

International practices on confidence-building measures between the state and civil society organizations

RESEARCH

OSCE PCU Project

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Executive summary

'Democratic deficit', lost public trust, confidence gap... In the last decade all these phrases have invaded the international public domain thus focusing the political and media attention on a problem that threatens to undermine the main democratic values of the last centuries. Slowly but consistently the close link between those who govern and those who have been governed has been loosened to a point where citizens have lost their trust in the ability of politicians to properly govern the state and where public authorities mistrust good intentions and support coming from the civil society sector. This tendency was very clearly pictured by the 2005 Gallup International world survey¹ revealing the following paradox: approximately 50 % of global respondents declared that their national elections are free and fair, but only 30% of them believed their country is governed by the will of the people.

In order to respond to this social phenomenon, international organisations, governments and civil society sector organisations around the globe have launched series of programmes, policies and initiatives aiming at diminishing the government-citizen confidence gap and building mutual trust and understanding. The current review presents the major developments in the last two decades with a special focus on the policies and best practices implemented by the European Union and five selected EU Member states (Austria, Bulgaria, Estonia, Netherlands and the United Kingdom). Parallel to this, the strategic policy guidelines of the Council of Europe, United Nations and the Organisation for Economic Cooperation and Development have been highlighted. Three of the founding good governance principles: transparency, participation and accountability, have been taken as benchmarks and examined through the lenses of building trust in the efforts of both public authorities and civil society organisations to achieve social inclusion, better life and sustainable development.

Main highlights:

General trends

- ✓ The role of the civil society sector has been gradually increasing during the last decades. The main stages of inclusion vary from information provision through consultation, dialogue and partnership. The methods of involvement have been closely interlinked with the aim of the involvement and political, administrative and social development of a country and its civil society sector;
- ✓ The European Union has been using various 'hard' and 'soft' confidence building instruments. The main foundations of the citizen participation have been laid down in the Treaty on European Union and the Treaty on the Functioning of the European Union. The White Paper on European Governance and the General principles and minimum standards for consultation of interested parties have

¹ Information available at : <http://news.bbc.co.uk/2/hi/4247158.stm>

given a major impetus and have set the standards that were adopted by the European institutions and member states. The European Transparency initiative and the regulations on lobbying further contributed to the establishment of clear framework for citizen involvement in the policy process;

- ✓ Parallel to the EU framework, the Council of Europe has developed additional trust building tools providing opportunities for wider acknowledgement and reinforced cooperation. The Guidelines for the Development and Reinforcement of NGOs in Europe, the Recommendations on the legal status of non-governmental organisations in Europe along with the Code of Good Practice for Civil Participation in the Decision-making Process adopted in October 2009 by the Conference of International Non-Government organizations have marked the main directions for spreading the standards for active citizen involvement across the boundaries of the EU thus forming common European understanding on how to build citizen-government trust;
- ✓ There is a common understanding that the greater the CSO's role in the policy process, the greater responsibilities should be vested in them. Deriving from that notion, the expectations that CSOs should follow the same transparency and accountability rules that are required from public institutions have been growing. The new transparency and accountability rules for CSOs have been mainly developed on voluntary basis from the civil society sector itself (e.g the European Charter of Active Citizenship, Accountability Charters etc.) and by guidebooks elaborated by major international organisations such as the UN and the EU. These standards aim to ensure that CSOs are representing the 'true' voice of citizens and act solely in public benefit;
- ✓ The trend towards introducing more accountability and transparency into the CSO sector is largely supported by the sector itself. Good governance principles and handbooks have been elaborated by international organisations such the Independent Sector, European Foundation Centre, Central and Eastern European Working Group on Non-profit Governance. In addition a number of self-accreditation, third party accreditation and integrity assessments schemes have been introduced.
- ✓ There is an urge for elaborating well defined and clear representativeness criteria for the CSOs involved at international, national and regional policy making level. The idea has been promoted by the European Commission and supported by the civil society sector at European level in the face of organisations such as the European Economic and Social Committee and the Platform of European Social NGOs;
- ✓ Among the most used tools for ensuring smooth collaboration between public institutions and civil society organisations there are different guidelines and handbooks outlining the rights and obligations of both sides in the policy process. Examples of such guidebooks include the OECD Handbook on Information, Consultation and Public Participation in Policy-making, the

guidelines for participation of Major Groups and Stakeholders elaborated by the United Nations Environment Programme, etc.;

- ✓ The development of e-technologies have reshaped the delivery of public services and substituted many of the traditional governmental mechanisms. eGovernment has become a synonym for a modern and innovative state where quality, trust and speed are central elements. Accordingly, the means for provision of information, public consultation and monitoring have changed giving more room to Internet tools as better and faster channels for government-citizen communication. Therefore, governments across the globe have actively promoted the use of e-governance tools in all spheres of interaction with their citizens.

Transparency

- ✓ The right of access to information and public documents has been comprehended as a key feature of good governance that strengthens public authorities' legitimacy in the eyes of the public, and its confidence in them. The right of access to information has been stipulated in various international legal instruments (e.g. CoE Convention on access to official documents , Charter of Fundamental Rights of the European Union, UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, etc.) and in the legal frameworks of EU Member States. At national level, the right to access information is considered fundamental and is broadly guaranteed by constitutional provisions;
- ✓ The implementation of transparency standards at international level is guided by the internal rules (Regulation No 1049/2001 on public access to European Parliament, Council and Commission documents), guides explaining in a simple manner how to get access to information (e.g. European Commission's guide) or is embedded in different Codes of Conduct (Code of Good Administrative Behaviour for the General Secretariat of the Council of the European Union and its Staff in their Professional Relations with the Public, Code for Good Administrative behaviour in relation with the public adopted by the European Commission, etc);
- ✓ The right to access of information in the selected EU countries is guaranteed by their constitutions and specialised laws. In all of them, government authorities are required to take proactive stand in the process of information delivery, thus, ensuring that activities of public bodies can be closely scrutinised. Standards and requirements for mandatory provision of information have been elaborated and stipulated in the respective normative acts. The UK Publication schemes and the Slovenian model catalogue for information are good examples for government commitments to routinely and proactively provide information to the public;

- ✓ Governmental web portals have become the main channels for exchange of information between authorities and their citizens. Good examples for such portals are the Austrian 'Help' portal, Estonian X-Road, the Finnish Suomi.fi and the UK Direct.gov portal.uk;
- ✓ Good practice for stimulating the development of e-government from a citizen's point of view is the Dutch e-Citizen Programme and e-Citizen Charter. The Charter summarises the vision of the Dutch citizens on the government as a whole and provides the main principles to be followed by public authorities in their interaction with the citizens.

Participation and Accountability

- ✓ The mechanisms for holding public authorities to account are often used in conjunction with transparency and participatory measures;
- ✓ Public consultations are comprehended as 'win-win' interactions that enable the elaboration of effective and efficient policies. Citizen participation is ensured throughout the whole policy chain – from conception to implementation. The Green Papers published by the European Commission constitute a major consultation tool enabling wider public debate at European level. It is supported by various consultation initiatives such as the Citizen Agora, Interactive Policy Making Initiative, the web portal 'Your voice in Europe', the European Citizens' Consultations projects etc.;
- ✓ Expert groups are widely used as consultative bodies that provide advice in preparation of legislative proposals and policy initiatives. Public registers ensure the transparency of their work and the integrity of their members;
- ✓ The general rules for public consultations at national levels are set in national legal frameworks (Bulgaria) or are embedded in 'soft instruments' as Social compacts or charters (the UK, the Netherlands). Despite the fact that they are not legally binding documents, their rules are widely endorsed as the 'comply or explain' principle is introduced. The consultation process is additionally supported by the elaboration of specific handbooks aiming to ensure the proper conduct of consultation procedures (Austria, Bulgaria, the UK). Participation is enabled at all policy levels – local, regional, national and international;
- ✓ Public participation is further facilitated by the establishment of consultation portals. Such practices are found both at the European level (e.g. European Interactive Policy Making Initiative, the web portal 'Your voice in Europe', etc.) and in the selected member states: Bulgarian strategy.bg, Estonian participation portal osale.ee., Austrian partizipation.at, Dutch Citizenlink;
- ✓ In order to facilitate government-citizen collaboration, a number of strategic documents have been elaborated jointly by government authorities and civil society sector (Estonian Civil Society Development Concept, Social Compact in England and Wales, etc). Their objective is to outline the main roles, principles and mechanisms for cooperation of public authorities and CSOs. Codes of good

practices on involvement of the civil society have been published to support the implementation of the strategy papers (Estonia, the United Kingdom). Similarly the Austrian Chancellery has adopted Standards of Public Participation while the British government has proposed a National Framework for Greater Citizen Engagement;

- ✓ Citizen summits, citizen juries, e-petitions, civic forums and public policies assessment tools are among the main mechanism used for 'hearing' the voice of the people;
- ✓ Good examples of civil society based monitoring bodies at international level are the UNDP Civil Society committees, the UN Economic and Social Council and the European Economic and Social Committee. The practice for establishing bodies which comprise representatives of civil society organisations that aim to scrutinise public policies implementation and get involved in policy shaping is widely spread in the EU member states. Examples of such bodies can be found in Ireland, Bulgaria, and Slovenia;
- ✓ At the local level, the collaboration of citizens and local authorities is widely developed to ensure that a citizen have a say in the development of the environment they live in. Local Strategic Partnerships (UK) and participatory budgeting (Spain, Belgium, Italy, Germany, France, Portugal, Denmark, the Netherlands and the UK) are among the best practices for building trust between public authorities and citizens.

I. Introduction and methodology

This paper is elaborated in the framework of the OSCE Project "Civil Society - International Best Practice Research". The overall objective of the project is to contribute to further development of civil society in Ukraine by learning and transferring successful international practices in the field of civil society organizations funding and confidence building measures between state authorities and civil society organizations (CSOs).

The concrete aim of the current research is to present a comprehensive overview of some successful international practices in the framework of cooperation between government authorities and CSOs and outline existing confidence building measures and mechanisms that facilitate the dialogue and can be applied in the Ukrainian context.

In the last decades both 'old' and 'new' democracies have been facing a common challenge: the widening gap between citizen expectations and the state performance. The constantly declining trust and the overall dissatisfaction towards the ways the countries are governed lead unsurprisingly to declining performance indicators both at 'micro-economic' and 'macro-political' levels.

The current paper will focus on the macro political level where the confidence building measures may strengthen democratic governance, improve the efficiency of state institutions and the quality of economic policies. Providing that confidence building attempts may encompass a wide variety of measures and taking into consideration their depth and perplex structure, it will focus on one of their main aspects and will look at confidence building measures through the prism of the principles of good governance. The principles of accountability, transparency and participation will be taken as benchmarks for comparing and showing empirical examples from five selected European countries. The added value of the current paper is the provision of focused comprehensive information, specially targeted for the needs of representatives of state and non-state bodies, practitioners and experts dealing with CSOs in Ukraine and thus tailored to the needs of local environment.

Given research is guided by the understanding that civil society participation in the decision making is a key factor for the democratic development and economic sustainability of every state.

Lost in translation - the widening gap between citizens and their institutions

Globally, 65% of people don't think their country is governed by the will of its people with the figure rising to three out of four in the former Soviet bloc. These shocking figures were revealed by one of the biggest surveys of world-wide public opinion undertaken in 2005 by Gallup International². The figures though were not that surprising either for politicians or for political scientists as the problem of the 'lost trust' has been subject to vigorous discussions at least for the last two decades. The results however shifted the question high on the international political agenda. The main reason behind that being the fact that public trust is among the main determinants of the economic development and social cohesion and is often viewed as an indicator for social capital. Trust also indicates people's attitudes towards the state and its ability to provide social welfare, promote common economic and human values. It also indicates the way the citizens perceive their state - as their 'defensive shield' and partner or rather as an opponent that they should overpower. The more people consider the state as their partner the better they will align their personal aims and objectives with those of the community and as a consequence will contribute to the overall prosperity of the state.

² Voice of the People 2005 poll included more than 50,000 people in 68 countries - representing the views of 1.3 billion people worldwide - about who has power, who wants it and how it is used. (More info available at <http://news.bbc.co.uk/2/hi/4247158.stm>)

While for the 'old' democracies the declining trust raises serious concerns but yet does not damage that severely the performance indicators, for transitional societies the issues related to social and political trust and the state and citizen welfare are much more crucial as political environment tainted with corruption, fragmented power and lack of consensus hampers additionally the implementation of sound economic policies. 'Consequently, trust issues become embedded, directly or indirectly, in every action taken by leaders in crisis and post-crisis countries.' (Blind 2007). Blind also argues that the versatility of associations between social and political trust in different countries, regions and time periods brings the following conclusion:

'A certain degree of social distrust may generate increased political involvement on the part of some people, under some circumstances, and with respect to some kinds of political activities only.... At the same time, "high dissatisfaction with democracy and extremely low levels of trust almost unequivocally go together" (Norris 1999, 228-33). This implies that while it is healthy for citizens to suspect that their political representatives might not act in line with the wishes of their constituencies, prolonged periods of social and political distrust on the part of the majority of the population can produce deleterious consequences for governments and governance.'

The issues related to trust are even more perplexed when it comes to transition societies. As building trust is a two-way street, the mistrust of state institutions towards civil society organisations and the 'real' interests they may represent is also a question to be addressed. From this perspective, implementing the principles of accountability, transparency and openness should not be considered a sole responsibility of the state institutions but should be equally embedded in the work of the civil society organisations. Thus by safeguarding the policy shaping process from both sides of the 'fence' the efficiency of the democratic governance on behalf of the people will be properly guaranteed.

Good governance principles as confidence building mechanisms

Trust has considerable influence towards building a prosperous and competent state where citizen feel they can impact the policy process and the development of state as such. And the elaboration of the principles of good governance was an inevitable result of the striving for better life and future.

These principles³ were outlined by the European Commission as major contributors to the European democratic process. At a broader international perspective, United Nations Development Programme defined good governance as '*among other things, participatory, transparent and accountable...Good governance ensures that political, social and economic priorities are based on broad consensus in society and that the voices*

³ The principles of good governance are defined by the European Commission in the 'European Governance. A White Paper (COM (2001) 428 final). They largely correlate to the common administrative principles proclaimed by SIGMA ("European Principles for Public Administration", Sigma Paper #27)

of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources.”⁴

Based on the core principles of good governance concept, the current paper presents the mechanisms that the European states implemented in order to ensure better citizen involvement and bridge the existing gap between state institutions and civil society. The implementation of the following principles is closely observed:

Accountability: Members of the public should legitimately expect to have accountable and responsive public authorities. Such expectation envisages rights vested upon every member of the society to examine and question the performance of public authorities on one hand, and on the other hand the obligations imposed on public authorities to be accountable towards their citizens. Such entitlement holds the public authorities responsive to the public in relation to performance of their duties and improves the governance within the public sector.

Participation: introduction of any changes within the public sector requires involvement and participation of all interested individuals and groups. In order to facilitate the process, clear and precise rules should be enforced to ensure user-friendly framework for public consultations. Setting the right preconditions that will enable the civil society to actively engage in the policy process requires mutual efforts and new approach towards the social and political participation.

Openness and Transparency: Information sharing and public awareness are among the core elements for achieving greater transparency. It is a well recognized practice within the European Community that “information-sharing is a well proven confidence-building measure”⁵. Such practice should entail publishing information about the activities and projects, as well as use of public funds by public authorities on regular basis.

II. Methodology

In order to ensure comprehensiveness of the report and at the same time to present a paper that is tailored to the needs of the Ukrainian society, the method of comparative analysis will be used. The current review is based on the desk top overview of European policy documents, theoretical researches and briefing papers, best practices from 5 selected European countries and analysis elaborated by state and non-state actors as well as major donor organisations working in the area of promoting good governance and building trust between state and its citizens. The desk top study is combined with

⁴ Governance for sustainable human development. A UNDP policy document, available at: (<http://mirror.undp.org/magnet/policy/chapter1.htm>)

⁵ Extract from “Communication to the Commission from the President, Ms. Wallstrom, Mr. Kallas, Ms. Hubner and Ms. Fischer Boel. Proposing the Launch of a European Transparency Initiative. Memorandum to the Commission”

interviews and expert opinions along with on-site visits to Ukraine, meetings with stakeholders and round table discussions. The analysis is also based on the comparative benchmarking technique that aims at performance improvement by studying and comparing best practices. In this respect two main approaches are used for the purposes of the current research:

- Analysis of the relevant strategic documents adopted by major international organizations in the area of confidence building measures. The analysis focuses on the main strategies adopted by the European Union in order to overcome the declining citizen trust and promote principles of good governance. It also elaborates on the recommendations and strategic directions outlined by the Council of Europe, United Nations and the Organization for Economic Cooperation and Development. The research makes a comprehensive overview of the latest trends, methods and instruments used at global governance level to regain public trust and bridge the gap between the citizen and their multi-governance structures. The section aims at showing good examples at macro level that can be followed and adapted in the Ukrainian contexts.
- Analysis of the best practices applied in five selected EU countries. The research focuses on trust building approaches implemented in the Netherlands, the United Kingdom, Austria, Estonia and Bulgaria with a particular attention paid to the implementation of measures that promote transparency, accountability and citizen participation in the decision-making process. The relevant national legal frameworks for promoting the above mechanisms along with soft non-legal approaches for better citizen involvement are presented.

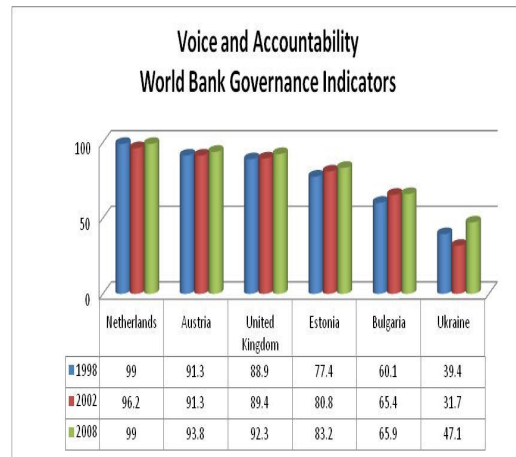
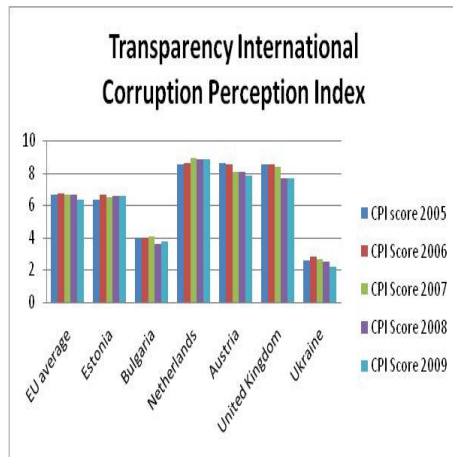
The selection of the countries is based on the diversity of the socio-economic, political and administrative culture that they present. The selected countries present a mixture of highly developed 'old' western democracies and new member states that have suffered the hardship of political, economic and social transition. The common feature with all of them is that their good governance approaches have developed and improved during the last decades paving the way to better citizen involvement in the policy process.

As it is hard to measure the impact of individual implementation of the principles of transparency, accountability and participation, the perception of the citizens towards the levels of corruption is used as common denominator on how successfully the selected countries have implemented the good governance concept and managed to 'rebuild the ship at sea'⁶. At the same time, the World Bank (WB) voice and accountability index⁷ will be used as valuable indicator showing how the

⁶ See Elster J.,1998. Institutional Design in Post-Communist Societies: Rebuilding the Ship at Sea, Cambridge University Press

⁷ The WB Voice and Accountability Index captures the perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media.

citizen participation is linked to the overall country ranking and good governance perspective.



The countries, selected for the case studies present a whole range of variety in the index development and aim to show both highly advanced and relatively 'standard' practices from a socio-political context that is close to the Ukrainian one.

Structure of the research

The research is divided in four main sections that give general overview of the latest international standards and trends, specific details of some good national practices and recommendations on possible measures to be implemented in Ukraine.

Following this logic, the second section gives an overview of the existing instruments and policies adopted by major international organizations in the area of civil society participation in the policy process.

The third chapter presents different European and national best practices facilitating active civic participation. Following the main principles of good governance discussed above, the chapter is divided in three main subsections focusing on:

- Provisions granting better transparency and openness of the decision-making process (e.g. laws of freedom/access of/to information, e-government applications, etc.)
- Practices for ensuring civic participation (e.g. setting procedures for public consultations and better involvement of citizens in a decision-making process);
- Accountability mechanisms, e.g. establishing strategic partnerships with NGOs to foster consultations and monitoring mechanisms.

Each subdivision presents highlights of the European policies adopted to promote confidence building mechanisms and at the same time elaborates on how these policies have been embedded in the legal framework of the selected EU member states.

Based on the practices and policies presented in the previous two chapters, the fourth one outlines the practices that are potentially applicable in Ukraine and elaborates on proposals for future development of an effective framework of the civil society participation.

III. Overview of the major international instruments and policies

3.1 The role of the civil society in the provision of democratic governance

Depending on the level and form of democratic development as well as on the political, administrative and social environment, countries across the globe have used different approaches of CSO's inclusion. The Code of Good Practice for Civil Participation in the Decision-Making Process adopted by the Council of Europe gives a very well defined explanation on the different stages of civil society involvement: information, consultation, dialogue and partnership. The so called 'ladder of participation' reveals the breadth (the extent to which it is inclusive or exclusive) and may give indications to depth (the extent to which it is superficial or more intensive) of the participation process⁸. It also indicates the process of evolution of the society and the state over time and the level of development of participatory governance practices.

The research on the international practices in this respect, presents in a comparative manner different 'levels' and mechanisms ensuring better participation of the society in the policy process.

In order to clarify the notion that stands behind the term 'civil society' used in the research paper, the following working definition given by the Centre for Civil Society, London School of Economics and Political Science will be used:

'Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based

⁸ CIVICUS Participatory Governance Programme 2006-2008, Concept Note, June 2006, World Alliance for Citizen Participation

*organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group.*⁹

This definition is broadly used by the European Union institutions and donor organisations¹⁰ as it fits to the newest concepts that have occurred with the process of globalization and the emerging concepts of multi-form, multi-dimensional and multi-level civil society organisations.

During the last decades, the civil society notion has been gradually evolving, changing the citizens and bureaucrats' perspectives about its role and its added value. For many years, governments across the globe have considered civil society organizations as hindrances with obstructive rather than supportive influence towards government activities. The gradual shift towards the understanding that CSOs are indispensable and valuable partners was driven by the need to respond to the diminishing trust in government institutions and the widening gap between the citizens and their authorities. The need for establishing structural dialogue between citizens and their institutions along with the necessity to provide more transparent, open and accountable governance that is responsive to the needs of its citizens, has shaped the current global understanding about the role of the civil dialogue in the decision-making process. At the heart of this new concept is the need to develop participatory democracy and responsive government that mutually reinforce and support each other.

3.2 European instruments for better civic involvement (EU and CoE)

'This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.'

Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union

The entry into force of the Lisbon treaty¹¹ marked a new era in the European democratic development. It brought more transparency, accountability, openness and participation in the European decision-making process thus responding to the citizens' expectations for more efficient and effective governance. It reconfirmed some of the already established democratic values and added new mechanisms for better civic involvement.

The process of identifying, promoting and embedding the above principle at European and national legal frameworks was however not smooth and was preconditioned by the widening gap between the citizens and their institutions.

⁹ http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm

¹⁰ See Council of Europe, 2009, Code of Good Practice for Civil Participation in the Decision Making Process; the definitions given by DIFID (<http://www.dfid.gov.uk/About-DFID/Who-we-work-with1/Civil-society/>) and Civil Society Index Programme of CIVICUS

¹¹ Treaty of Lisbon was signed on 13 December 2007 in Lisbon and entered into force on 1 December 2009.

Acknowledging the constantly decreasing trust in the European and national authorities and the alienation of the Europeans from the political process, in early 2000 the European Commission set the launch of European governance reform as one of its strategic objectives. The new reform agenda was geared towards the understanding that the democratic institutions at both European and national level should try to 'reconnect' with their citizens thus ensuring better government performance. In the White Paper on European Governance¹², the Commission further developed its concept stating that the set objective can be only reached through enhancing citizen participation in the policy process and adopting open and transparent decision-making procedures. In practice, the EC committed itself to:

- Provide up-to-date, on-line information on preparation of policy through all stages of decision-making;
- Establish and publish minimum standards for consultations;
- Enhance communication with the general public on European issues thus allowing it to scrutinize the policy-making process throughout all its stages;
- Establish partnership arrangements going beyond the minimum standards in selected areas committing the Commission to additional consultation in return for more guarantees for openness and representativeness of the organisations consulted.

