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EU Member States' Consultation with Civil Society on European Policy Matters

Objective:

*To describe the EU national governments' consultation with Civil Society
at national level, Member State by Member State*

*A study prepared in the framework of the European Union Democracy
Observatory for the European Economic and Social Committee (EESC)*

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Florence, October 2011

EUDO Report
2011/4

EUDO Observatory on Public Opinion,
Political Elites and the Media (Public Opinion)

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PUBLIC OPINION



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EU MEMBER STATES' CONSULTATION WITH CIVIL SOCIETY ON EUROPEAN POLICY MATTERS

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COMPARATIVE STUDY

The present publication is an integral part of a larger comparative study on EU Member States consultations with civil society on European policy matters. Following a call for tenders launched by the EESC, the EUDO Observatory on Public Opinion, Political Elites and the Media was commissioned to carry out the study under the direction of Didier Chabanet and Professor Alexander H. Trechsel.

Disclaimer

The opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the EESC.



This study was funded by the European
Economic and Social Committee



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INTRODUCTION

To achieve objective 1, each country expert has carried out internet investigations¹. Additional research has been realized (such as analysis of policy-making documents, legal texts, etc.), as well as phone inquiries with governments and CSOs in order to better understand their system of consultation with civil society. As a general rule, the country experts have interviewed two members (or representatives) of two different CSOs operating in two different sectors. These interviews do not constitute a representative sample but have nonetheless enabled us to add more information to that already available through official documents, and to read it from a different, often relatively critical, angle.

On the basis of the information gathered by the country experts, the two project coordinators - Didier Chabanet and Alexander H. Trechsel - have carried out the most accurate possible synthesis. The description of each national government consultation with civil society is provided in four different sections, following the same pattern for each case examined.

1. Introduction
2. Formal Framework for Civil Society Consultation
3. European Issues Consultation
4. Conclusion

It is necessary here to point to a specific problem, which is altogether an essential characteristic of the procedures adopted by EU national governments to consult with civil society on European issues. Despite the fact that some countries were already using some mechanism of consultation specific to European issues, more often than not consultation on these issues is made according to the general and diverse framework in place for civil society consultation. In other words, the distinction between proce-

1. The list is in Annexe 1, p.107. The Report is based on the information provided by the country-experts between March and September 2010. Objective 1 was sent to the EESC on December 13, 2010.

dures for civil society consultation on European and non-European issues is somewhat artificial. The consultation of civil society actors occurs according to the evolution of the political agenda, but that does not necessarily mean that consultation is made on the basis of specific standard procedures. Our dossier takes this situation into account, and it is therefore based on all forms of civil society consultation. But, of course, the dossier places special emphasis upon those consultations concerning EU issues.

The domain of EU consultations with civil society is therefore ill-defined: first, because it changes according to the priorities dictated by governments or by current political affairs; second, because of the large number of organizations that can be the object of consultation, even when their main *raison d'être* is not concerned with the EU. The country experts have tried to sort out these problems and to isolate and highlight the main traits of each national system of civil society consultation.

Finally, let us note that the reason why we do not dwell on the role of national ESCs regarding the consultation of CSOs on European issues, is that it has already been specifically developed in the EUDO Report 2011/3.

1. Introduction

Austria's political system is marked by a strong corporatist culture. Policy-making in the social and economic sphere is usually coordinated and implemented in consultation with the main peak associations of industry, trade unions, labour unions and agricultural associations. Nevertheless, recently a "civil dialogue" has also started to take shape. Formal and informal consultation of CSOs outside the established institutionalized framework of Social Partners remains however a challenge.

2. Formal Framework for Civil Society Consultation

On the request of the Federal Chancellery (Bundeskanzleramt), the Ministry of Environment (Bundesminister für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft), in cooperation with NGOs and experts, developed an information website and different guidelines for public administrations on public participation (individuals, CSOs, lobbies). The guide-lines provide a detailed overview of the different consultation procedures available in the Austrian politico-administrative system².

According to these guidelines, there are three types of participation procedure in Austria, which are distinguished by the intensity with which individual citizens or civil society organizations are involved in the decision-making:

- Informative public participation;
- Consultative public participation;
- Co-decision.

These three types of participation can also be used at different levels of decision-making.

2. "Participation and Sustainable Development in Europe" <http://www.partizipation.at/?id=358>

Informative participation (informative Öffentlichkeitsbeteiligung) is used to inform interested and concerned individuals/interest groups, whereby no possibility for influencing the decision-making is granted. Examples are announcements by the administration to interested parties and the public at large, informational events et cetera.

Consultative Participation (konsultative Öffentlichkeitsbeteiligung) allows affected and interested individuals/interest groups to take a position on drafts, plans or decisions, and bring in their own ideas that have to be taken into account in the decision-making process. Examples: public debates, surveys, open council.

Co-decision (Mitbestimmung) allows affected and interested individuals/interest groups to participate (co-decide) in the development, execution and implementation of a decision, project or programme. Examples: task forces and working groups, round tables.

These different types can be formal or informal in nature. Formal procedures are regulated in laws (e.g. Gewerbeordnung, Wasserrechtsgesetz) and are used in different areas such as environmental impact assessments, or flood-risk regulations. Formal and compulsory participation is a rather recent phenomenon in Austria and applies only in very specific cases (e.g. environmental policy). Furthermore, compulsory consultation has been introduced through international and European laws, such as the Aarhus Convention³ or the Public Participation Directive (2003/35/EC)⁴.

The guidelines list 27 different methods of participation, ranging from activating opinion-survey to workshops and “world cafes”. The areas for which these different methods can be used include: community development, community work, traffic and development, local industry and commerce, water management, tourism and leisure, environmental questions. Social policies including questions concerning the interest of labour or trade unions are dealt with in the “social dialogue”. Overall, the different

3. Articles 7 and 8 of the Convention provide for public participation concerning “plans, programmes and policies relating to the environment” and “during the preparation of executive regulations and/or generally applicable legally binding normative instruments”.

4. Cf. Umweltverträglichkeitsprüfungsgesetz-Novelle (BGBl. I, Nr. 153/2004)

participation methods show that CSO participation outside the Social and Economic Council focuses mostly at the regional/community level and concerns regulatory/technical issues. Examples of civil dialogues at national level are the Forest Dialogue (Walddialog), initiated by the Environmental Minister and a number of NGOs.

Another example of a national level civil dialogue is the annual “Poverty Conference” (Armutskonferenz), organized by the “Network against Poverty and Social Exclusion”. Its views were taken into consideration by the Austrian government within the National Reform Programme implementing the Lisbon Strategy (2008-2010).

One method of consultation that receives increasing attention is electronic participation. Under the government programme “E-Democracy”, an increase in electronic participation is envisaged. Participation in policy-making via the internet is a novum in the politico-administrative system in Austria, initiated in 2009, and most of the activities are taking place at regional level. However, e-participation is seen so far as an “informal” participation method.

2. 1 Social Dialogue within the Social and Economic Council

Consultation of CSOs in the sphere of social and economic policies by governmental institutions is organized within the framework of a so-called Parity Commission (Paritätische Kommission, PK). Cooperation between government and the four big interest associations (Federal Economic Chamber⁵, Federal Chamber of Labour⁶, Confederation of Trade Unions⁷, Chamber of Agriculture⁸) has been taking place within the PK since 1957. The PK has four sub-committees – or advisory councils (Beiräte) – of which the economic and social committee (Beirat fuer Wirtschafts und Sozialfragen, BWS) is but one.⁹

5. Wirtschaftskammer Österreich (<http://portal.wko.at/wk/startseite.wk>)

6. Bundesarbeiterkammer (<http://www.arbeiterkammer.at/>)

7. Österreichischer Gewerkschaftsbund (<http://www.oegb.at/>)

8. Landwirtschaftskammer Österreich (<http://www.agrarnet.info/>)

9. The other three sub-committees are the Sub-Committee on International Affairs, Sub-Committee on Wages, and the Sub-Committee on Competition and Prices

Member organizations within the PK in general and the BWS in particular are almost exclusively associations from the sphere of labour and trade associations. Furthermore, membership in either of these bodies is circumscribed by the agreement among the Social Partners. Hence, while labour and trade unions, as well as the agricultural association are represented within the PK and the BWS, third sector NGOs are largely absent in these advisory councils.

The exclusive representation of peak associations within the BWS leads those CSOs that are outside the system of Social Partnership to focus their interest articulation on these peak associations, if they want to make their view points heard¹⁰. The monopolistic position of the Social Partners within the consultation procedure can lead to problems of exclusion, as a recent OECD Country study on Austria's regulatory system has pointed out (OECD 2010)¹¹.

Public consultations via the parliament normally do not take place. Nevertheless, on politically sensitive or controversial issues, parliament can consult external experts, be they individuals or groups. This form of consultation is regulated within the Rules of Procedure of the Nationalrat (Geschäftsordnung des Nationalrates). Paragraph 40 of the Rules of Procedure states that parliamentary committees have the right to request members of the government to invite experts to provide the committee with written or oral statements on a given issue. However, consultations of CSOs are not explicitly mentioned. Nevertheless, the input from consultations on draft legislation is made publicly available on the website of the parliament, enhancing the overall transparency of consultation procedures.

3. European Issues Consultation

10. This has been observed especially for associations of Small and Medium Sized Businesses that are formally not covered by the system of Social Partnership. Cf. Traxler, Franz (2001). Country-Study: Austria, In: Small and Medium sized Enterprises and Business Interest Organisations in the European Union, pp. 14-31

11. Cf. Better Regulation in Europe: Austria 2010, pp. 77-85, available here: <http://www.oecd-ilibrary.org/docserver/download/fulltext/4210251e.pdf?expires=1317816426&id=id&accname=ocid195734&checksum=9F8B4A07E56C449F6E611909C0B59CF6>

Given the formal structure of the cooperation between Social Partners and government, it is not surprising that European issues are largely dealt with within these established frameworks. Within the framework of the implementation of the Lisbon Strategy¹², the government's National Reform Plans (from 2005-2008 and 2008-2010) show that CSOs outside the Social Partnership network are marginally involved. For example, on the implementation of the 2008-2010 National Reform Plan a one day conference was held, where CSOs (specifically NGOs) were invited to present their views on the reform programme. However, one pre-condition for the consultation of these NGOs was that they present their views in an "accorded" manner, which eventually did not happen.

The members of the four peak associations are present in a variety of committees involved in EU policy-making at national level. Each peak association also has its own position on EU issues, on which they – if necessary – attempt to coordinate jointly before presenting it to government and the public. In the most recent position paper on the post-Lisbon strategy¹³ of the Social Partners' sub-committee on international affairs, the Industry Association (IV) has also been associated.

4. Conclusion

The Austrian political system is strongly marked by corporatism. Since the end of the Second World War the system of Social Partnership ("Sozialpartnerschaft") has been in place and is anchored in the Austrian political system.

This cooperation between government and CSO is a unique way of reconciling and balancing interests between different stakeholders. In this system the public administration, political parties, trade and labour unions, as well as other sectorial interest representations have managed to successfully coordinate their actions. Taken at face value, CSOs have had a strong influence on policy-making in Austria. However, outside the institutionalized partnership between government and established interest

12. Cf. <http://www.austria.gv.at/site/4889/default.aspx>

13. Cf. Die Lissabon-Strategie nach 2010: Positionspapier der Österreichischen Sozialpartner, available here: <http://www.sozialpartner.at/sozialpartner/2009-06-15Post-LissabonFinal-TomA-He.pdf>

representation by the Social Partners, it remains a challenge for other CSOs to contribute and influence the policy-making process to the extent the established organizations can¹⁴.

The relationship between government and Social Partners has undergone changes since the accession of Austria to the EU. Thus the issue on which the Social Partners are consulted and pronounce their views upon have expanded as well and currently do not only concern policy goals such as full employment, stability and economic growth, but also questions of European integration at large.

14. Cf. footnote 10

1. Introduction

The institutional complexity, due to the progressive federalization of a State that was unitary in character at the moment of its creation back in 1830, has had two types of consequences: on the one hand, civil society has had constantly to adapt to the changing shape of Belgium; on the other, each federal entity has developed its own procedures for civil society consultation.

Each federal power has shaped its own forms of dialogue with organized civil society. As a consequence, the big organizations have been split up according to the dotted lines of this complicated picture: as an example, we can cite the existence of two Socialist parties (PS and SPA) and two Christian unions (CSC and ACV)

2. Formal Framework for Civil Society Consultation

Belgian civil society is characterised by powerful organizations, which are often very old, along with highly institutionalized ones. They are often integrated into the Welfare State system. They have undergone a process of professionalization and rely moderately on voluntary work.

Even if social dialogue is confined to the terrain of employment conditions and contracts, civil dialogue, as conducted by the CSOs, spans over a much larger domain: limiting our list to those platforms organized at the European level, we find activities as different as consumer protection, development aid, social action, environmental protection, gender discrimination and discrimination against people with disabilities. Labour unions have expanded their domain of action by engaging in civil dialogue, and in doing so they have established their position as an indispensable component of civil society that must inevitably be addressed.

On average, 62% of CSOs' resources have a public origin. Some sectors, such as public health, R&D or social care, depend more heavily than others on public support; on

the other hand, cultural, sport and leisure associations receive more private funding, while counting on public resources for an average of 49,4% of their total.

In 2004, public authorities initiated a process in order to produce a chart setting out the fundamental principles that every actor – civil society and public authorities – will have to abide by. In 2009, this Association Chart was adopted by the French-speaking Brussels Parliament, the Walloon Parliament and by the Parliament of French Community. In order to implement the Chart, a Non-profit Partnership Forum has been created, representing a space for dialogue with representatives of the Non-profit environment, while also tasked with evaluating the Chart and monitoring whether or not the engagements adopted therein are respected.

3. European Issues Consultation

In November 2008 a “task force” was established with the remit of providing all European citizens residing in Belgium with clear information about the Belgian Presidency of the Council of the European Union, as well as gathering information on their concerns and aspirations linked to the decisions adopted by Community institutions.

In collaboration with the Egmont Institute¹⁵ the FPS Foreign affairs, Foreign trade and Development Cooperation organized seven seminars between March and July 2009. The aim of these seminars was to consult trade unions, employer organisations, NGOs and consultation bodies on the most important European topics for this presidency by 2010.

Firstly, an internet forum called “You and Europe” was set up to encourage interactive discussion on the following topical European issues:

- Economy, employment and social policies
- Health, environment and energy

15. The Royal Institute for International Relations is an independent think-tank based in Brussels. It provides analysis and suggests international policy options. Cf. <http://www.egmontinstitute.be/about.html>

- Justice and security
- Citizenship, culture and teaching
- Europe in the world

The concerns and expectations expressed by citizens in this first phase of the consultation were then integrated into the various subsequent phases of the consultation. In the second phase, the National Consultative Councils (including those at the level of communities and regions) were consulted in order to gauge their expectations and priorities for the Belgian Presidency.

The third stage of the consultation comprised a series of seminars on seven subjects:

- The financial and economic crisis;
- Energy, the environment and climate change;
- Citizenship, culture and teaching;
- Justice, security and judicial cooperation;
- Conflict prevention and management;
- Enlargement, neighbourhood policy and EU frontiers;
- Lisbon Strategy.

More than fifty members of organised civil society and numerous experts participated in this exercise. These seminars allowed NGOs to voice their preoccupations and formulate policy suggestions. Finally, a fourth phase of consultations was organised in order to respond to the wish of civil society to engage in dialogue with the political authorities. During this phase, most of the ministers presiding over a Council during the second half of 2010 met representatives of civil society in order to discuss with them the preparations for the Belgian Presidency of the EU.

3.1 Label « Présidence belge de l'UE »

The Belgian Government, aware of the role and the endeavours carried out by civil society, has decided to give more visibility to the projects performed by the latter by granting them the label "Belgian EU Presidency". This label is granted to events holding a connection with the European Union that have taken place under the Belgian term of Presidency of the Council. These sponsored events will be recorded in the official agenda of the presidency. As of the 31st of March 2010, 150 non-cultural projects and 100 cultural projects had been granted the "Belgian EU presidency" label.

At the same time, the "Service for the Fight against Poverty, Insecurity, and Social Exclusion" sponsors those activities that share the same objectives as the 2010 European Year for combating poverty and social exclusion. These sponsored events are authorised to use the logo of the 2010 European Year.

3.2 Europe 2020: the contribution of Belgian CSOs

During the public consultation on Europe 2020, some Belgian CSOs have manifested their opinion on issues like the fight against poverty, the establishment of a guaranteed minimum income, and the extension of social protection. These contributions have been conceived with the aim of influencing the nature of the European strategy for the next ten years. At the same time, though, they represent an array of ideas at the service of Belgian public authorities.

In its contribution, the Belgian Network Against Poverty (BAPN) urges the EU to develop a plan by the end of 2010 at the latest, in collaboration with organizations representing people living in poverty or associations thereof. BAPN insists on the necessity of "the active participation of all relevant actors in the European strategy" and in particular of social partners, organisations engaged in the fight against poverty, and those people directly affected by poverty and social exclusion. It recommends that national strategic reports on social inclusion and protection, as well as national action plans, are based on clear objectives explicitly linked to the fight against poverty. BAPN also put forward a proposal on the creation of a new taxation system: a European tax

on speculating activities whose revenue should be earmarked in favour of the fight against poverty and in funding those organizations representing people living in poverty or associations thereof. Finally, BAPN hopes that by 2020 the EU will establish guaranteed minimum revenue allowing every European citizen to live a decent life in proper conditions.

4. Conclusion

The interrelation between interdependence between civil society and public authorities is very strong. The legitimacy underpinning this relationship is to be found in the role played by CSOs in caring for the needs that are manifest within society.

On the issue of Europe, within such a traditionally pro-European country as Belgium, civil society has had no particular problem in making its voice heard. Political figures have first-hand knowledge of European current affairs and a clear understanding of the impact on the national level of the decisions adopted at the European level.

Eventually, if they want to be recognised by the public authorities, civil society organizations must be capable of bringing up the information coming from the street level (or 'from below'), by acting as an intermediary level with field workers and by providing the decision-makers with data and/or specific problems they have found out.

1. Introduction

Public consultation is only a very recent phenomenon in Bulgaria. Based on the European Commission's Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission accepted in 2002, the Council of Ministers has adopted a Project for Improved Public Governance: institutionalization of the evaluation process of the influence over the state administration. This project is part of a larger governmental operative program called Administrative Capacity,¹⁶ which is co-financed by the EU social fund. This project sets the fundamental framework of how public consultancy should be carried out in a very detailed and transparent manner. The program itself can be found on a governmental web site devoted to public consultancy called Public Consultations Portal.¹⁷ There, a list of all EU programs, currently running or about to be adopted, can also be found. Each individual may leave his/her opinion and/or suggestion/comment about each program or policy proposition, each conveniently divided in relevant groups. As much as the web site has been kept up to date by the government, it must also be noted that it has not gathered a wide public interest so far, judging by the rather poor public input in terms of comments or suggestions.

16. In a publication (at <http://mediapool.bg/show/?storyid=163204&srcpos=1>) from 18 March 2010, the deputy minister of finance Mrs. Ani Mihailova, publicly disclosed the results of the auditing of the Administrative Capacity Operational Program (ACOP). According to her, out of 185 completed projects, 35 have been found to have been executed with grave violations, and there was an obvious conflict of interest. Since this operational program has been run by the ex-ministry of the state administration of minister Mr. Nikolai Vassilev, it has been revealed that some of the companies which won projects through the ACOP while he was a minister were connected to his mother and his wife, and have received nearly 3 million BGN (i.e., about €1.5 million). Furthermore, grave violations were discovered in the training programs financed by the projects under ACOP. For example, a contract for the training of 700 administrative staff resulted in training 150 only, but still received the full amount it was contracted for. At municipal level, cases have occurred in which municipal administrations would sign private contracts with their staff which were three to four times more than the amount of their actual monthly salaries. Such uncomfortable discoveries clearly show the severely weakened effort set by the ACOP for administrative training in the consultancy process, and thus the poorer-than-expected output.

17. See <http://www.strategy.bg/Default.aspx?lang=en-GB>

2. Formal Framework for Civil Society Consultation

The Project for Improved Public Governance clearly sets out and explains in 55 pages the steps of public consultation procedures and how these should be carried out... It begins by explaining the necessity of public consultations, along with when, how, with whom, and for how long they should be made. It then goes through the process step by step, identifying active and passive consultancy methods, ways of obtaining public opinion - from talk shows to questionnaire-based surveys, and ways in which contact is made between institutions and the public. Focus groups, branch organizations, business consultancy groups, consultative committees, direct interviews, and public debates are also all described in the document. Finally, it explains how to organize the responses and analyze the results of the consultations.

This document is a requirement for all state institutions and not a suggestion only. It requires institutions to:

- *Plan the consultations:* Consult with a large number of interested parties during the whole process of the making of the normative acts, new policies or the revision of the current ones. Provide at the earliest stage different possibilities for consultancy. Never consult after the final decisions have been made;
- *Identify the sides concerned:* Identify all groups which are concerned and with whom a consultancy should be carried out;
- *Prepare the consultancy document:* Write the consultative materials aimed at a non-specialist readership. Clearly state what your suggestions are, who may be concerned by them, and formulate the exact questions and the time allowed for each answer. Use the evaluation of this influence to establish what the main concerns are;
- *Choose and carry out the consultative procedure:* Publish the consultative materials on the Portal for Public Consultancy on the internet and allow no less than 30 working days for written commentaries and suggestions. Guarantee the accessibility of the consultancy, especially to those groups which have serious influence.. Choose consultation procedures which correspond to the capacity of the main groups concerned. When extra information is required,

or when the groups concerned do not respond or cannot respond to the Internet publication, compliment this publication with active consultancy forms such as seminars, focus groups and surveys;

- *Analyze the answers and integrate them into the evaluation of influence:* Organize the evidence found in the commentaries according to the aims of the policy-making initiative, according to the main questions asked during the consultancy process and according to the variants suggested in the evaluation of influence. Integrate the evidence into the final EI and in the suggestions part;
- *Provide return contact with the groups concerned:* Provide return contact and inform them about the answers received, and also about how the consultancy process is influencing policy.

The Project for Improved Public Governance “has the same goal as the consultancy manual¹⁸ which was accepted by the European Commission in 2002: to build a framework for consultation that is coherent yet flexible enough to take account of the specific requirements of all the diverse interests, and of the need to design appropriate consultation strategies for each policy proposal.”¹⁹

Very recent auditing results have uncovered severe violations in the execution of the training programs due to conflicts of interest, misuse of power and pure greed born out of poverty. Therefore, the actual goal of this program has been severely undermined and thus its actual output has suffered considerably due to the basic fact that hundreds of members of administrative staff who were supposed to undergo training regarding public consultations rules and guidelines have not actually done so. This will of course have a negative effect on their professional capacity as public administrators, and, consequentially, on the effectiveness of the administration as a whole.

18. See European Commission, (2002) Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission, p.4 COM(2002) 704 final, at http://ec.europa.eu/governance/docs/comm_standards_en.pdf

19. See Стандарти за провеждане на обществени консултации, р.4 Council of Ministers of the Republic of Bulgaria 2009, at: <http://www.strategy.bg/StaticPages/CalculatingManual.aspx?guidanceType=2§ionName=PublicConsultationStandards>

The Bulgarian NGO sector is relatively young, not well organized or united, and still rather dependent on the government and the regional authorities. It is mostly financed from abroad and operates on an average annual budget of 300 000 BGN (i.e., about €150 000). Million dollar campaigns are rare, and usually funded by the EU. Recently, the Bulgarian NGO sector won a couple of controversial victories in a battle against the government. First, it secured a ban of the internet following and stopped a law which envisaged it while threatening basic human rights.

Among the strongest and most active NGOs are the environmental sector and business associations, and some consumer protection groups. The food sector is neither united nor represented by strong NGO formations. Different initiatives are handled separately and through different channels.

The political consultancy process is now widely supported in its development and establishment by the government, and in recent months by the already well-established consultancy players in the public sphere. Political think tanks are a good example. Despite the fact that as a younger democracy, most things change in Bulgaria once a new government settles in office (from extensive change in personnel in higher level administration to external consultants), they now play first fiddle in the political life of the country no matter who comes to power. These think tanks are: 1) The Centre for Liberal Studies²⁰ of Mr. Ivan Krastev, 2) The Institute for Market Economics²¹ of Mr. Krasen Stanchev and 3) The Institute for Regional and International Studies²² of Mr. Ognian Minchev. It has been rumored that Mr. Ivan Krastev has good relations with the current Prime Minister, Mr. Boyko Borissov, and is consulting him personally. A further fact pointing to this is that the post of public speaker for the Ministry of Foreign Relations has been taken by a person who comes from the CLS. This fact alone suggests that there is a willingness on the part of the government to consult with outsiders in their policy-making efforts, all the way up to the prime minister himself. Besides the political think tanks, organizations such as the Bulgarian

20. See <http://www.cls-sofia.org/en/>

21. See <http://ime.bg/en/>

22. See <http://www.iris-bg.org/>

Center for Not-for-Profit Law²³ also support NGOs. Another political consultant with whom the current ruling party GERB of Prime Minister Borissov is said to work closely is The Konrad-Adenauer-Stiftung which also has an office in Sofia.²⁴

3. European Issues Consultation

Civil Society in Bulgaria is still underdeveloped, and it largely consists of branch organizations which directly support their representative industry players. In that sense, the level of actual public consultancy about any issue is almost non-existent, except in the environmental sector. Because of Bulgaria's overall slow integration progress, most national issues are actually European as well, as they are concerned with the adoption of numerous EU requirements. Even if a certain issue could be considered strictly 'national', it is more often than not co-financed by European funds, making it automatically European as well.

