve citizen engagement in public policy development and strengthen public sector-CSO cooperation.

According to the draft Law, four new missions are attributed to the future Chamber of Civil Society with a particular focus on citizen participation:

For all draft laws falling under the scope of work of Chamber of Civil Society (economic, social and environmental policies), Council of Ministers will be required to receive an opinion of Chamber of Civil Society prior to the transmission of the text to Parliament. This is a major development that places the future Chamber of Civil Society in the very centre of the process of drafting the law and thus gives it an essential role in the institutional decision making.

Citizens will have more direct opportunity to influence Chamber's legislative initiative through citizens' petitions. Besides, citizens will be able to get involved in working committees of the Chamber.

The Civil Society Chamber will have the task of organizing the public consultations on draft laws. This new mission reflects the announced plan of the Government to delegate public consultations on any reforms to the CESE with the responsibility to seek the participation of the greatest number of citizens and CSOs.

Finally, the assessment of the long-term effects of the decisions of the public authorities is also entrusted to the Chamber of Civil Society which will need to rely on the expertise of the scientific community for improving the future impact assessment dimension of its opinions.

In addition, the reform foresees the decrease in the number of members of ECES/future Chamber from current 155 to 233.

High Council for Associations (Le Haut Conseil à la vie associative - HCVA): The council is a consultative body of the Prime Minister, responsible for providing expert advice on draft laws and regulations and other policy initiatives affecting CSOs/associations, as well as for formulating new policy proposals concerning the development of associations/community life.⁸⁷

HCVA has been set up by the Government Regulation in 2011, replacing the National Council of Associations (Conseil national de la vie associative-CNVA) created

87 More information on the details of the work of HCVA is available at: [<https://www.associations.gouv.fr/hcva-237.html>]

in 1983. The aim of HCVA is to enrich the dialogue between the public authorities and the associations and to improve the relevance of the measures taken by the public authorities affecting the work and development of associations.

Since 1983, CNVA had been composed of 70 members, representatives of associations, appointed by the Prime Minister. From 2011, the HCVA has 47 members including 25 representatives of various types of associations, 12 representatives of various ministries interested in the development of associations/community life, two parliamentarians and three representatives of local communities, and five qualified individuals appointed by Prime Minister. Only representatives of associations, parliamentarians and qualified individuals have a deliberative voice in the Council.

Functions of the HCVA:

Studying and following all the questions interesting to associative life,

Issuing opinions on draft laws or regulations,

Proposing measures useful to the development of community life,

Establishing every two years a report on the associative life and its evolution,

Setting up working groups involving representatives of associations and public administration.

The structure of HCVA is primarily based on the skills and expertise of its members, and not on the representativeness of associations or their sector of activity. The HCVA comprises 25 members of associations (employees or volunteers) recognized for their competence in communication, law and taxation, accounting and financial management, public / private partnerships, human resources, civil dialogue, European affairs, five qualified personalities regardless of their possible associative activity, representatives of ministries responsible for youth and community life, social cohesion, culture,

environment, justice, budget, health, sports, interior, economy, local government and national education. The appointment of members strictly respects the gender balance.

The HCVA is chaired by the Prime Minister or his representative. Most frequently, it is the Minister of National Education and Youth or State secretary of the same Ministry that chair the meetings of the High Council.

For the purpose of ensuring more effective work of the HCVA, a Cabinet Office (Bureau) is set up, chaired by Minister or his representative, as well as six other members nominated by members from associations. The Cabinet proposes annual program of work, examines the eligibility of all proposed topics for plenary sessions of HCVA, proposes opinions and reports on HCVA activities, but can also decide on the establishment of working groups necessary for effective achievement of HCVA objectives. President of Cabinet Office also invites to plenary sessions representatives of ministries responsible for topics included in agenda of sessions.

The work of the HCVA is also supported by the working groups that meet regularly at monthly meetings. These are three working groups – two of them are permanent (Working Group on Participation and Working Group on Legal affairs, Fiscal and Funding policy), while one is temporary (Working groups for preparing annual report and study on the state of affairs in CSO sector). The Working Group on Participation deals with issues related to volunteering and different forms of participation of citizens and CSOs in public affairs, while the Working Group on Legal affairs, Fiscal and Funding policy addresses legal questions related to the work of associations, as well as the position of CSOs in social economy, non-profit character of associations, standards of accountancy and fiscal reporting by CSOs, etc.

Members of the High Council do not receive any compensation for their work, while their travel and accommodation costs (for participating in the work of HCVA) are covered.