The Commission outlined five core principles that underpin democracy and good governance:

- **'Openness.** The Institutions should work in more open manner. Together with the Member States, they should actively communicate about what the EU does and the decisions it takes. They should use language that is accessible and understandable for the general public. This is of particular importance in order to improve the confidence in complex institutions;
- **Participation.** The quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation. Improved participation is likely to create more confidence in the end result and in the Institutions which deliver policies. Participation crucially depends on central governments following an inclusive approach when developing and implementing EU policies;
- **Accountability.** Roles in the legislative and executive processes need to be clearer. Each of the EU Institutions must explain and take responsibility for what it does in Europe. But there is also a need for greater clarity and responsibility from Member States and all those involved in developing and implementing EU policy at whatever level;
- **Effectiveness.** Policies must be effective and timely, delivering what is needed on the basis of clear objectives, an evaluation of future impact and, where available, of past experience. Effectiveness also depends on

¹² Commission of the European Communities (2001), *European Governance, A White Paper*, COM (2001) 428 final

implementing EU policies in a proportionate manner and on taking decisions at the most appropriate level;

- **Coherence.** Policies and action must be coherent and easily understood. The need for coherence in the Union is increasing: the range of tasks has grown; enlargement will increase diversity; challenges such as climate and demographic change cross the boundaries of the specific related policies on which the Union has been built; regional and local authorities are increasingly involved in EU policies. Coherence requires political leadership and a strong responsibility on the part of the Institutions to ensure a consistent approach within a complex system.¹³

These principles are applicable to all levels of governance- global, European, regional and national and their implementation is a key mechanism for facing the challenges of the new reform governance agenda. Each of those principles is important by itself. But only the joint application of all of them can guarantee better future and the economic and political development. The application of those principles requires also joint efforts from all stakeholders and shared responsibility. Despite the fact that the responsibility for restoring public trust in the EU and national institutions lies primarily in the hands of the respective institutions, in its White Paper, the Commission explicitly noted that greater involvement of the civil society also means greater responsibility. Providing the new role envisaged for the citizens' organizations, they were urged to follow the same good governance principles and pay particular need to the accountability and openness of their work.

The public consultations on the adopted White paper ran over a period of nine months and received 260 contributions. The public response supported largely the identified five principles of good governance and widely endorsed openness, better involvement and participation as means of reinforcing accountability in the policy making procedures.¹⁴

The need for establishing effective collaboration with the civil society was tackled once again in the Commission's strategic objectives for 2005-2009. In its vision for European renewal, the EC stressed that the perplexity and variety of challenges that Europe is facing can only be tackled jointly. This approach requires:

- All actors to work together: not only institutions but social partners and civil society at all levels;
- The involvement of individual citizens: through clarity about what Europe is trying to achieve, and participation in the common effort.
- Shared responsibility: every European citizen should have a stake in the work of the Union, and every European has to share the responsibility into realizing European common goals¹⁵.

¹³ Ibid

¹⁴ See European Commission (2003), Report from the Commission on European Governance

¹⁵ Strategic Objectives 2005 – 2009, Europe 2010: A Partnership for European Renewal Prosperity, Solidarity and Security, Communication from the President in agreement with Vice-President Wallström, COM(2005) 12 final

Following the strong conviction that European general public deserves efficient, accountable and service-minded public institutions, in May 2006 the EC published its Green paper on 'European Transparency Initiative'.¹⁶ The initiative was based on the previous measures undertaken by the community in this area (like access to documents legislation, the Code of Good Administrative Behaviour, different consultation procedures, multi-stakeholders dialogues, etc.) and on the policy highlights of the White Paper on Good Governance. It aimed to help reconnecting Europe with its citizens by overcoming political alienation and misunderstanding of the European policy process. One of the four pillars of the initiative was the provision of greater transparency in the activities of interest representatives (lobbyists). The Green Paper provided definition of lobbying that encompass all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions¹⁷. The guidelines given by the European Commission further classified the following actions as lobbying: 'contacting members or officials of the EU institutions, preparing, circulating and communicating letters, information material or argumentation and position papers, organising events, meetings or promotional activities (in the offices or in other venues) in support of an objective of interest representation. This also includes activities that are part of formal consultations on legislative proposals and other open consultations'¹⁸. Thus in practice all civil society organisations were included in the scope of the regulation.

In order to enhance their transparency, all interest representatives were requested to disclose financial data providing clear picture on their sources of funding and possible interests that may stand behind their policy recommendations. The registration on the EC's register requires submission of:

- the overall budget and breakdown of the main sources of funding of NGOs and think-tanks;
- the turnover of professional consultancies and law firms attributable to lobbying EU institutions, as well as the relative weight of their major clients;
- an estimate of the costs associated with direct lobbying of EU institutions incurred by in-house lobbyists and trade associations.

The need for imposing strict transparency rules on all policy shaping attempts arose on one hand from the urge for better involvement of the citizens in the decision-making process and on the other hand, from the peculiarity of the policy shaping process. Despite the fact that policy influencing is a part of the European democratic system, it is marked as highly sensitive process with high corruption risk profile.

As the major policymakers, handling a budget of around 134 billion Euro¹⁹ and representing 492 million citizens from 27 member states, the European Parliament and

¹⁶ European Commission (2005), Green paper, European Transparency Initiative, Brussels, COM (2006) yyy final

¹⁷ According to the Green Paper, lobbyists are defined as persons carrying out lobbying activities, working in a variety of organisations such as public affairs consultancies, law firms, NGOs, think-tanks, corporate lobby units ("in-house representatives") or trade associations'.

¹⁸ European Transparency Initiative- Frequently Asked Questions on the Commission's register for Interest Representatives (available at : http://ec.europa.eu/transparency/docs/reg/FAQ_en.pdf)

¹⁹ The Budget of the EU for 2009 available at <http://eur-lex.europa.eu/budget/www/index-en.htm>

the European Commission are the European institutions most exposed to pressure and influences – a fact supported by the presence of about 15 000 lobbyists and 2 500 lobby organizations, registered in Brussels alone²⁰. These figures are though just indicative as the number of unregistered lobbyists and pressure groups is unknown. Stressing again on the principle that “with better involvement comes greater responsibility”²¹, the European Commission and European Parliament introduced measures aiming at increasing the openness and outside scrutiny over the relations between EU institutions and interest representatives. Following the establishment of EC’s voluntary lobbying register, the European Parliament²² urged EU institutions to adopt a common joint approach to tighten lobbying regulations and ensure utmost transparency of the policy-shaping process. As initial step, the two institutions agreed²³ to establish a common non-mandatory register of interest representatives²⁴. It was particularly underlined that interest representatives are required to apply the principles of openness, transparency, honesty and integrity, as legitimately expected from them by citizens and other stakeholders. According to the Code of Conduct this means that as a minimum, the interest representatives will always:

- ‘identify themselves by name and by the entity(ies) they work for or represent;
- not misrepresent themselves as to the effect of registration to mislead third parties and/or EU staff;
- declare the interests, and where applicable the clients or the members, which they represent;
- ensure that, to the best of their knowledge, information which they provide is unbiased, complete, up-to-date and not misleading;
- not obtain or try to obtain information, or any decision, dishonestly;
- not induce EU staff to contravene rules and standards of behaviour applicable to them;
- if employing former EU staff, respect their obligation to abide by the rules and confidentiality requirements which apply to them.’ (*Code of Conduct for Interest Representatives*)

In its resolution from 8th of May 2008 on the development of the framework for the activities of interest representatives in the European institutions, the European Parliament went further in its proposals for strengthening the transparency rules. The

20 European Parliament, Report on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions(2007/2115(INI))

²¹ Commission of the European Communities (2001), *European Governance, A White Paper*, COM (2001) 428 final

²² Report on the development of framework for the activities of interest representatives (lobbyists) in the European Institutions, (2007/2115(INI), European Parliament

²³ Joint statement regarding the progress achieved to date High level Working Group on a common register and Code of Conduct for lobbyists (available at: http://ec.europa.eu/archives/commission_2004-2009/kallas/doc/joint_statement_register.pdf)

²⁴ The register can be viewed at http://europa.eu/lobbyists/interest_representative_registers/index_en.html

Parliament proposed the introduction of so called 'legislative footprint' (indicative list, attached to a Parliamentary report, of registered interest representatives who were consulted and had significant input during the preparation of the report or legislative

proposal) and mandatory registration for all lobbyists who want to access EU institutions. Despite the fact that the proposals have not yet been accepted by the Commission and the Council they are indicative for the way forward and the new tendency for greater openness of the policy formulation process.

The new European vision regarding the role of the citizens in the decision-making process was clearly stressed in the Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union as amended after the Lisbon Treaty. The Lisbon treaty practically gave to the civil dialogue a status of fundamental principle, covering all spheres of EU activities. The Treaty on the European Union in its provisions of democratic principles particularly proclaimed openness and civic participation as the core values of the democratic life of the Union. It also obliged the institutions to provide necessary means that will enable citizens and their organizations to have a real say in the European policy process. Providing access to information and holding public consultations have been pointed out as the main channels for communication. The

Article 10

3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.

Article 11

1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

3. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

Consolidated version of the
Treaty on European Union

Treaty also introduced a new concept for citizen involvement enabling citizen to have legislative initiative. According to article 11.4, not less than one million citizens coming from a significant number of Member States may invite the European Commission to submit proposal on matters where citizens consider that a legal act of the Union is needed.

Following the new provisions of the Treaty, the European parliament in its Resolution from 13th of January 2009 on the perspectives for developing civil dialogue under the Treaty of Lisbon, called upon the EU institutions to adopt in an inter-institutional agreement and binding guidelines concerning the appointment of civil society representatives, methods for organising consultations and their funding, in accordance with the general principles and minimum standards for consultation of interested parties²⁵.

²⁵ See the Commission's communication of 11 December 2002 entitled "Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission" (COM(2002)0704).

The need for better regulations and clearer framework was fed by another challenging issue – the existing mistrust of authorities towards the capacities and representativeness of civil society organisations. In the preamble of the European Charter of Active Citizenship, this paradox is presented as follows: ‘while citizens and their autonomous organizations are usually asked to contribute with material and immaterial resources to filling the “democratic deficit” of the European Union, they are, at the same time, hardly considered and often mistrusted by Public institutions.’ The problem has been linked to the EU normative framework that fails to define the roles, rights and responsibilities of CSOs, as well as the related obligations of public institutions.

The elaboration of the Citizen Charter²⁶ is an attempt initiated by the civil society sector to fill in the existing gap. In order to do so, the Charter gives definitions on the ‘autonomous citizens organisations’, explaining their rights and obligations, along with the obligations of the authorities. The right of consultation, access to information and monitoring have been set in the core of the citizen participation process. The obligations to provide information and feedback in a timely manner on the other hand have been highlighted as a core responsibility of the public institutions. They have been also urged to define and apply a set of criteria for identification of citizen organizations when they plan to establish collaboration and partnership. The criteria should be adapted to the concrete situation and should vary according to the type of relationship being considered but by no means should restrict and narrow the dialogue with the civil society.

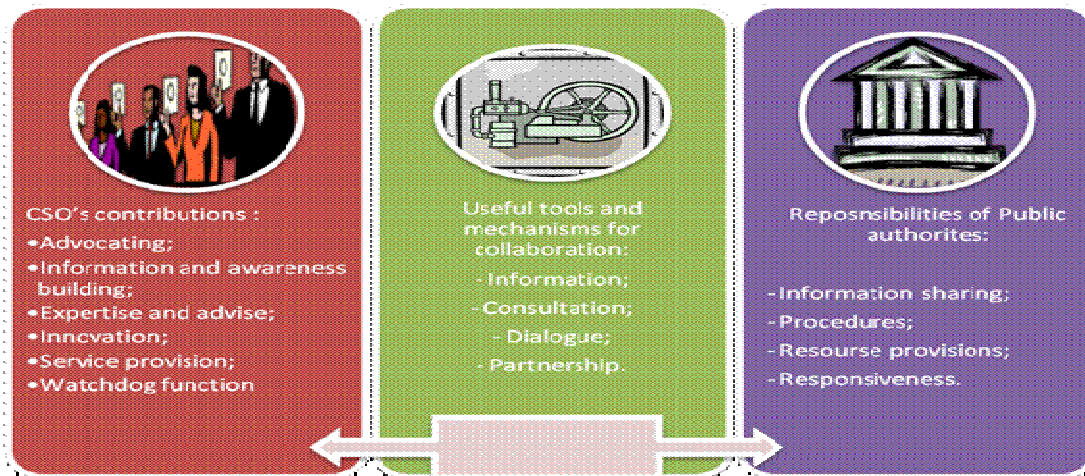
Building trust and bridging the existing gap between the citizen and their governments is crucial policy area that guarantees proper execution of all horizontal policies and ensures the area of freedom, security and justice within the Union. These efforts should however not be limited only to the internal EU area but should spread beyond the external boundaries and embrace the entire European continent. The institution that plays a central role in this process is the Council of Europe (CoE).

Parallel to the EU framework, the Council of Europe has developed additional tools for building trust between the state and civil society. The framework under which the Council of Europe²⁷ is operating has provided opportunities for wider acknowledgement of the reinforced cooperation. At the same time it enabled elaboration of standards that are applicable to countries, outside the EU area.

²⁶ The text of the European Charter of Active Citizenship is the outcome of a project managed by Active Citizenship Network with the participation of World of NGOs (Austria); Consumers Defence Association (Czech Republic); Sozialburo Main-Taunus (Germany); Ghaqda-tal-Konsumatori (Malta); Association of Polish Consumers (Poland); Animar (Portugal); Romanian Association for Consumer Protection (Romania); Legal Information Center for NGOs (Slovenia); Helsinki Citizens Assembly (Turkey). The project was supported by a grant from the DG Education and Culture of the European Commission and Unicredito.

²⁷ Council of Europe has 47 members and virtually covers the entire European continent. The Council of Europe seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals. (information available at: <http://www.coe.int/aboutCoe/index.asp?page=quisommesnous&l=en>)

In order to ensure coherent approach towards the civil society organizations, in 2007 the Council of Europe adopted recommendations on the legal status of non-governmental organisations in Europe. The document was built upon the principles embedded in the “Guidelines for the Development and Reinforcement of NGOs in Europe” adopted by the CoE in 1996 and the “Fundamental Principles on the Status of Non-governmental organisations in Europe” elaborated in 2002. The recommendations aimed at giving minimum standards that should be followed when shaping the national CSO legislation. It also stressed that ‘Governmental and quasi-governmental mechanisms at all levels should ensure the effective participation of NGOs without discrimination in dialogue and consultation on public policy objectives and decisions.... This participation and co-operation should be facilitated by ensuring appropriate disclosure or access to official information.’²⁸ The practical guidelines on what kind of mechanisms for better civic involvement should be established were given in the Code of Good Practice for Civil Participation in the Decision-making Process adopted in October 2009 by the Conference of International Non-Government organizations²⁹. The Code not only outlined the parameters of civil society engagement but stressed that ‘acting in the public interest requires openness, responsibility, clarity and accountability from both the NGOs and public authorities, with transparency at all stages.’³⁰ It also highlighted the main role of a CSO in the different stages of policy process, the respective responsibilities of the authorities and the main mechanisms to bridge the gap between the two actors.



Source: Code of Good Practice for Civil Participation in the Decision Making Process, CONF/PLE(2009)CODE1

²⁸ Article 76, Recommendation to member states on the legal status of non-governmental organisations in Europe (CM/Rec(2007)14).

²⁹ With participatory status in the Council of Europe

³⁰ Code of Good Practice for Civil Participation in the Decision Making Process, CONF/PLE(2009)CODE1

In order to illustrate and clarify the relations marking CSOs interventions in the different stages of a policy process, a matrix of civil participation was elaborated (see Annex 1).

The Code of good practice have identified four levels of participation, dependent on the intensity of participation in the decision-making process. These levels are:

- *Information* – this level is a base for development of all other steps of intervention. Usually at this point, the process is concentrated towards provision of information from the authorities to the civil society sector. Not much interaction or involvement of the CSOs at this step;
- *Consultation* – Comments, feedback and recommendations are expected from the CSOs upon request. Usually the initiative to organize consultations lies with the public authorities. Consultation is in the heart of all steps of the decision-making process, especially for drafting, monitoring and reformulation;
- *Dialogue* – Highly valued approach, applicable at all stages of policy process. The initiative can be taken from either parties and be comprised of two-way communication built on mutual interests in a specific field (a collaborative dialogue) or on broader policy agenda (a broad dialogue). The forms vary from open hearings to regular or ad hoc specialized meetings.
- *Partnership* – the highest form of participation that implies shared responsibilities during all stages of policy process. It may take the form of participatory forums, joint co-decision bodies or outsourcing the delivery of some services to CSOs.

The participation in the decision-making process however can be effective only if mutual trust has been built not only from the civil society perspective but from the governmental side as well. In order to respond to the greater responsibilities vested to the civil society sector, the Platform of European Social NGOs explicitly stated that non-governmental organisations should be ‘representative of their mandate, accountable, transparent, and effective. European NGOs and the Commission should together examine ways of elaborating these, and other standards, and NGOs themselves should develop guidelines in this area.’³¹ The above criteria have been listed among the main tools for facilitating trust in the CSO activities and opinions.

In its discussion paper on building partnership with NGO sector³², the European Commission have proposed that some of the transparency measures may include setting objective and pre-established criteria that could include the following:

- Structure and membership of NGOs;
- Transparency of their organisation and the way they work;
- Previous participation in committees and working groups;
- Track record as regards competence to advise in a specific field;

³¹ Democracy, Governance and European NGOs, Building a Stronger Structured Dialogue, 2001, Platform of European Social NGOs

³² Commission Discussion Paper, The Commission and Non-Governmental Organisations: Building a Stronger Partnership”, COM(2001) 11 final (available at: http://ec.europa.eu/civil_society/ngo/docs/communication_en.pdf)

- Capacity to work as a catalyst for exchange of information and opinions between the Commission and the citizens.

It has been an acknowledged thought that the use of these criteria may not be always feasible or appropriate. Useful alternative in these cases may be self-selection by the NGO Community, through appointment of representatives and setting of networks or platforms.

The European Economic and Social Committee has further communicated the need for developing clear criteria for the EU interest groups. In its Opinion on the White Paper on European Governance, the Committee defined nine representativeness criteria that should be met by European organizations in order to legitimately express the views of EU citizens in the consultative procedures:

- Exist permanently at a Community level;
- Provide direct access to its members' expertise, and hence to rapid and constructive consultation;
- Represent general concerns that tally with the interest of European society;
- Comprise bodies that are recognised at a member-state level as representatives of particular interests;
- Have member organisations in most of the EU member states;
- Provide accountability for its members;
- Have authority to represent and act at a European level;
- Be independent and mandatory, not bound by instructions from outside bodies;
- Be transparent, especially financially, and in its decision-making structures³³.

The Explanatory Memorandum to CoE's Recommendation on the Legal Status of Non-Governmental Organisations in Europe sets additional transparency and accountability requirements. Following the Memorandum, the NGOs that receive public financial support should annually submit a report on the activities they have undertaken and accounts for the public money spent. In order to grant greater transparency and overcome the mistrust on whether the money of the NGOs are spent for public good, the NGOs may also be asked to disclose their proportion in fundraising and administrative overheads and be subject to independent audits.

3.3 International framework for citizens participation in the decision-making process (OECD, UN)

Similarly to the CoE's Code of Good Practices, the Organisation for Economic Cooperation and Development (OECD) has identified³⁴ three main stages marking

³³ Opinion of the Economic and Social Committee on European Governance - a White Paper (COM(2001) 428 final)

³⁴ Engaging citizens in policy making: Information, Consultation and Public Participation, 2001, OECD Public Management Policy Brief, N 10

government-citizen relations: information, consultation and active participation (partnership). The basic preconditions for the development of each of these stages are:

- The provision and access to information requires clear legal framework, sound institutional setting, strict oversight mechanisms and society that knows its rights and acts accordingly. While the adoption of laws and policies of freedom of information along with the setting of relevant institutional mechanism is a pure responsibility of state authorities, the creation of strong watchdogs that will monitor the law's implementation along with building strong civic culture are areas that require active civil society involvement.

When government engages in 'active' provision of information it may use different tools (e.g. annual reports, leaflets, catalogues) and delivery mechanisms which can be either direct (information and call centres) or indirect (media coverage, advertisements, etc.);

- Consultation practices in different countries vary from setting strong normative framework (e.g. laws and government decisions) to establishing informal rules and practices. The legal framework may be either broad (establishing petition rights, referendums on certain topics, general obligation to consult) or narrow (mandatory obligation for consultation on a concrete issue with certain groups: trade unions, professional communities, minorities, etc.) The process is further fostered by the creation of permanent or ad hoc advisory bodies and committees with the participation of CSO.

The tools used by the governments to receive feedback on policy proposals may vary from opinion pools and surveys, to workshops, public hearings, focus groups, comments and notice periods, etc (in case of legislative proposals);

- Active participation recognises the ability of CSO to identify and formulate policy proposals independently. It requires the governments to share their reform agenda and to take into consideration the proposals elaborated jointly by CSO and public authorities. The framework may vary from legal regulations to flexible policies allowing citizens to take more active participation in the decision-making process (e.g. working groups). The active engagement of the citizens may be fostered by using the tools provided by citizen's agora, consensus conferences, etc.

It should be however clearly underlined that no single approach or tool is suitable for every country or situation. The OECD has stressed that the choice of tools will very much depend on the resources, skills and timeframe. It also has noted that often a mix of tools is required to be adapted to the local culture and environment. The first step however always remains the same: clearly defining the objective of the exercise on the basis of which the target group is identified (this approach is largely coherent with the approach applied by the European Commission as well).

The guiding principles for engaging citizens in policy-making elaborated by OECD are attached as Annex 2.

In order to support the government officials in their confidence building efforts, in 2001 OECD issued a Handbook on Information, Consultation and Public Participation in

Policy-making. The Handbook is designed as a road map for building efficient framework for provision of information, consultation and participation. It gives concrete guidelines on how to put principles into practice. The Handbook has also provided 10 tips on how the government-citizen relations could be strengthened. In summary, the tips are as follows:

1. **Take it seriously:** Producing lots of brochures and videos is not enough to strengthen government-citizen relations. The main questions to be answered before the start of each campaign should be: What happens to these products? What information do they carry? Do they reach the public, or do they lie around in some cupboard? Do citizens actually use the information, or do they reject it? Does government acknowledge and value the reactions of citizens – or does it turn a deaf ear? Do its activities strengthen relations with citizens, leave them unaffected or worse?

2. **Start from the citizen's perspective:** Consider the citizen's perspective first and treat them with respect. Why should citizens be interested in being informed or giving input in the first place? In order to catch citizens' attention and encourage them to engage, governments must adapt their activities to citizens' needs. This means adapting language and style to the public while making the interaction attractive and interesting, friendly, honest, and non-condescending;

3. **Deliver what you promise:** Keeping your word and building trust is essential. If governments want to strengthen their relations with citizens, then they have to deliver what they promise;

4. **Watch the timing:** Information, consultation and active participation need time – there is no quick fix. To put it bluntly, citizens are not suddenly going to show greater trust in government, just because it has just started to engage them in a single policy initiative. Nor are citizens able to contribute to policy-making without having time to become familiar with the issues and to develop their own proposals;

5. **Be creative:** Relations between government and citizens are not the same from country to country. This is why governments need to develop their activities in the context of their specific situation and challenges – creatively and innovatively;

6. **Balance different interests:** Information, consultation and active participation may lead to a broad accommodation of interests and broad consensus. However, they can also reveal divergent views and raise open questions from different sides. What strengthening government-citizens relations does, is to foster understanding and clarification of a policy issue, to provide citizens and interested parties with the opportunity to have their voices heard, to provide their input and to share it with others;

7. **Be prepared for criticism:** The golden rule in information, consultation and active participation is: if you invite citizens to say what they think then do not be surprised if they end up doing exactly that;

8. **Involve your staff:** Governments may use information, consultation and active participation activities as an occasion to look into the mirror and ask themselves: How do we deal with policy-making and implementation internally, within the government? Are employees informed about new policy initiatives? Is their input requested and taken into account? Do employees actively participate in developing and planning policies and their implementation?;

9. **Develop a coherent policy:** Strengthening government citizen relations is itself a policy. Governments may want to consider how far it makes sense to formalise this policy. A basic set of formal laws, rules and structures seems to be adequate in order to provide

the framework for relations to be developed further. Transparency, accountability, responsibility and the need for oversight apply in this, as in any other, field of policy;

10. Act now: Prevention is better than cure. Restoring lost trust in government is much harder than keeping it. For governments with little previous experience with the tools it is important to make a start – but not necessarily with everything at once. A step-by-step approach is called for. Governments may start by building the overall legal, policy and institutional framework and launching specific pilot actions to gather experience

Source: Summary of the tips provided in the Handbook for governments on information, consultation and public participation in policy-making, 2001, OECD

While these tips are directly targeted to the everyday work of public servants and policy makers, they can be easily applied by civil society organisations as well.

A good example on how civil participation may be streamlined when it comes to a very concrete but yet policy with global importance are the guidelines for participation of Major Groups and Stakeholders elaborated by the United Nations Environment Programme (UNEP). The document aims at providing clear and balanced engagement framework and is guided by the understanding that “Engagement between UNEP and civil society is necessary, both for UNEP and for the protection of the planet’s fragile web of life. In this engagement lies the potential for resurgence of democracy and ecological awareness...”.³⁵ The document describes the main expectations that UNEP and the Major Groups and stakeholders have in regard to their mutual collaboration. It also outlines the framework for management of the Major Group input to the UNEP policy work. In order to facilitate better cooperation, the following consultative mechanisms are used:

- Establishment of a Global Major Groups and Stakeholders Forum (the successor of the “Global Civil Society Forum”). The aim of the forum is to increase major groups and stakeholders influence and inputs into decision-making process;
- Organisation of regional consultation meetings on annual basis. The meetings are also used as a networking and capacity building platform and provide opportunity for exchange of views at a regional level;
- Establishment of UNEP Major Groups Facilitating Committee (successor of the Global Civil Society Steering Committee). The role of the Committee is to provide guidance and to coordinate the engagement of Major Groups in the Global Civil Society Forum cycle.