Civil Society in Bulgaria is still a simple group of professional lobby organizations fighting for the interests of the industries. The people are simply not consulted, and not much is being done to change that. Although the basic EU requirements exist, they are hardly in use. A lot of work must still be done to promote more civic participation, which would require stronger NGO and civic group support, financial and otherwise. Further encouragement of governmental institutions to work closer and with such civil groups must also be undertaken. Furthermore, governmental institutions must be encouraged to work with, and work in a closer capacity with, such civil groups.

Bulgaria's absorption of EU funds has been extremely slow, mainly due to the lack of administrative capacity, but also because of confusing and counterproductive governmental decrees which often leave the administration with its hands tied. Such decrees are said to be there to limit any intentional corruption scheme, but are often more of an obstacle to development than anything else. The current government is said to have strongly pushed for a simplification of these processes in order to accelerate the absorption of the funds and to stimulate the economy.

23. See <http://bcnl.org/indexen.php>

24. See <http://www.kas.de/proj/home/home/43/2/index.html>

In reality, many have given up on EU funds after spending months and a vast amount of money trying to gather all the necessary documents required for the process, often finding then that the documents are insufficient. Throughout the process these documents are often returned by one or another governmental institution citing the lack of something else. This is all despite the fact that no concrete 'requirement list' exists for those who apply for funds.

In a country where the prevalent mentality, inherited from Socialism, is that politicians are the only people who are allowed to be responsible for the government of the nation, it is very important that both politicians and the people are well-updated with the possibilities and requirements of the modern European Democracy.

Thus, the logical steps it seems necessary to take would be: a more aggressive promotion of civil society, not only as a concept, but in the formation of actual and real new NGOs; easier and more direct access to financial support for such organizations, as along with closer cooperation with them in the work of governmental institutions - especially the Ministry of Internal Affairs and the Ministry of Defense, and other institutions which do not seem to be concerned with NGOs and what the common citizens might or might not think about how they are governed.

In the rare cases where NGOs do have power and a strong influence in Bulgaria, their power is mostly the product of an EU-supported intervention. A basic scenario would be that the NGOs would threaten the government with Brussels-led sanctions or a funds ban if the government did not comply with them. This may be a useful tool, but it also shows how internal governmental concern about what its citizens wish is basically lacking, thus an EU intervention is required. This is the case with the environmental sector and this is where the biggest victories had been won. It is not enough by far, nor is it the finest example of how any government should be persuaded to actually listen to its citizens.

4. Conclusion

Overall, public consultancy is a very recent addition to the governance process in Bulgaria, albeit with a few exceptions as in the environmental sphere. It has only recently begun to develop seriously, and governmental financing programs from the EU in different spheres strongly show the willingness of the current government for creating a well-developed NGO platform in all spheres of governance, which could take its responsibility as a public consultant in the decision-making process in Bulgaria. Although breaking auditing news suggests that the process has been undermined by a conflict of interests and severe violations, the mere fact that such auditing was done suggests that the current government is trying to set the process back on track, which can only be interpreted in one way: as positive news.

1. Introduction

The general assessment for civil society in Cyprus, for both the North and the South part, is that it is generally weak, not quite independent from the state, highly politicized, and quite young.

In both the Turkish and Greek communities an independent civil society began to emerge after 1974, albeit ineffectively. Historically, civil society in Cyprus has been dominated by the political society in both communities and in particular by the Church in the South. After 1974, in both communities civil society tried to excel within a patronage system and thus its independence from the state remained very limited. (Kizilyurek, 2004: 50-51) In the South, civil society has been organically tied to the political parties in which almost all civil society formations, including sports and youth associations, have functioned like their extensions. In the North, civil society which rejected the idea of "taksim" (breaking away) were excluded and discriminated against. (Kizilyurek 2004: 51).

2. Formal Framework for Civil Society Consultation

There is no formal procedure for consulting CSOs in Cyprus. This is reflected in civil society as a whole as well as specific CSOs dealing with EU issues. However, the external attitude towards civil society is relatively favourable, including for example a legal framework that safeguards basic rights and civil liberties such as freedom of speech, expression and association.

The exact number of civil society organizations in the South is difficult to configure exactly, but they number roughly between two and three thousand, including all types of organizations. However, among the registered CS organizations only a fraction is really active or includes a satisfactory number of people. The main actors of CSOs in the South are trade unions, charity organizations, the Church, and sports clubs. About 60% of the organizations are based in Nicosia, while the rest are scattered mostly in

other big cities, suggesting a high urban concentration. The opportunities for citizen participation are limited in rural areas. This is partly because CSOs are not actively organized in local communities.

As far as the South part is concerned, the CIVICUS report suggests that the structure of civil society is considered 'slightly weak.' This means that the level of public participation in civil society through volunteering is low. (CIVICUS 2005: 4-5) The report also suggests that prejudice and discrimination towards certain ethnic or linguistic minorities and foreign workers are widespread. Rural dwellers are also largely excluded from the membership and leadership of civil society organizations. (2005: p.4-5). Furthermore, according to the report, cooperation and communication between different sectors of civil society is limited. While the majority of the organizations operate at a local or national level, it is more common for trade unions and employers' organizations to be linked with international organizations. (2005: 5) Overall, data from the CIVICUS report shows that only 43% of the population in the South belongs to a civil society organization, and only 17% of the population belongs to more than one.

As far as the overall status of CSOs in the North is concerned, the approximate number of the Turkish-Cypriot CSOs is about 1,200. However, as in the case of the Greek-Cypriots, only a fraction of these organizations are active. In fact the number of active CSOs in the North is around 200. The key actors in the CSOs are again the trade unions and sports clubs. Similar to the South, CS in the North is also concentrated in urban areas.

3. European Issues Consultation

Over the last few years, the EU has undoubtedly proven to be the single most important driving force for Cyprus's socio-political, economic and institutional modernization: in particular, the proliferation of CSOs in the past 15-20 years can be attributed to EU accession negotiations since the early 1990's.

Parliament has been very successful in seizing the opportunity to introduce a number of innovative features into its consultations on key European issues and, more importantly, into its rapport with civil society. The result of this institutional change can be

clearly identified and linked to Europeanisation, as certain changes have been introduced on the occasion of the public debate during the work of the Convention of the Future of Europe: new relationships have formed between parliament and society, a more transparent and participatory consultation process has been implemented, and there is now a more visible role for women. The Parliament organized a series of conferences as an innovative consultation method. Participation in these conferences was remarkably high and unique for Cypriot domestic politics.

It is important to emphasize that this series of conferences attracted a large number of participants from a wide range of social organizations: representatives of the Chamber of Commerce and technical guilds, local authorities, trade unions, higher education institutions and student organizations, organizations representing the interests of women, consumers, farmers, human rights advocates, scientists and the mass media. The relatively high participation of women and youth signifies how groundbreaking the conference was, as it opened up new patterns of interaction between parliament and civil society. People had the opportunity to express views underscoring the common values and principles of European citizens: democracy, political stability, legitimacy, human rights, the protection of minorities, and tolerance; the contribution of European citizenship to the development of a common ethos and European identity.

For applicant countries, the Convention prepared them for their first and most challenging collective exercise. The potential benefits for government officials, civil servants, businesses, trade unions, ordinary citizens and CSOs participating in the process should not be underestimated. Hence, the political socialization within the EU system is a fundamental first step towards full participation.

Some of the main CSOs active on European issues:

- The European Institute of Cyprus is principally oriented towards education and the provision of information to the Cypriot public;
- The European Social Forum of Cyprus (ESFC) aims at providing information and funding, and implementing European projects;

- The Larnaka District Development Agency (ANETEA) claims to provide information on EU issues, to cooperate with Larnaka Local Administration on Development issues, to implement EU funds and to promote cooperation with other local and national bodies;
- The European social Forum of Cyprus (ESFC) is a result of 21 years of social work by a team of young people from Active Citizens that took part in many NGOs experienced in the social course of the Cypriot population on all levels. The ESFC as an institution consists of a Network of NGOs with non-profit targets, which cover various interests on all the possible subjects that preoccupy each organized group of Cypriots. Thus, as a democratic platform of action, the ESFC, with Cypriot and European activity, aims at the integration of the Cyprus Republic into a United European Completion and are generally involved as Cypriots in the European Evolution;
- The Cyprus EU Association believes that sustainable peace can only be built in a reunified EU member Cyprus. The Association considers helping to build such a Cyprus its mission, and aims to facilitate the harmonisation process of Turkish Cypriots by providing information on EU affairs. The Cyprus EU Association strives to share correct information and developments within the European and International Community with Turkish Cypriots and immediately react to these developments. The association follows these developments and communicates them together with its analysis and recommendations to governments, NGOs, and to international organisations.

4. Conclusion

Civil Society in Cyprus can be described as weak in terms of structure and moderate in terms of impact. There is a wider sentiment of distrust towards these types of CSOs in Cyprus, a reflection of the traditionally overwhelming influence of political parties, and the minimal coverage received in the local media.

The Cypriot model of government consultation with CSOs can be characterised as close to the 'Southern' model, even if there is no tendency towards cooperatives and mutuals.

However, there is strong support among Cypriot CSOs and the public for the view that the EU has served not only as a catalyst for change and modernization, but also as a motivating and unifying force towards a more peaceful coexistence among the different communities inhabiting the island. In such a context where people almost unanimously agree on the European perspective of their country, it is not surprising that civil society has already developed, through networking, close ties with counterpart organizations at the EU level or at the national level from other European countries.

CZECH REPUBLIC

1. Introduction

The role of public consultations in the Czech polity has been shaped by a somewhat paradoxical relationship between the state and civil society. On the one hand the two have enjoyed a relatively non-acrimonious relationship since the early 1990s. On the other, until 2007, formal parliamentary rules or procedures on the inclusion of public participation in the public policy-making process did not exist, thus opportunities for members of civil society to actively participate in formal political decision were limited. Hence in the absence of legal provisions for public participation, the platform for public consultations was discretionary and informal where the well-mobilised civic actors and lobby groups took on the role as the incipient facilitators of public consultations outside the formal political process. Since 2007, however, a series of measures have been adopted by the Czech government to formalise the role of public consultations in public policy-making.

2. Formal Framework for Civil Society Consultation

Under the leadership of the civic association Charta 77 (comprising Czech intellectuals and civic opponents of the communist regime), civil society played an important role in bringing down the communist regime in the Czech Republic. The importance of an active civic sector was further supported by a series of laws between 1990 and 1992 that set out the basic legal foundation for not-for-profit organisations and their activities, passed by the new democratic government. In 1995 and 1997 the Parliament continued to strengthen the legal basis for the non-profit sector by adopting the Law on Public Benefit Corporations (Act No. 248/1995) and the Law on Foundations and Funds (Act No. 227/1997) that enabled the registration of non-membership based, public benefit entities providing not-for-profit services with self-regulatory features.

In 2004 the not-for-profit sector comprised over 75,000 registered organisations and employed 72,704 full time employees, representing approximately 2% of the eco-

nomically active population in the Czech Republic (Vajdová, 2005). The greater majority (over 50%) of the registered organisations were political and professional associations, 21% were active in culture and sports, 17% in housing and development, 2% in social services and 1% were philanthropic organisations. Education and research not-for-profit organisations (including schools, universities and research institutes) employed the greatest amount of staff in the sector - over 50% - while social services ranked second employing 18% of the not-for-profit sector's employees.

While the legal basis for a well-functioning NGO sector was established relatively rapidly by the new government, Czech civil society organisations played a limited role in policy-making throughout the 1990s; no significant government efforts were extended to engage the public in government affairs during this period. Though some public consultation processes such as the *Concept for Education and for the Development of Education Policy in the Czech Republic* (1999) prepared by the Ministry of Education, Youth and Sports (in cooperation and co-financing with the Open Society Institute) took place, they served as ad hoc, isolated and experimental events (Illner 2001). Closer cooperation between government administration and NGOs has been observed to be more common at the regional and local level (UN-DPADM 2004), though prior to 2004 most public consultations were organised by NGOs as part of their larger public information campaigns, namely with respect to environmental issues.

Trade Unions were also active participants in political lobbying and public protests against various legislative acts concerning labour issues (see the archives of CMKOS and the Confederation of Industry of the Czech Republic, www.cmkos.cz). In the case of labour, however, unions are by law to express their opinions on pertinent legislation and are also obliged to be consulted by the government in the context of the Tripartite agreement. The latter was first established in 1990 (as the Council of Social Agreement) and later formally incorporated into the Council of Economic and Social Agreement of the Czech Republic in 1997.

Given the limited role of not-for-profit organisations in government policy-making decisions prior to 2007, it is fair to say that the two (government and not-for-profit organisations) functioned fairly independently of each other and subject to the cen-

tralised nature of public policy-making in the Czech Republic. Laws, for the most part, were initiated at the ministerial level and subjected to an intra-governmental comment process during which extra-governmental expert opinions could be sought at the discretion of governmental authorities through the formation of ad hoc and standing expert bodies (UN-DPADM 2004). Until 2002, exertion of external influence and pressure (on legislation) came from informal yet powerful lobby groups which for the most part represented private sector interests and labour.

To regulate this behaviour, in 2002 the government passed a decision (No. 175/ 2002) on the establishment of standing commissions (known as PPOVs), by which members of the government and heads of state administration are required to create their own statutes and rules of procedure (based on standard model templates) and submit annual reports on their activities to the Government Cabinet or the Head of the Office of the Government of the Czech Republic. An example of an institutionalised platform for social dialogue between the government, labour unions and employers has been the Council of Economic and Social Agreement.

2.1 Post-Czech Republic's Accession to the EU Period (2004 – 2010)

A new chapter in the formalisation of the role of public consultations in the Czech Republic came after 2004. Although it is difficult to attribute the Czech Republic's accession to the EU as a causal or precipitating factor for improving the conditions for formal public participation in the policy making process, given the exponential growth of public consultations in different sectors after 2004, it certainly played an influential role.

In this context, in 2006 the first preparatory document on the principles for public engagement was approved by the government, and in 2007 a Government resolution (No.879-2007) on the Methodology for Public Consultation was adopted. The aforementioned resolution requires the publication of all legislative documents for comment on a designated website prior to their discussion by government (www.mvcr.cz). It further set minimal standards and forms (informal/ formal, roundtables,

public meetings, working groups) of public participation as well as the methods and approaches for the identification of target groups.

The new procedure, however, obliges the initiating ministry or political actor only to consider comments concerning the impact or new approaches providing a solution to the issue under discussion. Results of the consultation process are then submitted to the government. The responsibility to oversee the new initiative was delegated to the Ministry of Interior where a new section on the Reform and Quality Regulation of Public Administration (ORR) was created. The Ministry of Interior also houses a portal for Citizen Activities, a centralised site for the registration of local referendums, civic organisations and public associations, political parties, petitions, and humanitarian voluntary public collections (Directive No.117/2001 Sb.) (www.mvcr.cz).

The public received the consultations in a positive light. At the same time, public participation and the substantive inputs received were much lower than anticipated. Uninviting briefing materials, inadequate promotion and advertising of the consultations, the absence of its location on the website, the novelty of the experience or simply the public's disinterest in the given topics (the topics being too technical), were provided as some reasons for the low public turnout by the Ministries (www.Podnikatel.cz).

3. European Issues Consultation

In addition to the latest attempts by the Czech government to incorporate public consultations as a standard practice, following the Czech Republic's accession to the EU a burgeoning hub of interest groups, private sector representatives and not-for-profit organisations began to incorporate European issues into their organisations' agenda. Some larger organisations such as the Czech Liaison Office for Research and Development, the European Foundation for Democracy, and the Confederation of Industry of the Czech Republic also established a presence or satellite offices in Brussels. Moreover, during the Czech Presidency in 2009, the Czech government pro-actively launched a pan-European online consultation initiative called *Eurochat* where mem-

bers of the European public could address questions on any topic of interest to the presiding officials in the Czech Presidency of the EU.

Although the public consultation initiatives launched in relation to the 2007 Resolution on the Methodology for Public Consultation(s) were linked to domestic issues, the European Commission and various other European institutions initiated numerous online (via its internet policy-making tool *Your Voice in Europe*) as well as combined online and offline public consultations specifically on European issues. Examples of such include the Cohesion Policy in Support of Growth and Jobs - Community Strategic Guidelines, 2007-2013; Transforming the digital dividend opportunity into social benefits and economic growth in Europe; Reviewing Community Innovation Policy in a Changing World or the public consultation on the accompanying Environmental Report facilitated by the Interregional Cooperation Programme (INTERREG IVC).

While there has been much growth in the pursuit of public consultations in the Czech republic since 2004, continuous and comprehensive analysis of the modalities, actors involved and impact of public consultations in practice, be it in formal or informal political settings, is necessary. Research and sound analyses of these topics are currently lacking.

When it comes to European issues, the Council of Economic and Social Agreement of the Czech Republic (RHSD ČR) has a specialised standing “working team for the EU”. The team strictly devotes its time and work to issues concerning European affairs and acts as a consultative body for the government on respective European issues (i.e. the Lisbon Treaty, the national program reforms, the Czech Presidency platform and priorities etc.). There is no other civil society network or platform in the Czech Republic that has a similar standing working team devoted to European issues.

Four members of the RHSD ČR (the Czech and Moravian Confederation of Trade Unions (ČMKOS) - 4 members; Confederation of Industry of the Czech Republic (SPČR) – 2 members, Chamber Commerce of the Czech Republic (HKČR) – 1 member and the Union of Czech Production Cooperatives (SČMVD) – 1 member) represent Czech civil society and form the largest proportion of the Czech delegation to the EESC.

In terms of linkage between national government and Czech civil society, the RHSD could be considered as the most, though only relatively, influential channel. Unlike any other CSO network, it has direct consultative access to the government and its decision-/policy-making processes. At the same time, the extent to which the government calls upon and consults the latter is completely discretionary and known to be somewhat limited. Moreover, consultations on European issues (in the Council's Working team for the EU) are not discussed frequently enough, tend to be rather formal where recommendations and proposals are not taken seriously, and supporting materials (prior to Plenary) are commonly sent out too late hence preventing constructive and substantive discussions.

Moreover, the RHSD is *not* representative of the general or a wider spectrum of Czech civil society (given that greater majority - 66 % of Czech NGOs – are registered in the field of education and training, and 62 % in environmental fieldwork). The RHSD thus merely represents the voices of the main labour and employer organisations and fails to include other members of civil society such as non-governmental organisations from relevant sectors (i.e. social, environmental, economic etc.). Though the representativeness question has increasingly become a topic of discussion within (and outside of) the RHSD (e.g. the draft Act on the extension of higher-level collective agreements, or the Parliamentary amendment on the conditions for trade union pluralism in enterprises), “given the choice between opening up RHSD ČR membership to smaller organisations that represent wider sectors such as the Art and Culture Confederation (Konfederace umění a kultury, KUK), or the need to preserve the tripartite forum's capacity for action and decision-making, to date, developments in the RHSD ČR indicate that the latter has prevailed” (Hála & Kroupa, Research Institute for Labour and Social Affairs).

4. Conclusion

In response to the latest economic crisis and harmonisation with EU economic and energy policies, a recent example (February 2009) of CSOs' involvement in the drawing up of an EU-related policy response at the national level included the independ-

ent report of the “Pačes’ s” Energy Commission. The proceedings and outcomes of the mentioned report were brought forward and discussed at the Czech Council of Economic and Social Agreement (RHSD ČR)’s plenary session. The Council’s discussions, in which member social partners aired their positions and offered their organisations’ cooperation for the drafting process, subsequently became the groundwork for the development of the national energy concept. This is an example where a (national) reaction to EU policy level ended up trickling down and devolved to the national civil society level – in the case of the Czech Republic, via the RHSD CR.

In comparison to strong corporatist states such as Germany, Austria and the Scandinavian countries, the Czech CSOs’ influence on national government institutions would be weak. But when comparing them to other countries in Central and Eastern Europe, Czech CSOs’ capacity to wield influence on the government and for the latter to actively seek certain CSOs’ (namely those belonging to the RHSV CR) advisory roles would be among the stronger. At the same time, the CSOs that are not members of the RHSV CR, wield significantly less influence than those that are.

1. Introduction

Historically, it is characteristic of Danish democracy that the administration of the State is based on a voluntary agreement between the constitutional monarchy and the citizens of the country. Citizens use their instruments of democracy by voting, i.e. by giving their representatives powers to make decisions or, in cases of the most significant matters of the state, voting in a referendum. However, the citizens have no direct influence on the administration of the State.

In accordance with the Constitution of Denmark, there is no possibility for a person or a group of persons to submit an initiative for a piece of legislation to the Parliament of Denmark (Folketing), whether it be a general proposal of a Bill or a Petition. Article 54 of the Constitution of Denmark states that petitions may be submitted to Parliament only through one of its members. The same rules apply to the matters dealt in the Government. Laws of Denmark provide no direct possibilities to submit any drafts either by individual persons, or by groups of persons.

Moreover, there is no formal procedure for individuals or groups of individuals to influence the decision making procedure within the Parliament or the Government of Denmark.

In some cases there is a formal possibility for civil society organizations and other non-governmental expert groups to participate in consultation procedures. However, this procedure is applied in particular cases, and each time clearly defined in the laws.

To sum up the legal framework for the cooperation between public sector and civil society it must be stated that there is no direct possibility for civil society to participate in legislation. It is clear that public institutions have no requirement to take account in any way of the opinion of civil society or organizations thereof.

The responsibility for decision-making procedure within the Parliament and the Government of Denmark lies entirely with official institutions. Nevertheless, the practice of cooperation between the public sector and civil society has deep informal traditions. Cooperation between public institutions adopting official decisions and civil society is seen and felt in every sphere of the political life of Denmark. To this end, even the Government Platform 2007 is called “Society of Opportunities”.

Cooperation between the public sector and civil society comes as a necessity of different needs and is realized in different ways. First of all, decisions relating to public life (labour relations, environmental protection, public services, education, etc.) are a matter of civil society itself; therefore, responsive matters must be supported by the addressees thereof. Otherwise, society might lose confidence in public institutions .

2. Formal Framework for Civil Society Consultation

The decision-making procedure within Parliament is clearly described in the Constitution and in the Rules of Procedure of the Parliament of Denmark²⁵. Officially, a bill may be submitted to Parliament only by a Member of Parliament, or the Government. However, the procedure of preparation for a bill usually involves experts and interested persons, and in this way civil society organizations have an informal possibility to influence the bill under preparation, and, may be involved in the overall consultation procedure.

Following the first reading in the Chamber, the bill is submitted to any of the Committees for consideration. At this phase civil societies also have a possibility to participate. Organizations which have different interests try to obtain the greatest influence possible in the law-preparing committee. The influence becomes greater the sooner it takes place before the bill is introduced. Also, the committee itself may hold a public seminar on the main subjects within the working sphere of the committee. Likewise, the committee may institute hearings. On such occasions, experts and others can make committee members share their knowledge about a subject which is of

25. https://www.retsinformation.dk/Forms/R0710.aspx?id=28871#ctl00_MainContent_DokumentNoter1

interest to the committee. The committee may invite people from outside Parliament to attend hearings. Besides this, citizens and organizations make enquiries addressed to the committees. They have the possibility of either writing to the committees or of stating their points of view orally. During such “interviews”, committee members may put questions to those appearing in the committees, but the latter cannot put questions to committee members.

Furthermore, an informal influence upon the adoption of a bill on behalf of civil society organizations may be exerted before the third (final) reading in the Chamber. In such cases, if the organizations wish to try to influence legislation further, they contact the Government, the parties, or specially selected members of the Folketing. Representatives of the organizations can, like ordinary citizens, ask for an interview with the members of the committee dealing with the bill.

It must be mentioned that society is granted free access to the laws, draft laws and other legal acts, as well as the proposals of laws and other legal acts at any stage of consideration via the website www.borger.dk. In addition, this portal enables citizens using digital signatures to make use of e-government services. In such a way, any person concerned may submit his or her opinion to the person in charge of the preparation or adoption of a legal act.