Departmental Delegates for Associations/Community Life: In addition to the already mentioned national structures for cooperation with CSOs, based on the Prime Minister's Instruction on new relations between public authorities and associations, adopted in September 2015, 103 Departmental Delegates for Associations/Community Life have been appointed at the level of French Departments (territorial units) – as key interlocutors of CSOs.⁸⁸ On behalf of the state, they have been entrusted with tasks of developing the community life/

associations and enhance and coordinate cooperation with associations at the level of department.

More specifically, they are expected to facilitate access to information of associations; ensure coordination between the various mechanisms created in the service of development of associations; improve the dialogue with associations; collect the needs and expectations of the associations; observe changes in the local community sector, and contribute to developing the knowledge of associations' specificities through training activities.

KEY LESSONS LEARNED:

STRUCTURE FOR COOPERATION BETWEEN PUBLIC SECTOR AND CSOs

FRENCH ECONOMIC, SOCIAL AND ENVIRONMENTAL COUNCIL (CESE)

As a formal institutional channel of CSO participation in the legislative process, CESE has a strong formal role recognized by the Constitution, and advanced budget and human resources, which allows for more advanced access to key decision-makers and higher potential for CSO voice to be heard in Government and Parliament

Due to a high heterogeneity of CESE structure, it is challenging to reach consensus on important topics of certain policies affecting socio-economic development, but also to initiate the drafting of own-initiative reports, in addition to adopting opinions on acts submitted by the Government.

The criteria for representativeness of certain networks or unions of associations are not always clear. There is a challenge of ensuring legislative clarity regarding quantity and quality representativeness of CSOs which are entitled to designate their members/representatives to the Council.

HIGH COUNCIL FOR ASSOCIATIONS (HCVA)

HCVA plays an important role in enabling more focused discussion between government and CSOs on civil society development related issues.

Setting up a smaller cabinet office in HCVA is useful in terms of effective preparation of Council agenda, materials and ensuring coordinated work of working groups in between plenary sessions and ensuring follow-up of conclusions.

DEPARTMENTAL DELEGATES FOR ASSOCIATIONS/COMMUNITY LIFE

Appointing contact points for cooperation with CSOs in all French (territorial) departments is a valuable impetus to raising awareness on benefits of cooperation with CSOs at the level of local and regional government bodies.

⁸⁸ The contact details of all departmental delegates for associations/NGOs are available at: [<https://www.associations.gouv.fr/ddva.html>]

5.3.3. PROGRAMS OF BUILDING CAPACITIES OF CSOs FOR EFFECTIVE PARTICIPATION

For the purpose of building capacities of CSOs, French Government established the Fund for the Development of Associations/Community Life⁸⁹ (Le Fonds pour le développement de la vie associative - FDVA). It was created by the Government regulation in 2011, replacing the Council for the Development of Community Life (CDVA) that was operating since 2004.

The purpose of the FDVA is to contribute to the development of associations, by granting financial support to associations for the training of volunteers or managers/ coordinators of associations, as well as training on effective citizen engagement. The predominant focus of the Fund on training for volunteers is motivated by the fact that more than a million of associations in France rely primarily on their volunteers. Developing training programs for management of volunteers also helps to ensure sustainability of CSO projects, enabling volunteers to continuously develop their skills, competences and improve their motivation for work in CSOs, as a valuable contribution to their future career paths.

Besides, at the national level, the FDVA provides financial support to the development of studies and pilot projects contributing to the development of civil society/ community life and social innovations. At the regional level, the Fund allocates funds for the activities of CSOs (operating grants) or the implementation of projects or activities focused on delivering new services to citizens. For example, FDVA Calls for proposals in 2019 had three main priorities: 1) support to functioning of small CSOs, 2) support to resource centres for small CSOs, and 3) support to innovative projects of CSOs.

The annual budget of the FDVA in 2019 is 31,15 million euros. Additional 1,87 million euros is invested in resource and information centres for volunteers. The FDVA budget substantially increased in 2018 when the Parliament de-

ecided to re-allocate its “budget reserve” of 25 million euros to FDVA for the purpose of grants to CSOs.

The FDVA is managed by the ministry in charge of associative life (Ministry of National Education and Youth). It is supported in its work by national and regional advisory committees that bring together the state, representatives of local authorities and associations.

KEY LESSONS LEARNED:

FDVA PROGRAMS OF BUILDING CAPACITIES OF CSOs

Programs for building operational capacities of CSOs that are set up and funded by state bodies prove to be sustainable and able to generate strong, large scale impact.

Investing in capacity building of volunteers as well as programs of more effective management of volunteers is an important impetus to sustainability of CSOs that are primarily relying on motivated and enthusiastic volunteers in implementing their programs.