The global concern about the diminishing citizen trust has also been in the focus of the 7th UN Global Forum on reinventing government held in 2007 in Vienna. In its Vienna Declaration on building trust in government, the participants elaborated a set of recommendations on the ways to build trust in the public authorities. The recommendations were related to:

- Securing the legitimacy of the government;
- Prioritizing the service delivery and access;

³⁵ Guidelines for Participation of Major Groups and Stakeholders in Policy Design at UNEP,2009, United Nations Environmental Programme

- Increasing transparency and accountability to fight corruption;
- Improving access to ICTs;
- Support effective civil society engagement;
- Engaging the constructive interest of a free media;
- Bringing government closer to the citizens;
- Enabling public private partnerships;
- Promoting innovations in the public sector reform;
- Rebuilding trust in crisis and post-conflict countries;

The recommendations once again reconfirmed the main principles and tools to be followed in the process of trust building. They also showed the growing understanding and policy synergy of all major international organisations regarding the need and the mechanisms for bridging the confidence gap between citizens and their governments.

IV. European best practices facilitating active civic participation

4.1 Openness and Transparency – provision of information

“... Democracy depends on people being able to take part in public debate. To do this, they must have access to reliable information ... and be able to scrutinize the policy process in its various stages”.

White Paper on European Governance,
European Commission, 2001

The principles of openness and transparency are closely related to the fundamental human right to receive information and hold into account public authorities for their actions. In 2001, when the Vice-president of the European Commission Kallas launched the European Transparency Initiative, he underlined that ‘information sharing is a well-proven confidence building measure that can regain citizens trust in the capacity of the state authorities to govern in efficient and effective manner.³⁶

The same notion has been further developed in the explanatory report to the Council of Europe Convention on Access to Official Documents where transparency of public authorities is described as ‘a key feature of good governance and an indicator of whether or not a society is genuinely democratic and pluralist, opposed to all forms of corruption, capable of criticising those who govern it, and open to enlightened participation of citizens in matters of public interest. The right of access to official documents is also essential to the self-development of people and to the exercise of

³⁶ Extract from “Communication to the Commission from the President, Ms. Wallstrom, Mr. Kallas, Ms. Hubner and Ms. Fischer Boel. Proposing the Launch of a European Transparency Initiative. Memorandum to the Commission”.

fundamental human rights. It also strengthens public authorities' legitimacy in the eyes of the public, and its confidence in them.'

Deriving from this understanding, the Council of Europe urged the national legal systems to recognise and properly enforce the right of access for everyone to official documents produced or held by the public authorities. Thus, in order to ensure access to public information and to increase public awareness on issues related to the state governance, public authorities should at least:

- ✓ Publish annual and periodic reports about their activities;
- ✓ Make available online the statutes and the by-laws regulating the functions of the given state authority;
- ✓ Strictly observe the regulations stipulated in the relevant freedom of information acts;
- ✓ Implement 'one stop shop' principle in the process of delivery of information.

In the context of the constantly growing public expectations for provision of more transparent and open governance, the CoE Convention on access to official documents introduced the principle that public authorities should become proactive agents and at their own initiative make public official documents they hold 'in the interest of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest' (Article 10).

Despite the fact that transparency and openness have been long acknowledged as main principles for provision of trustworthy governance, the right of access to information has become widely recognized only in the last 20 years. From 1990 onwards, more than 90 countries worldwide have adopted specialized laws regulating the access to information. The majority of the national legal frameworks of the EU Member States have been based on the principles stipulated in the following founding documents:

- ✓ Recommendation N R (81) 19 of the Committee of Ministers to Member States on the Access to Information Held by Public Authorities (Adopted by the Committee of Ministers on 25 November 1981 at the 340th meeting of the Ministers' Deputies);
- ✓ Recommendation N (2002) 2 on Access to Official Documents (Adopted by the Committee of Ministers on 21 February 2002 at the 784th meeting of the Ministers' Deputies);
- ✓ UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (adopted on 25th June 1998 at the Fourth Ministerial Conference in the 'Environment for Europe' process);
- ✓ A Model Freedom of Information Law, elaborated by Article 19 NGO in 2001;
- ✓ Council of Europe Convention on Access to Official Documents (Adopted by the Committee of Ministers on 27 November 2008 at the 1042bis meeting of the Ministers' Deputies).

The main principles stipulated in the Model law and in the CoE Convention on access to official documents were once again reconfirmed in the Brisbane Declaration³⁷ adopted at the UNESCO World Press Freedom Day conference in Australia. The declaration urges its members:

- ✓ “To enact legislation guaranteeing the right to information in accordance with the internationally-recognized principle of maximum disclosure. Such legislation should establish limited exceptions, proactive obligations to disclose information, clear and simple procedures for making requests, an independent and effective oversight system, and adequate promotional measures;
- ✓ To ensure the effective implementation of the right to information by allocating sufficient financial and human resources for the structures and systems that are required to successfully implement legislation;
- ✓ To ensure that the wider legal environment is consistent with and supports the right to information, including by protecting freedom of expression and press freedom, by establishing other disclosure systems, and by bringing secrecy rules into line with the principle of maximum disclosure;
- ✓ To foster public awareness about the right to information and to develop the capacity of everyone to exercise that right, placing particular emphasis on disadvantaged and vulnerable groups, including women, minority language groups, indigenous peoples and disabled persons;
- ✓ To harness the power of information communication technologies (ICTs) to realize the right to information and to foster enhanced pluralism in information flows’³⁸.

The right of access to information is also explicitly stipulated in the Charter of Fundamental Rights of the European Union. In particular, article 42 prescribes that “Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium.”³⁹ The procedures for access to information and official documents are further developed in the Code of good administrative behaviour, adopted by the European Parliament in 2001. These principles are broadly implemented in national legal frameworks of the EU Member states through the adoption and enforcement of laws for freedom of information.

A study commissioned in 2006 by the Open Society Institute tried to identify the impact and the added value of the adoption of specific laws related to free access to information. The empirical evidences gathered by the report proved that the freedom of information laws increase the responsiveness and have significant positive impact on the overall governance environment. It also revealed that the main factors that have influenced the development of the legal framework include: political will and external

³⁷ Freedom of Information: The right to Know, declaration adopted by the participants at the UNESCO World Press Freedom

³⁸ Full text available at: http://portal.unesco.org/ci/en/ev.php_URL_ID=30318&URL_DO=DO_TOPIC&URL_SECTION=201.html

³⁹ Charter of Fundamental Rights of the European Union, (2007/C 303/01)

political incentives. The study showed that active involvement of civil society organisations in the process of drafting, adopting, and implementing access to information laws leads to increased responses in more instances than in countries where civil society movements were not as active in the processes. Based on the findings of the study, the following main recommendations for better access to information were drawn:

- 'National and local legislatures should adopt laws and implementation regulations that provide all persons access to information held by government bodies and bodies performing public functions;
- National governments should make clear to officials, civil servants, and all other relevant personnel in public bodies that discrimination in treatment of information requests and in provision of information is unacceptable and will result in disciplinary and possibly legal consequences;
- Civil society organizations should monitor freedom of information practices, investigate suspected instances of discrimination, file lawsuits in instances where discrimination is found, and seek the imposition of penalties as set forth in anti-discrimination laws;
- Public bodies should respond to requests for information in a consistent manner. They can achieve this by training officials, civil servants, and other relevant personnel and by establishing transparent, internal systems and procedures for processing requests for information. Such systems and procedures might include assigning responsible officials to manage responses to information requests and introducing a tracking system for such requests'⁴⁰.

How these principles and recommendations are implemented in practice?

Following the adoption of the Amsterdam Treaty⁴¹, in 2001 the European Council and the European Parliament adopted regulation No 1049/2001 on public access to European Parliament, Council and Commission documents. The implementation of the regulation is guided by the internal rules adopted by the three institutions and goes beyond the former framework providing more openness and transparency of the policy process by:

- Providing framework for access to unpublished documents of the EU institutions and bodies through register of documents or following individual requests;
- Extending the access to documents originating with third parties (e.g. Member States, third countries, the other institutions);

⁴⁰ Transparency and Silence, A Survey of Access to Information Laws and Practices in Fourteen Countries, 2006, Open Society Institute, New York

⁴¹ The Treaty introduced in its Article 255 citizens right of access to European Parliament, Council and Commission documents

- Creating the rule that even if a document is protected by an exception (other than the protection of public interest or of privacy) it can still be released where serving the public interest is more important than protecting the document;
- Reducing the time limits to 15 working days and creating document register⁴².

In order to facilitate the implementation, European Commission has issued a Guide explaining in a simple manner how to get access to information. The Guide is divided in two main subsections: the first explains how to get access to information which has already been published and the second how to get access to unpublished documents. Further standards regarding openness and provision of information are embedded in the Code of Good Administrative Behaviour for the General Secretariat of the Council of the European Union and its Staff in their Professional Relations with the Public⁴³ and in the Code for Good Administrative behaviour in relation with the public adopted by the European Commission. The Codes establish general standards for provision of information and dealing with public requests. Following the provisions, all information (unless protected by a particular law) should be provided in a clear and comprehensive manner. If a staff member considers that he/she is unable to divulge the information requested, the reasons why such information cannot be provided shall be given to the person concerned. All channels of communication – mail, telephone or email are considered equally valid for sending and receiving request for information. In order to promote the accountability principle, the Codes oblige their staff to identify themselves, their service and position when interacting with the public.

Stipulations similar to the provision given by the EU Regulation and the Codes of good administrative behaviour can be found in national legal frameworks of the majority of the EU Member states. The right to access information is considered a fundamental right that is broadly guaranteed by constitutional provisions. The basic prevailing tendencies in the majority of the legal acts are summarised in a study⁴⁴ conducted by the Swedish Agency for Public Management and are described as follows:

- The right of access to documents may be restricted when disclosure of information may damage state/public service/commercial or bank secrets or may threaten the foreign policy. Access to documents may be also denied when they contain private information about third person;
- The person requesting the information is not in general expected to identify himself nor explain the reason for the request;
- There are usually established charges for provision of information, but they should not exceed the expenses for the searching and coping of the documents and information.

⁴² The Commission register is accessible at http://ec.europa.eu/transparency/access_documents/index_en.htm#

⁴³ Decision of the Secretary-General of the Council/High Representative for Common Foreign and Security Policy of 25 June 2001 on a code of good administrative behavior for the General Secretariat of the Council of the European Union and its staff in their professional relations with the public

⁴⁴ Principles of Good Administration, In the Member States of the European Union, 2005, Swedish Agency for Public Management

Provisions for access to documents

	General rule in statutory or constitutional regulation	Need to give reasons	Possible charge for copies
Austria	Obligation of officials to inform the public	No	No
Belgium	Yes	Only when asking for documents of personal matter.	Yes
Cyprus	Yes	Yes	
Czech rep	Yes	No	Yes
Denmark	Yes	No	Yes
Estonia	Yes		
Finland	Yes	No	Yes
Greece	Yes	No	Yes
Hungary	Yes	Yes	
Ireland	Yes	No	Yes
Italy	Yes		
Latvia	Yes	Only when asking for restricted info	Yes
Lithuania	Yes	No	Yes
Netherlands	Yes	Yes	Yes
Slovakia	Yes	Yes	Yes
Slovenia	Yes	No	Yes
Spain	Yes	Yes: individual petition must be formulated	Yes
Sweden	Yes	No, generally not. In certain cases, and only if it is necessary, the authority may ask for reasons in order to be able to decide whether the document may be made available.	No
UK	Yes		

Source: Principles of Good Administration, In the Member States of the European Union, 2005, Swedish Agency for Public Management

In addition, the development of e-technologies have reshaped the delivery of public services and substituted many of the traditional governmental mechanisms. The e-technologies and e-governmental applications slowly 'invaded' the governance space and provided solutions to long lasting problems that have puzzled governments around the world. Accordingly, the means for provision of information have changed giving more room to the Internet tools as better and faster channels for government-citizen communication.

In the 21st century, e-Government has become a synonym for a modern and innovative state in which quality, trust and speed are central elements. E-Government solutions have transformed governments by making them more accessible to their citizens, more accountable, effective and transparent. The properly implemented e-government mechanisms have the ability to strengthen the cement between government and citizens and subsequently enable governments to gain public trust by implementing

policies that have been influenced by citizens' inputs. Therefore, governments across the globe have actively promoted the use of e-governance tools in all spheres of interaction with their citizens. The provision of information to the wider public in this respect is a major cornerstone.

Access to information and e-solutions in selected member states

Estonia

In Estonia, the main legal instrument that guarantees access to public information is the Estonian constitution. Its stipulations have been further developed in the Public Information Act aiming among other things to create applicable mechanism for monitoring the activities of the public bodies. In order to do so, the law explicitly obliges the authorities to take proactive position in the process of information delivery and sets requirements for the information that should be mandatory disclosed (Article 28). Such information includes: draft laws, reports, concepts and policy papers, statistics, draft budgets and use of assets and budgetary funds, etc. Article 4 further stipulates that in order to ensure the democratic process, public authorities should provide the requested information in the quickest and easiest manner possible. The law also binds public institutions to clearly explain the procedures for access to information and to further assist the person making request for information. The requests can be made either orally, or in writing by the means of post, fax or electronic mail.

A good example on the practical implementation of the Estonian Public Information Act is the webpage of the Estonian Tax and Customs Board (www.emta.ee). The webpage provides all needed information to the taxpayers by displaying tax return forms, guidelines for filling in the tax returns, the texts of legal acts, etc. Thorough information is provided also in regard to telephone accessibility, written questions, service bureaus, as well as refund of income tax to taxpayers who have submitted their income tax returns via E-Tax Board.

Over the last decade, Estonia has systematically pursued the development of the e-state and e-government as a bridging tool between citizens and their institutions. As a result, the World Economic Forum ranked the country 25th out of 134 countries in the Networked Readiness Index⁴⁵ for 2009-2010 which made Estonia the highest-ranking Central and Eastern European country. Excellent illustration on how new technologies can foster the provision of information and thus enable greater government transparency and openness, is the X-Road system applied in Estonia. The X-Road tool enables secure access to public services including e-elections, e-schools, e-government, e-police, e-health and the e-tax office. In 2008, 88% of income taxes were declared on this system. The parliamentary elections in 2007 were the second opportunity for Estonian citizens to vote from home and turnout using this method represented 5.5% of the total.

⁴⁵ The Global Information Technology Report 2009–2010, ICT for Sustainability, World Economic Forum

X-Road has promoted culture of transparency in the public sector and active citizen participation in decision-making processes. The system has facilitated data transfer between digital state databases and enabled secure data transfer between individuals and state institutions⁴⁶. Parallel to the development of the X-Road tool, the Government created a web portal called “Today I Make Decisions” in 2001. Public Institutions were urged to upload all their draft bills and amendments there, allowing people to review, comment and make proposals on the legislative process as well as propose amendments to existing legislation. Proposals made through the web page have been forwarded to responsible ministries for compulsory response (see more information in the next chapter).

Austria

In Austria, the Fundamental act on the duty to grant information and the Act on the duty to grant information provide the general legal framework for access to information. The main responsibilities for defining the concrete scope of the information provision lay within the Laender that should adopt rules defining to what extent information shall be given and to what extent special institutions shall be in charge of complying with such duty to give information. The Federal law however prescribes that everyone is entitled to request information in writing, orally or by telephone. The information should be given without undue delay, at the latest within 8 weeks after the receipt of the request for information.

Since 2001 one of the main channels for information exchange between Austrian authorities and their citizens is the web portal ‘Help’.⁴⁷ HELP provides information on nearly 200 different topics related to official procedures, including the required documents, applicable fees, deadlines and online forms and templates. The portal technology provides 24/7 interface between the state authorities and their citizens. Since its launch, the portal has provided growing number of procedures that can be performed online. It delivers information on all sorts of dealings with Austrian authorities such as, childbirth, marriage, housing, or passport matters and enables the electronic processing of some of these procedures. The content of the website is organised in four main sections, targeting different groups: citizen, business, young people and senior citizens. The common criteria around building the services are transparency, comprehensiveness, clarity of information, and focus on essential facts.

Parallel to this, the government has launched online federal government legal information system⁴⁸ which provides free access to the entire Austrian legislation. The system simplifies and standardises the procedure and enables citizen to get acquainted with the new legislative bases in the moment of its promulgation.

⁴⁶ More information available at: <http://www.ria.ee/indexphpid27309>

⁴⁷ <http://help.gv.at>

⁴⁸ <http://www.ris.bka.gv.at>

The **Finish** web portal 'Suomi.fi'⁴⁹ – one address for public services' is build following the same logic stated behind the elaboration of the Austrian HELP portal. Suomi.fi provides information on all major situations during lifetime. Some of the information packages provided are collections of web pages aimed at specific target groups, while others contain general information on Finnish society and the public sector in Finland. The main purposes of the portal are:

- to strengthen the openness, visibility and unity of the public sector;
- to promote a common standard among the public sector in web-services;
- to improve accessibility and quality of public sector services for the needs of citizens;
- to make it easier to find public sector information;
- to promote interactivity between citizens and authorities;
- to minimize the overlapping of work among authorities;
- to advise citizens to find the right authority in their special needs.

Netherlands

The Government Information Act is based on the constitutional right of access to information. It creates presumption that documents created by public agencies should be available to everyone. The decisions on request for information should be given verbally or in writing but in case of refusal, the applicant may request written notification. The application should be examined at the earliest possible opportunity, and in any event no more than two weeks after the date of receipt of the application. If for some reasons the authority cannot answer within this timeframe, it should notify the applicant in writing explaining the reasons for the delay. This should be done before the first two-week period has elapsed.

The law also obliges the public authorities to provide on their own initiative information on their policies and implementation, whenever the provision of such information is in the interests of effective, democratic governance. This information should be provided in comprehensible form and in such a way that it can reach as many interested members of the public as possible at a time which will allow them to make their views known to the administrative authority. In order to fulfil these requirements the Dutch authorities have been extensively using different e-tools.

E-technologies have been used for improving information exchange, service delivery and interactive participation by introducing new partnerships between citizens and government. This is achieved by giving more choices but also more responsibilities to the public. In order to stimulate the development of e-government from a citizen's point of view, the Dutch government established e-Citizen Programme. It is an independent forum involving citizens in the policy process by enabling them to advise government bodies and monitor progress. To help citizens in their new role, the e-Citizen Program has developed e-Citizen Charter. The Charter is based on conducted surveys of citizen expectations and existing quality systems. It summarises the vision of the Dutch citizens

⁴⁹ <http://www.suomi.fi/suomifi/english/index.html>

on the government as a whole. Despite the fact that its provisions are not obligatory for the administrations, the principle: "Comply or Explain" is promoted. The e-Citizen Charter contains the following ten principles that are largely based on the internationally recognized principles of good governance and on the modern trends in government delivery:

1. Choice of Channel: As a citizen I can choose for myself in which way to interact with government. Government ensures multi channel service delivery, i.e. the availability of all communication channels: counter, letter, phone, e-mail, Internet.
2. Transparent Public Sector: As a citizen I know where to apply for official information and public services. Government guarantees one-stop-shop service delivery and acts as one seamless entity with no wrong doors.
3. Overview of Rights and Duties: As a citizen I know which services I am entitled to under which conditions. Government ensures that my rights and duties are at all times transparent.
4. Personalized Information: As a citizen I am entitled to information that is complete, up to date and consistent. Government supplies appropriate information tailored to my needs.
5. Convenient Services: As a citizen I can choose to provide personal data once and to be served in a proactive way. Government makes it clear what records it keeps about me and does not use data without my consent.
6. Comprehensive Procedures: As a citizen I can easily get to know how government works and monitor progress. Government keeps me informed of procedures I am involved in by way of tracking and tracing.
7. Trust and Reliability: As a citizen I presume government to be electronically competent. Government guarantees secure identity management and reliable storage of electronic documents.
8. Considerate Administration: As a citizen I can file ideas for improvement and lodge complaints. Government compensates for mistakes and uses feedback information to improve its products and procedures.
9. Accountability and Benchmarking: As a citizen I am able to compare, check and measure government outcome. Government actively supplies benchmark information about its performance.
10. Involvement and Empowerment: As a citizen I am invited to participate in decision-making and to promote my interests. Government supports empowerment and ensures that the necessary information and instruments are available.'

Source: E-Citizen Charter, Citizenlink, Netherlands (available at: <http://www.burgerlink.nl/englishsite/e-citizen-charter/e-Citizen-Charter.xml>)

With the launch of eCitizen programme, the Dutch government has recognised the importance of building transparent official websites as a way to boost citizen trust. Therefore in 2007 a set of Web Guidelines were introduced. The Guidelines are mandatory for all government websites and consist of 125 requirements that deal with all aspects of the digital relationship: accessibility, transparency, clarity, openness, predictability. To measure the performance of its websites, the Dutch government uses self-assessment tool that covers 78 out of 125 criteria to measure performance.

The close link between the transparent provision of information and in particular the transparent websites of government authorities was once again reconfirmed by a study made by Federal Communications Commission in the United States. After surveying data from 36,000 visitors to federal websites in 14 participating agencies they found out that when citizens find a website highly transparent, they are 85% more satisfied than

citizens who rate a federal website's transparency poorly. Citizens who perceive a federal website to be highly transparent tend to trust the overall government activities more (46 %) and are more likely to participate by expressing their thoughts and ideas with that agency in the future, offline or online (40%). These kinds of citizen behaviours and attitudes are qualified as 'the holy grail of open, cost-effective, democratic, efficient government'⁵⁰.

United Kingdom

The Freedom of Information Act aims at increasing government accountability, making public authorities' work more visible. It also ensures that policy-making processes are fair, democratic and open. The act creates obligation for the public institutions to disclose requested public information and to inform in writing the applicant in case the request should be forwarded to another competent authority. The law also binds the institutions to provide advice and assistance to persons who propose to make or have made requests for information. Following the law, all public authorities are required to adopt and maintain publication schemes. The publication scheme is a commitment to routinely and proactively provide information to the public. A model scheme (see Annex 3) that contains seven classes of information has been elaborated. These classes are:

- 'Who we are and what we do;
- What we spend and how we spend it;
- What our priorities are and how we are doing;
- How we make decisions;
- Our policies and procedures;
- Lists and registers;
- The services we offer'⁵¹.

The implementation of the law on freedom of information is further facilitated by adoption of the Code of Practice on the discharge of public authorities' functions. The Code aims to transform the 'culture of the public sector to one of greater openness, enabling members of the public to better understand the decisions of public authorities, and ensuring that services provided by the public sector are seen to be efficiently and properly delivered.' The Office of the Information Commissioner has produced specific guidelines to show the types of information the particular authority is expected to publish.

In addition, the British government has launched an online platform that provides citizens with a single point of access to public sector information and services. The portal (www.direct.gov.uk) is used as a focal point for delivery of information, on-line services and provision of opinion on issues put under discussion from the government.

⁵⁰ The Inaugural ForeSee Results', E-Government Transparency Index: Quantifying the Relationship Between Online Transparency and Trust in Government, 2010, Larry Freed

⁵¹ Model Publication Scheme available at:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/generic_scheme_v1.0.pdf

Five sections provide additional information for specific groups like young people, Britons leaving abroad, parents, disabled and people caring for someone.

Similar to the publication schemes in the UK, the **Slovenian** government adopted a common approach to the delivery of public information. The decree on the provision of public information lays down the method, by which public information should be provided, published in Internet and the method by which a catalogue of public information shall be drawn up. The government has bound all public institutions to provide updated catalogue of public information on their websites. The model catalogue, annexed to the governmental decree is the following:

Sample catalogue of public information

1. Basic details of the catalogue	
Title of the body	- Full title of the body, or of bodies which, in accordance with Article 2(3) of the Decree on the provision of public information, can draw up a joint catalogue
Responsible officer	- (Academic title), full name, (professional title), position of the responsible officer
Date of the first publication of the catalogue	- Date on which the catalogue was adopted
Date of the last change	- Date (last day of the month when a change was last entered)
Web address at which the catalogue can be accessed	- Web address
Other forms of the catalogue	- Hard copy, CD, DVD or other media and details of its physical accessibility
2. General details about the body and the public information at its disposal	
2a. Organisational chart and details of the body's organisation	
Brief description of the area in which the body works	- Description of the field of work as set out in the founding acts
List of all internal organisational units	- Title of an organisational unit - Address of the unit - Contact details for the unit (for each unit separately) - Note (link to the catalogue of bodies, if the internal organisational unit is an independent body)
Organisational chart of the body	Link to a separate document
2b. List of other bodies in the area of work (only for ministries)	
List of all other bodies in the area of work	- Title of the body - Address of the body - Contact details for the body (for each unit separately) - Note (link to the catalogue of bodies)
2c. Contact details of officer(s) responsible for providing information	
Responsible officer	- Full name, title, position, address, telephone number, email address
2d. List of laws, implementing acts and regulations of the European Communities concerning the area in which the body works (via the national, local or European register of regulations)	
National regulations	- Link to the national register of regulations
Local authority regulations	- Link to the local register of regulations (only for local authority bodies)
EU regulations	- Link to the European register of regulations
2e. List of proposed regulations (via the national or local register of regulations)	
Proposed regulations	- Link to the national or local register of regulations - Link to the EU portal
2f. List of strategic and programming documents by subject area	

List of strategic and programming documents	<ul style="list-style-type: none"> - Adopted strategic and programming documents by subject area – links to separate documents - Proposed strategic and programming documents by subject area – links to separate documents
2g. List of types of administrative, judicial or legislative procedures	
Types of procedures conducted by the body	<ul style="list-style-type: none"> - Types of procedure - Details of the conditions relating to individual types of procedure in accordance with Article 10 of the Decree
2h. List of public records managed by the body	
List of records	<ul style="list-style-type: none"> - Title of the record - Record based on (legal basis) and contains data on (substantive framework as defined in the legal basis) - How the body obtains information to enter into the record (<i>ex officio</i>, on the basis of submissions) - Description and conditions of access to the records in accordance with Article 10 of the Decree - Links to other public records
2i. List of other computerised databases	
List of databases	<ul style="list-style-type: none"> - Name of the computerised database - Brief description of purpose of the database - Brief description of how data is obtained from the database - Description of access to the database
2j. Most important subject areas for other public information or list of individual documents	
Areas of information – following the description of the area in which the body works, broken down	<ul style="list-style-type: none"> - Other public information in accordance with Article 11 of the Decree - Breakdown of other subject areas - List of important documents (optional)
3. Description of method of access to other public information	
Description of access to individual areas of information	<ul style="list-style-type: none"> - Description of access via the web stating the technical conditions and forms in which the public information exists - Description of ‘physical’ access stating office hours, premises and method of viewing information - Description of access for people with special needs in accordance with Article 13 of the Decree - Description of partial access - Link to the cost schedule
4. List of most frequently requested public information	
List of the ten most frequently requested items or subjects of information (automatically generated list determined by demand for particular information)	<ol style="list-style-type: none"> 1. 2. 3. 4.....