2.1 Public opinion polls

Even though public opinion polls, as one of the means of the state to consult civil society, are related to the individuals of public society or public society as a whole, but are not directly connected to civil society organizations, this form of consultation is worth mentioning for the overall description of the civil society consultation procedure. This instrument is established for showing the opinions held by a population on a given issue at a certain moment in time. In order for them to deliver statistically valid results, public opinion polls follow a strict methodology. This involves random samples, trained interviewers, and pre-tested questionnaires. For instance, Denmark conducted polls on citizens’ trust in the public sector. From the answers received, the Danish government is able to draw conclusions concerning critical policy areas and

actions fostering trust in the government. Public opinion polls relate various questions, including matters of EU policies and Denmark's position on international relations. However, in considering the public society polls as one of the forms of civil society consultation procedures in the public sector, it is important that both the initiation of the public poll and the adoption of the final decision do not imply any obligation for the public institution.

2.2 Consultations under the initiative of public institutions

In many cases, especially in relation to civil society matters, public institutions are eager to consult civil society and its organizations. It is more often emphasised that the Government and Parliament of Denmark cannot carry out the task of preparing Denmark for the future alone; everyone should assume their share of responsibility and be ready to innovate. For this purpose, public sector institutions intend to establish specialized advisory bodies which serve as a link between civil society and the governmental sector which deals with particular matters. Such institutions vary in many respects: scope of specialization, number of members, qualification of members, etc.

In 2005, the Danish Government set up a Globalisation Council to prepare the globalisation strategy. In line with the public sector institutions Danish tradition for dialogue and cooperation between groups in society across traditional divisions, the Council consisted of high-level representatives from trade unions, industrial organisations, companies, and the education and research community, headed by the Prime Minister of Denmark. Through an extensive series of meetings and debates, the Council advised the Government on the strategy for Denmark in the global economy.

The Globalisation Council has already been dissolved, and a new institution – the Growth Forum – has taken over its tasks. The Growth Forum (Vækstforum) is an advisory/consultative institution under the Government of Denmark. It must be mentioned that the Growth Forum is a broader forum covering more fields of policies.

2.3 Particular procedures/institutions

*The Growth Forum*²⁶

In 2009, The Government of Denmark established the Growth Forum. The Growth Forum consists of 31 members representing various interests: ministers, representatives of major companies, universities, trade unions, employers' organizations, etc. It substituted the former Globalisation Council. The task of the Growth Forum is to provide the government with advice and consultations on various questions related to welfare and the growth of Denmark. The main themes of the meetings of the Growth Forum have been thus far:

- General growth conditions – including competition and access to capital (Nov. 2010);
- Growth via research and development (Sept. 2010);
- Growth in an open world (April 2010);
- Green growth (February 2010).

*The Growth Council*²⁷

The Danish Growth Council is appointed by the Minister of Economic and Business Affairs and advises the Government on the growth policy and changes for Denmark in the global economy. This Council has a special task to coordinate the national and regional growth forums. The Danish Growth Council comprises a chairman and 19 members appointed by the Minister for Economics and Business Affairs. The members of the Council, as well as the members of the Growth Forum, represent private companies, knowledge institutions, local authorities, the six regional growth forums, labour unions and employers' organizations.

26. http://www.stm.dk/Index/mainstart.asp/_a_2932.html

27. <http://www.danmarksvaekstraad.dk>

3. European Issues Consultation

Generally, the only type of procedure related to EU matters is provided for in the work of the Government of Denmark. There is a special committee composed of the ministries, departments and, in many cases, interest groups, which normally operate within the committee's area of responsibility. The chairman is normally the civil servant from the ministry who is responsible for that particular field. Because of its coordinating role vis-à-vis EU questions, the Ministry of Foreign Affairs is represented in all special committees. The special committees identify the content and scope of EU proposals and suggest Positions for Denmark to take concerning specific proposals, as well as preparing for Council meetings.

Several particular cases of consultations with civil society on European matters are described within the National Reform Programme, the task whereof is to develop the reform measures that Denmark is implementing in order to fulfil the overall targets of the Lisbon Strategy concerning long-term employment and growth.

3.1. Environmental issues

In September 2007, the Government set up a broadly composed *business and industry climate panel* with representatives from a number of organizations, enterprises, and knowledge institutions. The purpose of this panel was to provide the Government with advice on business activities and branding in connection with the climate conference in Copenhagen in 2009. Advice was also given on how to exploit possible growth potentials in the climate area, and on the responsibilities of knowledge institutions as well as business and industry with regard to managing the challenge of climate change.

In relation to the preparations of decisions to be taken at the level of Heads of State and Government, as defined within the Government Platform 2007, the Government planned to initiate a process whereby prominent representatives of the international business community, the research community, think-tanks and

voluntary organisations discuss and analyse issues that are core agenda items in the negotiations regarding a global climate agreement.

3.2. Employment and social issues

In the field of employment and social issues, social dialogue has deep traditions in Denmark. Although there are no clearly defined procedures regulating social dialogue, the organisations, such as the Danish Confederation of Trade Unions (LO), the Danish Central Federation of State Employees' Organisations (CFU), the Confederation of Professionals (FTF), the Danish Confederation of Professional Associations (AC), and the Confederation of Danish Employers (DA), enter into agreements with the government on employment and social matters. For example, the social partners entered into the collective agreement and agreement renewal in 2008 (OK08); an agreement that is characterised by flexibility and which contributes to an increase in job supply and working hours. Furthermore, this agreement means increased cooperation regarding the working environment and skills development, including increased focus on low-skilled workers. In other areas, the agreement with OK08 implements several of the initiatives that were determined with the tripartite agreements from 2007 between the Government, the public employers and LO (the Danish Confederation of Trade Unions), FTF (The Confederation of Professionals) and AC (the Danish Confederation of Professional Associations).

4. Conclusion

During the latter years, only non-significant trends may be observed in the procedures of public institutions. Employment issues have already long undergone a social dialogue procedure. As with other issues, what is specific to Denmark is that the consultations of public institutions with public society organisations come from the initiative of civil society organisations, and not public institutions. This is due to the fact that civil society organisations have always been very active and submit many proposals, comments and declarations. However, such activities are not the object of this paper.

The most noticeable changes of the last few years in the field of consultations initiated by government organisations with civil society would be the following:

- The creation of a multi-issue Growth Forum, involving members from different spheres (scientists, businessmen, ministers, etc.);
- Better access to decision-making procedure in the public sector. Any interested person may see drafts of legal acts and submit his/her comments or opinions (via www.borger.dk).

1. Introduction

Estonia is among the few European countries which have a broad strategy agreement between the public sector and CSOs, and the Civil Society Development Concept (EKAK in Estonian) was drafted in thorough consultation between these two groups. EKAK is a document that defines the mutually complementing roles of public authorities and civic initiative, the principles of their cooperation and the mechanisms and priorities for cooperation in shaping and implementing public policies and building up civil society in Estonia. More notably, the EKAK Concept was then adopted by Riigikogu (national parliament) in December 2002. Every two years the Riigikogu organizes a public hearing on the implementation of the Concept, thus providing governance for the whole process.²⁸

In June 2006 the Civic Initiative Support Development Plan (KATA in Estonian) was approved. KATA serves to standardize the government's approach to nurturing civil society. Essentially it is a document that brings together information about all the activities from the development plans of the various government ministries that are connected with civil society. The plan set five goals for the years 2007-2010; one of these five goals being that "The public sector is consistent and efficient in involving the citizens' associations in the decision-making processes".²⁹

The law requires stakeholders to be consulted when drafting legislation; however, the law does not set requirements for the range of consultations.³⁰ In 2005, a "Code of Good Practices on Involvement" was developed by representatives of the public sector and NGOs (based on the EKAK), elaborating the key principles that should support active and meaningful participation of NGOs.³¹ The good practice of involvement

28. For more details see <http://www.ngo.ee/1030> (in English).

29. See original document at http://www.siseministeerium.ee/public/KATA_310506_eng.doc (in English).

30. Consultations with CSOs are mentioned in a governmental decree adopted in 1999 which states that the explanatory letters of draft laws should also include the opinions of CSOs.

31. For full text see <http://www.valitsus.ee/?id=5603> (in English).

serves as a recommendation for both the public sector and citizens' associations. Previously, the practice of involvement had been very variable in the public authorities at the intermediate and local levels. The aim of the good practice of involvement is to harmonize practices and establish a foundation from where each institution can develop their own practices of involvement. The document also explicitly refers to the need for consultation vis-à-vis the drafting of legislation of European Union institutions.

2. Formal Framework for Civil Society Consultation

There are a few consultation procedures which have a fixed legal basis - i.e. which are compulsory in the respective circumstances. These include processes of spatial planning and environmental impact assessment.

2.1 Spatial planning processes

The law on planning includes concrete steps as to how the public consultation processes should be carried out. According to the law, spatial planning processes are open to the public, and all interested parties must be informed and involved in due time. The law describes in detail at which stages of the planning process affected communities, CSOs, or other interested parties shall be informed and involved, how the feedback from their concerns will be given, etc. Depending on each specific case, the draft documents shall be available to all interested parties for 2 or 4 weeks. A public hearing shall take place, and there must be a written and reasoned reply to all comments made.

Spatial planning processes are carried out by local municipalities. According to the National Audit Office of Estonia, some 1000 spatial planning processes are carried out in Estonia annually. In a typical planning case (real estate development), it is the immediate neighbours or neighbouring inhabitants who are usually taking part in the process. CSOs participate more rarely: in cases where there is high public interest and/or potential environmental conflict, for example.

2.2 Environmental assessments

More examples of compulsory consultation are cases in which either Environmental Impact Assessment (EIA) or Strategic Environmental Assessment (SEA) are being carried out. Depending on the specific case, the draft documents shall be available to all interested parties for 2 or 3 weeks. A public hearing shall take place, and a written and reasoned reply to all comments received shall be made.

There are more than 100 EIA or SEA processes carried out in Estonia annually. In the case of larger-scale infrastructure or real estate development the environmental CSOs typically participate in related EIA/SEA processes. The law on EIA/SEA was revised a few years ago; remarkably it now specifically requires that when new a EIA/SEA is being initiated the umbrella organisations of environmental CSOs must be informed and invited to the process.

2.3 National-level development plans

Besides specific laws there are some 80 broader national-level sectoral development plans from the years 1995-2010 which are currently in force. In December 2005 the government passed a decree which sets the framework for the drafting of sectoral development plans. The decree requires that "Relevant interested parties and institutions are involved in the process of the compilation of a new sectoral development plan." In theory, the Code of Good Practices on Involvement applies, although no concrete guidance has been provided to explain in detail how involvement of CSOs should be organised in the case of drafting a national-level development plan. The practice of different ministries in involvement thus differs to some extent.

Perhaps the Ministry of Environment has been the most active ministry in involving CSOs in the drafting of development plans. It is also partly caused by fact that environmental CSOs are well organised and good at lobbying and advocacy work. In the case of a new development plan being initiated by the Ministry of Environment a 'steering committee' for the process is named. The main tasks of such an ad hoc committee are to keep a broad overview of the process, to discuss strategic choices

and to give feedback to the relevant staff of the ministry. While the majority of the steering committee members always come from state institutions, the Ministry of Environment has a practice of also granting seats for CSO representatives. Sometimes ad hoc expert groups are formed besides the steering committee, which typically also include representatives of CSOs.

A similar approach to the process of drafting sectoral development plans has been practiced by a few other ministries. In addition to the Code of Good Practices on Involvement, some ministries have created their own consultation guidelines.

2.4 Internet portals as means for consultation

Estonia is famous for its wide use of various internet-based services in the public sector. Throughout the last decade there have been special central websites or portals created by the government for getting feedback from citizens and CSOs on various issues.

In 2001-2004 the site functioned at the address www.lc.ee/themis. This portal 'Themis' served as the interface for getting feedback on draft legislation from the general public. 'Themis' was replaced by a more ambitious website, TOM (the Estonian language abbreviation of 'Täna Otsustan Mina')³², at <http://tom.riik.ee>. The TOM portal enabled people to comment on draft legislation but also presented the possibility for anyone to propose a new law or other legislative initiative. In 2007 the TOM portal was replaced by yet another online consultation platform at www.osale.ee. The platform allows civil society groups and individuals to post comments about the ongoing consultation processes, while the ministries can provide the public with draft laws, background materials, as well as allowing them to post polls. The platform received the Good Practice label at the European eGovernment Awards 2009.

In addition to consultation platforms the Ministry of Justice maintains a free online database of draft texts of all legislative acts that are currently being negotiated within the government agencies. The database at <http://eoigus.just.ee> serves as the main

32. The direct translation into English would be 'Today I Decide'.

source of updated information for government agencies but is also freely accessible to anyone.

Overall, there are a few specific features in the consultations with CSOs that are initiated by public sector institutions:³³

- Ad hoc approach. Besides the existence of the non-binding public sector Code of Good Practice on Involvement there is no detailed guidance or common practice for government agencies on how to involve and consult CSOs;
- Emphasis on a few strong partners. Typically the ministries or other national-level public sector agencies limit consultations to talking to either to the cross-sectoral umbrella of the CSO sector (Network of Estonian Nonprofit Organizations) and/or strong sectoral umbrella organizations / networks;
- Poor planning of time and short deadlines. At best, the time given to CSOs for sending their feedback on draft laws is usually 2-3 weeks, which is often not sufficient when organizations want to gather their members' or constituencies' options first, especially if they are not informed in advance about forthcoming consultation processes. Thus CSOs are often involved only in consultations about ready-made draft laws instead of involving them in the stages of needs assessment and development of the draft;
- Poor feedback. Even if consultations have taken place, the feedback on proposals made during the law-making processes is often missing, not well-argued, or late;
- Large emphasis placed on the internet. Estonia is famous for its widespread use of the internet. It has its merits: draft legislation as well as virtually any kind of other information produced by government agencies is freely accessible on the internet. It makes access to documents online very easy. Yet the

33. Based partly on findings by: Katerina Hadzi-Miceva, 2007. Legal and Institutional Mechanisms for NGO-Government Cooperation in Croatia, Estonia and Hungary. Institute of Public Affairs and European Center for Not-for-Profit Law (see http://www.ngo.ee/orb.aw/class=file/action=preview/id=20327/Legal+and+Institutional+Mechanisms+for+Cooperation_KHM+Final.pdf).

access to law-making has become very limited for those who don't use the internet

3. European Issues Consultation

There have been cases where the Government has set up ad hoc consultative platforms for dialogue with CSOs in some important subjects. Most often these cases are linked to major processes vis-à-vis the European Union. Typically the consultations with CSOs are carried out due to either formal or informal demand by the respective EU institution.

One period in which some ad hoc initiatives for Government-CSO consultations were carried out was during Estonia's accession to the European Union. Long after the accession negotiations had started, the Joint Consultative Committee between representatives of the European Economic and Social Committee and Estonian representatives was established in 2002. Estonia's accession to the EU took place in 2004 and the committee had a limited role in the process. The primary responsibility of the committee was to assist the accession process and prepare civil society organizations to enter the European Union. The Committee had widespread representation – its members were designated by trade and industry sectors (the Estonian Chamber of Commerce and Industry), employers (the Estonian Confederation of Employers), trade unions (the Estonian Employees' Unions Association, the Confederation of Estonian Trade Unions), farmers (the Estonian Farmers' Federation), and the NGO sector (Network of Estonian Nonprofit Organizations).³⁴ It is noticeable here that the CSO representation was minimal.

Another, perhaps more elaborate, case of ad hoc consultations took place in the framework of Estonia's preparations for the use of EU Structural Funds for the period 2007-2013. As required by Article 10 of the European Council Regulation COM(2004)492³⁵,

34. Nilda Bullain and Radost Toftisova, 2005. A Comparative Analysis of European Policies and Practices of NGO-Government Cooperation. - The International Journal of Not-for-Profit Law. Volume 7, Issue 4, September 2005 (http://www.icnl.org/knowledge/ijnl/vol7iss4/art_1.htm#edn111)

35. See text at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0492:FIN:EN:PDF>.

Member States must establish “partnership with /.../ any other appropriate body representing civil society, environmental partners, non-governmental organisations, and bodies responsible for promoting equality between men and women.” As part of the exercise, all relevant ministries³⁶ compiled a list of “official partners” to be involved in the preparatory process of drafting the Operational Programs for the use of EU Structural Funds in 2007-2013. In addition the Ministry of Finance (which coordinated the process of defining the use of EU Structural Funds) compiled specific principles for the involvement of partners in the process. The principles were laid down in response to the calls from CSOs for clear guidelines for the transparency of the process.

4. Conclusion

In Estonia, national-level consultations with civil society are frequent. CSO participation in policymaking is increasingly seen as a normal part of the process and an opportunity to get additional expertise. Both the public sector, when preparing legislative processes, and CSOs, when presenting their proposals, can still make progress in this area, but in general both demonstrate a commitment to developing skills for more meaningful cooperation.

The law requires stakeholders to be consulted when drafting legislation, but it does not set requirements for the range of consultations. More explicit principles are written in the Code of Good Practice on Involvement which, while not binding, is a recommended document. A wide range of CSOs have unsuccessfully demanded that the government adopt the Code of Good Practice as a compulsory document.

In the public sector there is clearly a growing acceptance of the merits of consultation. A study conducted in 2006 showed that 92% of civil servants find NGO involvement to be necessary for better results in law-making. However, more than half of public servants have no experience of cooperation with citizens’ associations. The higher in rank, the more experience with cooperation with CSOs (executives, senior staff, etc.) there tends to be.

36. Ministries of education, environment, culture, economy, agriculture, interior and social affairs.

1. Introduction

Researchers who have been interested in a political understanding of civil society have described Finnish civil society as cooperative, positively oriented towards the state, non-violent and respectful towards property (*Sisiäinen* 1998, pp.222-226). Furthermore, there is a strong sense for acting on a mandate to represent others instead of the visibility of the subjects themselves. This adds to an orientation towards an expert role. Civil society in Finland is best known as a more or less formalized sphere which gains its significance through its organizational strength. The downside is that the single citizen does not mean very much. There also remains a risk that CSOs be mainly seen as service providers and outsourcing contractors for the implementation of an agenda defined by the State.

2. Formal Framework for Civil Society Consultation

Section 14 of the Constitution of Finland requires the public authorities to promote opportunities for individuals to participate in societal activity and to influence the decisions that concern them. Accordingly, the prerequisites for civic education, civic activities and citizen participation must be well provided for. Doing so also ensures that key dimensions of social capital are strengthened.

Finnish civil society consists of the following actors and operations:

- Civic activities;
- Organizational activities;
- Churches and religious organizations;
- The trade union movement;
- Small-scale cooperation;
- Foundations;
- Non-formal adult education.

The most central part of Finnish civil society consists of citizens' spontaneous civic activities and the activities of the various organizations. Civic activities are extensive and diverse in Finland. People are active in various networks with their friends, acquaintances, neighbours and colleagues. People help one another, look after yards and parks together, organize exercise events or treks, organize occasions and demonstrations, raise money for charity or children's school trips, gather for voluntary meetings, etc. Young people also get active and interact in a new operational environment of messengers, the internet and blogs. Symbolic communities are examples of the civic activities in the postmodern era, without organizations or official rules.

2.1 Ombudsperson

The Parliamentary Ombudsman and the Chancellor of Justice are the most important Finnish ombudsmen. Their task is to see that law and order are upheld and that irregularities are corrected and punished. For this purpose they examine complaints made by citizens and also take action when they suspect shortcomings in the activities of government officials.

The Ombudsman investigates complaints, which may be lodged directly by any person, irrespective of status or citizenship. A complaint can be made on one's own behalf or on behalf of another person or a group. In addition, Finland has a wide range of private and public ombudsmen in different fields of activity such as the Ombudsman for Bankruptcy and the Consumer Ombudsman.

2.2 Citizen engagement

CSOs are important partners in raising awareness of and promoting public interest, in particular in global policy issues such as human rights, environment, debt, development and health. One of the examples in this field is the Finnish Initiative of Empowering Civil Society-Citizens' Global Platform.

Collaboration on development issues between the Finnish Government and civil society is based on a long tradition of dialogue. The Government has established spe-

cific multi-stakeholder advisory committees to facilitate systematic dialogue with the private sector, trade unions, NGOs, academia, and others. The Development Policy Committee and the Advisory Board on Human Rights give advice, evaluate the quality and effectiveness of government operations and promote discussion on global development issues as well as strengthening the role of civil society and the private sector in development policy. They also have a special role in monitoring the level of official development assistance. Additionally, various sector ministers and senior officials meet civil society representatives regularly to encourage wider civil society participation in national and international policy-making.

However, the Finns themselves note that interest in citizen participation seems to be periodic. This has led to discussions within government on strengthening the role of civil society. As a result, during the late 1990s the government undertook a number of projects and development initiatives to increase the role of civil society in defining social matters and public services. Citizen participation was the goal of one of the first horizontal Policy Programmes – the 2003 Civil Participation Programme – where the government emphasis shifted from information to consultation and participation.

Citizen engagement policy in Finland remains weak, however, despite the goodwill and efforts of some parts of the national public sector. The value of engaging citizens is not widely recognized in Finland. Some worry that if this support decreases, interest in citizen engagement will fade away, as this way of working is not usual business in the public administration, particularly at the state level. Consequently, the capacity of the public administration and government to achieve strategic insight will regress.

A key factor in the perceived distance between the state and the citizen is a lack of citizen consultation in the political process at the state level of administration. Individual citizen engagement seems to occur more at the municipal level and less at the state and political levels. Both municipalities and CSOs have suggested that neither the state administration nor government are in tune with the needs of citizens and are not taking these into account when developing national policies and legislation.

It has been suggested that the staff employed in the state government needs to learn how things work on the ground at the local level; that knowledge transfer between municipalities and the state is necessary. Direct contact with citizens for consultation and participation are also needed at the state level.

Some observers feel that there is too much emphasis in Finland on e-participation and e-democracy as methods for engaging and consulting with citizens. Electronic methods appear to have been pushed as a way to get around traditional Finnish reluctance towards direct public engagement. While electronic methods can be highly efficient, in many cases engagement appears to work best through face-to-face contact, as illustrated in the Kainuu region, where health and social services officers hold information evenings in local communities. At the state level, Kela, the Social Insurance Institution, also provides a good example of engaging citizens through a number of customer-service monitoring mechanisms, including holding working groups with stakeholders.

While the engagement of representative bodies at the state level does take place, this may be declining. Where CSOs and unions were once consulted prior to government decisions and again during the development of the programmes, in recent years they claim that they are now only consulted in the latter case and have less influence than before, with negative outcomes for citizens. The decline in influence may also be due to the short timeframes provided by the state when seeking input or comment.

2.3 Volunteering in Finland

Volunteering is characterized by a strong membership culture. It usually takes place in associations. Officially there are far more than 100 registered associations with a multiple number of members. Voitto Helander (2006, 99) recently revised these numbers and estimated that there are about 70 000 active associations. Some claim that about two thirds of volunteers are located in associations (*Pyykkönen, 2002, 93*); one third takes a more loosely organized form such as neighbourhood and informal help. Thus, membership is a weak indicator for voluntary engagement. It often refers to activities that do not go beyond paying a membership fee or receiving a regular newsletter. At

the same time, it overlooks the tradition of low-organized voluntary work in neighbourhoods, the so called “talkoo” that is not acknowledged in those figures.

The John Hopkins Comparative Non-profit Sector Project recently reported the number of people volunteering in Finland at 8%. That is below some European countries, in particular its Nordic neighbours³⁷. Yeung (2004, pp.89-90) reports a far higher number of volunteers. According to her analysis based on the World Value Survey, 38% of the Finns volunteer, and on average they are engaged for 18 hours per month. The most prominent fields are sports, where 30% of all volunteering takes place, followed by health and social affairs, with 25%, and the educational sector with 22%. The distribution among women and men is the same although women are active with a somewhat higher intensity. In the health and social sector middle-aged and elderly persons are the most active.

3. European Issues Consultation

Long-term challenges, such as issues pertaining to decision-making in the EU and the constant internationalisation of the economy, underline the importance of interaction between the Government and CSOs. The Economic Council has played the role of a central discussion forum, especially in the integration of Finland’s economy as part of the European Union. Cooperation with the then EEC became a topic of debate in Finland in the late 1960s. The Economic Council’s Integration Section, founded in 1971, the report published by this section, and the debate conducted in the Economic Council were of primary importance when Finland prepared for the free trade agreement of 1973.

In contrast, the Economic Council had surprisingly few discussions on Finland’s accession to the European Union, when the matter was under preparation before 1995. Instead, the Economic Council took an active part in discussions concerning the EMU and the common monetary policy both before and after Finland joined the system. These discussions were of major importance for various bodies when adapting to and preparing for the new operating environment. During the recession years of the early

37. <http://www.jhu.edu/~cnp/research/comdata.html>

1990s, concentration on domestic problems meant that the global economy was given far less attention than was the case later in the 2000s. However, the Secretariat had already brought this issue onto the Council's agenda in the 1990s and has raised it for discussion on several occasions thereafter as well, especially in 2004.