5.3.4. E-PARTICIPATION TOOLS

There is no single platform for online public consultations in French Government. Most ministries organize consultations on draft laws through their web pages, in line with established standards and instructions. The National Action Plan for Open Government Partnership foresees the establishment of the single platform for online consultations by the end of second quarter 2019. In this section, several examples of e-participation tools used by public institutions will be presented.

CESE runs a public consultations platform which allows easy and user-friendly provision of comments and contributions from CSOs and citizens on different topics within the scope of CESE work.⁹⁰ Only registered users can leave comments on the Platform. There are four ways

⁸⁹ More information on FDVA is available at: [<https://www.associations.gouv.fr/FDVA.html>]

⁹⁰ More information is available at: [<https://participez.lecese.fr>]

how citizens or CSOs can contribute to CESE public consultations:

Voting (on CESE sponsored proposals or proposals and arguments of other contributors);

Providing arguments (on CESE sponsored proposals or proposals and arguments of other contributors);

Proposing (new policy options for consideration of other contributors);

Providing reference materials (additional sources of information that may be shares with community of users).

All contributors to the platform discussions need to sign a Charter/Code of Good Conduct during the registration process, committing to minimum standards of respectful online communication.⁹¹ Platform moderators are entitled to remove the content that does not comply with the Code requirements.

The most recent CESE public consultation on future economic and social reforms in France launched and promoted by President Macron, as a response to the “yellow jackets” movement requests, generated 9058 contributions and 260845 votes from 31044 participants. The opinion with synthesis of key results of public consultations was adopted in March 2019, after a discussion at plenary session with participation of French Prime Minister.

With new Constitutional Reform and transformation of CESE into Chamber of Civil Society, this institution will be responsible for conducting all public consultations and explore new tools of e-participation on a broader scale.

The National Open Data Portal (data.gouv.fr) was launched in December 2011 as the main online tool of the French government’s Open Data policy.⁹² As such, Data.

gouv.fr is the national Open Data portal through which public information is published, centralized and shared freely by the government, public institutions and local government for the purpose of the re-use by citizens, civil society, academia, business, media, etc.

Following the instruction of the Prime Minister from May 2011, the portal was developed by Etalab, government agency under the authority of the Prime Minister, set up by a decree issued in 2011 with the main mission was to design the Data.gouv.fr portal and to coordinate the reuse of public data in France. The portal is still managed by Etalab, currently part of the General secretariat for the modernization of public action.

The main purpose of the Portal is to centralize public data in one unique platform to promote data reuse and facilitate the creation of applications and services. Data.gouv.fr is built on a collaborative framework that simplifies and encourages interaction between government, businesses, individuals and citizens. Data.gouv.fr intends to allow the reuse of public information in the easiest and widest way possible; encourage innovation throughout the whole community of developers and businesses to support the development of the digital economy but also to contribute to greater transparency of government action.

For the purpose of standardizing the publication of public sector data on data.gouv.fr, in September 2013 Prime Minister sent a Circular Instruction to all ministries/ public institutions requesting them to consistently follow recommendations compiled in the Handbook⁹³ designed for all government departments to effectively implement open data policy. Besides, French government appointed the Etalab director as national Chief Data Officer, with the aim to better coordinate government actions in terms of the inventorying, governance, production, circulation and use of data, organising the best use of these data and their wider circulation, while respecting privacy and secrecy laws, suggesting strategies to the Prime Minister to make

91 The Charter/Code of Conduct is available at: [<https://participez.lecese.fr/pages/charte>]

92 More information is available at: [<http://data.gouv.fr>]. A summary overview of the evolution and functioning of French open data portal is available at: [<https://joinup.ec.europa.eu/document/datagouvfr-french-open-platform-open-data>]

93 The Handbook is available at: [<https://www.modernisation.gouv.fr/sites/default/files/fichiers-attaches/vademecum-ouverture.pdf>]

data reuse easier, creating tools, frameworks and methodologies to support data mining and discovery; and making recommendations to promote interoperability between IT systems and data.

In December 2013, the new version of the platform Data.gouv.fr was launched with the purpose of promoting **a collaborative approach** between data producers, data re-users and citizens. The new design of the Platform was the result of a co-creation process between Etalab and the French Open Data community.

The essence of the new collaborative approach to management of the national open data portal is in providing citizens, CSOs, academia and businesses with the opportunity to enhance data sets of by public and government institutions and publish them on the portal. Citizens, CSOs and other stakeholders can also share their own data sets if they are in the public interest. Also, applications that reuse data can be shared and published in order to create a collaborative community engagement around each project so that everyone handling the data can gain visibility. In addition, with a new emphasis on the quality of data sets published, more attention is given to links to different information resources and description of the data, previous examples of re-use of data, etc.