Source: Decree on the provision of public information, published in the Official Gazette of the Republic of Slovenia, no. 76/05, on 12. august 2005

Bulgaria

The Law on Access to Information was adopted in 2000 with the aim to provide more transparency in the decision-making process and enable citizens to make well-informed choices while at the same time to monitor the implementation of the state policies. The law provides everyone with the right to access any kind of information available in all public bodies. The application for information may be written or oral, requested also by using the means of Internet technologies. All requests should be answered within 14 days of the application date. If for any reason the required information cannot be provided within the time frame, the authority should notify the applicant about the extension of the processing period. The overall deadline for answering the request

however cannot exceed 24 days. The authorities are also obliged to announce information, which has been collected, or came to their knowledge during the performance of their activities in two specific cases:

- if the information disproves a previously disseminated incorrect information that affects important social interests;
- could be, of interest to the public.

In order to secure greater transparency, public authorities are bound to publish on a regular basis up-to-date information containing:

- description of their powers as well as data on the organizational structure, functions and responsibilities of the administration;
- list of the acts issued within the scope of their powers;
- description of the data volumes and resources used by the respective administration;
- the name, address, telephone number and working hours of the respective administration's office which is authorized to receive applications for access to public information.

In addition, some public authorities have launched additional transparency initiatives such as life on-line broadcasting of the meetings of Sofia Municipal Council. The debates in the local Assembly are then archived and posted on the webpage of the municipality. In 2009, in order to facilitate transparency and enable citizen to have a 'close look' at the deliberations during Ministerial meetings, the Government launched a new e-system providing the full version of the minutes and decisions taken during government meetings. They are published in special section on the government website at the day of the discussion. Government decisions dating back up to 1990 were scanned and posted on the web as well. Thus CSOs, media and citizen are enabled to follow the policy development, to get acquainted with the grounds for adoption/overruling, to monitor the process and hold the ministers into account.

A key role in the monitoring of the implementation of the Bulgarian Public Access to Information law plays a NGO called: Access to Information Programme (AIP). The foundation was established in 1996 by a group of Bulgarian journalists, lawyers, sociologists, and economists who worked in the area of human rights. For the years of its existence, the foundation managed to become the major watchdog in the area but at the same time a governmental partner, whose opinions are respected and usually complied with. The main activities of the AIP are related to:

- Monitoring the freedom of information legislation in Bulgaria and participating in the debates for its compliance with the international standards in the area;
- Work with an established network of journalists in 26 cities throughout the country that monitors the access to information implementation practices and gives recommendations for their improvement;
- Provision of consultations on cases concerning the right of access to information and legal help in individual cases of information seeking;
- Organising specialized freedom of information trainings for civil servants and local administration officials, journalists, and nongovernmental organizations;

- Preparation and publishing of handbooks on how to exercise the right of access to information, as well as publications clarifying particular aspects of the access to information legislation.⁵²

Since 2006, the AIP issues regular evaluation on the implementation for active disclosure of information on the Internet sites of the executive authorities. On a yearly basis it evaluates the implementation of the Access to Information Law. In 2010 after 10 years of implementation, AIP evaluated the development of the freedom of information framework like this: ‘The implementation of the law has passed different stages in Bulgaria. From complete ignorance by the administration, through unwillingness and resistance against the implementation of the provisions, to the increase of the number of paragon public bodies which Access to Information Programme (AIP) awards on the Right to Know Day.’⁵³

In the era of ICT, provision of information and e-technologies go hand in hand. This tendency is explicitly visible in the legal framework of access to information that with the development of the e-technologies embedded and promoted them as equally viable source of communication as the standard models applicable so far.

The following table presents a comparative overview on how some of the major international standards that foster confidence building between citizen and their authorities are applied in the freedom of information legislation acts of some EU member states.

⁵² More information is available at: http://www.aip-bg.org/index_eng.htm

⁵³ Access to Information Report 2009, Access to Information Programme, 2010, Bulgaria

Major international standards and their application in the freedom of information legislation acts of some EU member states.

International Instruments Addressing Freedom of Information	Similar provisions in Freedom of Information Laws of EU member states
<p>Article 19: Global Campaign for Free Expression</p> <p>Definition Information should be defined broadly. “Information’ includes all records held by a public body, regardless of the form in which the information is stored (document, tape, electronic recording and so on), its source (whether it was produced by the public body or some other body) and the date of production.</p>	<p>Poland: The Law On Access to Public Information Article 1 of the Law on Access to Public Information defines public information as “any information on public matters constitutes public information in the understanding of the Act.”</p> <p>Bulgaria: Access to Public Information Act Article 2.1 defines “public information shall be any information relating to the social life in the Republic of Bulgaria, and giving opportunity to the citizens to form their own opinion on the activities of the persons having obligations under this act. (2) The information under sub-article 1 shall be deemed public irrespective of the kind of its physical bearer.”</p> <p>Estonia: Public Information Act § 3. (1) Public information is information which is recorded and documented in any manner and on any medium and which is obtained or created upon performance of public duties provided by law or legislation issued on the basis thereof.</p>
<p>Principle 2. Obligation to Publish</p> <p><i>Public bodies should be under an obligation to publish key information</i></p> <p>Freedom of information implies not only that public body accede to requests for information but also that they publish and disseminate widely documents of significant public interest, subject only to reasonable limits based on resources and capacity.</p>	<p>Bulgaria: Access to Public Information Act Access to Public Information Act of the Republic of Bulgaria provides the following mechanism for publication of up-to-date public information. Duties for disclosing public information Art. 14. (1) The bodies shall inform of its activities by making publications or using other form of announcements. (2) The bodies shall be obliged to announce information, which has been collected, or came to its knowledge during the performance of their activities, where such information: 1. is of a nature to prevent some threat to the citizens' life, health or security, or to their property; 2. disproves a previously disseminated incorrect information that affects important social interests; 3. is, or could be, of interest to the public;</p>
<p>Council of Europe Convention on Access to</p>	

Official Documents***Article 10 – Documents made public at the initiative of the public authorities***

At its own initiative and where appropriate, a public authority shall take the necessary measures to make public official documents which it holds in the interest of promoting transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest.

4. must be prepared and released by virtue of law.

Art. 15. (1) In order to achieve transparency of the administration's activities, and for the purpose of maximum facilitation of access to public information, every chief officer of an administrative structure within the system of the executive power shall publish on a regular basis up-to-date information containing:

1. description of his/her powers as well as data on the organizational structure, the functions and the responsibilities of the administration led by him/her.
2. list of the acts issued within the scope of its powers;
3. description of the data volumes and resources, used by the respective administration,
4. the name, address, telephone number and working hours of the respective administration's office which is authorized to receive applications for access to public information.

Estonia: Public Information Act

§ 28. Obligation of holder of information to disclose information

(1) A holder of information is required to disclose the following existing information relating to the duties thereof:

- 1) generalised economic statistics and economic forecasts of the state and local governments;
 - 2) generalised statistics relating to crime and misdemeanours;
 - 3) statutes of state or local government agencies and their structural units;
 - 4) formats of petitions and other documents submitted to state and local government agencies and instructions for the completion thereof;
 - 5) job descriptions of state and local government officials;
 - 6) positions in state and local government agencies, and the given names, surnames, education, areas of specialisation, telephone numbers and electronic mail addresses of officials filling the positions prescribed in such agencies;
 - 7) information concerning danger posed to the life, health and property of persons;
 - 8) reports on work results and the performance of duties in state and local government agencies;
 - 9) names and electronic mail addresses of members of the supervisory boards and management boards of legal persons in public law;
 - 10) management reports and income / expense statements of legal persons in public law;
 - 11) budgets and draft budgets of state agencies, local governments and local government agencies, and reports on the implementation thereof;
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- 12) information concerning the receipt of state budget revenues;
 - 13) information concerning the state of the environment, environmental damage and dangerous environmental impacts;
 - 14) precepts or decisions relating to state supervision or supervisory control as of the entry into force thereof;
 - 15) draft Acts prepared by ministries and draft Government of the Republic regulations, together with explanatory memoranda, when such drafts are sent for approval or presentation to the Government of the Republic;
 - 16) draft regulations of ministers and local governments together with explanatory memoranda before such drafts are presented for passage;
 - 17) draft concepts, development plans, programmes and other projects of general importance before such drafts are presented to the competent bodies for approval, and the corresponding approved or adopted documents;
 - 18) information concerning research and analyses ordered by state or local government agencies;
 - 19) information concerning unfilled positions in state or local government agencies;
 - 20) information concerning public procurements which are being organised or have been organised by the state or local governments;
 - 21) information concerning the use of assets and budgetary funds which the state or a local government has transferred to legal persons in private law founded by the state or local government or with the participation thereof;
 - 22) programmes of public events;
 - 23) changes in the work and duties of state and local government agencies which are related to services provided for persons, not later than ten days before implementation of the changes;
 - 24) information concerning the office hours of heads of state and local government agencies;
 - 25) salary rates and guides valid in state and local government agencies, and the procedure for payment of additional remuneration and the grant of fringe benefits in such agencies;
 - 26) information concerning the price formation of companies which have a dominant position in the market or special or exclusive rights or which are natural monopolies;
 - 27) information concerning the provision of public services and concerning changes in the conditions and price for provision of the service before implementation of such changes;
 - 28) lists of the members of political parties;
 - 29) court judgments which have entered into force;
 - 30) information in general national registers and state registers to the extent prescribed by law;
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- 31) the document register of the agency;
 - 32) other information and documents concerning which the obligation to disclose is provided by an international agreement, an Act or legislation passed on the basis thereof or which the holder of information deems necessary to disclose.

Netherlands: Act of 31 October 1991, containing regulations governing public access to government information

Section 8

1. The administrative authority directly concerned shall provide, of its own accord, information on its policy and the preparation and implementation thereof, whenever the provision of such information is in the interests of effective, democratic governance.
2. The administrative authority shall ensure that the information is supplied in a comprehensible form and in such a way as to reach the interested party and as many interested members of the public as possible at a time which will allow them to make their views known to the administrative authority in good time.

United Kingdom - Freedom of Information Act

Publication schemes.

19. (1) It shall be the duty of every public authority-
 - (a) to adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the Commissioner (in this Act referred to as a "publication scheme"),
 - (b) to publish information in accordance with its publication scheme, and
 - (c) from time to time to review its publication scheme.
 - (2) A publication scheme must-
 - (a) specify classes of information which the public authority publishes or intends to publish,
 - (b) specify the manner in which information of each class is, or is intended to be, published, and
 - (c) specify whether the material is, or is intended to be, available to the public free of charge or on payment.
 - (3) In adopting or reviewing a publication scheme, a public authority shall have regard to the public interest-
 - (a) in allowing public access to information held by the authority, and
 - (b) in the publication of reasons for decisions made by the authority.
 - (4) A public authority shall publish its publication scheme in such manner as it thinks fit.
-

Article 19: Global Campaign for Free Expression

Principle 1. Maximum Disclosure

Public bodies have an obligation to disclose information and every member of the public has a corresponding right to receive information. Everyone present in the territory of the country should benefit from this right.

A Model Freedom of Information Law

Part II: The Right to Access Information Held by Public and Private Bodies

Freedom of Information

3. Everyone shall have the right to freedom of information, including the right to access information held by public bodies, subject only to the provisions of this Act.

Council of Europe Convention on Access to Official Documents

Article 2 – Right of access to official documents

Each Party shall guarantee the right of everyone, without discrimination on any ground, to have access, on request, to official documents held by public authorities.

Article 5 – Processing of requests for access to official documents

3. Requests for access to official documents shall be dealt with on an equal basis.
4. A request for access to an official document shall

Estonia: Public Information Act

Article 4.2 of the Public Information Act provides that access to information shall be ensured for every person in the quickest and easiest manner possible.

Poland: Law on Access to Public Information

Article 2. Each person is entitled to the right of access to public information, hereinafter referred to as “the right to public information”.

Austria: Fundamental Act on the duty to grant Information

The organs of the Laender, of the municipalities as well as of the self administration as regulated by Laender legislation, shall give information on matters within their scope of activities, to the extent not being in contradiction with a statutory duty of secrecy.

§ 2. Anyone is entitled to request information.

§ 3. The Laender legislation regulates to what extent information shall be given and to what extent special institutions shall be in charge of complying with such duty to give information. Laender legislation shall provide for professional organisations that they are only liable to give information to persons being their members and only to the extent as this does not prevent the proper compliance with their statutory duties.

Netherlands: Act of 31 October 1991, containing regulations governing public access to government information

Section 3

1. Anyone may apply to an administrative authority or to an agency, service or company carrying out work for which it is accountable to an administrative authority for information contained in documents concerning an administrative matter.
2. The applicant shall specify the administrative matter or the document relevant to it as to which he wishes to get information.

United Kingdom - Freedom of Information Act

1. (1) Any person making a request for information to a public authority is entitled-
 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.

be dealt with promptly. The decision shall be reached, communicated and executed as soon as possible or within a reasonable time limit which has been specified beforehand.

Article 19: Global Campaign for Free Expression

Principle 5. Processes to Facilitate Access

All public bodies should be required to establish open, accessible internal systems for ensuring the public's right to receive information.

Council of Europe Convention on Access to Official Documents

Article 4 - Requests for access to official documents

1. An applicant for an official document shall not be obliged to give reasons for having access to the official document.
2. Parties may give applicants the right to remain anonymous except when disclosure of identity is essential in order to process the request.
3. Formalities for requests shall not exceed what is essential in order to process the request.

Article 19: Global Campaign for Free Expression

Principle 5. Processes to Facilitate Access

Public bodies should also be required to assist

Bulgaria: Access to Public Information Act

Art. 24. (1) The request for granting access to public information shall be made in the form of a written application or verbal request.

(2) The application is deemed written also in cases where it is *sent electronically* subject to conditions determined by the respective body.

Czech Republic: The Law on Free Access to Information

§ 13 Application for providing information

(1) The application asking for information is submitted either in writing or orally, and also by *means of telecommunications equipment*.

United Kingdom - Freedom of Information Act

Request for information.

8. (1) In this Act any reference to a "request for information" is a reference to such a request which-

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested.

(2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request-

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

Estonia: Public Information Act

§ 15. Obligation of holders of information to assist persons making requests for information

(1) Holders of information are required to *clearly explain* the procedure for and the conditions and manners of access to information to persons making requests for information.

(2) Officials and employees of holders of information are required to *assist persons* making

applicants whose requests relate to published information, or are unclear, excessively broad or otherwise in need of reformulation.

A Model Freedom of Information Law

Part II: The Right to Access Information Held by Public and Private Bodies Request for Information

8(2) Where a request for information does not comply with provisions of the law, the official who receives the request shall render such reasonable assistance, free of charge, as may be necessary to enable the request to comply with the law.

Council of Europe Convention on Access to Official Documents

Article 5 - Processing of requests for access to official documents

1. The public authority shall help the applicant, as far as reasonably possible, to identify the requested official document.

requests for information in every way during the making of requests for information and the identification of the information necessary for the persons making requests for information, the location of the information and the most suitable manners of access thereto.

(3) An official or employee of a holder of information who is not competent to comply with a request for information is required promptly to send the person making the request for information to an official or employee who has the corresponding competence, or promptly to communicate the request for information in writing to the specified official or employee.

Netherlands: Act of 31 October 1991, containing regulations governing public access to government information

Section 4 If the application concerns documents held by an administrative authority other than that to which the application has been submitted, the applicant shall, if necessary, be referred to that authority. If the application was made in writing, it shall be forwarded and the applicant shall be notified accordingly.

United Kingdom - Freedom of Information Act

16. (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

4.2 Participation - citizens involvement in the decision-making process

“The quality of... EU policy depends on ensuring wide participation throughout the policy chain – from conception to implementation.”

White Paper on European Governance, European Commission, 2001

For many years, public consultations have been perceived as useless and time consuming exercises. On one hand, public institutions believed that the only valuable expertise is concentrated within their own internal system and considered the ‘interference’ of outside parties as cumbersome and fruitless. On the other side, the civil society organizations were dispirited by the lack of response to their comments and the general neglect towards their opinion.

The process of globalization, combined with the fall of the ‘iron curtain’, the strengthening of advocacy capacities of the civil sector and the declining citizen trust in political systems gradually lead to the change of this perspective and brought along a new governance ‘thinking’. Public consultations have gradually taken their right place as key policy mechanism, fostering the notion that consulting the public can only be comprehended as a ‘win-win’ solution. This was explicitly underlined in the Explanatory Memorandum to the Recommendation on the Legal Status of Non-Governmental Organisations in Europe where the Council of Europe stated that ‘Notwithstanding the different perspective of NGOs and public authorities, it is in their common interest and that of society as a whole for them to have available effective mechanisms for consultation and dialogue so that their expertise is fully exploited. Certainly competent and responsible input by NGOs to the process of public policy formulation can contribute greatly to efforts to find solutions to the many problems that need to be addressed⁵⁴. The CoE urged its members to adopt techniques that facilitate CSOs input through bodies playing a co-ordinating role.

Realising that the civil society organisations play an important role of facilitators of broad policy dialogue, in 2001 the European commission proclaimed public participation as one of the five core principles of good governance. In its White Paper on European Governance it clearly signalled that: ‘the quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation. Improved participation is likely to create more confidence in the end result and in the Institutions which deliver policies. Participation crucially depends on central governments following an inclusive approach when

⁵⁴ Explanatory Memorandum to 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

developing and implementing EU policies.⁵⁵ And while the White Paper on European Governance dealt with the principle of participation at macro level, the Model Code of Good Administration adopted by the Council of Europe went beyond the policy level, stipulating that even at the level of individual decisions, ‘unless action needs to be taken urgently, public authorities shall provide private persons with the opportunity through appropriate means to participate in the preparation and implementation of administrative decisions which affect their rights or interests’⁵⁶

At the same time, the European commission explicitly stressed that the culture of consultations cannot be achieved only through adoption of legal rules but should be underpinned by a code of conduct that sets minimum standards, prescribing what to consult on, when, whom and how to do it. This will not only help regaining public trust but will promote culture of consultation, will institute it and efficiently implement it within public institutions.

How these principles are implemented in practice?

At European level, the Green Papers published by the European Commission are among the main tools enabling wider public debate. The Green Papers are documents aiming to stimulate discussion on given topics at a European level. They invite the relevant parties (bodies or individuals) to participate in consultation process and debate on the basis of the proposals put forward. Green Papers may give rise to legislative developments that are then outlined in White Papers. The comments and proposals received are usually integrated in the Commission’s suggestion for policy launch summarised in White Paper.

With the adoption of the General principles and minimum standards for consultation of interested parties (see Annex 4) in 2002, the EC took a leading role in shaping the consultative process in Europe and provided practical example on how Member States should implement the principles embedded in the White Paper on European governance. The Code of standards was aimed at reshaping the current EC’s consultation practices and providing structured and consistent approach in the area. It was also aimed at ensuring that all interested parties have equal access to information and are equally presented in the policy formulation process. The observance of this principle grants that the proposals of the EC are widely agreed, technically viable, practically workable and based on a bottom-up approach.

Following the good practices that the EC wanted to introduce, the draft Minimal standards for public consultations were also consulted with the interested parties. The proposals and recommendations received along with the information about the parties that submitted them were posted on the website of the Commission. By doing this, the EC not only ensured the openness and transparency of the policy process but made sure

⁵⁵ European Governance – A White Paper” of the Commission of the European Communities. Brussels, 25.7.2001. COM (2001) 428 final.

⁵⁶ Article 8, Recommendation CM/Rec(2007)7 of the Committee of Ministers to member states on good administration

that the same principles apply to the civil society organizations that contributed to the elaboration of the standards. Thus the Commission reconfirmed its belief that ‘for the consultation relationship to succeed, the commitment to these principles cannot be unilateral: both sides involved in the consultation process have a role in applying them effectively.’⁵⁷ Viewed through the lenses of better civil involvement, the application of the principles of good governance in practice means that the Commission will:

- Consult as widely as possible on major policy initiatives and in particular legislative proposals (**Participation**);
- Make sure that both those who are directly involved and the general public have clear understanding on:
 - what issues are being developed;
 - what mechanisms are being used to consult;
 - who is being consulted and why;
 - what has influenced decisions in the formulation of policy.
- Require all interested parties that are seeking to contribute to EU policy development to submit information regarding the interests they represent and on how inclusive that representation is (**Openness and Accountability**);
- Start the consultation process as early as possible and make sure that the interested parties will be involved at a stage where they can have impact on the formulation of the main aims, methods of delivery, performance indicators and, where appropriate, the initial outlines of that policy (**Effectiveness**);
- Ensure that there is consistency in the operations of its own departments and will provide mechanisms for feedback, evaluation and review (**Coherence**);

The adopted general principles and minimal standards for consultations aimed at providing practical guidelines, answering three main questions: who to consult, how to consult and when to consult. However, to make them more effective and to ensure their proper implementation, the EC envisioned the following accompanying measures:

- Provision of practical guidelines, including best practices examples assessable via the Commission’s Intranet website;
- Establishing a help-desk facility using mail-box, to which staff can send questions on the application of the general principles and minimum standards;
- Provision of trainings and awareness rising measures.

In order to create a clear framework of CSO involvement in the decision-making process, in 2004 the European Commission published Guidelines on Principles and Good Practices for the Participation of Non-State Actors in the development dialogues and consultations. The document gives practical guidelines to the EU Delegations on how to promote ‘confidence building’ and trust between Governments and non-state actors. One of the first recommended measures to start with is the conduct of ‘a mapping study’ on the situation of NSAs in the country or in the region. The study can support the launch of participatory process by reviewing the CSOs networks and the

⁵⁷ Communication from the Commission, 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

most relevant existing process of dialogue at a country/region level. The study may also assess the capacity of the CSOs, the role they play and the constraints they face, in terms of advocacy, monitoring, policy dialogue and service delivery. In order to achieve its objectives, the study should analyse the following organizational benchmarks:

- mission and functions of the CSOs and their ability to carry out them;
- relations *vis-à-vis* each other;
- level of involvement in policy dialogue, monitoring and implementation both at central and district levels, with either the national authorities or the donors community; including the current status of participation in relation to the EC and other donors' co-operation;
- voice of the grassroots;
- funding environment and strategies (legislative framework on funding and foreign aid dependency);
- civil society organisations' views, expectations and strategies on partnership with central and local government;
- flow of information within the civil society and between CSOs themselves at central and community levels: nature ("backward", i.e. from central level to the districts and to the communities, and/or "forward", i.e. from communities to the districts and to the central level) and contents;
- flow of information between donors, government and civil society: nature ("backward"/"forward") and contents (strategies, policies, accountability, procedures, access to funding, etc);
- Indication (geographical, sector, etc) as to where CSOs are not organised and capacity building is needed, taking into consideration of possible synergies and linkages with programmes and initiatives already existing within this field.⁵⁸

The European Commission paid special attention to the creation of new ad hoc civil society dialogue structures other than those already existing. It have underlined that establishment of new structures should be avoided in principle as to avoid donor-driven or government-driven structures for dialogue with civil society. The opposite may create structures that will be neither truly representative of the interest of civil society, nor be part of civil society genuine dynamics, and will exists with the very reason of benefiting from donor funding. The existence of such CSOs usually undermines the government trust in the CSOs activities as a whole and raises questions regarding their objectives and interest that stay behind them.

The European Commission have also noted that the consultation process requires a good balance between economic and social partners and NGOs representing various groups or areas of concern. The inclusive approach in the consultation grants the ownership of the agreed policy initiative at all levels. The Guidelines have prescribed that apart from the monitoring process over the citizen participation in the decision-making process, a monitoring on the trends of the CSOs attitudes should also be carried

⁵⁸ Guidelines on Principles and Good Practices for the Participation of Non-State Actors in the development dialogues and consultations, DG Development, European Commission (available at: http://ec.europa.eu/europeaid/what/civil-society/documents/guidelines_principles_good_practices_en.pdf)

out. It should assess the CSOs capacities and their added value for policy formulation, their willingness to ensure inclusive and transparent processes etc. The following three main questions should be addressed in this respect:

- Are CSOs willing to capitalise on opportunities to get involved in the development process (by increasing their own capacities, by raising awareness)?
- Are CSOs willing to reinforce networks (central level to give voice to the grassroots, to inform constituencies to prepare consultations, to provide feedback on consultations, etc.)?
- Are inputs provided by CSOs in consultations and dialogues of good quality and relevance?