The Economic Council also serves as a discussion and information forum between the Government, the Bank of Finland and organisations about issues concerning the European Central Bank's monetary policy. During Finland's EU membership, it has also become customary that the Prime Minister regularly provides information on future and past EU meetings.

The Economic Council has always concentrated on the economic policy dimensions of issues under deliberation. However, this has been criticized because, for instance in the Lisbon process of the EU, economic, social and environmental issues are interwoven.

For the obvious reason that Finland is the only country in Europe in which the Prime Minister chairs the Economic Council, the role of CSOs remains quite limited. When it comes to EU affairs, the various Finnish ministries are primarily responsible for monitoring, preparation and for defining Finland's positions. A coordination system is used in Finland for dealing with EU-related matters, comprising the competent ministries, the Cabinet Committee on European Union Affairs, the Committee for EU Affairs and its EU sub-committees. In this system, CSO organizations are consulted through the Economic council, which is under the control of the Prime Minister.

4. Conclusion

Voluntariness remains one of the most central characteristics and strengths of the Finnish civil society. The willingness to help and to use one's free time in a productive manner motivates Finns to participate in voluntary activities. Most of the activities of civil society take place locally and at grass roots level. Locality characterizes civil society: not only its activities but also its essence.

The government has regulated the operations of Finnish civil society in a reasonable manner. Organizations have received their funding as general grants, which has left room for their own deliberation and decision-making power. In the last years, however, there has been a change in this practice and the authorities have more control over the sphere of CSOs.

Participation in the activities of CSOs is at a lower level in Finland than in the other Nordic countries. The volume of participation has remained unchanged for a long time, but activity is dwindling in many CSOs and its orientation is towards physical exercise, other leisure pursuits and lifestyle associations.

1. Introduction

In France, the principles of representative democracy give the state the mission of safeguarding the general interest ahead of that of individuals and groups. In this 'Rousseauan' interpretation, the increased involvement of societal groups in decision-making appears to make governing more democratic, but in reality it is seen as the appropriation of public power for the benefit of limited segments of society rather than for any more generalized public good.

Even if principles of pluralist democracy require the French state to protect the general interest over the egoistic interests of groups and individuals, organized civil society is growing and demanding access to decision-making processes.

2. Formal Framework for Civil Society Consultation

France has, for a long time, been considered a 'civic desert', compared with the vibrant community life of Anglo-Saxon and Scandinavian countries. The legal recognition of civil society came later than in the United States or other European countries. The spirit of the French Revolution was to suppress all intermediary bodies between the citizens and the state, fearing the reconstitution of the *ancient régime's* guilds and the development of factions distorting the general will.

The legal recognition for associations was only to arrive in 1901, after some 40 unfruitful attempts. The law of 1901, still in force, is very liberal. It defines associations broadly as the contract by which two or more people put together their knowledge or their activity, for 'another purpose than profit'. It allowed the development of the many associations which had appeared at the turn of the century. But the legitimating of associations does not proceed from the bottom up, according to the subsidiarity principle, but from the top down. The criteria allowing recognition, according to the republican interpretation, is the educational character of the association: the 'good' association being a 'school for democracy', therefore mirroring the general interest.

Regarding the French political system, there is no regulation of access for organized civil society. Whereas the French Economic and Social Council is generally considered to be the institutionalized representative of organized civil society, the Socialist government established in 1983 the *Conseil national de la vie associative* (CNVA [National Council of Associative Life]), reporting to the prime minister. Its task is to develop a number of proposals in order to increase associational activities in France, and it grants French civil society a larger institutional legitimacy. It does not, however, regulate organized civil society's access to political institutions. This access is still based on the notion of representativeness; however, representativeness is not defined by the French administration. Representativeness is generally based on the comparison of influence between different groups that are active in a more or less homogeneous sector. The central elements are either membership density or voting, although no precise rules on how this representativeness should be acquired are proffered. The French government also initiated a number of laws to consult citizens on large projects to improve infrastructure at the beginning of the 1990s. It set up the national public debate commission (CNDP), which was granted the status of an independent agency in 2002, and increased the domains in which citizens must be consulted in two successive laws, at the beginning of 1990 and again at the end of the decade. Within this framework, the government invites associations of concerned citizens to discuss planned infrastructure projects, such as the new nuclear power plant European Pressurized Water Reactor (EPR) in Normandy.

In France, the state makes large contributions to the financial resources of organized civil society. The French state used associations to implement social policies – in particular in the field of family welfare policies. Nowadays, some 70,000 associations are declared every year, three times more than in the 1960s and ten times more than at the beginning of the century (CNVA, 2000, pp. 53–5). Of course, many will not last, and their disappearance is not registered. The non-profit sector in France today is comparable with that of Europe in general, with a little over 20 million members, the equivalent of a million full-time salaried employees and almost as many volunteer workers.

3. European Issues Consultation

The European Affairs Minister - or the Secretary of State - holds regular meetings with the main social partners, according to a commonly agreed consultation agenda. The Partners have also convened to hold a meeting on European issues every semester.

The role of the national consultation bodies has also been strengthened. This is for instance the case of the Committee for the social dialogue on European and international affairs, which brings together all the social partners on the initiative of the Social Affairs Minister, who is also the chair of the Committee.

The Economic, social and environmental Council is also closely involved in governmental action, especially on European issues.

On the 2nd of May 2006, a new interactive website addressed to the widest possible audience, 'Toute l'Europe', went online. Created by the Europe Information Centre ("Source d'Europe"), a body co-financed by the Minister of State for European Affairs and the European Commission, this new website provides transparent information on Europe which is presented in an educational format. The site focuses on the history of Europe, its working methods and its policies, offering the French people the opportunity to express their opinion on the more relevant issues at stake in European politics and to have their say on Europe.

Moreover, the Government provides financial support on a yearly basis to a number of national associations concerning themselves with European affairs³⁸. Since January 2006, the Ministry holds a monthly meeting with the main associations thereof in order to coordinate their activities.

In France, the five think-tanks considered as reference points on European issues - Confrontations Europe, Europe 2020, the Robert Schuman Foundation, Notre Europe and The EU Institute for Security Studies (EUISS) -, : 'are sometimes consulted by the Government; however, these consultations lack any official or formal character'³⁹.

38. <http://www.touteleurope.eu/fr/menu-rapide-haut/annuaire/les-associations-a-vocation-europeenne/offset/20.html?cHash=ca5315ea30>

39. Mathild Durand and Helene Jorry, « Les groupes d'intérêt, vecteur d'information sur l'Europe ?, Centre d'analyse stratégique », n° 6, octobre 2007. Cf. <http://www.strategie.gouv.fr/revue/>

Finally, the Centre for Strategic Analysis is a body directly attached to the Prime Minister's Office, whose remit is that of briefing and assisting the Government in the definition and implementation of the strategic guidelines concerning economic, social, environmental and cultural matters. It takes into account, in the several public documents it produces, the long-term orientations agreed at Community level, and in particular the Lisbon Strategy guidelines. In this respect, it often consults with some CSOs.

The Centre for Strategic Analysis and the Centre for Prospective Studies and International Information (CEPII) have agreed to set up a group for the analysis of globalization⁴⁰. The remit of this group is to carry out pluralistic analysis and reflections aiming at helping society in the process of understanding globalization – and thus European Integration – and its consequences, and to develop a feeling of 'ownership' regarding this. Its stated aim is to feed into the democratic debate and to assist decision-making concerning these issues by shedding light on their multi-faceted dimensions (economic, social, environmental, cultural, etc.), as well as providing an interpretation of the strategies and cognitive maps of the different actors involved (businesses, public authorities, territorial interests, civil society). These activities take the form of restricted seminars as well as open 'Globalization Meetings' concerning issues defined on a yearly basis.

4. Conclusion

The hostility of the French democratic interpretation of organized civil society must be analyzed as a complex relationship in which the state has played a colonizing role. However, since the 1970s, France's organized civil society has become more diverse and numerous. This increase in numbers was also followed by a new self-understanding and the greater influence of non-state actors in France, in particular regarding European issues.

[IMG/pdf/article_DurandJorryHS6.pdf](#)

40. <http://www.rdv-mondialisation.fr/>

1. Introduction

In the literature on corporatism Germany is considered to have a “medium-to-strong” corporatist political structure⁴¹. Although there have been several attempts to institute a formal social and economic council, none of these initiatives are still in existence⁴². One of the reasons for the lack of such an institution is the organizational landscape of organized interest, in particular representatives of labour and industry, which is marked by fragmentation in specific sectors, as well as declining membership in unions. Moreover, in the past labour unions in particular feared that voluntary tripartite cooperation would threaten their bargaining position to negotiate sector-specific wages.

However, there are several formal institutions and procedures, as well as ad hoc initiatives and networks established to grant organized interests and concerned groups access to decision-makers. The consultation procedures between governmental institutions (ministries, parliament, advisory bodies) and organized civil society (CSOs) can be divided into categories of the formal and the informal; i.e. laws and institutions that regulate de jure consultation of CSOs, and actual practices of consultation respectively. Furthermore, the consultation procedures can be differentiated at the level they occur. At the local level, concerned and interested citizens can participate in communal policy-making through citizens’ parliaments, open councils or assemblies (for example engaging in rural or urban planning), depending on the by-laws and constitutions of each administrative community. At the state (Länder) or federal

41. Cf. Siaroff, Alan (1999). Corporatism in 24 industrial democracies: Meaning and measurement, In: European Journal of Political Research, Vol. 36 (2), pp. 175–205

42. In the area of labour-market policy a voluntary council (“Konzertierte Aktion”) between employers and employees has been established in 1967. The aim was to coordinate and concert the actions of employers and employees interest groups with regard to macro-economic policy in general. It was abandoned in 1976 after the labour unions left the voluntary association. In 1998 the new social democratic government under Gerhard Schröder initiated a so-called union for work (Bündnis für Arbeit), bringing together representatives of the federal government, employers and labour. After the 2002 elections this association was dissolved after the parties left this voluntary initiative.

(Bund) level, consultation procedures of government and administrative institutions focus mainly on CSOs, such as registered associations, interest groups or peak associations. At the federal level, priority is given to peak associations and umbrella organizations, as they represent cross-regional and cross-state interests. The government (individual ministries) also creates ad hoc 'dialogue forums' via internet portals or conferences, which invite individual citizens to share their opinions on a given policy.

2. Formal Framework for Civil Society Consultation

The government's consultation procedure for organized interest groups (including CSOs) is formally regulated within the Common Rules of Procedures of the Federal Ministries (Gemeinsame Geschäftsordnung der Bundesministerien). Consultation is meant to gather contributions from CSOs at the drafting stage of legislation. Different ministries use different practices, some having established permanent consultation procedures with Advisory Councils (Beiräte), such as the Ministry of Economics, Technology or the Ministry for Family, or independent governmental agencies such as the Anti-Discrimination Platform (Antidiskriminierungsstelle des Bundes). Advisory Councils usually consist of scientific experts, and sometimes include representatives from the private sector or from CSOs. Advisory Councils are instituted by the relevant ministry or parliament. Thus government institutions retain a certain degree of discretion to set the rules on formal competencies, composition and the installation of advisory bodies.

With regard to timing, the Common Rules of Procedures of the Federal Ministries only specify a mandatory duration for public consultations at the ultimate stage of a legislative proposal (usually four weeks)⁴³. At all other stages the individual ministries enjoy a wide discretion in how to organize public consultations, i.e. which CSOs to consult, disclosing consultation results, timing, feedback etc.⁴⁴

Beyond regular public consultations, ministries cooperate with CSOs in different areas by sharing tasks. For example, the Ministry for Economic Cooperation and Develop-

43. Cf. "Bessere Rechtssetzung in Europa: Deutschland 2010" OECD Country Report Germany, p. 77, available here: <http://www.oecd.org/dataoecd/29/58/45054197.pdf>

44. Ibid.

ment works closely together with Non- Governmental Organizations (NGOs) in the sphere of development policies. However, this cooperation serves mostly public relations purposes, i.e. raising the public profile of development work by communicating government policies, goals etc., and stimulating the engagement of civil society in contributing to development policy, rather than co-decision on specific policies concerning third countries. With regard to consultations by the federal parliament (Bundestag), the different parliamentary committees of the Bundestag can invite experts as well as interested parties, including CSOs, to hearings (public or closed hearings). Nevertheless, the decision to hold a public or a closed hearing, as well as the invitation of interested parties remains at the discretion of each parliamentary committee.

2.1 Dialog Forums

There are several dialogue forums – taking the form of foundations, institutes, or even one-time events such as conferences, round tables or internet consultations – initiated by individual ministries on specific issues, such as the integration of specific social minority groups into society (e.g. the German Islam Conference initiated by the Ministry of Interior in 2006). These dialogue forums cover a broad spectrum of policy issues, including human rights issues, development policies and environmental policies. Several ministries are in dialogue with CSOs via different forums. For example, the ministry of Foreign Affairs instituted a Dialogue Forum for Global Issues (Dialog Forum Globale Fragen), and is in dialogue with government-independent CSO forums, such as the Forum for Human Rights (Forum Menschenrechte); the Ministry of Justice consulted the German Forum for Crime-Prevention on questions of crime-prevention; the Ministry of Education and Research initiated different forums covering ethical questions in bio-medicine and the acceptance of security technology in society, but it also relies on the consultation of affiliated research institutes (e.g. German Research Society, Max-Planck Institute) in the formulating policies.

Other formats of consultation are channelled through independent institutes or foundations, set up or supported by the government (federal and state-level). These organizations consist of experts or representatives of CSOs, providing policy- and decision-makers with consulting in their specific area of expertise. For example, the

German Institute for Human Rights (Deutsches Institut für Menschenrechte) provides the government with policy advice on a broad range of different policies – such as migration-policies, security policies, anti-discrimination etc. – and acts as a platform for dialogue between CSOs and government institutions.

A more recent format of consultation is that of “e-consultation” (since 2008). This government sponsored initiative is part of a larger strategy to move towards an increased use of e-government (the government programme “Zukunftsorientierte Verwaltung durch Innovationen”) in public administrations. Online consultations have already been used across several policy issues and concern specific laws or policy initiatives of the government or individual ministries. However, the format is such that it targets individual citizens and not CSOs in particular.

In sum, the spectrum of consultations via dialogue forums covers broad policy initiatives (such as the integration of minority groups in society) as well as specific issues (such as the amendment of a law). The practice and purpose of consultation via dialogue forums varies greatly from one ministry to another. They are not only used for consultation, but also for implementing specific policies and government strategies (including information campaigns).

2.2 Networks

Another CSO consultation procedure is the dialogue between government institutions and CSOs through CSO networks. Within the framework of its civic engagement strategy (ZivilEngagement) the federal government (under the guidance of the Ministry of Family Affairs, Senior Citizens, Women and Youth) proposed several initiatives on how to anchor civic engagement in society, among others through establishing networks for CSOs. One of the major networks connecting different CSOs and bringing them into dialogue with political decision-makers is the “National Network for Civil Society” (Bundesnetzwerk Bürgerschaftliches Engagement, BBE). The self-declared aim of this network is the “improvement of the general legal, organizational and institutional conditions for civic involvement”.

CSOs within the network receive information and support on how to receive public funding for specific projects, legal assistance on questions of associational formats, and how to bring the different actors in civil society into dialogue with one another. However, the focus of the network is on bundling the different CSOs into one peak association (so as to have them “speak with one voice”) rather than engaging them in political decision-making at the federal level. Thus it reflects somewhat the practice in dialogue-forums, whereby CSOs are seen as implementers of policies or advisory bodies, to whom the state has outsourced its tasks. Among the working groups within the BBE (the so-called “Dialog Foren”) the issue of the consultation of the CSOs has been discussed. In this context, one participant suggested that it will be necessary to institute formal rules of consultation and cooperation between state organs and CSOs, mentioning explicitly those forms of cooperation – such as co-optation – that should be avoided. Furthermore, besides the “complementing” function of CSOs – helping the state to implement certain policies – the “watchdog” function of CSOs also needs to be strengthened.

Overall there is a procedural pluralism in the German consultation system, providing the state organs with a high leverage over CSOs. In an article of 1998 Ronit and Schneider remarked that “each parliamentary committee, each ministry and each expert committee is free to adopt its own procedures and to define at what stage and which interest groups to invite.” (1998: p. 564)⁴⁵. On the side of the formal rules of procedure for CSO consultation, not much has changed since then.

3. European Issues Consultation

The consultation of CSOs on European issues varies from ministry to ministry and depends on the status of the policy area (whether it is communitarized, intergovernmental or merely subject to cooperation within the framework of the open method of coordination).

45. Ronit, Karsten and Volker Schneider (1998). The Strange Case of Regulating Lobbying in Germany, In: Parliamentary Affairs, Vol. 51(4), pp. 559-567

3.1 National programmes and action plans on European Policies

In the framework of the overall Lisbon Strategy the German government presented a “National Reform Program” in 2005 for the period 2005-2008. The drafting of the program lay in the competence of the Ministry of Economy and Technology (Bundesministerium für Wirtschaft und Technologie, BMWi). In the preparation stage of this Reform Program CSOs were merely informed about the content of the draft by the ministry. Furthermore, only peak associations and labour unions were informed. The Reform Program stipulated that in the future CSOs will be involved in the process, too. However, in the follow-up program (period: 2008-2010), as well as in the progress report on the previous program, reference is made only to economic associations and labour unions.

Another government program concerning a European policy is the “Operational Program for the European Social Fund”, whereby the government envisaged several projects in the sphere of social and economic policies (regional economic competitiveness, labour-market policies etc.). The program follows the provisions as stipulated in Council Regulation on the European Social Fund (1081/2006/EC), wherein the formal consultation of CSOs is a compulsory requirement⁴⁶. CSOs are involved insofar as they take part in the implementation of projects, and are consulted to evaluate the progress and development of projects within the framework of a concomitant committee (Begleitausschuss). Practically, however, the committee is an “expert body” and is chaired by the Ministry of Food, Agriculture and Consumer Protection.

Within the framework of the national implementation programme of the EU “2007 European Year of Equal Opportunities for All” initiative, the Ministry of Family Senior Citizens, Women and Youth provided to interested CSOs the opportunity to partake in the programme via a “Civil Society Advisory Council” (Beratungsbeirat der Zivilgesellschaft), consisting of 26 member CSOs. However, the legal basis for the consultation of CSOs was also mandated by a Council Directive (2000/43/EC)⁴⁷.

46. Art 5 (2), Regulation (EC) No 1081/2006 on the European Social Fund

47. Art 12 of the Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin - June, 29th 2000

A similar pattern of CSO participation can also be identified in other government projects, whereby the participation of CSOs is mandated by European regulations. The National Strategy for the development of Rural Areas (until 2013) is yet another case in point.⁴⁸

With regard to networks there are several top-down initiatives taken up by the government, as well as bottom-up initiatives by CSOs. Within the framework of the European youth policy (“EU-Jugendstrategie 2010 – 2018”), the Ministry of Family, Senior Citizens, Women and Youth engages in ad hoc consultations with CSOs within the framework of a dialogue forum, as well as consults a permanent advisory council outside the ministry, that consists of 26 permanent members (including one member of the ministry itself). The advisory council is part of the civil society network “Jugend für Europa”.

Other networks with a European focus are the “European Movement Germany” (Europäische Bewegung Deutschland, EBD), which is part of the pan-European network of “European Movement”. Its 171 members comprise labour unions, trade unions and other economic associations, foundations, research institutes, political parties and NGOs. Founded in 1949 and funded by the government since 1950, the EBD has no formal agreement – as has the Goethe Institute, for example – with the government. However, it maintains close ties with the Ministry of Foreign Affairs, and organizes formal regular consultations between national government, EU institutions, and its member organizations within the framework of the so-called EU Debriefings. Briefings are held following the conclusion of European Council meetings and sector-specific EU Council sessions. Policy issues covered in these briefings are the Economic and Finance Council, the Competition Council, the Environmental Council, the Common Agricultural and Fisheries Councils, Justice and Home Affairs, Transport, the Telecommunication and Energy Council and the Education, Youth and Culture Council.

48. The national strategy implements the Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (see „Nationale Rahmenregelung der Bundesrepublik Deutschland für die Entwicklung ländlicher Räume“, available here: http://www.bmelv.de/cln_163/sid_48E6437EAF9AB74841B0E4FB359332A4/SharedDocs/Downloads/Landwirtschaft/Foerderung/NationaleRahmenregelungen-ELER.html), whereby the regulation prescribes a consultation of CSOs (Art 11 (1) a-c).

Other formats of interaction between the EBD and governmental institutions are “round tables” (Runde Tische Europakommunikation), instituted since 2005 on the initiative of the Ministry of Foreign Affairs. The long-term goal of the round tables is to establish a permanent Advisory Council consisting of 30 Members (including CSOs), to critically evaluate the European political communication of the government and administration.

Concerning European issues in parliamentary consultations (“public hearings”), the general rule is that committees do not hold public hearings or expert consultations, but they can do so on the basis of different intra-committee decision rules. Committees and sub-committees focused on European issues can, like all the other parliamentary committees, hold public hearings in which they invite experts for consultation. However, consultations are not mandatory.

There is a clear focus on political executives (government, ministries) in CSO consultations with most initiatives stemming from the state. Parliamentary channels, on the other hand, are less used. On concrete European issues (policies, regulations) consultation with CSOs takes the form of information and input of expertise, as well as the implementation of specific projects. Furthermore, the main goal of CSO networks (such as the BBE) is of an institutional nature, i.e. to build a pan-European network of CSOs that help each other to acquire projects that either aim at civic engagement of citizens within CSOs, or to acquire funding for civil society organizations, rather than influence particular policies.

Overall, CSOs have frequently criticized the lack of initiative on the part of the government and the media to involve civil society in questions on concrete European policy issues⁴⁹. Overall, the government’s initiatives to involve civil society at the level of individuals are much more pronounced than the efforts to involve CSOs in consultations on European issues.

49. Cf. Country Report by CSOs on Germany, In: The post-2010 (Lisbon) Strategy: Proposals from organised civil society Integrated Report to the European Council January 2010, pp. 51-57

4. Conclusion

Public consultation of CSOs (outside corporatist relations) is a rather new phenomenon in everyday German politics. Few binding rules exist yet, and practices vary across governmental institutions. Yet, from the brief overview above, several conclusions can be drawn.

First, that the overall government strategy to engage civil society in public life focuses more on the engagement of individuals and associations at the community level than at the federal level. Furthermore, it seems that most of the current governmental initiatives on fostering the involvement of CSOs in public life are geared towards burden-sharing of tasks between state and CSOs (for example health care, voluntary work etc.), rather than consultation and co-decision on concrete policies. The problem of this narrow understanding of civic engagement in policy-execution is that CSOs can become subservient to specific government policies and strategies, instead of being consulted on policies which affect them or society at large.

Second, in certain policy sectors CSO consultations are used as informational resources for governmental policies. This heightens CSOs' standing as consultants, but also carries with it the danger that they be transformed from independent associations that pose a counterbalance to the state and the market, into service providers for the state and market participants themselves⁵⁰ (Priller 2008). Moreover, the role of CSOs in public consultation is reduced to gathering expertise, rather than considering their particularistic opinions. At the same time, efforts by governments and CSOs alike to integrate CSOs into networks (such as the BBE) and create umbrella or peak associations for CSOs might reduce transaction costs for future public consultations. However, it might come at the price of CSO pluralism and bear the danger of excluding newer, and thus smaller, CSOs in public consultations.

Thirdly, in the absence of binding rules on public consultation across the ministries, as well as the wide discretion between the individual ministries on how to organize

50. Priller, Eckhard (2008). Ressourcen und Potenziale Zivilgesellschaftlicher Organisationen. Paper downloaded at: <http://www.europa-jetzt.org/spip.php?article101>

and execute such consultations, consultations of CSOs remain informal in character and take mostly the form of dialog forums. With the advent of E-Participation and E-Government in general, this might change in the future.

Fourth and finally, public consultations of CSOs on European issues, carried out by ministries or other public bodies, seldom occur and have an ad hoc character when they do, given that the national ministries enjoy a large discretion as to how to organize them. Cases in which public consultation has been mandatory are rare and, moreover, have been prescribed by the relevant European legislation.

1. Introduction

Although civil society can operate through the guarantees of freedom of speech, expression and association outlined in the Greek Constitution, the Greek government is not legally bound to consult Civil Society Organisations. As such, civil society is weak and underdeveloped in terms of both influence and organisation.

There is no formal or institutionalised procedure for consulting CSOs in Greece. This reflects on civil society as a whole as well as on specific organisations dealing with EU issues. The existence of a dominant central government means that all formal decisions are taken instead by governmental bodies and that consultation is not institutionalised.