Altogether, this collaborative approach to re-using public sector information encourages more active citizenship, more accountable and transparent government, but also raises the awareness on the importance of quality data and evidence-based policy making.

KEY LESSONS LEARNED: FRENCH PARTICIPATION TOOLS

Strong political support and promotion of certain public consultations can raise the interest of citizens and CSOs and improve the overall awareness on the Platform

Proactive transparency and opening public data for a collaborative re-use by citizens and CSOs can serve as important impetus to active citizenship and improving trust in institutions.

6. General Findings and Conclusions

Based on the analysis of the international standards of CSO participation in policy making, as well as insights from experiences of selected EU member states in using different tools and methods of involving CSOs at various stages of public policy making process, it is possible to formulate some general findings and recommendations for each of the policy approaches, that can provide cross-cutting support to CSO participation throughout the whole decision making process.

Framework strategies and policies on cooperation between public sector - CSOs

1. Creating an enabling legal and institutional environment for development of civil society is a pre-condition for any method or tool of CSO participation in policy making to be effective and sustainable. Therefore, it is the responsibility of the government to ensure long-term, predictable and enabling policy in this field.
2. The complexity of civil society related policy issues requires a more advanced strategic approach by the government, ensuring a coordinated and complementary work of different government bodies in fulfilling key measures and activities.
3. Participatory preparation of a policy document (strategy, action plan, charter, rules and standards of participation of citizens and CSOs in policy making, etc.) could lead to stronger ownership and sustainability of the use of adopted standards both by public administration and CSOs.
4. The adopted policy document could serve as a valuable basis for a proactive coordination of international and national donors in the area of civil society development.

Structures for cooperation between public sector - CSOs

1. Cross-sector advisory bodies (councils, committees) gathering CSOs and government representatives can be effective only if adequate level of representation and commitment of government bodies is ensured, clear working methods and procedures defined, and transparent procedures of designation/election of CSO representatives established.

2. In order to ensure legitimacy of the work of permanent government consultative bodies composed only of the members from wide range of CSOs, clear criteria of selection of CSO representatives should be established, taking into account the need to balance the criteria for quantity and quality representativeness of CSOs, as well as other criteria such as gender, sectoral or geographic/territorial balance.
3. Gradual trust-building is the main benefit of this cross-sectoral government advisory body (comprising relevant ministries/government offices and representatives of CSOs) that enables regular government-CSO policy dialogue on main issues affecting civil society development.
4. Mandate of the work of the cross-sector consultative bodies needs to be precisely defined to avoid unrealistic expectations from CSOs.
5. Political support and recognition of the government bodies for structured dialogue with CSOs (including appointment of adequate, high level representatives of government bodies) is necessary to ensure effective follow-up of council conclusions and recommendations and its impact on policy formulation, decision making, as well monitoring the implementation of policies affecting CSOs.
6. Designating specific ministries, departments in ministries or government offices responsible for civil society policy is an important step in ensuring better coordination of the work of many government bodies dealing with civil society and promoting harmonized implementation of adopted standards of public consultations or public funding of CSOs.
7. Appointing officials serving as contact points for cooperation with CSOs in central or local/regional government bodies can provide additional impetus to more regular and dynamic cooperation of public authorities with CSOs.

Programs of building capacities of CSOs for effective participation

1. Programs for building operational capacities of CSOs that are set up and funded by state bodies prove to be sustainable and able to generate strong, large scale impact. For that purpose, it is recommended to consider establishing specialized national foundation and/or regional and local CSO resources centres that are able to conduct capacity building as their core mission, rather than ad-hoc, limited project-based endeavour.

2. Diversification of funding of capacity building programs for CSOs can be achieved through careful programming of EU and national funds, and proactive donor coordination.

3. Operating grants for CSOs are important investment in improving potential of CSOs to act as long-term partners for social development and change. State funded national foundation can serve as provider or operating grants, under very precise, open and competitive criteria and procedures.

E-participation tools

1. E-participation tools can be sustainable only if adequate human and financial resources are dedicated to their implementation, adequate feedback mechanisms ensured, combined with strong political will, solid central coordination, and proactive promotion of these tools among CSOs and other target groups.

2. Institutional responsiveness to policy inputs of CSOs is an essential precondition for trust building. In order to ensure necessary skills and understanding needed for improving institutional responsiveness, it is necessary to develop capacity building programs for civil servants responsible for managing e-participation tools or other forms of public consultations or using various mechanisms of cooperation with CSOs in policy making.

3. Proactive promotion of e-participation tools and cooperation mechanisms among CSOs is needed, along with activities of building capacities of CSOs for taking part in policy dialogue with government.

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