IPM Achievements

- The IPM tool is used in the context of the [European Business Test Panel](#), a joint project between the European Commission and Member States aimed at evaluating the impact of new proposals on business. Launched in 2003, the European Business Test Panel now includes more than 3.200 companies of all sizes and sectors, located in all EU Member States.
- The IPM technology has been used in the "Feedback Mechanism" (2000–2005) project, which aimed at collecting problems relating to different EU policies that citizens and businesses encounter in their daily life, through a network of 300 contact points (such as Euro Info Centres, European Consumer Centres and the Citizens Signpost Service). This project has been given a new impetus through the "[SME feedback](#)" lead by DG Enterprise, which focuses on the problems that SME encounter while doing business in Europe.
- IPM also serves internal communication and staff management, as internal surveys are regularly conducted within the European Commission, and is used by Commission services to prepare events and conferences (registration, etc), to conduct websites users surveys, etc. (Information available at http://ec.europa.eu/yourvoice/ipm/index_en.htm)

The monitoring will allow identifying the weak spots and the aspects to be improved, including the appropriate entry points.

The European NGO Confederation for Relief and Development in its opinion⁵⁹ towards the draft Commission document strongly supported the introduction of the mapping studies. It noted that specific efforts are needed in order to "segment" opinion in consultation and to allow for the diversity of different viewpoints while at the same time a "conflict sensitive approach" should be adopted in politically instable countries. Indicators for assessing CSOs participation should be elaborated at a country level in close cooperation with CSOs representatives.

One of the widely used tools that accommodate the concept of diversity interest representation is the European Commission's Interactive Policy Making Initiative (PMI) launched in 2001. At the backbone of the initiative are the e-technologies that enable wider public involvement. The Internet based IPM tool is an application used to create and conduct surveys and public consultations. It provides easy-to-use and straightforward online questionnaires making it easier for respondents to participate and for

⁵⁹ Available at:

http://www.concordeurope.org/Files/media/0_internetdocumentsENG/olddocumentsFRE/3_Sujets_traites/3_2_sujets_traites/3_2_16_acteurs_non_etatiques/3_2_16_1_2_documents_de_concord/documentsdediscussiondecondord.pdf

policy makers to analyse the results. It enables policy developers to get more rapid and targeted response to controversial issues and problems and to improve the assessment of the impact of policies. The initiative rapidly became a major instrument for evaluating existing EU policies and facilitating open consultations on new initiatives. Since its launch, the IPM tool has fostered more than 100 public consultations, available on the web portal 'Your voice in Europe'. The 'Your voice for Europe'⁶⁰ is a 'single access point' allowing the general public to receive information and get involved in various consultation processes and discussions. The collection of comments and recommendations coming from a wide variety of organisations has twofold purpose. Apart from getting a second opinion on the draft policies, the Commission uses them as a valuable source of expert opinion.

Given the new competences and tasks allocated to the European Commission, expert knowledge has become critical factor for delivery of sound and better policies. And since in many cases the needed knowledge has become increasingly technical, the need for external expertise has grown and has marked the need for establishment of expert groups.

The expert groups are consultative bodies set up by the EC to provide advice in the preparation of legislative proposals and policy initiatives as well as to support the EC in its tasks of monitoring, coordination and cooperation with the Member States. They may comprise of representative from the national, regional or local authorities, representatives from civil society organizations or other interested parties as well as individuals possessing high expert knowledge in the relevant field.

In order to ensure high level of transparency, the lists of experts group along with information on those groups (e.g. the lead department in the EC, the group's tasks as well as the category of participants) are published at the public register of Commission's expert groups. In addition the websites of the relevant Directorates-General may provide lists with the names of the experts, the organizations they represent, summaries, conclusions or other working documents from the group. The work of the expert groups can be complimented by other means of mobilising expertise, including publication of consultative documents (green papers, white papers and communications), internet consultations, hearings, workshops, conferences, seminars, etc. With the extension of the competences of the EC, the number of expert groups has gradually increased from 537 in 1975 to 1041 in August 2010.

The large number of expert groups attached to the European Commission made this mechanism for consultation a rather standardised and very significant element of the European governance structure.

And while the experts groups act primarily as an EC's supportive policy tool, the European Parliament has established another tool for 'hearing the voice' of the civil society. The European Parliament's Citizen Agora is consultation mechanism, set by the European Parliament to bridge the gap between:

⁶⁰ http://ec.europa.eu/yourvoice/index_en.htm

- The European institutions and citizens: the Agora is direct and large-scale tool for improving communication and mutual understanding of the European institutions and people living in the Union. It facilitates the European Parliament's understanding about citizens' expectations and needs;
- The different sectors of European civil society: often, civil society organizations may have diverging interests when it comes to sensitive issues. In the consultative process they act separately, rarely setting their arguments against others thus letting the European authorities reach often unbalanced compromises on their own. The Agora facilitates consultation between whole sectors of European civil society that are usually ignorant of each other.

By setting the Citizen Agora, the European Parliament tried to establish structured dialogue with European civil society and create close link with the tens of thousands nongovernmental organisations and the millions of members of civil society in Europe. The aim of the Agora is to discuss the major topics of the European Agenda by providing open and transparent tool for public consultations. At the same time, the Agora can be used as a tool for dissemination of information and confidence building as the first Agora was taken by civil society to be a genuine sign of trust.

The Agora is made up of 500 organisations which have been identified by the parliamentary committees with areas of responsibility relevant to the subject of the Agora and all members of the European Parliament concerned. Each organisation invited may be represented by no more than one person per Member State. This rule makes it possible also to invite organisations from outside the European Union.

The first Agora was organized in 2007 and discussed the future direction of Europe - principally the new Treaty and opportunities ahead; the second one took place in 2008 and was focused on climate change. With the second Agora the testing phase of the initiative was completed. Its future will be decided by Parliamentary bodies and, as appropriate, the other European institutions after the completion of its monitoring.

Similar form to the Citizen Agora, but this time, initiated by the civil society sector is the European Citizens Consultation Project. The European Citizens' Consultations (ECC) 2009 were run by a unique consortium of more than 40 independent European partner organisations, that include foundations, NGOs, universities and think-tanks from all 27 European Union Member States.

On the eve of the 2009 European elections, the ECC 2009 provided to the EU citizens a platform for pan-European dialogue on the challenges brought by the economic and financial crisis.

During the first stage of the project, about 200 000 citizen have visited the online consultation platform and expressed their ideas on the ways of shaping the economic and social future of the Union. These ideas were further discussed at national consultation stages that took place in all 27 Member States and involved a total of 1,600 randomly chosen citizens. Ten recommendations for action at the EU level at each specially organised national event were produced. At a later stage, all participants were asked to vote and choose their top 15 policy recommendations from all proposals generated at the national events. These recommendations were discussed with top EU

policy-makers, including the European Commission, European Parliament, the EU Presidency. The ECC 2009 is built up on the success of ECC 2007, which established a new model for citizen participation enabled by the first pan-European participatory project. The European Citizen Consultations' objectives are very much the same as the objectives set by the European Parliament in the process of establishing Citizen Agora. The ECC 2009 aimed at:

- Fostering debate between citizens and policy-makers in the run-up to and after the European elections;
- Closing the gap between the EU and its citizens by bringing the EU closer to citizens and citizens closer to the EU;
- Mainstreaming trend-setting and long-term oriented citizen consultations at the European level;
- Feeding citizens' opinions into the political debate at both European and national levels;
- Increasing the general public's interest in the EU: generating substantial media coverage of the dialogue between the EU and its citizens;
- Deepening European co-operation within existing civil society networks and their respective partner networks, as well as e-participation providers.⁶¹

The European Citizen Panel is another civil society initiative very similar to the one, promoted by the ECC but in contrast to the ECC it was focused on a specific policy filed. The panel was launched in 2006-2007 as a pilot initiative engaging citizens from ten different regions of Europe to discuss issues that affect rural areas. The objective of the initiative was to promote a bottom-up driven policy approach and create mechanism that empowers citizens to disseminate proposals on the future policy on the European rural areas. The initiative operated at two levels: regional and European.

- At the regional level, citizens, who have been randomly selected and who capture the diversity of populations, participated in panels to debate rural issues and make recommendations to their respective policy-makers. Their work was facilitated by the information provided by key stakeholders and experts with interest in rural affairs;
- At the European level a number of citizens from each regional panel have met to deliberate and reflect on the future roles of rural areas.

The initiative established 8 panels in ten regions in Europe. All regional panels followed a common methodology of deliberation. After the regional meetings, 87 delegate citizens from all regions took part in the final Pan-European deliberative session. The participants compared their views and developed a common report on their perceptions and recommendations of the future for rural areas in tomorrow's Europe.

“European Citizens’ Consultations provide a unique opportunity for the public to discuss their concerns and ideas with each other, and with policy-makers. They inform and enrich the debate on how to shape effective policies to address the challenges we face, adding to the information we get from opinion polls and consultations with stakeholders.” **José Manuel Barroso, President of the European Commission**

⁶¹More information about ECC 2009 is available at <http://www.european-citizens-consultations.eu>

The European citizens' opinion was publicly addressed to the relevant European and regional authorities from the offices of the EU's Committee of the Regions.

The mechanisms for public consultations adopted in the Member States broadly follow the EU trends in involving citizen in the decision-making process. The different countries however due to their different political, economic and administrative development have adopted different approaches. The most distinctive and innovative of them will be presented in the following section.

Bulgaria

The general mechanisms for public participation in the decision-making process are stipulated in the Law on Normative Acts, Administrative Procedure Code, Law on Local Governance and Local Administration as well as in a variety of sub normative acts adopted by the government. This framework ensures that the involvement of interested parties is legally guaranteed at all levels of public life – from adoption of legal acts at the national level, to elaboration of local policies and individual administrative acts.

The Law on Normative Acts prescribes that all citizens have the right to participate in the legal drafting procedures by initiating legal changes for improving the current legal framework or by consulting already drafted legal acts. The obligation to consult with the public is explicitly stipulated as a main principle of legal drafting procedures along with the principles of validity, stability and openness. Consultation on draft normative acts may take place at two stages:

- Before the submission of the act to the Council of Ministers:

All draft bills should be published on the website of the relevant authorities along with the grounds for their adoption. A minimum of 14 days is given to the general public to submit its comments and recommendations. Only after the expiration of this period and review of the comments and suggestions, the draft act can be submitted to the Council of Ministers.

- Before the adoption of the act by the National Assembly:

Following article 28 of the Rules of Organisation and Procedure of the National Assembly, the meetings of Standing Committees are open and members of the public may attend them. Representatives of civil, trade unions, professional and industries' associations have the right to attend the meetings, submit written opinions and participate in the Standing Committees' deliberations on draft legislation concerning their activities and issues of interest.

The same principle is applied at the level of local government. The Act on Local Government and Local Administration prescribes that among the main tasks of the local standing committees are to study community's needs in the relevant field and to make proposals as to how the problems are to be settled. In this process the committees may ask for support of external experts and consultants. All citizen and their organizations have the right to submit proposals and opinions related to the issues discussed. The sessions of all committees and the local assemblies are public and may be broadcasted.

Participation of the interested parties in solving issues of 'local' or 'specific' character is regulated by the Administrative Procedure Code. The Code prescribes that the general public may participate in the process of elaboration of general administrative acts⁶² by submitting comments and proposals. The public authority issuing the act is obliged to open the proceedings on issuing of the general administrative act by announcing it in public through the mass media, by sending the draft to organisations of the interested persons or in another suitable way. The notification should include main reasons for the issue of the act, as well as forms of participation of the interested persons in the proceedings. One of the following forms of participation may be chosen:

- written proposals and objections;
- participation in consultative bodies, supporting the body who is issuing the act;
- participation in the meeting of the body, issuing the act, when it is collective;
- social discussion.

The period for public consultation may not be shorter than one month from the day of the notification. The general administrative act may be issued only after all facts and circumstances significant for the case have been clarified and all proposals and objections of the interested citizens and their organizations have been considered. The finalized general administrative act should be announced by the same means the notification for it was made. If separate interested persons or organisations have participated in the proceedings, a separate announcement for the issue of the act shall be sent to them (article 72.2).

In addition to the legal framework, the Council of Ministers has published guidelines for public consultations. They aim to give practical information to public authorities on how to intensify and better facilitate public involvement in the policy process. The guidelines are geared around six main steps that outline how, when and who should be consulted.

The main consultation phases are identified as follows:

- Preliminary planning of consultation procedures;
- Identification of interested parties;
- Preparation of the documents to be consulted;
- Choosing and conducting consultative procedures;
- Analysis of the received comments and suggestions and their integration;
- Feedback to the interested parties.

In order to facilitate the national consultations on draft legal acts and national policies, a public consultation portal was created (www.strategy.bg).

⁶² Article 55, Administrative Procedure code prescribes that general administrative acts are acts with one-time legal action, by which rights or obligations will be created or rights, freedoms or legitimate interests of indefinite number of persons will be directly affected, as well as the refusals to be issued.

Estonia

The Estonian Civil Society Development Concept (EKAK) was adopted by the Estonian Parliament in 2002. Its objective is to outline the main roles, principles and mechanisms for cooperation of public authorities and CSOs.

The Concept prescribes that public authorities should support citizen actions by creating favourable legislative environment, informing the public about their work, involving citizens and their associations in the planning and implementation of relevant decisions. In the process of policy development citizen associations and public sector commit themselves to:

- co-operate in establishing, implementing and assessing policies of different areas through their authorized members or representatives according to their areas of activity and competence;
- arrange the collection of opinions necessary for establishing policies and initiating legal acts, present them to the authorized bodies systematically and according to the agreed time schedules and form;
- consider each other's experience in establishing policies and initiating legal acts. Consult with various citizens' associations during the drafting stage, giving them sufficient time for drafting their own opinion;
- assess the effect of various policies and legal acts on the society and environment both in the drafting stage and later;
- enhance the competence of their representatives for participating in the process of establishing, implementing and assessing policies;
- in devising the policies concerning minority groups, consider opinions and viewpoints of the citizens' associations representing such groups, and involve them in the drafting of legislation and in political debates;
- jointly draft and follow the good co-operation practices in order to organize the drafting, implementation and assessment of policies and to involve the non-profit sector in the law-making process⁶³.

With the adoption of EKAK the Estonian Parliament committed itself to organise deliberations of its implementation once every two years.

Based on the principles stipulated in the EKAK, the Estonian Code of Good Practices on Involvement for public institutions was published. The Code does not have binding character but public authorities are in general advised to follow it. It aims to harmonise public consultation practices and provide common standards for involving CSOs in the decision-making process. The document is geared upon eight major principles of participation, namely:

1. The goals of the consultation process should be clearly and comprehensively explained along with the expectations regarding the engaged parties and the feedback from them;

⁶³Decision of the Estonian Parliament on the Approval of the Estonian Civil Society Development Concept, Tallinn, December 12, 2002

2. The interested parties should be clearly identified and their wishes, needs, and distinctive features will be taken into consideration. The public authorities will organise the registration of interest groups, in order to guarantee that all affected parties are informed about the beginning of preparation of and/or consultation on strategic documents;
3. All interested parties will be involved in the preparation of drafts as early as possible and will continue the engagement throughout the entire course of the process;
4. Detailed plans for engagement should be prepared before the launch of the consultation procedures. The chosen form of engagement should correspond with the content of the draft document, its potential effects, needs, opportunities, and other conditions of the engaged parties;
5. Smooth communication on the draft documents should be ensured thus granting that the public, interest groups, and those possibly affected by the strategic document will be timely informed;
6. An interim summary and analysis of feedback should be provided to track whether the consultation process is proceeding smoothly and according to plan. Based on the interim summary, it should be decided if supplemental forms or methods of engagement are needed or if the circle of parties need to be expanded;
7. All engaged parties should be informed on the results of the engagement. They are entitled to receive summary answer from the initiator of the engagement, which will include all the proposals that have been presented, both those that have been accepted and those that have been rejected. The rejection of proposals should be explained.
8. The engagement and applicability of its results should be assessed. The assessment results should be considered in the planning and implementation of the next engagement processes.

The Code does not limit the scope of documents that should be consulted but does sets out minimal obligatory standards. As a must, at least the following documents should be consulted:

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

The process of public consultation in Estonia is very much linked to the electronic means of communication that over the last years have become a major channel for exchange of opinions.

One of the practical implementation tools of the principles stated in EKAK is the Estonian participation portal (www.osale.ee) launched in 2007. The aim of the portal is to establish bilateral communication with constituencies thus providing greater transparency of the policy process at a governmental level. The portal has three main functions:

- To provide a platform where citizens and interest groups can launch initiatives for new legislative proposals, present ideas and critique to government and submit petitions. All proposals submitted to the portal are subject to comments and voting by other users. After receiving feedback from other interested parties, the proposals are forwarded to the relevant government departments, which then post an official response explaining what action was or was not taken and why;
- To enable citizen participation in public consultations/hearings. Citizens and CSOs can publicly give their opinion about draft legislation prepared by government agencies. All government agencies have been advised how to publish their draft policy papers, development plans, laws or provisions on the consultation website. Submission is however voluntary and is not regulated by administrative procedures;
- To become a focal point of easily assessable public information: Public authorities are in general advised to publish information about forthcoming policy decisions and relevant public consultations. The portal also enables search for legal acts according to their stage of preparation (i.e. from policy proposal to adoption in the parliament).

The OSALE portal also serves as a tool for enabling people to better understand the aims and procedures of administrative agencies while at the same time it provides authorities with valuable feedback about public expectations. It integrated the web-based e-participation application known as TOM – the acronym for “Today I Decide” launched in 2001 by Estonian Chancellery.

The use of internet technologies and the active civic participation has inspired the launch of large citizen initiatives like the ‘Let’s Do it’ campaign where 50,000 volunteers helped to clean up waste in 2008 and the ‘My Estonia’ campaign in 2009. My Estonia campaign was a civil initiative aiming to improve the quality of life in Estonia by using the natural interoperability of people as well as the means provided by the information technologies. On the 1st of May 2009 more than 11,000 people convened on brainstorming sessions to discuss common problems and support each other in achieving common goals. For this purpose, organizers provided 400 think tanks in cultural centres, schools and other popular institutions. Discussions were simultaneously held online and later linked to the central website. Brainstorming sessions were also organized by Estonian communities in 12 other countries.

Austria

In 2008 the Austrian Chancellery adopted Standards of Public Participation⁶⁴ with the aim to help the Austrian public servants ensure high-quality participation processes. The Standards were prepared by an inter-ministerial working group with the participation of legally established representations of interest, NGOs and external experts. The document covers the three main phases of the participation process: preparation, implementation, monitoring and evaluation and is applicable every time policies, plans, programmes, and general legal instruments are developed. The Standards recommend an obligatory conduct of public consultation especially in cases where:

- many people are affected by / interested in the topic;
- the topic might be controversial;
- the implementation of the policies, plans, programmes, and legal instruments requires the cooperation with those affected and interested;
- broader comprehension, acceptance, and result of a high quality are aimed at.

Transparency and traceability are among the main principles proclaimed to govern the participatory process. The Standards underline that public participation requires joint responsibility for the jointly performed work and its outcome. This is believed to improve both the quality of the outcome and people's identification. The Standards are divided into three main categories:

- standards for informative participation (information);
- standards for consultative participation (consultation);
- standards for cooperative public consultation (cooperation);

They are elaborated in the form of questionnaires that should be answered during the conduct of each participation process. If all questions can be answered and be affirmed, it is considered that the standards of high-quality public participation are met. In order to facilitate application of the Standards, a practical manual have been elaborated. The Manual targets both civil servants and citizen by giving them easily comprehensible and clear information on the tools and mechanisms they may use during the public participation procedures. The Manual also provides a list of success stories that illustrate the participatory mechanisms implemented in practice and show the impact of the citizen involvement in the decision-making process. The start of every participatory process is recommended to be linked to the following activities:

- Getting and spreading information;
- Assessing if the conditions necessary for a formal participation process are fulfilled;
- Measuring possible benefits of an informal participation process;
- Identifying possible forms of a participation process with other stakeholders, politicians and the administration;

⁶⁴ The standards are available at: http://www.partizipation.at/standards_pp.html

All these guidelines are written in a way that enables their application by both civil society and public servants, irrespectively who initiates the participatory process.

Along with the Standards and the Manual, a public consultation web portal (<http://www.partizipation.at>) was created. The portal provides synopsis of all needed information regarding the participation process, additional information on best practices and platform for exchange of views. It also contains useful information on the selection of appropriate methods for participation.

Apart from the portal, among the most interesting Austrian e-participation projects implemented in 2006 stands out the *mitmachen.at* project. It represents e-participation procedure enabling young citizens to develop politically relevant future concepts for Austria. The project aims at connecting youth with the public institutions while at the same time builds trust in the young generation about the way their country is governed. The project focuses on the target group of young people living in Austria or abroad. During the project implementation, all Austrian schools informed their students about the project in their information technology classes. Beside schools, all youth-organisations (youth-groups, Austrian Employment Service, Austrian students union, etc.) were included in the same way. The project adopted a 3-step-model. The content of considerations in Phase 1 (Contributions or Deliberation) is citizen-produced and the concepts aggregated by experts in Phase 2 have been verified in Phase 3 by citizen prioritisation. In Phase 1, 2,074 contributions were received, geared around 8 topics. During Phase 2, 174 future concepts were aggregated based on contributions from phase 1. Phase 3 received 2,578 questionnaires (54,626 hits on single questions). The project took place directly after the Austrian national elections and was considered as supportive information on youth topics for future political actions.

Netherlands

In 2005, the vigorous discussions on the need for changing the Dutch electoral system came to a dead end. Since no agreement on a political party level was reached, the Dutch government decided to use an innovative approach and to consult the voters - the ones with the greatest unbiased interest in the electoral system. Inspired by the British Columbia experience⁶⁵, the Dutch government announced the setting of Electoral System Civic Forum. The task of the Forum was to identify the most suitable electoral system for the Lower House of Parliament. The Civic Forum was built as entirely independent platform that performed its work as transparently as possible. The plenary meetings were open to the public and the media. The Forum's work was divided in three phases: training phase; consultation phase and a decision-making phase. The Forum was comprised of 142 citizens who were chosen after first being selected as a random sample of 50,000; then those interested within the sample were asked to self-nominate; then lots were drawing from that group. The group was chosen to include

⁶⁵ The Civic forums are relatively new method for civic engagement implemented first in Ontario and Canadian British Columbia.

equal numbers of men and women, to ensure geographical distribution of the country's population. It was also constructed in a way to match the age distribution of Dutch population as closely as possible. The Civic Assembly conducted its meetings from March to November 2006 and submitted its recommendations to Parliament in December 2006.

Similar approach was adopted by the Dutch government to assess the citizen expectations from the e-government implementation. The e-Citizen Program was established as an independent forum which stimulates the development of e-government from the citizen's point of view. The forum was part of the Dutch implementation organization for ICT and government. A specially created Steering Committee was representing citizen's interest and supervising the programmes activities. The main objectives of the e-Citizen Programme was to elaborate an e-Citizen Charter to regularly conduct surveys regarding citizen expectations, and to give Web Awards for good practices.

The e-Citizen programme was succeeded in 2007 by the Citizenlink (Burgerlink). The Citizenlink is an initiative of the Dutch Government aiming to improve performance of the public sector through citizen involvement. As such, Citizenlink is entitled with the promotion of quality standards, measuring citizen satisfaction and stimulating e-Participation. The platform enabled the development of four e-Participation instruments that reflect the three main level of participation (political, policy and social participation):

- *Voting Assistant and Voting Tracker* (watstemtmijnraad.nl) are examples of the Dutch success in using e-technologies for electoral and accountability purposes. The Voting Assistant provides comparison between the programmes of political parties on the basis of 30 main issues thus helping voters to make their choice. About 5 million voters used the assistant (almost half of those eligible to vote) during the latest national elections. The Voting Tracker on the other side assembles the voting record of parties and politicians and thus makes transparent what their positions have been on certain issues. In this way, the voters can make their electoral choices on actual behaviour rather than on future promises.
- *e-Petitions* (www.petities.nl): According to the Dutch law, apart from the right to petition, citizens have also the right to launch citizens' initiatives. If enough people support the issue, it can be tabled with a representative body like a city council or the parliament, which has to discuss it. As getting the requested number of signatures may be hard, the internet site facilitates the process. A number of Dutch municipalities have created their own platforms to stimulate citizen e-initiatives.
- *WeEvaluate* (wijwaarderen.nl) is a web platform where citizens can give their judgement about services with a social importance. The website is based on the examples of ratings of commercial websites (restaurants, hotels, etc.). Citizens can either design their own rating system or can use a simplified model of the

National Citizen Satisfaction Survey, based on the criteria of the e-Citizen Charter.

United Kingdom

In July 2008, the Ministry of Justice published 'A National Framework for Greater Citizen Engagement' reflecting on the Governance of Britain Green Paper proposals for constitutional renewal. The paper outlined the following issues of national importance that should be obligatory discussed and jointly elaborated with the citizens:

- issues that may result in significant constitutional change;
- issues where individuals themselves need to act in addition to the government to make a significant impact – for example, on behavioural issues such as smoking or obesity;

Any mechanisms to strengthen people's engagement with democratic processes and enhance trust will only do so if they meet the following criteria:

- **They register with the appropriate public.** To achieve this, they must be viewed as a beneficial experience and participants should feel better informed as a result;
- **They are as broadly representative and accessible as possible** involving a broad spread of the population and ensuring that a good cross section of relevant audiences are engaged as part of the process;
- **They are credible** so that people believe they matter. To achieve this, there should be a robust objective standard in place for how engagement mechanisms should be applied to a national policy issue and effectively delivered: there must be feedback to participants in deliberative engagement exercises and a commitment to appropriate levels of evaluation;
- **They are open and transparent** in that participants must be aware in advance of the degree of influence they might have, and the way in which the government will consider and take on their conclusions. There must be a shared understanding of when and how these mechanisms will be used;
- **They are systemic and embedded in the policy making process** otherwise people could regard them as gimmicks damaging the legitimacy of the process;
- **They are consistent with the fundamental principles of representative democracy.** Government and Parliament must continue to have the space to consider the impact of any changes in policy, for example where there are substantial resource implications. The Government believes it is important that these mechanisms should complement and not challenge the supremacy of our system of representative democracy and there should be a clear understanding of the relationship to the parliamentary consideration of issues. (Source: *A national framework for greater citizen engagement. A discussion paper, July 2008, Ministry of Justice, UK*)

- where there are several policy options on which government has an open mind;
- where there is public benefit in exploring complex and difficult trade-offs between different policy options – for example, between a personal desire to purchase cheap flights and the societal need to reduce carbon emissions⁶⁶.