The Greek Ministry of Foreign Affairs, which is responsible for EU issues, has confirmed that consultation occurs very rarely and only on an ad hoc basis. The discussions are confidential and the Ministry keeps neither a list nor the minutes of any consultation procedures that have taken place. Ministry officials confirmed in phone interviews that they have not been involved in any such procedures.

Political parties, the Church and the family are also very powerful institutions in Greece. . Most CSOs that operate in the country are nominally independent; however, in practice few of them are, as most have a political orientation and are biased towards a particular political party. It is notable that labour organisations and trade unions are of particular significance and influence in Greece.. However, these do not qualify as Civil Society Organisations, and they should instead be described as 'insider pressure groups' as the majority of them are closely affiliated to either the government or the political parties of the left.

2. Formal Framework for Civil Society Consultation

CSOs in Greece are largely oriented towards raising awareness and providing information on European issues, rather than impacting on policy per se. All CSOs in Greece are information-based centres focusing on a number of issues rather than specialising in one particular domain of activity.

The most common 'main' domains on which they focus include education, science, culture and art, employment, development, and environmental and political issues.

CSOs organise a number of publications, events, seminars, lectures, and conferences in order to disseminate ideas and raise public awareness of EU issues. The content of these events is highly academic and targets already well-informed individuals. It is less oriented towards policy practitioners or civil servants and to an even lesser extent towards the wider public.

Civil Society Institutions in Greece are relatively novel, and the majority of them were established within the last 20 years. The oldest Civil Society Organisation dealing with European issues is the Greek Centre of European Studies and Research (EKEME), which was founded in 1980. Its foundation coincided with the final stages of the Greek accession to the European Communities. This Centre was established with the purpose of providing the Greek public with facts-based information. The Greek Centre for European Studies (EKEM) (1988), the Hellenic Foundation for European and Foreign Policy (ELIAMEP) (1988) and European Expression (1989) are also among the oldest CSOs. Many were established during the 1990s, including the Institute for International Economic Relations and the European Perspective (1993), the European Institute of Environmental Policy and Law (1994), the European Culture and Research Centre of Athens (EPEKA) (1995), Citizens' Union (1995), and the House of Europe in Rhodes (1999). One of the newest CSOs is the Civil Society Bureau, which was established in 2002.

Greece does not boast a long-standing tradition of civil society. It is considered a new democracy by European standards, having witnessed a disruption of democratic rule

and governance during the period 1967-1974. The proliferation of CSOs in the past 20 years can be attributed to the following factors:

- The strengthening and consolidation of democratic institutions following the collapse of the military dictatorship;
- EU accession and moves towards further political integration at the EU level;
- The collapse of the Communist bloc: most specifically the collapse of the former Yugoslavia and the various important issues this raised for Greece. These included issues of foreign policy, due to the proliferation of new small independent nation states in the Balkan region and mass waves of immigration.

Most of the above mentioned CSOs orient their action towards public statements. They do not necessarily provide policy recommendations, but aim instead towards raising awareness and promoting debate. This excludes the arms-length EKEM, which, as a body affiliated with the government, is inevitably also involved in policy decisions.

It should be noted that labour and trade unions are very strong in Greece and are heavily involved in both policy-making and protest actions. However, we have excluded them from this analysis because they are highly politicised and dependent on the government and major political parties for their funding.

Greek CSOs operate mainly at the national level. The House of Europe in Rhodes only operates at a local level. ELIAMEP and the Civil Society Bureau operate both at the national and European levels.

The majority of CSOs in Greece are mostly vehicles for the provision of information. As such, they are mainly involved in 'Public Consultation Processes', which include the interaction of these bodies with the public through the organisation of the various events outlined above. In addition to this role, EPEKA, ELIAMEP and EKEM provide consultation with other established bodies. The first two of these bodies are non-governmental and include, for example, other NGOs, associations or similar organisa-

tions. EKEM is also involved in 'Consultation with State and Party actors' by virtue of its position as an arms-length body to the Ministry of Foreign Affairs.

3. European Issues Consultation

All CSOs which specialise in European issues are mostly information based. Their prime objective is to disseminate information, carry out research, promote the study of, and encourage debate on, European issues. The European Perspective seeks to enhance development cooperation, to design, promote and realize actions and projects for the economic, social, environmental, cultural and political development of developing countries, as well as to support social economy, civil society and its institutions in Greece and in the European Union.

The Greek Centre of European Studies and Research (EKEME) is a research centre for promoting information on EU issues. This however is an arms-length body of the Ministry of Foreign affairs and does not qualify as a Civil Society Organisation per se. Further information on this body can be found at <http://www.ekem.gr/index.php> (website available only in Greek).

- The European Institute of Environmental Policy and Law seeks to promote environmental awareness and development within the EU framework;
- The European Culture and Research Centre of Athens (EPEKA) promotes employment and awareness among vulnerable social groups;
- The European Expression promotes the idea of a federal Europe as well as the idea of federalism itself worldwide;
- The Civil Society Bureau provides information about initiatives and activities in Thessaloniki and seeks to promote communication among EU institutions;
- The Citizens' Union (Paremvassi) promotes civil society in Greece and citizenship in general;
- The Hellenic Foundation for European and Foreign Policy (ELIAMEP) is a research centre and think-tank aiming at conducting research pertaining to the

EU, promoting public awareness on EU and foreign policy issues, training professionals and preparing analyses/briefs;

- The Institute for International Economic Relations (IDOS) promotes research on both domestic and foreign policy issues affecting the Greek economy.

One of the CSOs of comparative importance in Greece is the Hellenic Foundation for European and Foreign Policy (ELIAMEP), although it is still relatively weak. It is a well-known academic organisation whose main scope of activity is to increase awareness on European issues. This organisation conducts research pertaining to the EU, trains professionals, and prepares analyses/briefs aimed mainly at journalists. However, given that the Greek Government has not established a formal process of consultation, its policy impact cannot be directly measured. Further information on this body can be found at: <http://www.eliamep.gr/en/> (website in English).

4. Conclusion

Civil society in Greece is weak at all levels: it has a weak structure, limited impact and limited membership. There is a wider sentiment of public distrust towards this type of organisation in Greece because of the long tradition of corruption and clientelistic relations that prevail.

The Greek model of government consultation with CSOs can be characterised as 'Southern'.

It should be noted that although the tendency towards cooperatives and mutuals is weak, there is a very strong tradition of politicisation, corruption and clientelism. This affects both the development and the impact of Civil Society Organisations.

1. Introduction

After the transformation from state socialism to liberal democracy, CSOs mushroomed in Hungary in a “foundation fever” (Bíró 2002, 23). According to the Hungarian Central Statistical Office (Központi Statisztikai Hivatal, KSH) there were 64,925 registered foundations and NPOs (non-profit organisations)⁵² in 2008, but only 1,000 organisations played an active role in the legislation process (Szili 2008). KSH makes a distinction between several non-profit organisation types such as “foundations”, “public foundations” (Hungarian quasi-NGOs),⁵³ “associations”, “public law associations”, “trade unions”, “professional and employer organisations”, “public benefit companies”, “non-profit institutions”, and “professional associations” (Sebestény n.d.b).⁵⁴ All these will hereafter be referred to as CSOs or NGOs.

2. Formal Framework for Civil Society Consultation

There is no specific law regulating the involvement of CSOs in the consultation/legislation process, but a number of different acts have been passed in an attempt to ensure civil society’s participation. Most importantly, the Hungarian constitution (Act XX of 1949 as amended in 1989) stipulates that the government must cooperate with the social organisations concerned (article 36). However, “the problem of the civil side is that the extent of compulsory cooperation written in the constitution is legally intangible” (Kalas 2007, 20).⁵⁵

51. The manuscript was submitted in April, 2010. Since then, many aspects of public consultation changed in Hungary.

52. Nearly one-third of them are active in education (31.2%), 15.5% in social care and 14.1% in culture (Sebestény n.d.a).

53. A quasi-NGO, or quango, is a “non-profit organisation set up or funded by the government” (Bullain and Toftisova 2005).

54. As of 2008, associations rule the total number of NPOs by 53%; 34% of CSOs are foundations, 4% are professional and employer organisations, and 2% are public benefit companies (Sebestény n.d.b).

55. Translation is mine. BT.

Act XI of 1987 on Legislation (Act XI of 1987)⁵⁶ emphasises that social organisations must be involved in the legislation process whenever it comes to issues touching on their interests (article 20). Further, Act XI of 1987 specifies that social organisations' proposals must be called for when the legislative agenda is being designed (article 22, section 2); the act even sets a general deadline for the government and the ministries for the submission of the draft bills, thus social organisations have, at least in theory, the time necessary to provide a "well-established opinion" (article 31, section 1).

Act II of 1989 on the Right of Association stipulates the "right to form organisations or communities with others or to participate in the activities thereof" (article 1). Civil society organisations need to be registered with the courts (article 4).

Since 1997, Hungarian CSOs may receive 1% of personal income tax (Act CXXVI of 1996), which enables citizens to have a say in state funds given to CSOs (Bíró 2002, 26).⁵⁷ However, in 2000 only one third of taxpayers gave their 1% to an organisation (Bódi cited in Bíró 2002, 27). If the taxpayer does not make a declaration on the 1%, or the declaration is not valid, or the preferred CO is not entitled to receive it (e.g. it has a debt, cf. Szikora 2010, 3), then the taxpayer's 1% stays in the state budget, and the state decides how it will be spent (Bíró 2002, 27). After the processing of the tax declarations of 2008, 29,709 CSOs received over HUF 10 billion, five times more than in 1997, the first time that taxpayers could allocate their 1% to a CO (Szikora 2010, 7 and supplement 2).

The government set up a National Civil Fund (Nemzeti Civil Alap) in 2003, which aimed at covering the expenses of NGOs. Act L of 2003 on the National Civil Fund (Act L of

56. The Hungarian Supreme Court in its decision published on the December 14, 2009, abolished Act XI of 1987, stating that many parts of the law were anti-constitutional (Supreme Court decision 121/2009. (XII.17.)). The deadline set for the Hungarian legislature to create a new law is December 31, 2010. The Government tried to create a new act on legislation in 2005, but it failed as it did not have a two-thirds majority in the National Assembly. The ACT XI of 1987 remained intact, but the government introduced Act XC of 2005 (Ms. Szendrák, personal communication via telephone, March 8, 2010).

57. Since 1998 taxpayers can give one per cent to a CO, and another one per cent to a religious entity (Act CXXVI of 1996, article 4 and 4A). In Central Eastern Europe, Hungary was the first to introduce a "percentage mechanism" (Bullain and Toftisova 2005).

2003) aims at strengthening civil society and its societal role, and helping cooperation between the state and civil society.⁵⁸ The Civil Fund provides resources from the state budget to registered CSOs for specific purposes, including their costs of operation, the supporting of festivals and other events, scientific research, publications, and activities aiming at counselling, education, development, etc. (Act L of 2003, article 1, section 2). The operation of the National Civil Fund raised concerns, including conflict of interests, as members of the board had supported CSOs which they themselves were involved in (USAID 2009, 115; for general concerns see Hadzi-Miceva 2007, 17–18). Some additional decrees have been passed in order to overcome shortcomings in the operation of the Civil Fund. Decree 29/2009 (XII.11.) stipulates that the persons preparing the decisions must declare their interests in CSOs (article 9, section 3.a).

Act XC of 2005 on the Freedom of Information by Electronic Means was a milestone in transparent legislation. It obliges all ministries to publish draft bills on their websites 15 days prior to their discussion in Parliament (article 10, section 3). However, when “there is an outstanding social interest to [the bill’s] particularly rapid adoption”, the 15-day period may be ignored (Act XC of 2005 article 9, section 4). It has to be noted that Act XC of 2005 enables *any* citizen to comment on a bill, i.e., not only CSOs have the opportunity to give their opinion.

This law has its weak points as there are no sanctions if a) a ministry fails to comply with the period of two weeks, or b) if a ministry does not publish a bill at all. The ministries and the committees do not have any legal obligation to take into account the CSOs’ comments on the draft bills. “The state only reluctantly allows NGOs to participate in a meaningful way in any discussion of important social issues, especially if their opinion differs from the official point of view” (Benedek and Scsaurszki 2008, 34).

The main problems of consultations between CSOs and legislators are the following: some draft bills have never been published; the consultation process the government pursues is not transparent at all; the deadlines for comments are “arbitrarily shortened”; some public officials are unreachable; no explanation is provided as to why

58. The text of the draft bill was elaborated in cooperation with COs and the proposing ministry, but the proposed text to the plenary session was completely different and unknown to the COs. However, the COs had an opportunity to comment on the bill to be accepted (Menyhárt 2004).

some of the CO's comments are ignored; and the government does not investigate the complaints filed by CSOs in the event that they detect the ministry's failure to comply with the law (Kalas 2007, 25–26). Though in theory ministries have to consult with CSOs, as a general rule they only use their lobby lists or are interested only in CSOs of their own choosing (Kalas 2007, 23). In 2007 the government issued a decree on its civil strategy, which expressed its commitment to improve consultation with civil society (1065/2007. (VIII.23.)). The decree established that all ministries must elaborate an “action plan” every two years. These plans must specify how the given ministry plans to involve CSOs in the drafting of laws.

Act XLIX of 2006 on Lobbying Activities strictly regulates lobbying in Hungary. However, it does not cover CSOs (article 1, section 3a), as lobbying is “any activity or conduct aiming to influence executive decisions or fostering interests under contract commercially, as a business activity for economic consideration” (article 5, section c). The law obliges both lobby groups and MPs or committees to declare any consultation that they engage in. Lobby groups have to register with the Central Office of Justice (Igazságügyi Hivatal). This law is designed to improve accountability and transparency in lobbying.

Consultation between civil society and the legislature has been coordinated by the Civil Office of the Hungarian National Assembly since 2002. It provides services for “non-governmental organisations” and “registered national interest groups and social organisations” (Civil Office 2010). The Civil Office maintains a list of registered CSOs, but organisations have also been able to register with the ‘lobby list’ of Parliament since 1994 (Samu Nagy 2005). The two lists contain around 800 organisations. Civil Office informs these registered organisations of the legislative agenda at the beginning of the parliamentary seasons, collects the comments of NGOs on the bills, organises conferences and other programmes for the CSOs, keeps the databases updated etc. (Civil Office 2010). Yet CSOs do not necessarily need to consult with the Civil Office, but may directly address the ministries or parliamentary committees.

In Hungary the government, the parliamentary committees, the members of parliament, as well as the president of the republic can initiate a bill (Act XX of 1949, article

25). CSOs may intervene in different phases of the legislation process, but the most institutionalised method of intervention is for them to comment on a draft bill. CSOs have two ways to comment on bills: on the level of the ministries and in the committee phase. As it is mandatory to publish draft bills on the websites of the ministries, anyone can comment on the bills, not only CSOs; and if the given ministry ignores a civil comment, it has to explain why that recommendation does not appear in the final text of the draft law. In the committee phase, it is not compulsory for the parliamentary committees to involve CSOs. Additionally, the committees' self-regulations are different, and they determine to what extent they consider consultations with civil society important (Kalas 2007, 24). As a general rule, it is the CSOs who make connections with parliamentary committees, especially if they have previously established good connections with either the committee as such or a particular member of the committee. The frequency of contact depends on the topic and the committee, and on whether the bill has to be accepted quickly or not.

Civil society expert Éva Kuti highlights that the consultation between CSOs and the legislature depends mainly on whether the "state participants are willing to see the civils as partners" (2008, 31). Thus, depending on the ministries' openness, the range of relations between CSOs and the state varies from mere commenting to delegating the decision from the state to the CSOs (Kuti 2008, 31). Kuti presented that the government enjoys contact and information exchange with CSOs, as well as their social participation and non-profit contribution; both the government and CSOs benefit from common tenders, the tasks delegated to CSOs, and the foundation of NPOs; and CSOs benefit from the state subsidies granted by the government. Kuti argues that the consultation mechanism has improved a lot, which is shown by the fact that there are plenty of "national, regional and local cooperative fora" (2008, 31).

CSOs can opt for other means of participation in the legislation process: basically anyone can submit an initiative to the Election Committee, and if he or she collects 200,000 signatures validated by the Election Committee, the parliament must accept

the referendum (OVB, n.d.). This means of influencing the legislation process is open to anyone, and some CSOs do use this opportunity to exert pressure on the legislature by the threat of a possible referendum.

There is a website, namely www.jogalkotas.hu (legislation.hu), which collects all bills from all ministries, and has publicised regular reports on the legislation of ministries since January 2006 (Kalas 2007, 42). The website reveals clearly how some ministries do not comply with Act XC of 2005: they do not publicise some of their draft bills, withhold some information of public interest, fail to provide background material and deadlines and the comments of CSOs are simply missing (Kalas 2007, 42). The last report available on jogalkotas.hu covers the January–August 2009 period, and states that the Ministry of Finance does not comply with the regulation stipulated in the Act on the Freedom of Information at all.⁵⁹ None of the ministries explain why they reject some comments made by CSOs and, in most of the cases, the ministries do not provide CSOs with the 15 days deadline, as there was an alleged need for rapid adoption with as many as 76% of the bills (NOSZA 2009). Other reports published since the act came into effect reveal that ‘law-abiding behaviour’ was not amongst the strengths of most ministries, as most of them failed to comply with both publications requirements and deadlines.

3. European Issues Consultation

With Hungary’s accession to the European Union (EU) in 2004, CSOs expected an increase in the number of consultations with state offices: without partnership and cooperation, the country would not be able to withdraw funds from the EU (2004). But Hungarian CSOs have been fairly unsuccessful in gaining funds from the EU’s operative programmes. The NGOs for the Publicity of the National Development Plan (Civilek a Nemzeti Fejlesztési Terv Nyilvánosságáért, NPNDP) issued a report on public consultations in the 2004–2008 period, which defined the strategic goals of the country for the “efficient use of EU funds,” and asserted that “the level and quality of public participation is far from being satisfactory” (NPNDP 2008). The report also lists

59. COs do not only monitor the ministries’ compliance, but that of the committees as well. The Standing Orders of the Parliament stipulate that the minutes of public committee sessions must be published on the website of Parliament (article 78, section 3). HCLU regularly investigates the committees’ compliance with this rule (the reports are accessible on jogalkotas.hu website).

the reasons, including the fact that the schedule, the documents, and the methods of consultation have been modified several times; the participants of the consultations were only warned about the changes at the last minute, “thus they did not really have a chance to prepare for and adjust to these changes” (NDNDP 2008). The process of public consultation was not transparent at all, but the authors note that in the summers of 2005 and 2006 there were several consultations where CSOs could share their opinions (NDNDP 2008). Some CSOs verified that they had been able to influence the National Development Plan (Benedek and Scsaurszki 2008, 36).

To have a vague impression of CSO activities since Hungary’s accession to the European Union, we conducted a small (N=11), non-representative research to map what changes CSOs experienced after 2004⁶⁰. Additional questions covered whether they participate in the legislation process and, if so, how; if they pay special attention to EU-matters; and what types of actions they take. In order to select the CSOs to be interviewed, we used Parliament’s ‘lobby list’ and, when it was possible, we interviewed a national organisation. The eleven CSOs cover nearly all European issues.

As a result one may conclude that the majority of the respondent CSOs did not feel any changes after the accession, either because they have already been in a good position in the legislation process by previously-established connections; or because they could not really enhance their interests before 2004. Concerning their participation in the legislative process, the overwhelming majority use all accessible forms of participation (commenting on bills; participation in roundtable talks, fora and parliamentary committees; creating expert documents; and other means of lobbying, for instance contacting members of parliament directly). The majority are active in EU-matters, especially when it comes to national legislation. They use public statements to gain the support of the citizens, but the most important actors in enhancing their

60. List of interviewed CSOs: [Children’ and Youth’ Rights Foundation], Mária Kóta, president; Compass, Lászlóné Tanai, account; [Financial Entrepreneurs’ National Association], Péter Lévai, system specialist; Hungarian Civil Liberties Union, Balázs Dénes, president; Hungarian Fish Producers’ Association, Hajnalka Schmidtné Vizi, head of secretary; Hungarian Industrial Association, Judit Palaga, head of secretary; MONA, Lídia Balogh, program leader; National Association of Hungarian Artists, Ibolya Laczkó, secretary ; National Association of Hungarian Trade Unions, István Benkő, expert; National Society of Conservationists, Teodóra Dönsz, teamleader; [Senior Employment Association], János Vadász, president.

interests are public officials. Less than the half of the CSOs organise or participate in protests. Only one CO mentions the use of judicial action against the state apparatus. There are several national councils participating in the national legislation process which must involve CSOs representatives, but the chair is usually a public official. The different councils' operational rules are stipulated in various laws and decrees; some of the councils work together with the ministries, others work directly with Parliament. These councils function as advisory bodies, incorporated into the state apparatus. These councils are the government's consultative, opinion-giving, proposing entities. Membership is generally made up of the representatives of ministries (usually one from every ministry) and CSOs, and it usually organizes sessions every quarter of the year. Further details on their functioning are stipulated in the acts or decrees regulating them. The civil participation in these councils is granted, as most of the national councils have several members delegated by CSOs where they discuss issues tackling their fields.

4. Conclusion

Since 2004, the government has expressed its willingness to improve cooperation with civil society in several legal documents. The milestone was the Act on Freedom of Information, despite its shortcomings. CSOs can keep an eye on the draft bills, although their comments are not binding for the ministries, nor are ministries sanctioned if they do not comply with their obligations stipulated in the law. The government – realising the importance of CSOs – published a decree stating that every two years ministries must develop action plans for how they will proceed with consultations with civil society. Despite the governmental decree, ministries' compliance is not satisfactory. They do not provide enough time for CSOs to prepare a comment on draft bills, as most of the bills are submitted for "rapid adoption". However, the success of CSOs seems to depend on the 'openness' of public officials, as several authors have noted.

However, most active CSOs 'make their voices heard' at every possible fora in order to enforce their interests using several types of lobbying. A research of their success is yet to come, but their devotedness is promising.

The government seems to be willing to provide the representatives of civil society with more frequent consultations, but ministries and public officials ignore the top-down initiatives. Ministries and parliamentary committees still decide on their own authority whether they want to involve CSOs in the legislation process and, if so, in what ways and to what extent.

1. Introduction

The state and civil society relations in Ireland have been redefined in the late 2000s with the introduction of the concept of “active citizenship.” In April 2006, *The Taskforce on Active Citizenship* was appointed by the Taoiseach, Mr. Bertie Ahern T.D. Its main duties included:

- Considering the extent to which people in Ireland play an active role as members of their communities and society;
- Identifying factors affecting the level and nature of active citizenship in different areas of Irish life;
- Suggesting ways in which people can be encouraged and supported to play an active role.

The Taskforce immediately began its activities and embarked on a major public consultation process between July and October 2006. The Taskforce received many submissions indicating barriers to active citizenship and civic participation, and the ways to remedy these problems. Based on the feedback from the public, voluntary organizations, philanthropists, trade unions, and religious, cultural and business groups, the Taskforce made a series of suggestions to individuals, groups/organizations, individual businesses and the media on participation in active citizenship and also made a number of recommendations to the Government identifying specific policy interventions to facilitate, encourage and support active citizenship. Regarding public policy, the Taskforce’s recommendations to Government focused on five key themes echoing the issues raised by the feedback from the interested parties:

- Participation in the Democratic Process;
- The Public Service and Citizens;
- Community Engagement and promoting a Sense of Community;

- Education for Citizenship;
- Ethnic and Cultural Diversity and the Challenge of Engaging Newcomers.

2. Formal Framework for Civil Society Consultation

In its Report to Government in March, 2007, the Taskforce set out its vision of what it means to be an active citizen in 21st-century Ireland and how, through support and encouragement, the numbers of participants in active citizenship and civic engagement can be increased in measurable terms. The Government agreed, in principle, with the recommendations of the Taskforce. As a first step, an Office of Active Citizenship was established on a non-statutory basis within the Department of the Taoiseach – as a cross-departmental team with staff co-located from relevant Departments, as well as appropriate external expertise and support – to assist the management of the implementation of these recommendations. Also, a Steering Group was appointed to oversee progress on active citizenship over the following three years.

Following Government's agreement, in principle, to the Taskforce's recommendations, various Governmental departments considered their implications vis-à-vis their own strategic plans, agendas, timeframes and resources. A number of the recommendations are reflected in the Agreed Programme for Government, June 2007. In the area of public services, the *Government Statement on Transforming Public Services*, launched in November 2008, adopted the recommendations of the Report of the Taskforce on the Public Service. A three year framework was set with the ambitious goal of transforming the Public Service. The Taskforce's report, entitled *Citizen Centred-Performance Focused*, also endorsed the core message of the OECD Review of the Public Service.