The consultation paper also set the main criteria that distinguish the effective mechanisms for building people's trust and elaborated on two new forms that can be used along with the standard consultation procedures:

- *Citizen summits:* They bring together a large body of people (usually between 500-1000) to deliberate on an issue or a number of related issues. This can either take place face-to-face or online. The recommendation of a summit would then be put to Parliament for consideration;

discussion paper, July 2008, Ministry of Justice, UK

- *Citizens' Juries*: an independent forum for members of the public to examine and discuss an important issue of public policy. The citizens juries to a great extent resemble the juries in the court system. The jury receives expert information about the issues in question, may ask questions to the experts involved and after that takes its decision. Government then should publish a response, either as part of a broader response to any wider consultation exercise or as a stand-alone public document;
- *Petitions for Westminster*: The House of Commons Procedure Committee has proposed a system for e-petitioning, to run alongside the traditional petitioning system. It is proposed that on three occasions each year, certain e-petitions to be debated by the House of Commons.

The e-Petition principle was also introduced as valuable mechanism for public participation in the Local Government White Paper⁶⁷. But even before the introduction of the policy paper, many local authorities have voluntarily introduced e-petitioning to run alongside with the paper process. The e-tool have proved to be among the most effective mechanisms for provision of greater citizen involvement in the local decision-making process.

Following its commitment for more responsible and transparent policies, the UK government has also launched consultation platform 'Have your say' (<http://www.homeoffice.gov.uk/about-us/consultations>). The portal reflects the main principle embedded in the Home Office Work, namely that the change of every policy should be preceded by public consultations. For that purposes, the Home Office publishes consultation proposals on a particular issue and requests comments and recommendations. Each consultation paper contains instructions on how to respond and what is the deadline for submission of comments. The mechanism is very similar to the Green and White Paper consultation one, adopted by the European Commission.

Germany

Citizen Juries as mentioned in the UK Government proposal constitute a strong tool for civic participation. In the period 2001-2003 the city of Berlin joined the 'Social City Programme' that involves authorities from Federal, Landers and communes level. During the three year period, Citizen Juries were launched in the 17th Berlin neighbourhood with the aim of:

- mobilizing citizen participation;
- improving the image of public officials;
- rationalisation of public expenditures.

Half of the Juries were comprised of randomly selected citizens and the other half of citizen representatives of local civil society. The Juries deliberated on projects presented by different citizens and had the power to decide whether to finance the project according to its "usefulness" and general quality. Final decisions were generally

⁶⁷ Strong and prosperous communities. The Local Government White Paper, Department of Communities and Local Government, October 2006, London

taken through secret-ballot voting. The juries met at an average 15 times per year to evaluate about 72 projects. Half of them were eventually financed.

4.3 Accountability - - monitoring mechanisms

In the last decade accountability has become a central part of the international political and social agenda. The term “accountability” has been generally applied to a range of different forms of interactions between different groups and stakeholders and is seen as a crucial prerequisite for building an efficient and effective democratic state. Accountability as such is never an aim or an end by its self, but a mechanism for achieving much broader goals as social justice, equity and proper redistribution of resources (J. Gaventa, 2006).

In general it can be described as a legal, political or moral duty to provide account, to explain and justify one's actions and to respond questions about a particular matter. Accountability includes also the liability to moral, legal or political sanctions for those who fail to meet the set criteria. The concept of accountability prescribes two major dimensions for achieving effective accountability: answerability (the right to make claims and demand response) and enforceability (mechanism for sanctioning non-responsiveness). Accountability from institutional prospective is a set of relationships and mechanisms of control. From political and social point of view, it is a general obligation to comply with the will of the electorate and general public.

Accountability is often conceived as operating in deferent dimensions – political, social, administrative and legal. The current research focuses on the social accountability, identified by the World Bank as ‘approach towards building accountability that relies on civic engagement, i.e. in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability’⁶⁸. Social accountability mechanisms often aim at shedding or reinforcing the activities of different horizontal accountability actors by leveraging change through media and law. They rely to a great extent on the readiness of the state to tolerate criticism and on the presence of easily assessable and functional legal system that can back up the claims of the citizens towards the state.

Social accountability reflects the fundamental democratic right of citizens to demand accountability and is a part of the “social compact” between the agents in democracy.⁶⁹

Positive social accountability is a prerequisite for going beyond mere protest towards political decisions by building constrictive and systematic process that increases the chances of positive change and better civic engagement. Namely the active participation and involvement of the citizens distinguishes social accountability from other kinds of

⁶⁸World Bank web site;

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCENG/0,,contentMDK:20509424~menuPK:1278120~pagePK:148956~piPK:216618~theSitePK:410306,00.html>

⁶⁹ Carmen Malena, Reiner Forster and Jenmejay Singh (2004), “*Social Accountability, An Introduction to the Concept and Emerging Practice*”, Social Development Papers – Participation and Civic Engagement,#76, World Bank

accountability where general public is perceived as observer or as passive actor to which the authorities should report.

Accountability is among the core values of the European governance process. It has been proclaimed by the White Paper on European Governance as one of the five key good governance principles. Accountability is comprehended as a universal principle applicable not only to EU and national institutions but to the civil society sector as well. The mechanisms for holding public authorities into account are often used in conjunction with transparency, accountability and participatory measures. The close interaction of the accountability principle with the rest of the good governance principles is very clearly outlined by the World Bank Institute working paper⁷⁰ on social accountability. The paper refers to the following three practical approaches to enforce accountability:

- *Scrutiny*: initiatives that enhance assessment, analysis and scrutiny of government actions, focusing on the power of information to extract accountability. Such initiatives are most often led by CSOs (e.g. expenditure tracking) or by the legislative and/or judiciary branches of government (e.g. ombudsman);
- *Proximity*: these initiatives are usually led by governments and aim to reduce the 'distance' between citizens and governments. They often seek to identify citizens' needs or preferences but are not designed to seek direct public participation in government actions (e.g. public consultations, community cabinets).
- *Engagement*: these initiatives are essentially government-led and effectively incorporate citizens in the decision-making process itself (e.g. participatory budgeting) in the budgeting cycle.⁷¹

The three approaches may either be combined in the functions of one body or be scattered and allocated in different forms of accountability tools. Malena, Foster and Singh (2004) have suggested that 'social accountability initiatives are most effective when these are 'institutionalized' and when the states' 'internal' (horizontal) accountability mechanisms are "more transparent and open to civic involvement." Thus, transparency and accountability are ultimately linked to each other.

Civil Councils and Social Compacts as monitoring mechanisms

UNDP CSO committees are both participatory and accountability tools that enable civil society organization to take active stand in shaping the priorities and monitor the activities of the UNDP offices all around the globe. The first CSO Committee was established in 2000 at the UNDP headquarters as advisory platform aiming to ensure that senior management receives proper guidance on policy issues critical to the future directions of the organization. The committee comprises of 14 CSO leaders working in

⁷⁰ J.Caddy, T. Peixoto, M. McNeil, 2007, Beyond Public Scrutiny: Stocktaking of Social Accountability in OECD Countries, World Bank Institute

⁷¹ Ibid

areas of mutual concern such as: poverty reduction and sustainable debt; inclusive globalization – democratizing trade and finance; conflict prevention and peace-building; human rights and human development; private-sector engagement. The CSO Advisory Committee provides mechanism for mutual agenda-setting, policy debate, individual accountability, and eases the exchange of opinions between senior managers and civil society leaders on the UNDP future directions. These elements provide a sound basis for building strong partnership based on principles of horizontality and trust. The positive experience of the first CSO committee encouraged the establishment of local CSO advisory committees at the UNDP country offices.

The role of civil society organizations in the global decision-making and monitoring process is further facilitated by their involvement in the UN Economic and Social Council (ECOSOC). The Council is an advisory body that coordinates the economic, social, and related work of the 14 UN specialized agencies, functional commissions and five regional commissions. It serves as a platform for discussing international economic and social issues and formulating policy recommendations. In order to facilitate civic participation in the policy process and raise the trust in its activities, ECOSOC carries out broad consultations with academics, business sector and over 3,400 nongovernmental actors. Civil Society Organisations have consultative status and depending on the level of participation may gain one of the following statuses:

- *General Status*: applies to large international NGOs whose interests cover most of the ECOSOC's agenda. They may speak before delegates, circulate statements up to 2,000 words long, and place items on the agenda. They must provide a quadrennial report outlining their contributions to the UN;
- *Special Status*: concerns NGOs with "special competence in some fields of activity of the Council." They must provide a quadrennial report, but cannot place items on the agenda. Written statements are limited to 500 words;
- *Roster NGOs*: concerns NGOs with one or more specific issues. They may attend meetings, but cannot speak or circulate statements⁷².

The eligibility criteria requires NGOs to have: at least 2 years of existence, established headquarters; democratically adopted constitution; authority to speak for their members; representative structure, appropriate mechanisms of accountability and democratic and transparent decision-making processes.

In order to facilitate efficient communication and to boost the dialogue with the increasing number of NGOs enjoying consultative status, the NGO Branch, Office for ECOSOC Support and Coordination, has developed a CSO net web portal (<http://esango.un.org/irene>) devoted to non-governmental organizations, the United Nations agencies, funds and programmes. The web portal enables CSOs and UN Agencies to share best practices, submit recommendations and consultative opinions, raise questions and point out weaknesses to be addressed.

Similarly to the ECOSOC, the European Union has established its own consultative structure in the face of the European Economic and Social Committee (EESC). Following

⁷² Information from: http://www.un-ngls.org/spip.php?page=article_s&id_article=799

the stipulations of the Treaty on the Functioning of the European Union, the EESC consists of 'representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socio-economic, civic, professional and cultural areas.'⁷³ The Committee's aim is to ensure better civil involvement in the European agenda setting and bridge the gap between the EU institutions and European civil society. While the role and composition of the EESC was first set in the Treaty of Nice, the Lisbon treaty increased additionally its functions explicitly binding the European Commission to submit reports on a wide variety of issues. At the same time it stated that the European Parliament, the Council and the Commission will be assisted by the Economic and Social Committee in its advisory capacity.⁷⁴ In 2009, the EESC reconfirmed its active role as a bridge between civil society and EU institutions by elaborating 'A Programme for Europe: proposals of civil society'. The programme has reflected the main challenges the EU should address in order to support progress-oriented and sustainable economic and social recovery. The Committee's proposals are grouped under four headings: economic recovery; fundamental rights and the European social model; sustainable development and governance. In the area of democratic governance, the Committee stressed that basic precondition and legitimising basis for civil society participation is the adequate representativeness of those speaking for organised civil society and noted that representativeness must be qualitative as well as quantitative.

The EESC and ECOSOC models have been successfully applied at the level of Member states as well.

Ireland

The National Irish Economic and Social Council has a long standing tradition in bridging the gap between civil society and public authorities dating back from 1973. The Council consists of representatives of trade unions, employers, farmers' organisations, NGOs, key government departments and independent experts. The main functions of the Council are related to:

- Submission of analysis and reports to the Prime Minister on strategic issues related to the efficient development of the economy and the achievement of social justice;
- Development of strategic framework for cooperation facilitating relations and negotiations between the government and social partners.

The first social partnership agreement was reached in 1987 with the adoption of the National Recovery Programme, followed by seven other agreements, with the most recent one titled 'Towards 2016: Ten Year Framework Social Partnership Agreement 2006-2015'.

Slovenia

⁷³ Article 300, Treaty on the Functioning of the European Union, Official Journal of the European Union, C83

⁷⁴ Article, 13.4, Treaty of the European Union, Official Journal of the European Union, C83

A good example of advisory body that has a strong say in the decision-making process is the National Council of the Republic of Slovenia. According to the Slovenian Constitution, the Council is a representative body for social, economic, professional and local interests and consists of representatives of labour and social interests and representatives of local interests. The National Council has 40 members from the following CSO groups:

- four representatives of employers;
- four representatives of employees;
- four representatives of farmers, crafts and trades, and independent professions;
- six representatives of non-commercial fields;
- 22 representatives of local interests.

The National Council provides platform where interest groups can deliberate and address issues of mutual concern. But its role goes far beyond that. According to the Slovenian Constitution, the National Council may:

- propose to the National Assembly the passing of laws;
- require the National Assembly to decide again on a given law prior to its promulgation;
- require the calling of a referendum;
- require inquiries on matters of public importance;
- convey to the National Assembly its opinion on all matters within the competence of the National Assembly;

The vast competences of the National Council make it a major policy influencing body at the national level. The work of the Council is organized in working groups that deal with individual issues related to legislation, initiatives and requests within specific sphere of competence. The opinions formed by the working groups are being sent to the National Council for approval, or directly to the National Assembly and its working bodies. The National Council holds regular sessions once a month. Extraordinary sessions may be also convened when there is need for a decision on urgent matters. All sessions of the Council and its working bodies are open to the public.

Bulgaria

The Economic and Social Council (ESC) perceives itself as a 'civil parliament' that bridges the gap between the citizen and national government. It was established in 2001 with the Law on Economic and Social Council. The Act states that the ESC is a 'consultative body expressing the will of civil society organisations regarding the economic and social development' (article 1). The Council succeeded the National Tripartite Council and provided wider civil participation in the decision making process. It expresses and protects civil society interests by communicating agreed statements and proposals to the executive and legislative authorities. In this relation, ESC adopts opinions on draft policies and draft laws; issues resolutions and analyses; organises

public consultations on key economic, social, demographic, health or other issues. The main objectives of the Council are:

- to ensure wider participation of civil society organizations in the social and economic life of the country;
- to serve as a permanent institutional form for social dialogue and consultations on economic and social policies between the government and structures of the civil society;
- to answer to legal aspirations of social and economic groups and structures of the civil society;
- to express opinion, statements and proposals regarding acts of the legislative and executive authority;
- to affirm the principles of direct democracy and apply experience and best practices of the European Economic and Social Committee and other similar organizations.

The Council comprises of 36 members, divided in three main groups:

- 12 members appointed by the managing bodies of the representative organisations of employers on the national level acknowledged by the Council of Ministers by the order of the Labour Code;
- 12 members appointed by the managing bodies of the representative organisations of workers and employees on the national level acknowledged by the Council of Ministers by the order of the Labour Code.
- 12 members of CSO distributed as follows:
 - one representative of the organisations of agricultural producers;
 - one representative of the organisations of industrial cooperations;
 - one representative of the organisations of craftsmen;
 - one representative of the professional branch organisations;
 - one representative of the organisations of consumers;
 - one representative of the organisations of women;
 - one representative of the ecological organisations;
 - one representative of the organisations of the disabled;
 - one representative of the organisations of the retired;
 - one representative of the organisations supporting the socially weak, disabled or persons in need of care;
 - two independent scientists - specialists on the issues of economic and social policy appointed by the Council of Ministers upon proposal of the Minister of Economy and the Minister of Labour and Social Policy.

The basic principle of participation is that one organisation may be represented only in one of the groups. The mandate of the chairman and of the council members is 4 years. Parallel with the ESC framework, different specialised acts provide opportunities to establish public consultative bodies at the local level. These bodies aim at combining efforts of the local interested parties while at the same time providing opportunities for controlling and monitoring of the activities of local authorities and public institutions in a concrete field of public interests. The typical areas they supervise are:

- *Social Support:* Following the stipulations of the Law on Social Patronage, the Municipal Councils may establish public committees consisting of maximum 9 representatives from the civil society sector, business, citizen and local government;
- *Tourism:* The Law on Tourism provides the opportunity for mayors to create public committees on tourism. Their activities, mandate and composition are subject to decision of the Municipal council;
- *Employment:* The Act on Stimulating Employment prescribes the creation of two types of public bodies: a committee on employment and a council for collaboration. These bodies are established at the regional level by the decision of the Council of Ministers. Their concrete terms of references are adopted by regional councils for regional development;
- *Culture:* Public committees on culture are created to support municipal administration in promoting cultural heritage.
- *Education:* The Law on Education prescribes the establishment of two types of public consultative bodies: a board of trustees and pedagogical councils. The councils are attached to the management structure of schools and kindergartens.

In addition, the Law on Local Governance and Local Administration vests local authorities with the competence to create public consultative bodies that are not mentioned in any law. The aim of these bodies is to support and monitor the work of local governments in specific fields of particular local importance.

United Kingdom

The Compact on Relations between the Government and Voluntary and Community Sector in England was established in 1998. Its objective is to outline the relationship between the government and the third sector thus enhancing the efficiency of their joint interventions. The Compact does not aim to create a legally binding structure but rather to establish a framework that sets out common principles and undertakings for both government and CSOs. The main guiding principles of the Compact's partners include:

- **Respect:** Government and the third sector are accountable in different ways, but both need to act with transparency and integrity. Effective partnerships are built on mutual understanding and an appreciation of the differences between partners of the Compact;
- **Honesty:** It is only through open communication that strong partnerships can be built and maintained. Full and frank discussions should be the basis for resolving difficulties;
- **Independence:** The independence of the third sector is recognised and supported. This includes its right within the law to campaign, to comment on and to challenge government policy (whatever funding or other relationship may exist with government) and to determine and manage its own affairs;
- **Diversity:** The Government and the third sector value a thriving civil society, which brings innovation and choice through a multitude of voices;

- **Equality:** Fairness for everyone, regardless of their background, is a fundamental goal, and government and the third sector will work together to achieve this;
- **Citizen empowerment:** By working together, the Government and the third sector can deliver change that is built around communities and people, meeting their needs and reflecting their choices;
- **Volunteering:** The energy and commitment of people giving their time for the public good contributes to a vibrant society, and should be recognised and appreciated.⁷⁵

The Compact describes the main stages of policy development and affirms the commitments of the government and the third sector in the policy process. On one side, the Compact draws clear guidelines for the government officials regarding whom, when and how to consult. For the third sector, it outlines the commitment for effective involvement that helps establishing valuable links between the two sectors and build the government's trust.

The Compact was widely recognised by the third sector and was signed by the Local Government Association (representing English and Welsh local authorities) and the Compact Voice (an independent body representing the voluntary and community sector with more than 2,000 members representing over 20,000 voluntary and community groups).

In order to further stimulate the application of the Compact, the Cabinet Office has elaborated the Code of Practice on Consultations. The Code is used in conjunction with the Code of Good Practice on Consultation and Policy Appraisal developed as part of a broader Compact on relations between the government and the voluntary sector. Both documents are of legally non-binding character but are regarded as mandatory for all UK departments and their agencies. Apart from addressing many of the conventional principles (e.g. early involvement in the policy-making process, clarification of objectives, feedback on the views received, etc) the Codes install explicit responsibilities on CSOs such as: to organise efficiently, to demonstrate their legitimacy and to consult their own constituents.

At the local level, the Local Strategic Partnerships (LSP) are another trust building initiative that brings together local councils, public sector agencies, business sector, and voluntary organisations with the aim of identifying and delivering priorities for the local community. LSPs are non-statutory, non-executive organisations that operate at the level which enables strategic decisions to be taken and is close enough to individual neighbourhoods to allow actions to be determined at community level⁷⁶.

Each LSP has the freedom to decide what its roles and responsibilities will be. The responsibilities of the LSP are usually set out in written constitutions, terms of reference or protocols. In terms of internal structures, virtually all 152 LSPs with Local area agreement responsibilities have adopted similar management model: they have

⁷⁵ The Compact on relations between Government and the Third Sector in England, December 2009, U

⁷⁶ Local Strategic Partnership. Governmental Guideline, *March 2001*, Department of the Environment, Transport and the Regions: London

established main core group/board that monitors the delivery of the Sustainable Community strategy and the Local government agreements.

In order to better explain their role, terms of reference, mandate and methodology of work, a number of LSPs have published 'governance handbooks'. A good example of such a handbook is the Newcastle Partnership Guidance. The Guidance outlines the way the LPS will work for the elaboration and implementation of the long-term Sustainable Community Strategy (SCS) and the shorter-term, a 3-year long Local Area Agreement (LAA). The main working approaches are:

- 'making sure partners work well together, with a common purpose and a commitment to the SCS and LAA;
- involving the public, private, community and voluntary sectors in the partnership, including hard-to-reach groups such as disabled people, older people, young people and those from faith, black and ethnic minority communities;
- monitoring and managing the SCS and LAA – and making sure it improves overall conditions and narrows the gaps between deprived communities and the rest of the city and the country;
- making sure the public knows about its achievements and where to go for information and help;
- consulting the community in a coordinated and organised way;
- developing a common performance management framework across all the partner organisations;
- linking all the funding available to help deliver the SCS and LAA priorities;
- aiming to simplify all the partnerships, plans and initiatives already in place, reducing duplication and getting everyone working together;
- encouraging partnership members to constantly improve their skills, knowledge and ways of working⁷⁷.

The Handbook also contains detailed terms of references for an agreement between the Delivery Board and delivery Partnerships, the List of "Duty to Cooperate" public partners, Voluntary and Community Sector Compact and Partnership Structure.

Liaison Offices

Following the international trend, many governments in Central and Eastern Europe have established NGO liaison offices in order to enhance their cooperation with the civil society sector. A study published in 2005 in the International Journal of Not-for-Profit Law revealed that liaison offices in the region fall into four distinct models:

- 'Five out of ten countries examined (Poland, Croatia, Slovenia, Czech Republic, and Slovakia), have the functions of the NGO liaison office carried out by a bureaucratic unit and a broadly representative advisory body, which work in partnership as stipulated in laws, decrees, or charters;

⁷⁷ Newcastle Partnership: Guidance and Members' Handbook, 2009, New Castle Partnership

- The Directorate of Institutional Analysis and Relations with Associative Environment in Romania and the Directorate for Civil Relations in Hungary, both Government entities, represent a second model. These offices oversee NGO-government cooperation alone, without an advisory body;
- In Latvia and Estonia, existing departments handle NGO-government liaison functions in addition to their other responsibilities, which include society integration, local government, and regional administration;
- Lithuania does not have a single, centralized NGO liaison office. Instead, various government departments are responsible for coordinating with NGOs in their areas of authority⁷⁸.

The definition adopted by the study prescribes that “Liaison office refers to a variety of structures with two common characteristics: (1) they are institutionalized within the government and have some measure of government authority to act; and (2) they have responsibility for further strengthening cooperation with civil society”⁷⁹.

Estonia

With the adoption of the Estonian Civil Society Development Concept, the Ministry of Interior has been assigned with the responsibility to coordinate and support the work of the Joint Committee of the Government and representatives of citizens’ associations. The Committee was formed in 2003 with the mandate to elaborate system for evaluation of the preparation, implementation and completion of the activity plans for EKAK. Since then, the Committee has developed two action plans for the period 2004-2006 and 2007-2010. The Committee consists of 16 representatives from umbrella organisations of specialised citizens’ associations and 11 representatives from the public sector. The main objective of the Committee has been to elaborate and launch a system to evaluate preparation, implementation and completion of the implementation plans for the Estonian Civil Society Development Concept.

The Committee is chaired by the Minister of Regional Affairs and its work is divided between three working groups: legislation and involvement; citizens’ education and public awareness; and sustainability.

The main responsibilities of the Ministry of Interior in supporting the work of the groups are concentrated towards:

- delivering the Action Plan for the implementation of the Development Plan for Civic Initiative Support;
- evaluating and supplementing the Development Plan for Civic Initiative Support if necessary;
- actively informing and engaging other associated institutions, incl. other ministries, public authorities, non-profit and business sectors, in supporting the development of civil society;

⁷⁸ M. Gerasimova, The Liaison Office as a Tool for Successful NGO-Government Cooperation: An Overview of the Central and Eastern European and Baltic Countries’ Experiences, 2005, The International Journal of Not-for-Profit Law, Vol. 7, Issue 3

⁷⁹ Ibid

- Representing Estonia and the Estonian positions in respect of supporting the development of civil society at the international level, incl. in the international organisations associated with the government area of the Ministry of the Interior⁸⁰.

Poland

The methods of collaboration between the CSOs and the government in Poland have been described in the Law on Public Benefit Activities and Volunteerism adopted in 2003. The law established a Council on Public Benefit Activities that serves as an advisory and opinion-forming body to the minister responsible for social security issues. Following article 35, the main duties of the Council include:

- to express its opinion on the issues relevant for the application of the Law;
- to express its opinion about government's legal acts concerning public benefit activities and volunteering;
- to provide assistance and express its opinion concerning conflicts between public administration institutions and public benefit organizations;
- to participate in the process of inspection;
- to collect and analyse information about the performed inspections and their outcomes;
- to express its opinion in the field of public tasks, to commission non-governmental organizations and entities to perform such tasks, and to recommend standards of performing public tasks;
- to create, in co-operation with non-governmental organizations and entities, public dissemination mechanisms related to the standards of performing public benefit activities and instances of violating such standards.

The Council has the mandate of 3 years and consists of 20 members:

- 5 representatives of the central administration;
- 5 representatives of local government authorities;
- 10 representatives of NGOs nominated chosen from the candidates proposed by civil society organisations.