Putting the citizen first was at the heart of the *Government Statement on Transforming Public Service*, which stated that the citizen rather than the provider must be at the heart of the planning and delivery of public services. The Government expressed its commitment to reaching out to citizens in a variety of new ways, to get their input on policy-making and on the design and preferred means of delivery of the ser-

vices of most importance to them. In this statement, the Government also pledged that it would take citizen engagement in policy and service delivery issues beyond the conventional communication mechanisms used by the Government in the past, such as public consultation and citizen participation. These new mechanisms would include additional information and participation channels for increasingly informed, active and engaged citizens. This would require greater collaboration across government agencies to deliver exceptional service to end users. The overall objective was to engage citizens in a dialogue and receive their suggestions, comments and criticisms regarding the services provided and also their thoughts about the services they would like to receive from their Government. This is described as the most important step in order to move from a system of “organizations that provide services” to one of “services provided by or on behalf of organizations”. Empowerment of the citizen and public servants could only be possible if performance-related information was collected, shared and published regularly.

In today’s society, governments are making great use of technology with respect to the promotion of citizen engagement and participation, in particular through e-Inclusion initiatives. The Information Society Policy Unit (ISPU) within the Department of the Taoiseach is responsible for developing, co-coordinating and driving the implementation of the Information Society agenda with the goal of turning Ireland into a fully participative, competitive, knowledge-based Information Society. The ISPU also has full responsibility for developing the potential of E-government; that is, the online delivery of public services to the customer. In fact, the Unit’s goal of having all key public services capable of electronic delivery available online through a single point of contact by 2005 was relatively successful. To this end, the [Public Services Broker](#) model was developed as a single point of contact for accessing all public services on a twenty four-hour basis. The evidence showed that the greater utilization of e-government reinforced the drive for integrated service delivery and collaboration between different organizations and sectors. A number of e-government projects and citizen-centred initiatives in the Health, Local Government, Education and other sectors were developed with regular reports to Government on its implementation.

Another major finding of the Taskforce's report was the presence of a democratic deficit at local level: *"the perceived distance between the citizen and local authority was too great – particularly but not exclusively in urban areas."* The report put a heavy emphasis on the relationship between the local government and the citizen, and suggested novel forms of engagement to help address the disconnection identified by the Taskforce. To this end, *The Green Paper on Local Government, Stronger Local Democracy – Options for Change* was published in 2008 presenting a set of options for a more transparent and more responsive system of local government through strengthened local and democratic leadership. The Green Paper also recommended the use of such measures as participatory budgeting, local plebiscites, petition rights and town hall meetings. Along with the initiatives seeking to strengthen the local government, there were initiatives to encourage philanthropy. To this end, the *Forum on Philanthropy* was established by the Government to deepen and strengthen a culture of philanthropy in Ireland.

The Taskforce recommended the strengthening of the County/City Community and Voluntary Fora in each local authority, along with their organization on the basis of local electoral areas, and these were renamed the Civic Fora. Most importantly, public agencies at local level were required to consult the Civic Fora in developing and implementing their policies at local level. The inclusion of the representatives of the Civic Fora in all Local Authority Area Committees was made obligatory according to the guidelines issued by the Department of the Environment, Heritage & Local Government, for the purpose of community development and also to contribute to the work of the County/City Development Board.

In the course of its work, the Taskforce has found an urgent need for more analysis and research on civic engagement in Ireland. This would contribute to a better monitoring of progress and trends, allowing more policies to be developed and refined. Ireland's participation in the 2009 International Association for the Evaluation of Educational Achievement (IEA) Civic Study was deemed necessary for this purpose.

The Taskforce also recommended the creation of a National Observatory on Active Citizenship to act as a focal point for such research. This would draw together key

research findings, statistical trends, new indicators, qualitative research and community-based action research – locally, nationally and internationally, including the EU.

There has been a very developed set of interactions between the Government and social partners in Ireland through social partnership agreements. The Irish model of social partnership stands apart from continental neo-corporatism and traditional tripartite agreements. It also stands in stark contrast to the British model. It is based on a shared understanding of social partners and is designed to reach a consensus on key mechanisms and relationships in any given policy area. Thus, we cannot easily categorize them as protest-oriented or lobby-oriented. Some of them, however, are actively campaigning and could be classified as protest-oriented organizations, such as the Irish National Organization of the Unemployed (INOUE) and Social Justice Ireland. The Irish Creamery Milk Suppliers Association (ICMA) also considers itself a powerful lobbying force protecting the interests of Irish dairy farmers. It is also important to note that the majority of these networks are highly active in Brussels, lobbying EU institutions.

3. European Issues Consultation

The experience of the 2008 Lisbon referendum campaign is revealing with regards to the health of civil society and shows how a potentially beneficial and interdependent relationship between state and society can be diluted into a weak and dependent one. At least some of the discourse in the Lisbon referendum points to the presence of an active and independent civil society that was strong enough to provide an effective counter discourse to the established and mainstream body politic.

However, on closer inspection, it appears that the only civil society groups with active campaigning positions in the Lisbon referendum were those who were against the Treaty. These were groups independent of the state and without a structured relationship with it in terms of funding or service-delivery contracts. Conversely, civil society organisations dependent on state funding appeared not to want, or felt unable, to participate directly in this key campaign. While some groups like EAPN Ireland and CORI led strong information campaigns, on the whole civil society groups in struc-

tured policy or funding relationships with the state stayed silent on Lisbon. This implies that some civil society organisations feel implicit or explicit restrictions on their freedom to take political positions in national debate. This reflects a tradition in Irish civil society where groups are careful not to align themselves to political parties, a tradition related back to the tendency of the populist Fianna Fáil to co-opt civil society.

The influence these civil society networks exert regarding European issues on national governments is largely determined by the resources, staff, members, experience and expertise they possess. For instance, the Irish Business and Employers Confederation (IBEC) and the Irish Farmers Association are among the largest associations, with thousands of members, staff and vast financial resources; whereas the Consumers' Association of Ireland is relatively understaffed and underresourced compared to the larger networks. The relative inability of these "social" organizations to exert influence on the direction of public policy was in fact institutionalized by the lack of their full social partner status in the social partnership agreements. They have also been excluded from the formal negotiation process for the national agreements (O'Donnell and Thomas 1998).

The most important national civil society networks or platforms involved in European issues are:

- The Irish Creamery Milk Suppliers Association (ICMSA)
- The Consumers' Association of Ireland (CAI) (<http://www.thecai.ie/index.php>)
- The Irish Business and Employers' Confederation (IBEC)
- Volunteer Centres Ireland (VCI) (<http://www.volunteer.ie/index.php>)
- The Irish Farmers' Association (<http://www.ifa.ie>)
- The Irish Congress of Trade Unions (ICTU)
- The Irish National Organization of the Unemployed (INOUE)
- Social Justice Ireland (<http://www.socialjustice.ie>)
- The National Women's Council of Ireland (NCWI) (<http://www.nwci.ie>)

- The Irish Cattle and Sheep Farmers' Association (ICSA) (<http://www.icsaireland.com/index.asp>)

4. Conclusion

The corporatist social partnership structure that was developed during times of economic hardship in the 1980s and 1990s still exists in Ireland. The state exercises a lot of influence over the ways that civil society constitutes and organises itself, the goals it pursues and the means through which it pursues them.

Irish political culture traditionally promotes a non-ideological approach to political debate where political decisions about redistribution are reduced to technical statistical debates, and where the dominant macro-discourse revolves around competitiveness and employment growth. This discourse happens largely in exclusive spaces away from the public ear. A change in strategy is required to move debate outside closed policy forums or social partnership processes and into more public realms.

1. Introduction

Civil society consultation in Italy is undergoing a process of renewal, but is still characterized by a strong bias towards the economic sphere, in a context of traditionally adversarial industrial relations. The central institution in the system is the *National Council for Economy and Work* (CNEL): a consultative organ that gathers together representatives of labour, business, professions and, recently, the third sector. While Parliament and the Presidency of the Government are legally allowed to consult experts outside national bureaucracy, this typically happens on the basis of individual expertise, and not of a deliberative logic. Nonetheless, more and more often individual ministries are activating projects, networks and tables to include organized civil society in the decision-making process.

2. Formal Framework for Civil Society Consultation

As far as institutionalized practices are concerned, the *parti sociali* (social partners)⁶¹ and the CSOs are not meant to enter the decision-making process directly, but they may obtain access in the following ways:

- When, instead of a civil servant, a member of a social or civil organization is appointed on the basis of his personal expertise as a consultant or as a member of a study, research or consultancy committee called by the Prime Minister on the basis of Art.29 of L.400/1988 on governmental activities;
- When a member of a CSO is called, on the basis of his individual knowledge and expertise, to present before a parliamentary commission that has activated, with the consent of the President of the relative Chamber, a *cognitive inquiry* to acquire the news, information and documents necessary for their

61. The Italian expression *parti sociali* is not straightforward to render in English. We adopt here the conventional translation 'social partners', which however introduces an element of partnership and common purpose that does not feature in the original meaning. Therefore, 'partner' should be read here as 'side', 'counterpart', 'interlocutor'.

activities (Chamber of the Deputies, internal regulation, art. 144 and Senate of the Republic, internal regulation, art. 48). Taken to the letter, the norm relative to the Senate emphasizes the role of these individuals as representatives of private bodies and interest organizations, broadly conceived;

- When at least 50,000 citizens exercise a right of legislative initiative on the basis of art. 71 of the Constitution and the Senate decide to call a representative of the proponents designated by the first ten subscribers of the project (Senate of the Republic, internal regulation, art. 74);
- Most often from inside the CNEL, when:
 - it is asked to produce an opinion or to conduct a study or an inquiry by the President of the Chambers, upon request of the Assembly or a parliamentary commission or by the President of the Senate, only upon request of a commission;
 - it is allowed to send some of its members, competent on the subject under discussion, to attend the sessions of a commission of the Senate engaged in a *cognitive inquiry* (Chamber of the Deputies, internal regulation, art. 147 and 147 and Senate of the Republic, internal regulation, art. 49).

From this brief outline, it is evident that the participation of stakeholders in the core of the decision-making process is rather indirect and, given the very rare recourse to popular legislative initiative and the preference given to academic experts by the Government and the Parliament, the main locus of inclusion is the CNEL, whose history and functions are treated in the next section.

The Ministry of Labour and Social Policies is one of the ministries most involved with organized civil society and it has activated a whole set of consultative committees and observatories, under the presidency of the Minister, with a seat for representatives of the third sector and non-profit organizations.

The *National Observatory on Voluntary work* was established in 1991 and is composed of experts and representatives of the trade unions as well as of the organizations and

federations that operate in the sector. An equivalent observatory dedicated to Social Associative activities was established in 2000. In the respective sectors, the two Observatories adopt the projects proposed by the associations and promote exchanges of best practices and cooperation between them; they produce information on their activities, also publishing a periodical bulletin; and they assist the Ministry in the management of the *National Registry of Associations*. They also promote studies and research, and produce a biennial report on the trends of their respective sectors and on the state of implementation of the European, national and regional normative. Lastly, take care of learning activities and of the IT upgrade of the operators, organizing a national conference on the topic every 3 years.

The *National Consultative Committee on alcohol and alcohol-related problems* was established in 2001 and contributes to the drafting of an annual report to Parliament on these topics, formulates opinions and proposals for the competent Ministers and subnational governments, and collaborates with international organizations.

The *Consultative Committee for the problems of migrants and their families*, established in 2007, was created in order to promote an exchange between actors operating in a multi-ethnic and multinational context and to monitor migration policies and elaborate proposals to improve the Italian model of integration. It is composed of 72 representatives from Italian and foreign organizations active in the field of immigration, trade unions, business associations, local governments, the CNEL, experts, religious confessions and second generation migrants.

The *National Centre of documentation and analysis for infancy and adolescence* established a national project in cooperation with the National Coordination of Fostering Services entitled "A pathway into child fostering" to map the operators, improve their cooperation, facilitate the exchange of best practices, and to encourage families to foster children.

The *Inquiry Commission on Social Exclusion* is a body of experts established in 2000, which has a seat for *Caritas*, the pastoral organism of the Italian Episcopal Conference. The Commission carries out research and data-gathering on the topic, produces an-

nual reports, documents and evaluations for the government, and acts as the Italian referent for similar initiatives at the EU level.

The Ministry of Foreign Affairs has a broad program of cooperation for development which is managed by NGOs, and it has consolidated its relations with the three main umbrella organizations: the catholic *FOCSIV*, the *COCIS* and the *CIPSI*. It also collaborates with the *Italian Coordination of International Networks*, established by global players such as *ActionAid International*, *Save the Children*, and *WWF*. In the field of international aid, the Ministry also interacts with the most influential associations among Italian NGOs, such as *Link 2007* and the *Italian Agency for Reaction to Emergencies (AGIRE)*.

The Ministry of Economic Development hosts the *National Council of Users and Consumers (CNCU)*, established in 1998. The Council is established under the presidency of the minister for a three-year term; it includes the representatives of the consumer associations recognized by the D. Lgs. 206/2005 and one representative of the *Board between the State and the Municipalities*. The CNCU is organized in workgroups on the following issues: commerce, prices and E-commerce, transportation and security, credit, insurance, food and goods security, health, local, regional and European policies, corporate social responsibility, access to justice, arbitrates and network services. It convenes monthly and provides opinions on the Parliament's and government's draft bills. It has the right to access national institutions and other organizations in order to carry out research on the topics for which it is competent. Finally, it can sign agreements with organs, firms and associations to improve consumers' protection and awareness.

The Ministry of Infrastructure established a *National Sea-Technology Platform (PTNM)*, composed of public bodies and naval business organizations, to consolidate the research-industry network and develop a strategic agenda for research, also in connection with the initiative Industry 2015.

Other commissions have been established by the Ministry of Health. The *Commission for the protection of animals for breeding and slaughter* was established in 2007 with

a 3-year term. It is composed of civil servants, experts and representatives of a number of CSOs such as the *League against Vivisection* (LAV), and it monitors farms and slaughterhouses on a regional basis and presents new proposals for technical norms. The *Consultative Committee against AIDS*, established in 2007, advances opinions and proposals in the fight against AIDS, with particular reference to educative, informative and ethical questions, and also to assistance and prevention. It includes a substantial number of CSOs dedicated to the fight against AIDS and drug abuse. External experts and members of private and public organizations may be invited to participate in the work of the assembly. The *Consultative Committee on Neuromuscular Diseases* includes technical experts from the Ministry, non-profit organizations active in the field of care and assistance, and associations constituted among people with disabilities as well as among their relatives. It acquires information on the quality of assistance in different areas of the country and finds solutions to the problems revealed. Moreover, it provides suggestions for the development of proper and efficient assistance initiatives, suggesting priorities for research and technological developments and promoting the establishment of registries for neuromuscular pathologies.

2.1 Other committees, networks and projects involving CSOs

Less involved with the decision making process, but very active in the field of implementation, monitoring and evaluation, is a more diverse and fragmented galaxy of bodies set up to support and improve the normal activity of the executive. What follows is a thorough, but inevitably more exemplificative than exhaustive, examination of the most recent or notable initiatives.

In 2005, the Ministry of Agricultural and Forest Policies and the *Board of the State and the Regions* established a specific round table for the preparation of the *Strategic National Plan for Rural Development 2007-2013*, approved by the European Commission in 2007. The goal of the round table was to gather the contributions of the sections involved and to monitor the stages of development of the technical documents before the approval of the Plan. The round table was composed of the representatives of the regions, the professional organizations, the cooperatives, and environmental

organizations, and was supported by members of technical bodies of the State. The activities of the round table have been carried out through the organization of seminars and workgroups and the presentation of reports, and they have been aimed at the critical evaluation of the previous Plan and at the exchange of best practices for the use of European funds.

Following a similar pattern, the introduction of the *National Operative Plan for Research* by the Ministry of University and Research gave birth to a dedicated *Committee of Surveillance*. First established in 2000 and then renewed in 2007, the committee is a round table composed of representatives of the Ministry and other national and regional administrations, the European Commission and the social partners. It is commissioned to follow the implementation and management of the NOP, to monitor its quality and efficiency and to propose improvements and solutions. It convenes twice a year and takes decisions by consensus.

The Department for Equal Opportunities of the Prime Minister's Office has promoted a project entitled *Participation of Fathers in Family life and Responsibilities*. Within the framework of the European Charter of Fundamental Rights, the project is aimed at introducing more opportunities for family-work reconciliation and includes in its network employers' associations and local governments. It also established a registry (UNAR) of the associations whose objective is the fight against discrimination in the workplace, in order to improve the coordination among them.

The use of the internet for public consultation is not fully developed yet, however in 2009 the Ministry of Public Administration and Innovation launched on the internet an open consultation for citizens, firms and associations to report experiences of bureaucratic mismanagement and propose possible solutions or suggestions for administrative simplification.⁶²

The *National Agency for the Young*, established by the Ministry of Youth, follows five lines of action. One of these is aimed at supporting European cooperation in the field of youth. It operates by ensuring a structured dialogue between the young, youth

62. <http://www.magellanopa.it/semplificare/consultazione.asp>

organizations and political associations; putting on seminars dedicated to the young; and by building networks, promoting international and political cooperation in the field, and by offering financial support to third party initiatives.

A joint initiative between the Ministry of Youth and the Ministry of Internal Affairs resulted in the establishment of the *Consultative Committee of the Young for Religious and Cultural Pluralism* in 2006. The Committee is composed of young people from different cultures and faiths. It provides studies and proposals to better understand and address the problems of cultural and religious integration, in order to build an Italian model of integration.

Out of a similar initiative a *Committee on Italian Islam* was instituted in February 2010 to improve the social integration of Muslim communities. It is composed of 19 members of different nationalities, selected from experts on religion, religious law and Islamic culture, journalists, writers and representatives of Islamic communities and organizations in Italy. The Committee provides opinions, ideas and proposals to analyse in depth substantial policy issues and agree on a core of shared values and rights.

In 2009, the Ministry of Economic Development has established a task force of more than 150 round tables to cope with the impact of the economic crisis on single enterprises and industrial sectors. These roundtables include all the stakeholders: business, labour associations and local institutions. At the end of October 2009 an *Observatory on Industrial Crises* was instituted in order to monitor economic trends and their impact on employment and local economies so that a strategy for prompt response could be coordinated.

3. European Issues Consultation

CSOs involved in the CNEL have an opportunity to advise the government on the preparation of national and strategic reports on a variety of European issues related to the Lisbon Strategy and to the various policy domains under the Open Method of Coordination. The CNEL's broad range of competences gives CSOs a voice on issues

beyond their usual immediate concerns, enabling them to challenge the prevailing cognitive framework and discourse and enrich the final decision.

True, the CNEL is not the only gatekeeper between CSOs and the policy makers. Before the most important European deadlines and before proposing ambitious reforms, the government and each single Ministry tend to appoint their own special commissions and working groups. Furthermore, institutions such as the *National Council of Users and Consumers* may have a more direct connection with the demands of civil society, beyond the definition and evaluation of economic policies and institutional reforms, which are a traditional priority of the CNEL.

At the same time, for CSOs and their networks, the stable inclusion in an organ which is set forth by the Constitution represents a guarantee of the continuity and the institutionalization of consultation procedures, averting the risk of purely cosmetic and discontinuous contacts between organized civil society and the policy makers.

Up to now, the focus on voluntary work and social promotion may have left behind organizations and movements dedicated to post-materialist issues, such as gender equality, gay rights, pacifism, the protection of the environment and the like. While these associations may turn to other channels of inclusion, their more active participation in the works of the CNEL should be seen among the most desirable developments of civil and social consultation in Italy.

With regard to European issues, while social and civil dialogue takes place in the definition of some National Programs, the major commitments of the national government, such as the NRP for the Lisbon Agenda, do not see a substantial involvement of the CNEL. Even if the active participation of the 'minorities' is promoted in a variety of respects (gender, age, health, ethnicity, religion, unemployment) the logic is still heavily top down. A way out towards a more sincerely inclusive and deliberative approach, reaching out for the most critical issues raised by CSOs on the government's agenda, is not easy to envisage.

4. Conclusion

Civil and social consultation in Italy is traditionally devoted to channelling information and technical expertise towards the locus of political decisions, as it is the case for the CNEL, without challenging its role. At best, it involves the outsourcing of some governmental activities, rather than answering to concerns of input and output legitimacy. More generally, conventional consultation procedures follow a *Statist* model of civil society, where associations are mainly seen as contributing to national and international 'solidarity' and the main emphasis is on 'social' rather than 'civil' dialogue.

1. Introduction

The understanding of the role of CSOs since Latvia regained independence has changed considerably among both the decision-makers and the organisations themselves. In 2004 the Law on Associations and Foundations was approved, which facilitated the creation and work of the organisations. In 2005 the Guidelines on Strengthening the Civil Society (2005-2014) were adopted by the Cabinet of Ministers. Also, several state institutions have been working in the field: the Secretariat of the minister of special assignments on integration affairs, the Society Integration Fund, and as others that have provided their support to the NGOs. In 2008, the Programme for Strengthening the Civil Society (2008-2012) was adopted by the Cabinet of Ministers.

2. Formal Framework for Civil Society Consultation

There are several procedures which have been developed to consult civil society in Latvia, especially during the last few years:

2.1 Cooperation Memorandum between NGOs and the Cabinet of Ministers

The Cooperation Memorandum has been developed with the aim of facilitating the operation of an efficient public administration system that meets the interests of society by ensuring the involvement of civil society in the decision-making process. The current wording includes proposals of NGOs, as well as suggestions and editorial changes by the State Chancellery. The Memorandum was signed on June 15, 2005 by the authorized representative of the Government, Prime Minister Aigars Kalvītis, and representatives of 57 NGOs.⁶³ Currently there are 211 NGOs that have signed the memorandum.

The Council for the Implementation of the Cooperation Memorandum between Non-governmental Organizations and the Cabinet of Ministers is a consultative body, and

63. <http://www.mk.gov.lv/en/sabiedribas-lidzdaliba/sadarbibas-memorands/?lang=1>

its operation is determined by the Regulations of the Cabinet of Ministers "Rules of the Council for the Implementation of the Cooperation Memorandum between Non-governmental Organizations and the Cabinet of Ministers", adopted on January 10, 2006.

The aim of the Council is to promote the implementation of the objectives and principles of the Cooperation Memorandum between Non-governmental Organizations and the Cabinet of Ministers in public administration, and to facilitate the operation of an efficient public administration system that meets the interests of society by ensuring involvement of civil society in the decision-making process at all levels and stages in public administration, thus promoting the development of civil society. The Council includes the Director of the State Chancellery, a representative of the Prime Minister's Bureau, the State Secretaries of ministries, as well as seven authorized representatives from non-governmental organizations that have signed the Memorandum. The Council is headed by the Director of the State Chancellery.

On February 23, 2010, changes to the Rules of Procedure of the Cabinet of Ministers were adopted, which stated that a representative from the Council for the Implementation of the Cooperation Memorandum between NGOs and the Cabinet of Ministers would be able to participate with advisory rights in meetings of the State Secretaries and meetings of the Committee of the Cabinet of Ministers.

2.2 Public involvement in the decision-making process

Civil society has various opportunities to take part in the decision-making process.. These actions can be taken either at the level of the at the line ministry responsible for or through meeting the State Secretaries, the Committee of the Cabinet of Ministers or even the Cabinet of Ministers. There are also several steps taken to promote the transparency of the decision-making process:

In most of the ministries consultative councils have been set up which participate continuously in the development of draft legal acts and policy planning documents, and give their opinions on them; e.g. the Consultative council on Latvian Tourism, the

Consultative council on Youth affairs, the Consultative council on Environment, and the Consultative council on Development Co-operation;

It is possible to be involved in working groups which develop draft policy-planning documents or legislative acts. A list of the working groups, created by a decree of the Prime minister, is available on the website of the State Chancellery;

The NGOs can submit proposals or opinions about draft legal acts in any stage of the decision making process. The agendas of the meetings of the State Secretaries, the Committee of the Cabinet of Ministers and the Cabinet of Ministers are available on the website of the State Chancellery;

NGOs can participate in the meetings of State Secretaries and the meetings of the Committee of the Cabinet of Ministers and publicly express their opinion. It should be mentioned also that the meetings of the Cabinet of Ministers have been open to participation from society since 2002 and that every member of civil society can participate in the meetings;

If a civil society member wants to follow the debate of the Committee of the Cabinet of Ministers or the Cabinet of Ministers after the meeting has taken place, s/he can ask the State Chancellery for an audio version of the meeting which is available at the premises of the State Chancellery or on the internet;

In each of the ministries there is a specific person assigned to cooperate with the NGOs. A full list of these persons is available on the website of the State Chancellery;

The civil society can access three databases (a database on the state institutions, a database on policy-planning documents, and a database on the research ordered by state institutions) on the website of the State Chancellery. Civil society can also follow the procedure of decision-making on legislation projects or policy-planning documents on this website.

2.3 Public involvement in the development-planning process

On August 25, 2009 the Cabinet of Ministers adopted Regulations on the participation of civil society in the process of development planning. These Regulations set out how civil society should be involved in order to promote wider participation in the decision-making process of state institutions and municipalities, as well as to develop the quality of the decisions taken and their relevance to the interests and needs of society. The Regulations state forms of involvement and the way these different forms – working groups, public participation and public consultations – should be organised and how the information about them should be provided, as well as the forms of how the results of these activities should be summarized.