Participatory Budgeting – how a citizen can get involved in the money allocation

As the budgets and their execution reflect the policy decisions and their implementation, the participatory budgeting is key mechanisms for 'installing' more accountability in the policy process. By enabling public access to budget information, citizens can exercise their legitimate right for transparent fiscal policy and public expenditure management that reduces corruption and ensures that resources are allocated in a more inclusive and equitable way. Major international organizations such

⁸⁰ Development Plan for Civic Initiative Support 2007-2010, Ministry of Interior, Estonia

as the World Bank, UNDP and the Asian Bank for Development have supported the efforts of CSOs in the participatory budgetary process where the main role of the CSOs as partners of local government emerged in areas such as:

- Having a say in the local development planning and budgeting processes;
- Holding local governments accountable in the allocation of local resources;
- Tracking the use of resources and the impact of local policies and programs.

A study conducted by the Manchester Community Pride Initiative⁸¹ on the current best practices in participatory budgeting outlined the following main strengths and weaknesses of the participatory budgeting process:

Main Strengths

- Improvement of provision of services and infrastructure;
- Strengthening of community organizations and voluntary sector;
- Renewing democratic and political process;
- Tackling neighbourhood deprivation;
- Attractive to business and international recognition.

Main weaknesses

- Complexity and bureaucracy;
- The need for strong commitment;
- The need for capacity building;
- The danger of rising expectations;

Thus two main preconditions for enabling efficient participatory budget process were outlined: sufficient information and opportunities for the CSOs to participate in the budget process; and sufficient knowledge enabling CSOs to understand and advocate for better policies.

Based on the need for the latter, the International Budget Partnership (IBP) was formed within the Centre on Budget and Policy Priorities in 1997⁸². The aim of the initiative is to help the CSOs better understand, deliberate and participate in the budgetary process thus creating mutual trust and confidence in the ways public authorities spend public money. Presently IBP collaborates with CSOs from over 100 countries in the world, with the bulk of them based in developing countries and new democracies.

Participatory Budgeting was first developed in Brazil in the 1980s as part of a larger effort to establish democracy and citizen participation after decades of military dictatorship, political patronage and corruption. Despite the different political environment, it became well recognised practice in 'old' Europe where increasing number of local governments have introduced the process thus ensuring transparent, accountable, and effective budget processes and growing citizen trust. A number of European cities have initiated participatory budgeting processes in Spain, Belgium, Italy, Germany, France, Portugal, Denmark, Switzerland, the Netherlands and the UK.

⁸¹ Citizen Budgeting. Regenerating local democracy through community participation in public budgeting, Manchester Community Pride Initiative

⁸² Information about the Centre's activities is available at: <http://www.cbpp.org>

Among them it was the UK and France who got top two positions in the world by the Open Budget Index⁸³ for 2008, while two new member states – Slovenia and Poland – got into the top 10 countries out of those 85 surveyed.

The implementation of participatory budgeting in the Central and Eastern European countries however follows a slightly different trend preconditioned by the differences in political development. A study conducted within the framework of the World Bank's Public Sector Governance and Accountability series outlined that the implementation of participatory budgeting in CEEC should take into consideration the following conditions, characterizing their political, administrative, legal and social environment:

- 'Historically citizens have been detached from decisions that affect them, they are mistrustful of collective action, and are passive receivers of public services;
- Collective forms of political and social organization, such as political parties and civil society organizations (CSOs), are relatively new, as is an elected, independent, and autonomous local level of government;
- Intergovernmental fiscal relations systems are still being developed; roles and responsibilities are weakly and ambiguously assigned to local levels;
- The expenditure responsibilities of local governments do not match their revenue capacity, and transfers from upper levels are non-transparent and unreliable;
- Local governments have insufficient authority to make decisions and often they are still developing the capacity to use resources effectively and efficiently to solve local problems;
- Citizens are dissatisfied with local services but do not believe that they can affect them or that local governments are able to do anything to alleviate or solve problems'⁸⁴.

United Kingdom

The Salford City Council was the first local authority in the UK that expressed its commitment to introduce participatory budgeting in its procedures. A special group was set to elaborate the concrete steps of introduction in 2003. The Salford City Council introduced the devoted budget scheme that enables each community committee to make decisions on how allocated budget sums (approximately £3.00 per person) should be spent. The Community committees assess all submitted applications and elaborate recommendations on how the money should be spent. The Committees comprise of local residents and local councillors that gather to discuss how to most efficiently deliver priorities in the community action plans.

In 2006 the City Council allocated £100,000 from highway funding to each of the eight community committees in the city which were entitled to decide on how the money will be spent. The initiative aimed at identifying schemes which are important to the local

⁸³ More info available at :<http://openbudgetindex.org/>

⁸⁴ A.Shah, Participatory Budgeting, 2007, Public Sector Governance and Accountability series, The International Bank for Reconstruction and Development / The World Bank

people and let them prioritise those schemes directly through an open scoring process. The participatory budgeting process was designed as follows: First potential schemes for funding have been generated by local councillors, by direct proposals from citizens, proposals elaborated at residents' group meetings etc. Potential schemes have been then briefly assessed by a highways engineer, who provides a comment on viability of the scheme, its design and the estimated cost. Viable schemes costing £100,000 or less are then presented in large public discussion events. The process enables large number of local citizens to get involved and decide on their own living environment thus not only building effective collaboration schemes but preventing potential social conflicts. The launch of the initiative was further supported by the introduction of the Local Strategic Partnerships and the government funding for 12 pilots in 2007. The UK government also expressed its support to have all local authorities engaged with their citizens in policy budgeting by 2012.

The Local Government White Paper published in 2006 gave additional incentive to the process. The main steps for bridging the gap between citizens and their authorities, recommended in the White Paper are:

- *Informing citizens* – providing good, accessible information on how to access services and on how local services are performing; through, for example, newsletters, information on websites, text messages, local media, or staff working in neighbourhoods;
- *Consulting citizens and communities* – about the shape of local services and policies using, for example, surveys, focus groups or neighbourhood and parish plans;
- *Involving citizens* directly in designing, delivering or assessing a service – for example by co-opting a group of young people to help manage a youth centre;
- *Devolving responsibility for the delivery of a service* – for example through community management and ownership of a local community hall.

The document also advised that each authority should jointly with its partners from CSOs decide how best to discharge the duties to inform, consult, involve and devolve, taking into account factors such as the cost effectiveness of engagement activities, the amount of discretion and the differing needs and requirements of the different communities within their area⁸⁵.

Netherlands

Similarly to the UK, local authorities have introduced different forms of neighbourhood-based participatory budgeting where citizens can decide on how money is allocated in their area. An example of local authority that distinguishes itself in bridging the confidence gap is the town of Hoogeveen where major competences are transfer to the citizens. The core idea of the local authorities is to give to the citizens the decision-making powers in designing the environment they live in, while at the same time stimulating their social participation and collaboration. Neighbourhood Based

⁸⁵ Strong and prosperous communities. The Local Government White Paper, Department of Communities and Local Government, October 2006, London

Revitalization Budgets were introduced to enable citizen to plan, spend and monitor the spending of the money devoted to the areas they live. Thus citizens do not only have a say in the policy planning but share the policy making responsibilities, understand better the governance mechanisms and accordingly trust the authorities more.

'Find Your Way in Local Government' is another success story implemented in various local municipalities in Netherlands. The main objective of the project is to give young people aged 14-19 the opportunity to acquire skills necessary to actively take part in local democratic decision-making processes. In order to overcome the wide spread youth disengagement with political process, the project gave young people funding and responsibility to develop and implement local government measures. Participants involved in the project had the chance to create their own plans, determine how to spend their budgets and work with the municipalities on their implementation. The final outputs were regained trust and strong believe that active citizen involvement may bring positive change. The methodology used by the project has been the following:

- Students prepare for the action day during two classes at school that give them general introduction to local government/politics and practical information on the action day;
- During the action day, students are divided into small groups to create policy proposals around a theme or policy field that has been selected by local government in agreement with their teachers. Throughout the day, students meet with politicians, civil servants, council and interest group representatives to discuss their ideas and concerns;
- The elaborated project proposals are presented at a youth council meeting where delegates decide by majority vote which project proposal will be executed. The local government creates a budget to execute the 'best' project, selected by students during the action day.

Since its initiation in 1994, between 20 and 30 action days are organized in the Netherlands each year. The project gives unique opportunity for municipalities to 'connect' with their future voters and build trust relationship at this early stage of citizen and political involvement.

Assessing the delivery of services

Hungary

The e-Government Assessment, Measuring and Evaluation System project (eGAMES) was launched in Hungary in 2005 with the aim to assess and evaluate public administration services and citizen interest in different issues. E-GAMES is an online forum integrated into the Hungarian governmental portal enabling citizen to provide their views on the quality of the governmental services. In order to ensure effective and responsible communication, all citizens willing to participate in the online forum have been requested to register with the Client Gate and provide their real names and identity. The legal background of the online forum and e-GAMES was defined carefully

in order to counterbalance data protection, freedom of expression and the moderation of online contributions. The registration requirement is based on the view that every citizen willing to get involved in the participatory government mechanisms should take the responsibility for his/her actions. Once registered, every user can assess all comments with positive and negative points, providing a value judgment on every user's participation. The aggregated points show a picture of public opinion. Public officials can also be among the users, but they cannot comment on the opinions expressed.

High level government representatives have been regularly invited to chat with citizens at a predefined time. The responses during these online debates, as well as their other contributions, are measured by points from the users. The opinions expressed by the audience of the forum also carry out a media watch function which is a lot more effective and efficient than software based solutions. Thus in practice eGAMES provides a tool for ex-ante control for decision-makers for the social debate of various planned measures while at the same time it promotes interaction among citizens, and between citizens and the public.

United Kingdom

In the urge of ensuring more accountability and better responsiveness, local authorities in the UK have been widely using means provided by the information technologies. A good example for this is the LoveCleanStreets scheme that allows residents of the Lewisham Borough of London to text or email community problems that require action by the local authority. The pictures appear on a website of the local authority and allow the public to track what action is being taken. It is expected that this initiative will be rolled out across the United Kingdom (U.K.) by the end of 2010.

4.4 Implementing good governance principles in the organisational strategies of CSOs – international trends

Following the need for enhanced transparency and accountability of the CSO sector and in the framework of the Commission's Communication on the Prevention and Fight against Terrorist Financing through Enhanced National Level Coordination and Greater Transparency of the Non-profit Sector, EC published in 2009 a Study on recent public and self-regulatory initiatives improving transparency and accountability of non-profit organisations in the European Union⁸⁶. The aim of the research was to explore the existing government and NPO initiatives which aim to improve NGO accountability and

⁸⁶ Study on recent public and self-regulatory initiatives improving transparency and accountability of non-profit organisations in the European Union, 2009, commissioned by the European Commission Directorate-General of Justice, Freedom and Security and elaborated by the European Centre for Not-for-Profit Law

transparency. The study have identified that the strong regulatory role of the state in Central and Eastern European countries has been preconditioned by the relevant immaturity and weakness of the civil society sector. Development of self-regulating regimes has not been very effective as the sector's identity and cohesion is still in formation whereas in Western Europe, the regulatory role of the states has lessened giving way to self regulations as the expectation towards NGOs performance and greater accountability have increased. The study has outlined ten major tendencies on the EU and Member states levels:

1. There is a definite trend towards introducing more accountability and transparency into the NPO sector in all EU member states;
2. Countries across the EU where a comprehensive legal framework for NPOs had not yet been developed, have recently engaged in creating such frameworks. Countries with an existing framework have undertaken comprehensive reforms to revise and improve it;
3. There is a clear trend on behalf of member states to attempt to create a central registry or at least to integrate already existing registration data into a central, publicly available database;
4. In civil law countries, introducing a Public Benefit Organisations (PBO) status seems to have become the most straightforward way of unifying accountability, obligations and corresponding state benefits for NPOs. A range of countries, both from old and new member states that already have some sort of PBO regulation have recently engaged in strengthening the accountability and reporting requirements for PBOs (Bulgaria, Italy, Latvia, Malta, Netherlands, Poland and Romania).
5. A range of countries have recently introduced stricter regulations in relation to fundraising whether in a separate act (e.g. Finland's Money Collection Act) or as part of a more comprehensive reform (e.g. Austria, Bulgaria Ireland). Notably, nearly all reform initiatives involve the principle of using funds for proper purposes and strengthening rules of reporting on the use of funds raised.
6. As an overall trend, self-regulatory initiatives take the lead in attempts to improve NPO governance. These initiatives are taking place on sub-sectoral level, instead of national level;
7. Several countries have revised and clarified the roles of supervision agencies and introduced rules to increase inter-agency cooperation (in Bulgaria). In addition, powers to share information and cooperate in investigations have been extended along with the introduction of higher accountability standards for NPOs (in Austria) and a central registration database in Austria and Hungary;
8. Trend to improve transparency in public funding that aims to influence behaviour by putting forward a framework for the financial relationship between the government and the voluntary and community sector, setting out undertakings for both sides, based on what each of them can expect from the other. Another interesting development in this field is the spread of pre-qualification systems introduced primarily in the field of funding international

- development, under which NGOs who satisfy certain criteria become eligible for a simplified procedure on administrative checks of the grant applications;
9. Consultation procedures with civil society are taking up slowly in countries where such tradition is lacking. The UK and Ireland are best practice models, especially in regard to early consultations, when the policy approach and the concept for regulation are being developed. This approach seems to be a key in gaining support and cooperation of the NPO sector in the adoption and implementation of legislation. Good models can also be found in Austria, the Netherlands, France, Estonia, Bulgaria and Malta.
 10. Partnerships between corporations and NGOs are growing and corporations are increasingly assuming a role and influence in improving accountability and transparency of NPOs.

In response to the need for strengthening the integrity and accountability of civil society organisations, the Independent Sector (leadership forum for charities, foundations, and corporate giving programs in America and around the world) elaborated 33 principles for good governance and ethical practice⁸⁷. The principles are clustered under four main categories:

- *Legal Compliance and Public Disclosure* —responsibilities and practices, such as implementing conflict of interest and whistleblower policies, that will assist charitable organizations in complying with their legal obligations and providing information to the public;
- *Effective Governance* —policies and procedures that the board of directors should implement to fulfil its oversight and governance responsibilities effectively;
- *Strong Financial Oversight* —policies and procedures that organization should follow to ensure wise stewardship of charitable resources;
- *Responsible Fundraising* – policies and procedures that organizations soliciting funds from the public should follow to build donor support and confidence.

More or less, the same principles are stated in the European Foundation Centre Principles of Good Practice⁸⁸. The Principles aim at giving general recommendations of the enforcement of good practice, openness and transparency in the European foundation community and refer to both national and international dimension of the foundation's work.

As a response to the growing concerns about the transparency and accountability of the NGOs activities and following the increased role of the CSO sector in the decision-making process, a group of international NGOs have designed and publicly endorsed the first global accountability charter targeting international advocacy. The elaborated self-regulation aims at committing its signatories to clear principles and standards that beneficiaries, supporters, donors and the wider public may use as benchmarks for

⁸⁷ The principles are available at:

http://www.independentsector.org/uploads/Accountability_Documents/Principles_for_Good_Governance_and_Ethical_Practice.pdf

⁸⁸ Available at: <http://www.efc.be/Legal/Documents/EFCEPrinciplesGoodPractice.pdf>

holding the CSOs into account. The International Non-Governmental Accountability Charter was launched in 2006 by eleven leading international NGOs as a voluntary self regulating initiative outlining the common values, policies and practices that should lead NGOs activities. The Charter recognizes that transparency and accountability are essential for good governance and acknowledges that the NGOs should observe the same high standards they demand of others. Seeking to ensure greater transparency of the NGOs activities, the Charter commits its signatories to report at least once a year on their activities and achievements. Report should include:

- Mission and values;
- Objectives and outcomes achieved in programme and advocacy;
- Environmental impact;
- Governance structure and processes, and main office bearers;
- Main sources of funding from corporations, foundations, governments, and individuals;
- Financial performance;
- Compliance with this Charter;
- Contact details.⁸⁹

At the national level, CSOs in the EU Member States have developed different Codes of Conduct that laid down the foundations for the Non-Governmental Accountability Charter. The Estonian Code of Ethics for Non-profit organizations was adopted in 2002 at the General Assembly of the Roundtable of Estonian Non-profit Organizations. The main principles proclaimed in the code are: integrity, equality, dignity, openness, solidarity, collaboration, diversity and reliability. The core principles of action described in the Code relate to:

- Democratic governance;
- Civic courage and care;
- Sustainability and prudence in using funds and resources;
- Responsibility and accountability;
- Openness and transparency;
- Independence and avoiding conflicts of interest;
- Honouring commitments and recognition of authorship of ideas;
- Tolerance.

Complimentary to these initiatives, the Central and Eastern European Working Group on Non-profit Governance has elaborated a Hand book of NGO Governance. The handbook provides a set of guidelines that could promote a shared regional understanding on NGO good governance. The handbook promotes eight founding principles:

- NGOs are accountable to their communities;
- Good governance has a formal structure;
- Good governance is a basic form of accountability;

⁸⁹ International Non Governmental Organizations Accountability Charter, available at: <http://www.ingoaccountabilitycharter.org/wpcms/wp-content/uploads/ingo-accountability-charter-eng.pdf>

- Good governance involves the separation of governance and management;
- NGOs are mission-based organizations;
- NGOs promote the highest professional and ethical standards;
- NGOs exercise responsible resource management and mobilization;
- NGOs are responsive to the communities they serve.

The guide provides implementation checklist that can help CSOs to monitor their compliance.

Another self regulation tool aiming at upholding the integrity within the CSO sector and building trust in the government-citizen relations is the Certification scheme that some CSOs use in order to assess integrity compliance. The schemes can be based on self-evaluation or on third party certification.

The self-certification schemes usually follow the adoption of code of conduct/accountability charter and require the CSOs to undergo internal verification process and make a formal declaration of compliance with a clear set of standards. Typical example of such self-certification scheme is the National Chapter Accreditation of Transparency International. The objective of the scheme is to ensure that all national chapters meet the highest integrity standards and are strongly motivated, effective and accountable for their actions. The accreditation of a new chapter consists of three main phases:

1. Pre-accreditation process during which the group of persons (individuals or an existing organisation) signs with TI Management a “National Contact Agreement”. This status is granted for two years;
2. Provisional accreditation: Within two years from gaining the National Contact point status, the ‘National Chapter in Formation’ should be established. The status gives the right for attendance of TI Membership Meetings, but it has no voting rights;
3. Accreditation: within two years of gaining the ‘National Chapter in Formation’ if the sufficient determination, diligence and competence to combat corruption are demonstrated the organization may apply for full accreditation. The application sent to TI will include:
 - Completed National Chapter Self-evaluation form for Initial Accreditation;
 - Copy of the latest audited or independently examined accounts;
 - Summary of the finances as requested by the TI Board's Finance, Committee;
 - Evidence that registration of the TI name and logo in the National Chapter's country/ territorial entity in the name of TI has been initiated or completed;
 - Code of conduct;
 - Publication of a Registry of Interest for the members of National Chapter in Formation's governing body, along the lines of the TI Conflict of Interest Policy;
 - Most recent work plan and budget;

- Last annual report⁹⁰.

Every three years, the TI National Chapters undergo review aiming to ensure that they continue to comply with the Umbrella Statement, the basic principles and goals of TI. This is done by completion of a self-evaluation form, consisting of answers to a standard accreditation review questionnaire. In addition the Board of the Management Accreditation Committee may at any time initiate review specifying the reasons for it. Similarly to the self-accreditation scheme, the One World Trust's Global Accountability Project has developed GAP framework which provides organisations with a practical tool for operationalising accountability. The GAP Framework sets the benchmark for improving organizational accountability towards the stakeholders. The framework has the form of a questionnaire, and is geared around four main dimensions, namely:

- Transparency;
- Participation;
- Evaluation;
- Complaints and response mechanisms.

The integration of these dimensions in the organisation's practice and processes enables the organisation to give an account to, take account of, and when necessary be held to account by stakeholders. The GAP Framework is elaborated as complimentary instrument to the already existing regulatory frameworks, codes of conducts and accountability initiatives.

In contrast to these schemes, some countries and organizations have introduced third party certification schemes that involve independent organisation verifying the compliance against a set of principles or standards. An example of such a mechanism is the Austrian Seal of Quality for Donations. The tool has been developed after a huge donation scandal that burst out in 1998. In 1999 the Austrian Institute for Fundraising Organisations set a working group with the task to elaborate clear and transparent donation standards. The group consisted of members of NPO umbrella organisations, government departments, the media, fundraising associations and consumer protection organisations. Thus in 2001 the Austrian seal of approval for charities was introduced. It comprised a list of criteria that the organizations should comply with and will be checked annually against by external accounting. As in Austria all accounting institutions are members of the Austrian Chamber of Chartered Accountants and Tax Advisers, the organizations are free to choose the auditing institution. Similar accreditation systems are built in Netherlands and Germany.

At international level, the International Committee on Fundraising Organizations established standards aiming to help the national accrediting bodies to ensure that the CSO meet high integrity standards and spend public money in the prescribed way. These standards cover five key activity areas:

- Membership and responsibilities of the governing body;
- Fulfilment of public benefit goals;
- Fiscal control, management and reporting;

⁹⁰ http://www.transparency.org/about_us/organisation/accreditation#accred

- Fundraising practices;
- Provision of public information.

They aim at harmonising the national accreditation systems and provide guidelines to be followed by international non-governmental, or not-for-profit, private organizations that raise funds from the public for charitable or public benefit purposes.

The urge for greater transparency and accountability of the civil society sector has become even more vigorous after the terrorist attacks on the 9/11 that put additional pressure on imposing strict accountability mechanisms over the NGO sector. In its Interpretative Note to Special Recommendation on Non-Profit Organisations, the Financial Action Task Force (FATF) among other measures prescribed to the governments to:

- Undertake domestic reviews of their NPO sector or have the capacity to obtain timely information on its activities, size and other relevant features;
- Promote clear policies to promote transparency, integrity and public confidence in the administration and management of all NPOs;
- Take steps to promote effective supervision or monitoring of their NPO sector;
- Make sure that NPOs are either licensed or registered and publicly provide information on:
 - the purpose and objectives of their stated activities;
 - the identity of the persons who own, control or direct their activities, including senior officers, board members and trustees.

In order to ensure greater transparency and integrity in the work of the civil society sector and thus to prevent terrorist financing, the FATF advises the authorities to oblige CSOs to issue annual financial statements with detailed breakdowns of incomes and expenditures and along with this to provide mechanism for monitoring the compliance of CSOs with the applicable rules and regulations. These recommendations do not differ substantially from the mechanisms already set in place in the majority of the EU countries. Different forms of registers, public databases and monitoring mechanisms have already been established in Ireland, Bulgaria, Malta, Hungary, Austria, Estonia, England, Poland, etc. Some self-regulation initiatives at European and national level have also fostered the implementation of the above requirements (Accountability charter, accreditation system in Netherlands etc.).

At the same time, UNDP has elaborated criteria for assessing the CSOs capacities in the partner selection procedure (See Annex 5). The main criteria have been organised around the following sections:

- Legal status and history;
- Mandate, policies and governance;
- Constituency and external support;
- Technical capacity;
- Managerial capacity;
- Administrative capacity;
- Financial capacity;

The tool provides guidance for selection and is neither meant as a 'one size fits all approach' nor as a scorecard for CSOs. It however provides valuable support in ensuring that the partner organizations are equally accountable, transparent and open as their donor organization. The framework acknowledges that countries and CSOs differ from one another in the civil society environments and in the CSOs competences and the role they play in society and therefore advised that the selection framework should be adjusted to the local needs and context. The introduction of accountability measure should by no means lead to overburdening the civil society sector and jeopardize their freedoms to express freely the voice and concerns of the citizens.

V. Conclusion

Government –civil society relations in the 21 century

This study has showed modern tendencies in the development of government-citizen relations in the context of building mutual trust and providing good governance that promotes democracy, rule of law and sustainable economic development. It has presented international, European and national practices and notions that reveal the following main trends:

- Civil society organisations play important role in the nowadays policy process. They are comprehended as valuable partners that bring added value and facilitate the elaboration and implementation of governmental policies;
- Civil society organisations are required to be effective and active partners bringing constructive and well balanced opinions and suggestions thus becoming part of the decision-making process;
- The responsibilities and 'playing field' of CSOs have enormously increased and many new competences have been given to CSOs at all levels of governance: international, European, national, regional and local;
- With the greater competences come greater responsibilities. The CSOs are expected and required to adhere to the same standards of conduct that are expected from the public authorities;
- Civil society sector and the government authorities have been working together to ensure that the CSOs involved in the decision-making process are representing the true voice of the citizens;
- Accountability, transparency and openness have become key principles equally applied to all partners in the government-civil society relations;

Mechanisms for facilitating citizen-government trust relations

Citizen-government trust building relations are regulated both by hard (legal) and soft (codes of conduct etc.) instruments. The application of the latter depends on the political, administrative and cultural context of the particular country. The most commonly used tools for collaboration are:

- *Provision of information:*
 - The laws on provision/access of information along with the basic national laws (constitutions) are the main guarantees for the provision of timely, and comprehensible information;
 - Guidelines for both public servants and citizens are elaborated to explain in an easy manner the procedures for access to information;
 - The public authorities are required to take an active stand and be proactive in the process of provision of information. The main principle applied is that the authorities must provide all information that citizens may need without prior request;
 - Minimal standards for the information that should be subject to mandatory publication by the public authorities have been elaborated by a number of EU Member states and EU institutions;
 - Public authorities' web sites/ portals have become focal points enabling easy access to information. Standards for unification of delivery of information have been elaborated.
- *Consultation:*
 - Establishing consultative bodies at all decision-making levels. The bodies may have joint membership of public authorities' and civil society organisations' or be comprised only of representatives of the CSOs. Their competences vary from pure advisory functions to the right of veto and formulation of certain policy documents;
 - The consultation procedures are either regulated within the national legal framework or are adopted as non-binding policy documents;
 - There is a common understanding regarding the main steps and phases of the public consultation process;
 - Codes of good practices/Guidelines are generally comprehended as the best tool for ensuring inclusive, comprehensible and effective consultations;
 - The consultation process is widely based on means provided by the e-technologies. Participation/consultation web-portals have been established to facilitate the exchange of opinions and ensure the involvement of the wider public;
 - Citizens forums/agora/juries have been initiated as tools for 'grasping the pulse' of the civil society sector enabling it to actively shape future policies at all policy levels;

- *Accountability:*
 - Monitoring bodies comprised of representatives of civil society organisations have been widely established to ensure that citizen's interests and their needs are efficiently met;
 - Social compacts/joint statements documents have been adopted as mechanisms ensuring transparency and answerability in the government-civil society relations. The documents describe the main areas of interventions, tools for collaborations and standards of behaviour to be followed by all interested parties;
 - Participatory budgeting initiatives have paved their way as accountability tools at local government level. Apart from holding the public authorities into account for their actions they allow citizens to get actively involved in allocation and spending of public resources thus enabling them to shape the environment they live in;
 - E-technologies have made it possible for the citizens to evaluate the performance of public authorities on a regular basis. Web-applications have been used to access the quality of elaborated policies and performance.