It is important to mention that it is the responsibility of the institution to look for the target groups that might be affected by the development planning and to promote their participation. The Regulations provide an announcement form that includes information about the development-planning process and the possibilities of participation. It also states where these announcements have to be published (according to the target groups affected).⁶⁴ This procedure does not apply if there are other specific regulations in place, e.g. in the field of environment or construction.

2.4 The role of the internet

On March 6, 2007, regulations on the procedure of how institutions should provide information on the internet were adopted. The regulations specify that institutions must provide information about their co-operation with NGOs, as well as information about the working groups and councils which have been created and how one can participate in them on the internet.⁶⁵

Special attention is being paid most recently by the state institutions to social media and civil society involvement through the usage of the means provided by this new type of media. Increasingly, information is being published not only on the website of

64. <http://www.mk.gov.lv/lv/aktuali/zinas/2009gads/08/250809-Noteikta-sabiedribas-lidzdalibas-kartiba-attistibas-planosanas-procesa/>

65. Pilsoniskās sabiedrības stiprināšanas programma 2008.-2012.gadam, p.15.

a state institution, but also on different platforms of social media, e.g. Twitter, Flickr, Youtube etc.

On January 23, 2010 a Govcamp⁶⁶ (an informal conference on the opportunities of the usage of new media, technology and social platforms) was organised in Riga. More than 150 participants from state institutions and civil society took part. It should be mentioned that the conference was organised jointly by the state institutions and civil society. Several follow-up activities have already taken place and initiatives have been started in order to promote the usage of new media, new technologies and social media as a tool for public involvement.

3. European Issues Consultation

The Ministry of Foreign Affairs is an institution which coordinates European Union matters in Latvia is a co-ordination institution on the European Union matters in Latvia. Since January 1, 2010 it has also been responsible the public communication and information on European Union issues.

On February 3, 2009, regulations on the development, approval and representation of the national positions of the Republic of Latvia were adopted. These regulations state how the NGOs are involved in this process. When these regulations were developed, research into the involvement of NGOs in the EU decision-making process (2007) was taken into account.

The institution which is responsible for a particular issue that is on the agenda of the EU institution has to provide the municipal and social partners, associations and foundations with information once it starts to work on a national position and on the possibility of participation in its development process. This information has to be published on the website of the relevant institution.

If possible, the institution responsible has to create a working group involving municipal and social partners and NGOs. The institution must also inform its partners

66. www.govcamp.lv

of the results of the negotiations. Once the national position for revision has been submitted to the Cabinet of Ministers, the line ministry has to provide an information report which consists of the description of the issue, the state of the decision-making process in the European Union and Latvia's opinion of it. The report is published on the website of the State Chancellery.

The issues on the agenda of the European Union are discussed regularly at the meetings of the Senior Officials of European Union affairs. In these meetings, representatives from the Latvian Association of Local and Regional Governments, as well as the Employers' Confederation and the Free Trade Union Confederation of Latvia, which is represented by the secretariat of the National Tripartite council, can participate in the meetings with an advisory role. Every social partner, association or foundation can participate in the meetings when interested in any particular issues. Agendas of the meetings are published on the website of the Ministry of Foreign Affairs. In addition, they can propose for the meeting a discussion on a specific national position.⁶⁷

On February 11, 2010 a co-operation protocol was signed by the Ministry of Foreign Affairs and NGOs working with a specific focus on EU issues. The aim of the protocol is to promote co-operation in order to exchange information. In the framework of the protocol, meetings are organized to discuss topical issues. Any NGO can take part in these meetings.⁶⁸

3.1 Organisations most active in the field

Among the organisations that are most active in the field of European Union decision-making are:

- **Employers' Confederation of Latvia. The Employers' Confederation of Latvia (LDDK) is the biggest organization representing the interests of employers. LDDK acts as a partner in socioeconomic negotiations with Saeima (the Parliament of Latvia), the Cabinet of Ministers of the Re-**

67. <http://www.mfa.gov.lv/lv/eu/sadarbiba-ar-nvo/NVO-iesaiste-ES-lemumu-pienemsana/>

68. <http://www.mfa.gov.lv/lv/eu/sadarbiba-ar-nvo/AM-NVO-sadarbiba/>

public of Latvia and the Free Trade Union Confederation of Latvia. LDDK unites 42 branch and regional associations and federations that take a significant place in Latvian economics, as well as enterprises that employ over 50 people. The members of LDDK employ more than 35% of employees in Latvia.⁶⁹ LDDK is involved in different procedures of decision making at the national and European level including issues on finance, education, economy, social security, work security, health, employment etc.

- **Free Trade Union Confederation of Latvia (LBAS).** The Free Trade Union Confederation of Latvia (LBAS) is the biggest non-governmental organization in Latvia, which protects the interests of professional trade union members and employees on the branch and inter-branch level. The LBAS coordinates the cooperation between 21 independent Latvian trade unions, represents and protects the interests of its members in national and international institutions, and implements a joint working program. At present, the LBAS unites more than 15% of all Latvian workers in almost 2900 state, municipal and private enterprises. Together with the government and the Latvian Employers' Confederation, the LBAS works in the National Tripartite Cooperation Council. The LBAS participates in the elaboration of economic and social development programs; the evaluation of draft laws; in working groups concerned with the improvement of labour conditions, salaries, tariff policies, compulsory social insurance and social guaranties, and health care; as well as in employment, vocational education and lifelong learning.⁷⁰
- **Latvian Association of Local and Regional Government. The Latvian Association of Local and Regional Governments (LPS)** is an association unifying the local and regional governments of Latvia on a voluntary basis. In accordance with article 96 of the Law on Local Governments, the LPS has the authority to represent local and regional governments in negotiations with the Cabinet of Ministers as the LPS consists of **118** members - all the 9 major cities and all the 109 amalgamated municipalities (novads). The tasks of the LPS are: to develop opinions of the LPS in the policy of Latvian local governments according to proposals of local/regional governments, their associations and

69. <http://www.lddk.lv/index.php?lang=2>

70. http://www.lbas.lv/Eng/lbas_parlbas.php

unions; to facilitate co-operation among Latvian local/regional governments, their associations and unions; to provide local governments with information and required services; to organise training for local government deputies and employees; to facilitate the social protection of local government employees; to facilitate the establishment of enterprises for solving issues of common local government interest; to facilitate co-operation with local governments and their organizations abroad; to organize the establishment of a local government information processing system based on unified principles. The LPS has representatives in Brussels.⁷¹

- **European Movement – Latvia.** The European Movement in Latvia (EML) aims at the strengthening of EU awareness/information and participation in EU affairs on the one hand, and acts as a watch-dog on EU affairs for the decision makers on the other. Regular activities held are seminars, conferences, street actions, Europe week, the nomination of the European of the Year and other activities. The EML is working closely with several other NGOs and NGO networks and with EU related bodies in Latvia such as the Ministry of Foreign Affairs, the European Commission Representation in Latvia, the European Parliament Information Bureau in Latvia amongst others.⁷²

4. Conclusion

The practical participation of CSOs in formulating Latvia's national positions is determined by their experience of cooperation and their contacts with ministry officials, as well as the interest of the ministries in the process.

The political culture of civil society in Latvia is relatively trusting, tolerant and pro-democratic, but elitist. There is a relatively large number of CSOs covering a broad spectrum of issue areas. While most of these groups are small in terms of membership, many are quite professional and have some salaried staff. There are shortcomings concerning internal democracy. Most CSOs are perceived as relatively autonomous in relation to the state, but financial dependence on local governments is likely to

71. <http://www.lps.lv/Home/>

72. <http://www.eiropaskustiba.lv/en/contacts>

increase as foreign funding of CSOs has decreased since Latvia's entrance into the European Union in 2004.

A broad spectrum of CSOs has emerged since the breakdown of communist regimes, and vertical relations between different CSOs, as well as between these groups and state officials, are developing. However, the economic crisis has had a negative effect on Latvian civil society and further aggravated problems of funding which arose when the main foreign donors left Latvia following EU membership. Private donors in Latvia tend to focus on recreational NGOs like sports clubs and cultural organisations. This makes it very hard for advocacy NGOs to secure funding.

1. Introduction

Consultations with civil society are quite fragmentary in Lithuania and tend to have a declaratory and recommendatory tone⁷³.

Common objects for consultations are drafts of particular legal acts rather than general problems which need to be resolved. Therefore, instead of seeking alternatives or finding out what position various social groups would take regarding these alternatives, the consultation stage is used to seek consent for the legal acts which have been drafted.

In practice, consultations take place on the initiative of the public concerned. Governmental institutions limit themselves to implementing the legal obligation to publicize draft legal acts as much as with the appearance of giving civil society an opportunity to share its opinions; generally, however, these institutions are not actually interested in the opinions of society – although they are interested in the opportunity to stress that civil society or particular groups of interest have been consulted).

2. Formal Framework for Civil Society Consultation

The Statute of the Seimas (i.e. the Parliament of the Republic of Lithuania) prescribes that every citizen (individually or in a group), as much as any other kind of person concerned, has the opportunity to participate in the procedure of the consideration of draft legal acts. This opportunity is maintained by the rules and practice of disseminating the texts of draft legal acts and other relevant information: every draft legal act, the explanatory notes to every particular draft legal act and other relevant documents are promptly announced at the website of the Seimas (www.lrs.lt).

It should be mentioned that Article 126 of the Statute of the Seimas outlines the special procedure for the submission of drafts for public consideration. Draft legal acts

73. It should be stressed that petitions, which exist in Lithuania and play a specific role, are not being included as a form of consultations with civil society.

submitted for public consideration should be published in the press using State funds. However, in practice, this procedure has been largely ignored for some 10 years. This situation could be explained by stressing that the above-mentioned procedure was introduced and designed for pre-electronic society and governance, and that nowadays there is little reason to publicise any particular draft in the *Official gazette*. Today all draft legal acts are published on the Seimas website.

Article 54 of the Statute of the Seimas states that the committee may decide to organise special readings of the committee for preliminary discussion of a draft law and proposals and amendments submitted in regard to it when the committee carries out parliamentary scrutiny, as well as for the drawing up of draft conclusions concerning the issue under consideration. Experts, representatives of the interested institutions and societal groups, along with persons having the right of legislative initiative, participate in committee readings in which the proposals and amendments concerning the legal act under consideration are discussed. A schedule and agendas of the readings are publicly announced. Closed readings may be held, but only upon the particular decision of the committee or at the request of the committee chairman.

For particularly designed legislative procedures, articles 147–149 of the Statute of Seimas state that the principal committee must publish in the press, according to the procedure established by the Seimas Board, information regarding up to what time the committee shall await the proposals and remarks of interested persons and how to acquaint oneself with the text of the draft law. The principal committee must send the draft law to all interested State institutions and, if necessary, to public organisations, local governments, political parties and organisations, in order that the said institutions and organisations can send their evaluations. The Seimas Board or Assembly of Elders may establish to which institutions or persons the draft must be sent.

Following the expiration of the time limit for submitting remarks and proposals on a draft law, all of the remarks obtained from interested persons and experts may be deliberated in principal committee hearings, to which all those who have presented remarks and proposals shall be invited to participate. It is not possible to hold hear-

ings during draft law deliberations in the committee if there are only a small amount of amendments and remarks received, , in which case all the authors (including those from general society) of amendments and remarks shall be invited to attend the committee meeting in which the draft law is being deliberated.

It should be stressed that participation of the civil society representatives in the decision-making procedure at the Seimas is restricted to the stage of committee hearings and deliberations. There are no legal possibilities for the civil society representatives to participate (e.g. to express the position of some social groups) at the stage of plenary meetings.

The consultations of the Government (in a narrow sense) with civil society basically exist only in the form of opinions, notices and suggestions for draft legal acts of the Government. However, the recent economic crisis brought with it a new phenomenon for Lithuania in the year 2009: The National Agreement between the Government and representatives of particular social groups (employers, employees, investors, retirees, etc.) was signed after intensive consultations and debates that continued for some months. This Agreement⁷⁴ defines the main trends in fighting the economic crisis (*inter alia* the curtailment of state budget allocations for particular areas).

The law on Public Administration prescribes the general obligation to seek counsel on issues of administrative regulation. According to article 7 of the aforementioned law, entities of public administration must consult with organisations representing public interests in a particular field (associations, trade unions, public organisations and representatives of other NGOs) about administrative decisions related to general legitimate public interests and in cases provided for by laws - with residents or the groups thereof. The methods of consultation (meetings of the interested persons, polls, publicly announced meetings and other ways of finding out opinions) shall be chosen by an entity of public administration at its own discretion, unless the law provides otherwise.

74. http://www.lrvk.lt/bylos/Naujienos/Aktualijos/20091028_susitarimas.pdf

From the beginning of 2009, a new provision was introduced: it was prescribed that information on methods of consultation as well as on the participants and results of consultation shall be published on the website of the entity of public administration which prepared the draft legal act. Unfortunately no detailed legal regulation on this issue was presented and at the moment entities of public administration almost never publish such information.

According to item 13 of the Rules of Procedure of the Government of the Republic of Lithuania, the head of the institution (meaning, in practice, the minister) which is preparing the particular draft legal act may ask for the opinion of NGOs, social partners and other persons concerned. In practice such requests are quite rare. Requests addressed to the Tripartite Council of the Republic of Lithuania, however, are seen more frequently.

3. European Issues Consultation

Item 33.2.4 of the National Programme for the Implementation of the Lisbon Strategy in 2008–2010 states that “legal acts prescribe that the consultation of society and interest groups with regard to draft legal acts is a compulsory requirement.. However, there is a lack of minimal compulsory standards in the field: the principles for consultations are not prescribed, methods of consultation with society and groups of interest and the application of these methods are not determined clearly enough, the efficiency of the consultative process is not assessed, and the process of consultations and its results are not overt enough”.

In the field of European-related work, the Tripartite Council is not specifically active. It is mostly involved in such work through the evaluation of national draft legal acts as well as in the evaluation of other forms of the implementation of *acquis communautaire* at national level. Sometimes the Tripartite Council discusses EU draft legal acts or proposals on such acts and gives its observations to the Government or EU institutions (though usually it is not done officially, but through the members of the

Tripartite Council who are also at members of the European Economic and Social Committee).

On the 20th of December 2005 the Tripartite Council decided to approve the proposal of an initiative to establish a permanent Commission on European Economic and Social Affairs⁷⁵. Unfortunately, even now there is no such commission in the structure of the Tripartite Council. On the other hand, on the 23rd of March 2010 the Tripartite Council decided to approve the proposal to establish a Committee on the Collaboration between the Tripartite Council and the European Economic and Social Committee. The Committee has not yet been established, however.

Overall, there is a general lack of concern with regard to European issues if they are not aimed at solving specific problems in Lithuania. Lithuanian civil society networks or platforms focus more often on national issues, because they are the only watchdogs for national government. For example, when the Treaty establishing a Constitution for Europe and the Lisbon Treaty were considered in the national Parliament, civil society networks and platforms were highly inactive. However the Government and the Parliament were deaf even to those networks and platforms which were trying to criticize these treaties, and they were given no opportunity to present their argument publically.

4. Conclusion

In 2009 research⁷⁶ on the *quality of impact assessment for draft decisions* was carried out by the commission of the Ministry of Economy. This research covered some aspects of consultation with society and groups of interest. The main conclusions related to consultation are:

- Drafters and organisers of impact analysis do not tend to consult CSOs;
- The most popular method of consultation is formal letters/scripts. The second most popular method of consultation is phone calls;

75. <http://www.lrtt.lt/lt/apie-taryba/protokolai/pr88.html>

76. http://www.ukmin.lt/lt/strategija/studija/SPPV_konsult_tyrim_galut_atask.pdf

- Drafters do not tend to present CSOs with draft decisions and impact analysis in open meetings of the institution;
- Polls and other sociological researches are not frequently used;
- Drafters and organisers of impact analysis state no single conspicuous reason why consultations are so rare (lack of time is the most frequently cited reason);
- Consultations are rarely conducted before the preparation of draft decisions. Consultation is mostly carried out during the process of drafting the decision.;
- The duration of the consultation is normally from two weeks to one month;
- Most of the civil servants affirm that they consider the feedback from consultations when submitting draft decisions and impact assessments for approval and give their arguments both for and against the suggestions and remarks received during the consultation procedure. The majority say that consultations provide them with a deeper knowledge of the particular problem and how to deal with it.

1. Introduction

Luxembourg is one of those rare examples of a country where negotiation and dialogue, practiced for 60 years already and covering all the dimensions of economic and social activity, are the foundation of a stable social pact that has in turn brought about social progress, social justice and recognition of the importance of working conditions. This consensual style has sometimes been referred to as the 'Luxembourg model'. It has contributed to the stability and continuity of the country's economic and social policy. In Luxembourg, then, social dialogue and civil society participation are to be considered as two essential factors.

The Luxembourg political landscape is shaped by the cooperation between Parliament, political parties, Government, coalition, employers' associations and unions and Non-governmental organizations. However, ultimately it is within the parliament (namely the house of deputies) and the government that the proceedings of the dialogue with the representatives of civil society are turned into legal, binding decisions

2. Formal Framework for Civil Society Consultation

The aforementioned 'Luxembourg model' was first established in the 1970s, following the severe crisis of the steel industrial complex that threatened to tear down the whole society within the country. The law adopted on the 26th of July 1975, gives the Government the power to prevent dismissals due to temporary economy downturns and assure that employment levels are maintained. This law also establishes the 'Comité de conjoncture', made up of three different 'components' and tasked with closely monitoring the evolution of economic conditions and reporting once a month to the Government on its findings.

In 1977, as a consequence of the worsening of the situation in the steel sector, the Government convened a 'three-party conference on the steel sector', expected to draw up an action plan for sustaining economic growth and full employment. The law

of 24th December 1977 institutionalizes a '**Comité de coordination tripartite**' that is to be convened in case of a deterioration of economic and social conditions. In March 1979, the 'Trilateral Coordination Committee' made its first agreement regarding the reorganization and modernization of the steel sector.

This first experience of trilateral partnership among Government, industry and workers was an undeniable success, preventing massive lay-offs of thousands of workers in the steel sector. On the one hand, it was possible to keep the industrial base of Luxembourg's steel sector in place and to modernize it in such a way to put it on a par with the actual requirements of the sector. On the other, the adoption of an array of temporary social measures avoided the risk of massive unemployment. In the meantime, other trilateral partnerships started to appear, making the search for consensual solutions to economic and social problems within such a cooperation body a customary practice. Despite its initial conception as a tool to face a specific crisis, limited in time and in scope – that of the steel sector – today this trilateral arrangement represents a permanent and institutionalized platform for dialogue. To this day, four institutions assure that social dialogue is an ongoing exercise: the 'comité de conjoncture', the Economic and Social Council, the Trilateral Coordination Committee and the Steel Sector Trilateral Conference.

Le Comité de conjoncture

Created in 1975, it consists of three ministers as well as representatives of professional organizations of employers and employees. The Committee is convened on a monthly basis and chaired by the Minister for the Economy and/or the Minister of Labour and Employment. It is charged with considering the situation of firms which are forced to cut the number of working hours and to propose, if necessary, compensation for those firms employing personnel on short-term contracts.. The Committee can also decide on the adoption of measures establishing 'extraordinary public-works in the name of the public interest'. It also monitors the country's economic situation and, as part of the remit, it delivers a monthly report to the Government.

The Economic and Social Council

Its members are employers, workers and Government representatives. It is a social consultation body, delivering an opinion on every legislative or regulatory initiative affecting professional categories or the national economy as a whole.

Le Comité de coordination tripartite

Created in 1977, it brings together representatives of Government (Finance Minister, Minister for the Economy, the Minister of Labour and Employment), of employers (Chamber of Commerce, Professional associations) and of workers (Unions). The Committee is chaired by the Prime Minister. It is charged with fostering consensus on important economic and social matters.

La Conférence tripartite sidérurgie

Established during the severe crisis in the steel sector, it was the main pillar of the economy of Luxembourg until the 1980s. It is solely concerned with the steel sector.

2.1 CSOs in Luxembourg

NGOs in Luxembourg do not enjoy a special status, nor are they the object of specific legislation. Nonetheless, more than 8.500 non-profit associations, non-profit associations of recognized public utility and foundations were registered as of April 2009 (Blond-Hanten, 2009, Lejealle, Segura and Waltzer, 2009). The breakdown of CSOs according to their date of creation testifies to their relative novelty in Luxembourg: two-thirds of CSOs were created in the last twenty years. The data further reveals details concerning the historical roots of certain types of activities. For example, the longest standing institutions are those with a religious character, as well as professionals' and workers' union associations. The youngest CSOs, on the other hand, were born out of recent societal concerns, linked to the promotion of philanthropy and the development of international and intercultural activities.

Three-fourths of CSOs belong to one of the following six domains of activity: culture (22%), sport (16%), leisure (12%), social (12%), and education (8%). The remaining quarter is split among seven other domains: professionals' and workers' associations (5%), environment (4%), religion (3%), international and intercultural (2.5%), protection of rights (2%), local development (1%) and promotion of philanthropy (1%). It emerges, therefore, that CSOs dealing with leisure activities (culture, sport, and leisure in general) are the most common, these three categories representing half of the total.

What are the links between CSOs and the public sector, local administrations, other types of associations and the economic sector? The connections are actually abundant, whether they relate to the State, municipalities, other associations or firms: 35% are concerned with ministerial agreements, 18% have established conventions with the State and 14% with municipalities, 33% collaborate with municipalities, 13% have established conventions with other associations, 61% collaborate with other associations, 54% adhere to federations or groupings of associations, 6% have established conventions with a company and 20% collaborate with one of them.

Considering the following four actors: the State, municipalities, associations and firms; along with the number of relations established, whether through a convention or a simple collaboration, is a good measure of the intensity of their relations with CSOs. Indeed, only 13% of associations are not engaged in any form of relation with the mentioned actors, 32% have just one type of relation, 30% have two, 18% have three and 7% enjoy relations with all of the four actors. Moreover, the intensity of the relationship varies little according to the domain of activity: the associations operating in the social domain are the most active, in that only 6% of them do not have some kind of relationship while, at the other extreme, 15% enjoy all of the four types of relations.

The choice of partner varies according to the thematic orientation of the CSO: associations operating in the social domain establish strong links with the State through either agreements or conventions, with the municipalities, and also with other asso-

ciations. In fact, the law of 8th September 1998 which regulates the relations between the State and the bodies operating in the social, familiar and therapeutic domain imposes on health and social associations the obligation to have agreement with the State in order to carry out certain kinds of activity. 43% of associations dealing with the environment have relations with the State and/or with municipalities and 35% of them have established a relationship with a firm. Finally, professional workers' associations follow a similar path, with 35% having entered into some kind of relationship with a firm.

It should be noted that the Foreign Affairs Minister has established a system defined as an 'agreement', which is addressed to those CSOs available for cooperating in the domain of humanitarian and development aid. These are organizations characterized by their transnational scope of action, their willingness to participate actively in the field of democratic processes, in the fight against injustice and in the promotion of a general idea of 'solidarity'. In examining the list of NGOs that are currently engaged in this sort of agreement with the Foreign Affairs Minister of Luxembourg, it is noticeable that the majority of these organizations have adopted the legal status of non-profit associations or that of foundations⁷⁷.

3. European Issues Consultation

The essential part of the supranational dialogue, especially in relation to European issues, between the CSOs and the Luxembourg public authorities occurs through the intermediation of the ESC. The latter delivers its opinion on the broad economic policy guidelines adopted by the EU in its endeavour to coordinate national economies. It is also in charge of evaluating the impact of the European framework agreements between employers' associations and unions on the national economy. The ESC also functions as consultative body for the Government in relation to supranational policies concerning economic, financial and social issues. Finally, consultation is envisaged between the Luxembourg delegations and the following institutions: the

77. List of NGOs in an agreement with the Foreign Affairs Minister : http://www.mae.lu/images/biblio/biblio-257-57_vwiae_799_555_9862.pdf

Economic and Social Committee of the cross-border Grand Region, the Economic and Social Advisory Council of the Benelux Economic Union, and the EESC.

Beyond the ESC, the entire country is strongly interested in, and in favour of, the EU. Citizens from Luxembourg are systematically ranked among the most convinced Europeans in the regular Eurobarometer polls performed on behalf of the European Commission. They regard it as normal that their country is a member of the European Union, and this is something that belongs to the realm of their daily life. The information available to the vast majority of citizens is abundant and of good quality. In its thematic dossiers, europaforum.lu gathers documents and articles relating to those issues that have a special and direct bearing on Luxembourg citizens⁷⁸.