Mechanisms for facilitating government-CSOs trust relations

Mainly soft tools in the form of guidelines and codes of conduct have been used to ensure the representativeness, accountability and openness of the CSOs activities. Initiatives coming both from the government and the CSOs sector have been implemented in the following directions:

- Codes of conduct/accountability charters have been adopted by many CSOs as statements of the values and standards of behaviour they adhere to and can be hold into account of;
- Self accreditation and third party accreditation mechanisms have been set in place to ensure that CSOs meet high integrity standards and spend public money in a prescribed way;
- Practical tools for operationalising accountability (in the form of guidelines, gap assessment questionnaires, etc.) have been elaborated to support the implementation of the good governance principles in the CSOs activities;
- There is a clear understanding that transparency, openness and accountability in the citizen-government relations require well defined framework describing the roles, rights and responsibilities of CSOs, as well as the related obligations of public institutions. This also means that CSOs and governments should jointly elaborate a set of criteria for identification of citizen organizations to be involved in the collaboration and partnership initiatives.

VI. Proposals and recommendations on promotion confidence between the state and CSOs

Measures to build the citizen trust in the capacity of the public authorities to provide good governance

- ✓ Elaboration of a joint statement of CSOs and governance priorities, objectives and mechanisms of work (possible sample suggestions are: the Social compact in the UK or the civil society development concept in Estonia). The aim is to create a clear framework for government-civil society collaboration. At the same time by signing such a document, both the civil society sector and the government will commit themselves to follow common standards of conduct;
- ✓ Elaboration of minimal standards for consultation and/or clear guidelines for public consultations;
- ✓ Drafting and signing of inter-institutional agreement and binding guidelines concerning the appointment of civil society representatives, methods for organising consultations and their funding. The guidelines should be jointly elaborated by the government and civil society sector.
- ✓ Launching of consolidated consultation portal as a focal point of citizen opinions on policy proposals and draft regulations. The portal should provide a platform for bilateral communication between citizen and government institutions (good examples can be seen in Estonia, Netherlands, UK);
- ✓ Introducing public database of NGOs possessing expertise in different spheres of public life (the public register of the European Commission may be taken as a sample). The database will enforce transparency and accountability of CSOs. On the other hand it will facilitate cooperation between institutions and CSOs if the state institutions oblige themselves to send drafts of all normative acts to be consulted and discussed to the registered CSOs working in the relevant area. Thus additional guarantees will be built to ensure that all the affected parties are informed at the beginning of the preparation of and/or consultation on strategic documents (see: Estonian and EC procedures as good practices);
- ✓ Introduction of a 'legislative footprint' (indicative list, attached to a Parliamentary report, of registered interest representatives who were consulted and had significant input during the preparation of the report or legislative proposal);
- ✓ Enabling easy access to documents and information by introducing rules on unification of the governmental websites;
- ✓ Introducing regulation on lobbying activities;
- ✓ Establishing consultative body at the national level with wider advisory functions (good examples are the National Council in Slovenia and the Economic and Social Council of Bulgaria);

- ✓ Building the capacities and abilities of civil servants and CSO representatives to actively and constructively communicate and collaborate with the CSOs/State institutions. Support the cultural change and better understanding on the role of CSOs in the decision-making process;
- ✓ Enhancing the use of the e-technologies to facilitate public involvement and monitoring. Good example for such initiatives that can be applied are:
 - the Interactive Policy Making Initiative (Internet based IPM tool provides easy-to-use and straightforward online questionnaires, making it easier for respondents to participate and for policy makers to analyse the results);
 - e-Government Assessment, Measuring and Evaluation System (a tool for ex-ante control for decision-makers for the social debate of various planned measures while at the same time it promotes interaction among citizens, and between citizens and the public);
 - *Voting assistant and Voting Tracker*

Measures to build government trust in the reliability of CSOs opinions and expertise

- ✓ Elaboration of joint Accountability charters/Codes that set out common standards of behavior;
- ✓ Introduction of Codes of conduct, self accreditation or third party accreditation;
- ✓ Elaboration of CSO yearly reports that may include:
 - Mission and values;
 - Objectives and outcomes achieved in programme and advocacy;
 - Environmental impact;
 - Governance structure and processes, and main office bearers;
 - Main sources of funding from corporations, foundations, governments, and individuals;
 - Financial performance;
 - Compliance with accountability Charter;
 - Contact details
- ✓ Defining and applying a set of criteria for identification of citizen organizations with which public authorities will establish relationships of collaboration and partnership. Setting objective and pre-established criteria that could include the following:
 - Structure and membership of the NGOs;
 - Transparency of their organisation and the way they work;
 - Previous participation in committees and working groups;
 - Track record as regards competence to advise in a specific field;
 - Capacity to work as a catalyst for exchange of information and opinions between the authorities and citizens (Commission Discussion Paper, The Commission and Non-Governmental Organisations: Building a Stronger

Partnership). Indicators for assessing CSOs participation should be elaborated at the country level in close cooperation with CSOs representatives.

Frequently Used Acronyms

CEEC – Central and Eastern European Countries

CIVICUS – World Alliance for Citizen Participation

CoE – Council of Europe

CSO – Civil Society Organizations

DIFID – United Kingdom Department for International Development

EC – European Commission

ECOSOC – United Nations Economic and Social Council

EESC – European Economic and Social Committee

EKAK – Estonian Civil Society Development Concept

EP – European Parliament

EU – the European Union

NGO – Non-governmental organisations

NSA – Non- State Actors

OECD – Organisation for Economic Cooperation and Development

OSCE – Organisation for Security and Cooperation in Europe

TI – Transparency International

UK – the United Kingdom

UN – United Nations

UNDP – United Nations Development Programme

UNEP – United Nations Environment Programme

WB – World Bank

Annexes

ANNEX 1

Matrix of Civil Participation, Code of Good Practice for Civil Participation in the Decision Making Process

Partnership	Work group or committee	Co-drafting	Joint decision-making Co-decision making	Strategic partnerships	Work groups or committee	Work groups or committee
Dialogue	Hearings and public forums Citizens' forums and future councils Key government contact	Hearings and Q&A panels Expert seminars Multi-stakeholder committees and advisory bodies	Open plenary or committee sessions	Capacity building seminars Training seminars	Work groups or committee	Seminars and deliberative forums
Consultation	Petitioning Consultation online or other techniques	Hearings and Q&A panels Expert seminars Multi-stakeholder committees and advisory bodies	Open plenary or committee sessions	Events, conferences, forums, seminars	Feedback mechanisms	Conferences or meetings Online consultation
Information	Easy and open information access Research Campaigning and lobbying Website for key documents	Open and free access to policy documents Website for key documents Campaigns and lobbying Web casts Research input	Campaigning and lobbying	Open access to information Website for information access E-mail alerts FAQ Public tendering procedures	Open access to information Evidence gathering Evaluations Research studies	Open access to information
Levels of participation						
Steps in the political decision making process	Agenda setting	Drafting	Decision	Implementation	Monitoring	Reformulation

Source: Council of Europe, 2009, Code of Good Practice for Civil Participation in the Decision Making Process

ANNEX 2

Guiding principles for engaging citizens in policy-making

The survey suggests the following guiding principles for successful information, consultation and active participation in policy-making:

1. Commitment

Leadership and strong commitment to information, consultation and active participation in policy-making is needed at all levels - from politicians, senior managers and public officials.

2. Rights

Citizens' rights to access information, provide feedback, be consulted and actively participate in policy-making must be firmly grounded in law or policy. Government obligations to respond to citizens when exercising their rights must also be clearly stated. Independent institutions for oversight, or their equivalent, are essential to enforcing these rights.

3. Clarity

Objectives for, and limits to, information, consultation and active participation during policy-making should be well defined from the outset. The respective roles and responsibilities of citizens (in providing input) and government (in making decisions for which they are accountable) must be clear to all.

4. Time

Public consultation and active participation should be undertaken as early in the policy process as possible to allow a greater range of policy solutions to emerge and to raise the chances of successful implementation. Adequate time must be available for consultation and participation to be effective. Information is needed at all stages of the policy cycle.

5. Objectivity

Information provided by government during policy-making should be objective, complete and accessible. All citizens should have equal treatment when exercising their rights of access to information and participation.

6. Resources

Adequate financial, human and technical resources are needed if public information, consultation and active participation in policy-making are to be effective. Government officials must have access to appropriate skills, guidance and training as well as an organisational culture that supports their efforts.

7. Co-ordination

Initiatives to inform, request feedback from and consult citizens should be co-ordinated across government to enhance knowledge management, ensure policy coherence, avoid duplication and reduce the risk of 'consultation fatigue' among citizens and civil society organisations (CSOs). Co-ordination efforts should not reduce the capacity of government units to pursue innovation and ensure flexibility.

8. Accountability

Governments have an obligation to account for the use they make of citizens' inputs received through feedback, public consultation and active participation. Measures to ensure that the policy-making process is open, transparent and amenable to external scrutiny and review are crucial to increasing government accountability overall.

9. Evaluation

Governments need the tools, information and capacity to evaluate their performance in providing information, conducting consultation and engaging citizens in order to adapt to new requirements and changing conditions for policy-making.

10. Active citizenship

Governments benefit from active citizens and a dynamic civil society and can take concrete actions to facilitate access to information and participation, raise awareness, strengthen citizens' civic education and skills as well as to support capacity-building among civil society organisations.

Source: *Engaging citizens in policy making: Information, Consultation and Public Participation, 2001, OECD Public Management Policy Brief, N 10*

ANNEX 3

Model Publication Scheme⁹¹

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

Classes of Information

- **Who we are and what we do.** Organisational information, locations and contacts, constitutional and legal governance
- **What we spend and how we spend it.** Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts
- **What our priorities are and how we are doing.** Strategy and performance information, plans, assessments, inspections and reviews

⁹¹ The model publication scheme is available at the website of the UK Information Commissioner's Office at: http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/generic_scheme_v1.0.pdf

- **How we make decisions.** Policy proposals and decisions. Decision-making processes, internal criteria and procedures, consultations.
- **Our policies and procedures.** Current written protocols for delivering our functions and responsibilities.
- **Lists and Registers.** Information held in registers required by law and other lists and registers relating to the functions of the authority.
- **The Services we Offer.** Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained. Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means. In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale. Information will be provided in the language in which it is held or in ather language that is legally required. Where an authority is legally required to translate any information, it will do so. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information under this scheme.

Charges which may be made for Information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum. Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by the Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying;
- postage and packaging;
- the costs directly incurred as a result of viewing information.

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public. If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written Requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

ANNEX 4

Minimum standards for consultation of interested parties⁹²

A. CLEAR CONTENT OF THE CONSULTATION PROCESS

All communications relating to consultation should be clear and concise, and should include all necessary information to facilitate responses.

The information in publicity and consultation documents should include:

- ✓ A summary of the context, scope and objectives of consultation, including a description of the specific issues open for discussion or questions with particular importance for the Commission;
- ✓ Details of any hearings, meetings or conferences, where relevant;
- ✓ Contact details and deadlines;
- ✓ Explanation of the Commission's processes for dealing with contributions, what feed-back to expect, and details of the next stages involved in the development of the policy;
- ✓ If not enclosed, reference to related documentation (including, where applicable, Commission supporting documents).

B. CONSULTATION TARGET GROUPS

When defining target group(s) in a consultation process, the Commission should ensure that relevant parties have an opportunity to express their opinions.

⁹² Extract from the „Communication from the Commission 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

For consultation to be equitable, the Commission should ensure adequate coverage of the following parties in a consultation process:

- ✓ those affected by the policy
- ✓ those who will be involved in implementation of the policy, or
- ✓ bodies that have stated objectives giving them a direct interest in the policy.

In determining the relevant parties for consultation, the Commission should take into account the following elements as well:

- ✓ the wider impact of the policy on other policy areas, e.g. environmental interests or consumer policy;
- ✓ the need for specific experience, expertise or technical knowledge, where applicable;
- ✓ the need to involve non-organised interests, where appropriate, the track record of participants in previous consultations;
- ✓ the need for a proper balance, where relevant, between the representatives of:
 - social and economic bodies;
 - large and small organisations or companies;
 - wider constituencies (e.g. churches and religious communities) and specific target groups (e.g. women, the elderly, the unemployed, or ethnic minorities);
 - organisations in the European Union and those in non-member countries (e.g. in the candidate or developing countries or in countries that are major trading partners of the European Union).

Where appropriate, the Commission encourages contributions from interested parties organised at the European level.

Where a formal or structured consultation body exists, the Commission should take steps to ensure that its composition properly reflects the sector it represents. If this is not the case, the Commission should consider how to ensure that all interests are being taken into account (e.g. through other forms of consultation).

C. PUBLICATION

The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences. Without excluding other communication tools, open public consultations should be published on the Internet and announced at the “single access point”.

For addressing the broader public, a single access point for consultation will be established where interested parties should find information and relevant documentation. For this purpose, the Commission will use the ‘Your-Voice-in-Europe’ web portal. However, at the same time it might be useful to maintain more traditional alternatives to the Internet (e.g. press releases, mailings). Where appropriate and feasible, the Commission should provide consultation documents in alternative formats so as to make them more accessible to the disabled.

D. TIME LIMITS FOR PARTICIPATION

The Commission should provide sufficient time for planning and responses to invitations and written contributions. The Commission should strive to allow at least 8 weeks for reception of responses to written public consultations and 20 working days notice for meetings.

The main rule is to give those participating in Commission consultations sufficient time for preparation and planning. Consultation periods should strike a reasonable balance between the need for adequate input and the need for swift decision-making. In urgent cases, or where interested parties have already had sufficient opportunities to express themselves, the period may be shortened.

On the other hand, a consultation period longer than eight weeks might be required in order to take account of:

- ✓ the need for European or national organisations to consult their members in order to produce a consolidated viewpoint;
- ✓ certain existing binding instruments (this applies, in particular, to notification requirements under the WTO agreement);
- ✓ the specificity of a given proposal (e.g. because of the diversity of the interested parties or the complexity of the issue at stake);
- ✓ main holiday periods.

When the deadline for transmission of comments has expired, the Commission will close the consultation and take the next steps in the administrative process (e.g. prepare for the decision by the Commission).

E. ACKNOWLEDGEMENT AND FEEDBACK

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.

Depending on the number of comments received and the resources available, acknowledgement can take the form of:

- ✓ an individual response (by e-mail or acknowledgement slip) or
- ✓ a collective response (by e-mail or on the Commission's single access point for consultation on the Internet; if comments are posted on the single access point within 15 working days, this will be considered as acknowledgement of receipt).

Contributions will be analysed carefully to see whether, and to what extent, the views expressed can be accommodated in the policy proposals. Contributions to open public consultations will be made public on the single access point. Results of other forms of consultation should, as far as possible, also be subject to public scrutiny on the single access point on the Internet.

The Commission will provide adequate feedback to responding parties and to the public at large. To this end, explanatory memoranda accompanying legislative proposals by the

Commission or Commission communications following a consultation process will include the results of these consultations and an explanation as to how these were conducted and how the results were taken into account in the proposal. In addition, the results of consultations carried out in the Impact Assessment process will be summarised in the related reports.

ANNEX 5: UNDP CSO Assessment Tool

PART I. ASSESSING CSO COMMITMENT TO THE UNDP PRINCIPLES OF PARTICIPATORY HUMAN DEVELOPMENT AND DEMOCRATIC GOVERNANCE		
INDICATOR	AREAS FOR ASSESSMENT	APPLICABLE DOCUMENTS AND TOOLS
1.1 LEGAL STATUS AND HISTORY		
<i>Degree of legal articulation and biographical indications</i>		
1.1.1 Legal status	<ul style="list-style-type: none"> ■ Is the CSO legally established? ■ Does the CSO comply with all legal requirements of its legal identity and registration? 	<ul style="list-style-type: none"> ■ Name and name of officers ■ Registration with government or umbrella CSO ■ Legal incorporation documents
1.1.2 History	<ul style="list-style-type: none"> ■ Date of creation and length in existence ■ Reasons and circumstances for the creation of the CSO ■ Has the CSO evolved in terms of scope and operational activity? 	<ul style="list-style-type: none"> ■ Annual reports ■ Biographical note on CSO ■ Media kit ■ Website
1.2 MANDATE, POLICIES AND GOVERNANCE		
<i>Compatibility between the goals of the CSO with those of UNDP and a sound governance structure</i>		
1.2.1 CSO mandate and policies	<ul style="list-style-type: none"> ■ Does the CSO share UNDP principles of human development? ■ Does the CSO share similar service lines to UNDP? ■ Is it clear on its role? 	<ul style="list-style-type: none"> ■ Mission statement/ Charter document ■ Annual report ■ Policy statements
1.2.2 Governance	<ul style="list-style-type: none"> ■ Who makes up the governing body and what is it charged with? ■ How does the independent governing body exert proper oversight? ■ Does the CSO have a clear and communicated organizational structure? 	<ul style="list-style-type: none"> ■ Reports on the meetings of the governing body ■ Profile of board members/ trustees ■ Copies of rules and procedures ■ Minutes of management or decision-making meeting; Code of Conduct ■ CSO organizational chart

INDICATOR	AREAS FOR ASSESSMENT	APPLICABLE DOCUMENTS AND TOOLS
1.3 CONSTITUENCY AND EXTERNAL SUPPORT <i>Ability to build collaborative relationships and a reputable standing with other sectors</i>		
1.3.1 Constituency	<ul style="list-style-type: none"> ■ Does the CSO have a clear constituency? ■ Is the organization membership based/or not? ■ Is there a long-term community development vision? ■ Does the CSO have regular and participatory links to its constituency? ■ Are constituents informed and supportive about the CSO and its activities? 	<ul style="list-style-type: none"> ■ Mission-statement-goal ■ Webpage / webforum ■ Newsletter ■ Report of field visits ■ Media coverage ■ Resource centre or public assembly space
1.3.2 CSO local and global linkages	<ul style="list-style-type: none"> ■ Does the CSO belong to CSO umbrella organizations and/or CSO networks in its own sector? ■ Does the CSO have strong links within the CSO community and to other social institutions? 	<ul style="list-style-type: none"> ■ Membership/affiliation in a CSO umbrella ■ Letters of reference ■ Participation in regional/national/international CSO meetings and conferences ■ Partnerships agreements with other CSOs
1.3.3 Other partnerships, networks and external relations	<ul style="list-style-type: none"> ■ Does the CSO have partnerships with government/UN agencies/private sector/foundations/others? ■ Are these partnerships a source of funding? 	<ul style="list-style-type: none"> ■ Partnerships agreements and/or MoUs ■ Records of funding and list of references ■ Reports on technical external support from national and/or international agencies ■ Minutes of partnership interactions

INDICATOR	AREAS FOR ASSESSMENT	APPLICABLE DOCUMENTS AND TOOLS
2.2 MANAGERIAL CAPACITY <i>Ability to plan, monitor and co-ordinate activities</i>		
2.2.1 Planning, monitoring and evaluation	<ul style="list-style-type: none"> ■ Does the CSO produce clear, internally consistent proposals and intervention frameworks? ■ Does the development of a programme include a regular review of the programme? ■ Does the CSO hold annual programme or project review meetings? ■ Is strategic planning translated into operational activities? ■ Are there measurable objectives in the operational plan? 	<ul style="list-style-type: none"> ■ Well-designed project and programme documents as well as evaluations and reports ■ Action/operational plans ■ Evaluation and monitoring reports
2.2.2 Reporting and performance track record	<ul style="list-style-type: none"> ■ Does the CSO report on its work to its donors, to its constituency, to CSOs involved in the same kind of work, to the local council, involved government ministries, etc.? ■ Does the CSO monitor progress against indicators and evaluate its programme/project achievement? ■ Does the CSO include the viewpoint of the beneficiaries in the design and review of its programming? 	<ul style="list-style-type: none"> ■ Reports on performance ■ Reports to donors and other stakeholders ■ Internal and external evaluation and impact studies
2.3 ADMINISTRATIVE CAPACITY <i>Ability to provide adequate logistical support and infrastructure</i>		
2.3.1 Facilities and equipment	<ul style="list-style-type: none"> ■ Does the CSO possess logistical infrastructure and equipment? ■ Can the CSO manage and maintain equipment? 	<ul style="list-style-type: none"> ■ Adequate logistical infrastructure: office facilities and space, basic equipment, utilities ■ Computer capability and library materials ■ Proper equipment for area of specialisation/inventory to track property and cost

INDICATOR	AREAS FOR ASSESSMENT	APPLICABLE DOCUMENTS AND TOOLS
2.3.2 Procurement	<ul style="list-style-type: none"> ■ Does the CSO have the ability to procure goods, services and works on a transparent and competitive basis? 	<ul style="list-style-type: none"> ■ Standard contracts ■ Examples of how procurement is done ■ Written procedures for identifying the appropriate vendor, obtaining the best price, and issuing commitments

2.4 FINANCIAL CAPACITY

Ability to ensure appropriate management of funds (For detailed guidelines and checklists to assess financial management capacity, please visit: [http://www.undg.org/documents/6642-Framework for Cash Transfers to Implementing Partners.doc](http://www.undg.org/documents/6642-Framework%20for%20Cash%20Transfers%20to%20Implementing%20Partners.doc))

2.4.1 Financial management and funding resources	<ul style="list-style-type: none"> ■ Is there a regular budget cycle? ■ Does the CSO produce programme and project budgets? ■ What is the maximum amount of money the CSO has managed? ■ Does the CSO ensure physical security of advances, cash and records? ■ Does the CSO disburse funds in a timely and effective manner? ■ Does the CSO have procedures on authority, responsibility, monitoring and accountability of handling funds? ■ Does the CSO have a record of financial stability and reliability? 	<ul style="list-style-type: none"> ■ Operating budgets and financial reports ■ List of core and non-core donors and years of funding ■ Written procedures ensuring clear records for payable, receivables, stock and inventory ■ Reporting system that tracks all commitments and expenditures against budgets by line
2.4.2 Accounting system	<ul style="list-style-type: none"> ■ Does the CSO keep good, accurate and informative accounts? ■ Does the CSO have the ability to ensure proper financial recording and reporting? 	<ul style="list-style-type: none"> ■ A bank account or bank statements ■ Audited financial statements ■ Good, accurate and informative accounting system ■ Written procedures for processing payments to control the risks through segregation of duties, and transaction recording and reporting

PART II. ASSESSING CSO CAPACITY FOR PROJECT MANAGEMENT		
INDICATOR	AREAS FOR ASSESSMENT	APPLICABLE DOCUMENTS AND TOOLS
2.1 TECHNICAL CAPACITY <i>Ability to implement a project</i>		
2.1.1 Specialization	<ul style="list-style-type: none"> ■ Does the CSO have the technical skills required? ■ Does the CSO collect baseline information about its constituency? ■ Does the CSO have the knowledge needed? ■ Does the CSO keep informed about the latest techniques/competencies/policies/trends in its area of expertise? ■ Does the CSO have the skills and competencies that complement those of UNDP? 	<ul style="list-style-type: none"> ■ Publications on activities, specific issues, analytical articles, policies ■ Reports from participation in international, regional, national or local meetings ■ Tools and methodologies ■ Evaluations and assessments
2.1.2 Implementation	<ul style="list-style-type: none"> ■ Does the CSO have access to relevant information/resources and experience? ■ Does the CSO have useful contacts and networks? ■ Does the CSO know how to get baseline data, develop indicators? ■ Does it apply effective approaches to reach its targets (i.e participatory methods)? 	<ul style="list-style-type: none"> ■ Evaluations and assessments ■ Methodologies/training materials ■ Use of toolkits, indicators and benchmarks/capacity-development tools ■ Databases (of CBOs, partners, etc.)
2.1.3 Human resources	<ul style="list-style-type: none"> ■ Does the CSO staff possess adequate expertise and experience? ■ Does the CSO use local capacities (financial/human/other resources)? ■ Does the CSO have a strong presence in the field? ■ What is the CSO's capacity to coordinate between the field and the office? 	<ul style="list-style-type: none"> ■ Profile of staff, including expertise and professional experience ■ Staff turnover ■ Chart of assignments of roles and functions ■ Reports on technical experience from national or international agencies for operations and capacity-building

Source: *A Toolkit for Strengthening Partnership, UNDP 2006*

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