The Luxembourg national conference on the European Citizens' Initiative was held on March 2009. This exercise in deliberative democracy involved 31 Luxembourg citizens. Its stated aim was to urge citizens, through their own concerns and those expressed in a purpose-specific website, to develop concrete propositions on the way Europe should approach its economic and social future in the context of a globalized world.

The priorities set out by the citizens asked for policies which uphold the principle of equal opportunities and social advancement; that the EU engages in policies which stimulate innovation and the use of sustainable technologies; the EU-wide coordination of health policies; support for ecologically responsible firms; that public authorities act on the basis of economic and social responsibility; that employment policies take the lead from efficient national welfare models; the establishment of a policy of strong support for European research; more integration in education; a deepening rather than a widening of the EU; and, finally, a different development policy and provision of financial aid toward developing countries.

4. Conclusion

For many years, the State of Luxembourg has been able to count on civil society for the provision of social aid – initially through congregations and later through NGOs.

78. <http://www.europaforum.public.lu/fr/index.html>

Today, the appeal of the Luxembourg model stems from the fact that it represents the best defence against the turbulence affecting a small-scale and traditionally open economy. Some claim that the 'trilateral' – that is the cooperation between the Government, employers' associations and unions – should be used as a tool in limited circumstances, such as a major crisis. However, this interpretation runs contrary to what has actually been carried out since 1998, as demonstrated by the fact that it is within this institution that the national action plan for employment (NAP) is agreed.

One question remains unanswered. One is led to wonder whether the integration, or even the absorption, of the Grand Ducal economy into the European (and global) economy makes it superfluous to celebrate such a model of cooperation, even more so when all its actors, although refusing to admit it publicly, are no longer in the condition to make a real impact through the means they have at their disposal.

1. Introduction

Malta has a long tradition of consultation with CSOs. The Parliamentary Secretary for Public Dialogue and Information, directly linked to the Prime Minister, is responsible for the consultation with the public. The Maltese government obtains the input of citizens on in the implementation of projects, the enactment of laws and the formulation of new policies.

Voluntary organizations (VOs) have long been a part of Maltese society; however it is only as recently as 2007 that the Parliament passed the Voluntary Organizations Act of 2007, to deal holistically with the voluntary sector. The Act urged voluntary organizations to register with the Commissioner for Voluntary Organizations (enrolment is voluntary, not obligatory) to receive and benefit from funding, not only from the Government but also from any EU schemes. The Commissioner is the first appointed Commissioner for the voluntary sector leading the Office of the Commissioner for Voluntary Organizations under the Ministry of Social Policy. The creation of the first Council for the Voluntary Sector in September 2008, another milestone, enabled the Commissioner to deliver a systematic program to bring other important aspects of the law into effect, most notably an Appeals Board, a Panel of Mediators for conflict resolution, and the Voluntary Organizations Fund.

With the introduction of this legislation along with the relevant institutions is “to ensure visibility for the voluntary sector as well as to ensure transparency and accountability of the organizations that compose it in the carrying out of their important work. Thus, through the enforcement of the VOA Malta now has a regulatory authority which is the structure responsible for this sector with the aim of supporting but also monitoring and supervising the activities of these organizations. The law highlights the role and functions of the Commissioner as well as that of the Council for the Voluntary Sector (henceforth the Council).”⁷⁹

79. http://www.msp.gov.mt/documents/ngo/cvo_annual_08_en.pdf

This legislation also agrees on a much-needed definition of the terms such as 'non-profit making', 'voluntary', 'philanthropic' and 'social purpose' among others and draws lines between these different voluntary organizations. As of December 2008, there were 148 organizations registered as VOs out of 200 applications. The Office of the CVO worked relentlessly to promote the process of enrolment. An official announcement was given on February 17, 2008 in the national and local press inviting VOs to apply for enrolment. Other publicity was carried out informally throughout the sector and through the Commissioner's appearance on various radio programs.

Since its establishment, the Commissioner for Voluntary Organizations has been communicating with the relevant government agencies and offices to guide and advise on policies regarding the VO sector and also to ensure that the principles and practices established by the law pertaining to VOs are perfectly understood by these authorities.

2. Formal Framework for Civil Society Consultation

Malta makes expert use of the internet for the interaction between the public and Government. Online public consultation is part of an inclusive e-Government that uses the Web, e-mail, SMS and other electronic channels to ensure widespread access to all those sections of the public that wish to participate in the decision-making process. Encouraged by the positive response in this medium, the Government has also committed, through the Smart Island National ICT Strategy, to setting up an online open two-way consultation and feedback-generation channel between the Government and the people.

The Ministry for the Family and Social Solidarity has an advisory committee – the Non-Governmental Organization (NGO) Project Selection Committee – to advise the Ministry on the allocation of funds from the "Support for Voluntary Organizations Fund", in order to sustain NGO projects related to the implementation of current Social Inclusion policy and strategy. The Committee is supported by the NGO Liaison Unit, whose role is to receive and process applications for funding, while liaising with,

and assisting NGOs in submitting the relevant application and documentation. The unit also compiles reports for the Committee and advises on the technical considerations of the projects. Financial grants approved by the Ministry are disbursed by the unit, which also monitors the agreed service outputs and analyses the evaluation and financial reports submitted by NGOs. Additionally, the NGO Liaison Unit is entrusted to carry out service and financial audits.⁸⁰

In addition to the Maltese government and ministries, the law requires other national agencies to consult with the public on policy-making and decision-taking. Established in 1992 by the Developing Planning Act, the Malta Environment and Planning Authority (directly under the Office of the Prime Minister) is responsible for “the conduct of consultations with Government departments, private organizations, and other persons relating to planning” (DPA 1992 Articles 18(6), 19(1), 27(2) and 29A(3)). In the environmental policy area, the Environment Protection Act (2001) also requires the MEPA to consult with the public. Given the delicate responsibilities that fall under the MEPA’s remit, the Authority is aware of the benefits of informing and involving the public and all interested parties in policy-making and decision-taking with regards to the improvement of the environment.

In Planning Policy, Art 18(6) of the DPA specifies that for the preparation of the Structure Plan, “the Authority shall make known to the public the matters it intends to take into consideration and shall provide adequate opportunities for individuals and organizations to make representations to the Authority”.

Throughout the course of environmental regulation and land use-planning sectors, the MEPA produces a number of policy-related documents at various stages of the policy-making process, each requiring a different type of consultation. The MEPA’s *Code of Practice on Consultation* mainly addresses the stage at which formal written plans, policies and programs are to be prepared by the MEPA for publication. At the beginning of the process, the Policy Lead Officer and the Consultation Coordinator together agree in written form the extent of consultation required for that policy process. Depending on the context, scope, implications and complexity of the docu-

80. <http://www.msp.gov.mt/services/subpages/content.asp?id=1659>

ment, as well as the cost-effectiveness of going for consultation, a Consultation Plan is drafted. An agreement should also be reached on the style and form of the consultation document(s).

In its 15-page *Code of Practice on Consultation*, the Authority identifies the purposes of consultation throughout the development of policy (including legislation):

- To improve decision-making, by ensuring that decisions are soundly based on evidence, that they take account of the views and experience of those affected by them and that alternative options are considered, and to ensure that the proposed policy is workable;
- To ensure that everyone concerned feels they have had their say through effective consultation and that, as far as possible, their interests have been taken into account;
- To enhance openness and accountability through consultation with a wide cross-section of the public, without which the dangers of privileged access become magnified. Consultation should always be as wide as the circumstances permit;
- In the case of legislation, to ensure that the impact on stakeholders has been duly considered and as far as possible does not encumber operators unnecessarily.⁸¹

3. European Issues Consultation

In the area of Environmental Policy-Making, Malta has been a party to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (also known as the Aarhus Convention) since 2002 (Signed in 1998 and ratified in 2002). The Aarhus Convention grants the public the right to access to environmental information and the right to participate in environmental decision making. Under the Convention, public authorities are also obliged to actively disseminate the environmental information in their possession. The Euro-

81. <http://www.mepa.org.mt/public-consultation>

pean Community is also part of the Convention, and has issued a Directive in line with the Aarhus Convention – Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information. Malta has transposed this EU Directive into national law through the *Freedom of Access to Information on the Environment Regulations, 2005* (LN 116 / 2005) which allows the general public to request environmental information from the competent authority (MEPA), and from bodies or persons appointed by the Minister.

In 2008, the Maltese government took a decisive step towards giving a stronger voice to civil society on issues related to the environment, and amended the DPA regulations. This move fell in line with the Aarhus Convention and the Government's promise to give the public greater access to environmental information, as well as the right of every citizen to voice his or her concern on issues which affect everyone.. Major environmental Non-Governmental Organizations (NGOs), including Din l-Art Helwa, Flimkien għal-Ambjent Aħjar, Friends of the Earth (Malta), Gaia, Light Pollution Awareness Group, Nature Trust Malta and Ramblers Association of Malta, all welcomed the Government's decision. The NGOs also welcomed the Minister's announcement that the public would be given access to development plans and information on applications through the online e-applications system. These DPA amendments were considered a big and positive step in the right direction, giving society a stronger position in cases affecting certain sectors of the population, while helping to increase transparency and efficiency, improve the planning and consultation process, and control illegal construction. The NGOs expressed their appreciation on several occasions regarding Government's consultation with civil society in order to find solutions to the problems facing Maltese citizens with respect to planning and development.

In the area of immigration, The European Commission against Racism and Intolerance (ECRI) of the Council of Europe has criticized Malta for failing to implement ECRI's recommendations stated in three reports drawn on Malta. To clarify, one of the pillars of ECRI's work program is its country-by-country approach, where it analyses the situation regarding racism and intolerance in each Member State of the Council of Europe and makes suggestions and proposals as to how to tackle the problems iden-

tified. This country-by-country approach deals with all member States of the Council of Europe on an equal footing. The work takes place in 4/5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998 and those of the second round at the end of the year 2002. Work on the third round reports started in January 2003.⁸²

The third report cites Maltese civil society organizations' view that the Maltese criminal justice system, namely judges and the police, is largely unconcerned with the provisions in force against racism, including those prohibiting racist expression and racially-motivated offences, and that it is not fully aware of the need to apply these provisions vigorously. In its response to this report, the Maltese government expresses its profound regrets and concerns over this report for failing to name the civil society organizations.

When it comes to informing the public on the European issues, there are several initiatives and projects undertaken by the Parliamentary Secretary of Public Dialogue and Information. The Project "CLOSER TO EUROPE" which has been assigned to the Malta Council for Economic and Social Development (MCESD) and part financed by the European Union's European Social Fund aims to:

- Support Social Partners and Civil Society Organizations in increasing their knowledge on EU and local policy developments and in reaching informed opinions on policy issues;
- Encourage a more active role and wider participation in debate, thus enhancing the process of social and civil dialogue in Malta and Gozo;
- Represent a tripartite partnership and enhance decision-making processes, and to help consolidate economic growth and social cohesion;
- Develop an active platform through which socio-economic policies can be formulated and disseminated.

82. http://www.mjha.gov.mt/downloads/documents/ecri_report.pdf

Within the framework of the Project, the MCESD will assist social partners and civil society in 1) sharing their experience of follow-up practices, 2) setting up a social dialogue web-site, 3) financially supporting the joint follow-up actions of a long-term nature, and 4) raising awareness of the importance of European social dialogue for national industrial relations by organising seminars, conferences and training and by supporting networking.

Another project is the new TRESMED 3 project for the period of 2008-2010 that shares a similar philosophy to the project "Closer to Europe": to provide support for strengthening the role of economic and social agents in decision-making processes in the Euro-Mediterranean partnership.

The added value of TRESMED 3 will be decided by the partners of the Project with a strong willingness to strengthen the dialogue and to bring the civil societies of the EU closer to those of neighbouring countries, based on the political, economic and social collaboration.

TRESMED 3 is going to develop three types of activities, as three different ways to work in common, through technical seminars, technical assistance and a particular initiative in the context of the education for the young people. The ultimate aim of TRESMED 3 is to achieve the mobility of the partners, a mutual exchange of experiences in order to support economic growth and prosperity for the Euro-Mediterranean countries.

4. Conclusion

In Malta, public consultation is a regulated process, conducted in various stages. First, the Government notifies and informs the public of the project, policy or law that it intends to introduce. Subsequently, a consultation process and an exchange of views take place with all interested parties. Finally, the constituent bodies and representative organizations are invited to participate in the drafting of policy and legislation.

The influence of CSOs in Malta varies with some of them exerting greater pressure and others with less influence. While business interests are fairly well-represented, CSOs still lack the capacity to mediate between the state and the citizen. They are more active in disseminating information, publicizing issues and campaigns than in contributing directly to democratic governance. Thus they are far more lobby-oriented than protest-oriented.

THE NETHERLANDS

1 Introduction

In order to describe the dialogue between the Dutch State and the society, represented by civil society organisations, one needs first to understand the way social dialogue traditionally takes place in the Netherlands. The Netherlands have in fact a long tradition in this perspective - the well-known 'Poldermodel' (Civicus, 2003). This term was first used to describe a consensus policy in economics, but was quickly adopted for a wider meaning. It is described with phrases like 'a pragmatic recognition of plurality' and 'cooperation despite differences' (Civicus, 2006). In other words, the Netherlands has a long tradition of discussion of policy with all actors involved. The discussion can take place across and along different levels, from regional to national, all depending on which issues are at stake and which actors are involved. It can also be very institutionalized (such as the case with the socio-economic council or other councils) or very informal and sporadic. The tradition of discussion is something the Dutch are very proud of, even if it sometimes has a negative side effect as it prolongs the decision-making process.

2. *Formal Framework for Civil Society Consultation*

Nowadays, the Dutch polder model is characterised by the tripartite cooperation between [employers' organizations](#), [labour unions](#) and the [government](#). These talks are embodied in the [Social Economic Council](#). If we are interested in the consultation processes outside the scope of the Socio-Economic Council, typically one will find a great number of websites that discuss the political decisions of the government.

Furthermore, a great effort is put into informing citizens, but it is difficult to judge in which ways these informal consultations are translated into policy. However, the notable observation is that there is very little information available about the direct contact between government and the main CSOs, without the interference of SER (*Sociaal-Economische Raad*, SER). Some of the CSOs even state on their website that

the only way they can influence government policy is through their membership of the Socio-Economic Council.

Therefore it seems that social dialogue takes place in two very different ways. On the one hand the consultation is well-organised, therefore institutionalised: for example the government consults the SER on a regular basis. On the other, the Government makes use of new technologies and tries to involve individual citizens in a less formal way by encouraging them to express their opinions directly to the government by using the internet⁸³. A good example of this is the so-called "Project Citizenship", initiated by the Ministry of internal affairs and Royal affairs, where a discussion takes place at country level about the exact meaning of the term 'responsible citizenship' via the website www.handvestburgerschap.nl. The information collected from this discussion is then analyzed and summarized in a report that can also be used for policy-making.

Some scholars even suggest that "Consultation of civil society happens more and more on an ad hoc basis. This development can be summarized with words like 'informalisation' and 'expertisation' (civicus report)". This means that the government takes two different types of initiatives. The first are ad hoc informal discussions with informal actors who are affected by the policy. The second ones involve asking the advice of experts on the relevant matters. It is unclear which of these two procedures carries more weight in the actual decision-making process.

The scarcity of information available on government websites about its direct consultation of CSOs would give one the impression that the *Poldermodel* that the Dutch are so proud of no longer exists. However, if we turn to the information provided by the biggest CSOs in the Netherlands we get a very different picture. Almost all of them

83. The government intends, through digital initiatives, to improve its service as well as making it easier to release information to citizens. Aside from the information on tasks, activities, intended policy and other intentions provided by government institutions, digital availability must ensure that, for example, registration details result in an improved and more client-oriented relationship with the citizen. With new-style participation, from now on collaborative thinking will be part of the policy procedure. The growing policy implementation in this field is now being converted through a number of pilot projects into a fixed procedure and will subsequently be progressively absorbed into legislation.

claim that they represent the interests of their members by advising the government on a regular basis, not only through their membership or connection to the SER, but also individually. According to Menno Hurenkamp, one of the authors of the *Civicus study* on the state of Civil Society in the Netherlands, the *Poldermodel* in the Netherlands is very much alive. “Even though it is very hard to judge from the information available on internet, the Dutch government cares very much about the opinion of the various civil society actors in the Netherlands. They spend a great deal of money organising informal meetings with CSO representatives or experts in the field in order to understand what is going on in society. Every day, members of the Dutch Parliament receive a large number of messages from CSOs, and CSOs often visit Parliament to lobby for their interests. Therefore, the lack of easily-accessible information from the government’s side is due more to the fact that there are so many formal and informal consultations, than the idea that there are none.”

3. European Issues Consultation

Judging from the information provided on the its websites, the Dutch government follows the same procedures discussed in the previous paragraph regarding the consultation of CSOs, and again there are formal and less-formal procedures. The formal procedures consist of in-depth studies conducted by the advisory bodies that take the form of the ‘expertisation’ practices explained in the previous chapter. The word ‘formal’ is used here because it refers to the institutionalized connections between civil society and politics, such as those between the Socioeconomic council, the biggest trade unions and the government.

A good example of this can be found in the reports of the State of the EU which are presented annually to the public. Each September on ‘Prinsjes’ day’ the Dutch government publishes a report of the State of the European Union. In this report, the most important changes on the European Union’s agenda that are directly or indirectly relevant to Dutch affairs are described. More specifically, the government addresses political and public support for the Union, the Union’s internal coherence, growth and jobs, and the position of the Netherlands in the world in a European context. Along with the State of the EU, a ***Europese Verkenning*** is also presented to public. In this

report of the Centraal Planbureau (CPB) and the Sociaal Cultureel Planbureau (SCP) the results of the empirical research on public opinion regarding European matters are discussed.

The less formal procedure is the incentive of the Ministry of Foreign affairs called *Europa hoort bij Nederland* ("Europe and the Netherlands belong together"). This is an internet platform where the Ministry offers the opportunity to the citizens to discuss European issues. The ministry also uses the website as the source of public opinion.

There are many European themes that are the source of on-going discussion between CSOs and government that are not formally stated in the information that the government provides to its citizen. However, CSOs often give an overview of the European issues they are involved with and the nature of the consultation process on their websites. This information can best be used to illustrate the consultations which government has with the major CSOs. Of course it is very hard to give a short overview of what is out there, as there are so many European themes that inspire discussion on all the possible levels of policy-making (national or regional, for example). Some are organizations which are concerned with the impact of Europe on Dutch citizens; others are involved in international cooperations, and are therefore by their very nature are involved in European issues.

4. Conclusion

Nowadays, the Dutch *Poldermodel* is characterised by a tripartite cooperation between [employers' organizations](#), [labour unions](#) and the [government](#). These talks are embodied in the [Social-Economic Council](#) (Sociaal-Economische Raad, SER). The SER serves as the central forum to discuss socio-economic issues, in particular with regard to European issues, and has a long tradition of consensus, often defusing labour conflicts and avoiding strikes.

Being a small country, a trading nation and the front door to the EU, the Netherlands could not escape Europeanization. CSOs are no exception. Although most CSOs have narrow goals and are primarily focused on local, provincial or national topics, quite a few are members of European or international networks. On some topics, such as

developmental aid and the environment, CSOs are even quite frequently seen on different supranational stages. However, in the Netherlands, 'Europe' for CSOs is often regarded as an internal specialism of a small group of professional lobbyists or 'the EU-department', rather than an integral dimension of regular activities.

Introduction

Until recently, the basis of Polish government consultations with CSOs (understood as the third sector only) was a legal act on public benefit activities and voluntarism from 24 April, 2003 ('Ustawa o dzialanosci pozytku publicznego i o wolontariacie' Dz. U., nr. 96, poz. 873). The act was renewed at the beginning of 2010 and is now awaiting accreditation.⁸⁴ There, the definition of public benefit activities includes: charitable activity and social assistance, science, education, gender equality, ecology and the promotion and organization of voluntary work.

The organization of the organs of public administration's cooperation with non-governmental organizations is divided between financial and non-financial cooperation. Non-financial cooperation is defined as: a mutual exchange of information on direction-planned activities of both groups; a consultation of non-governmental organizations with regard to the legal acts relevant for organizations working for the public benefit; and the creation of working groups built from the administrative representatives and relevant non-governmental organizations. The way in which information is supposed to be exchanged is not specified. Therefore, it can include online services, mail, as well as organization of ad hoc forums and meetings.⁸⁵

The consultation process refers to delivering information on upcoming legal initiatives to non-governmental organizations, but also to allowing them the opportunity to express their opinions. The consultation requirement appears with regard to general acts prepared by government, as well as local acts prepared by municipalities.

84. The novelization of the act does not provide any changes for summary presented in this report.

85. Two main information platforms for NGOs are online portals www.ngo.pl – online portal for Polish organized civil society and www.pozYTEK.gov.pl – online information service of the Department of Public Benefits of the Ministry of Labour and Social Policies for national CSOs. All groups have also an access to the BIP (Biuletyn Informacji Publicznych – Bulletin for Public Information) – an online available newsletter/data base, which provides all interested users with up-to-date information on public issues decided by government apparatus (www.bip.gov.pl).

The cooperation should abide by the rules of subsidiarity, independence of the parties, partnership, effectiveness, fair competition, and transparency, based on an annual program of cooperation between units of local government and NGOs – and, in the case of the national government, on the basis of the government document “Principles of Social Dialogue”. Local governments especially are expected to prepare annual programmes of cooperation with the third sector. The financial cooperation refers to ordering non-governmental organizations to carry out public orders.

The bases for negotiation with other sectors are: articles of the legal act on local governments from 8 March, 1990 and 5 June, 1998 (Ustawa o samorządzie gminnym z 8 marca 1990, Ustawa o samorządzie powiatowym z 5 czerwca 1998, and Ustawa o samorządzie wojewodzkim z 5 czerwca 1998); the legal act on works of the government administration from 8 August, 1997 (Ustawa o działaniach administracji rządowej z 4 września 1997), the legal act on the Council of Ministers from 8 August, 1996 (Ustawa o Radzie Ministrów z dnia 8 września 1996), and the legal acts on employees’ unions (Ustawa o związkach zawodowych z 23 maja 1991) and employers’ unions from 23 May 1991 (Ustawa o organizacjach pracodawców z 23 maja 1991). According to those rules, the Council of Ministers (government) and local governments are encouraged to maintain consultations with different representation groups. The situations in which consultations are to be held are specified in separate situational legal acts or they are carried out when the issues are of special interests for those groups.

The consultations should take the form of special commissions, which should include the representatives of government, experts and civil society. The goal of these commissions is to work out a common position between the policy of government and the interests of represented groups (example: art.13 of the Legal act on Council of Ministers 08/09/1996). To a large extent civil society groups are used here as sources of expertise and knowledge on these issues (especially on the local and regional levels), and rarely as a representation of civil society.

Although, most of the Catholic organizations operate under the above described legalisation, they are also based on an additional act on the relationship between the State and the Catholic Church in the Republic of Poland (passed on May 17, 1989 and

later replaced by the Concordat of July 4, 1996). As before, the legal act does not deliver any legal provision for the consultation obligation.

2. Formal Framework for Civil Society Consultation

The main representatives of the Polish governmental apparatus negotiating with civil society are the Ministry of Labour and Social Policy: the Department of Dialogue and Social Partnership with regard to the second sector and the Department of Public Benefit with regard to the third sector. These departments are subsidiaries of the Tri-lateral Socio-Economic Commission and the Council on Public Benefit Activities respectively.

*The Council on Public Benefit Activities*⁸⁶ was established by the Legal Act on Public Benefit Activities and Voluntarism from 24 April 2003 ('Ustawa o dzialanosci pozytku publicznego i o wolontariacie' Dz. U., nr. 96, poz. 873), Chapter 5 of that document. The main tasks of the Council include: issuing opinions on the implementation of Public Benefit Law and government draft law concerning public benefit and voluntarism, assisting in disputes between government and NGOs, participating in audit procedures concerning public benefit organisations, and creating mechanisms for providing information about standards of carrying out public benefit work. The Council is made up of representatives from government, local governments and CSOs (understood here as the third sector).⁸⁷ It is the main body in which the interests of the third sector are represented at the national level.

86. <http://www.pozytek.gov.pl/Podstawowe.informacje.768.html?PHPSESSID=2bee37a8ea181636adf0decea8a7c7f8>

87. The third sector is represented by : Wspolpraca Robocza Zwiazkow Organizacji Spolecznych (umbrella organization of local non-governmental associations - <http://www.wrzos.org.pl/>), Bank Zynnosci w Olsztynie (organization of public benefit concerned with the collecting and free distribution of food products - <http://www.olsztyn.bankizynnosci.pl/>), Centrum Inicjatyw Obywatelskich (association supporting activities of all non-governmental organizations in the country - <http://www.cio.slupsk.pl/>), Zwiasek Ochotniczych Straz Pozarnych (union of the voluntary fire brigades - <http://www.zosprp.pl/>), Polska Rada Ekumeniczna (a group uniting representatives of the Church in Poland facilitating the ekumenical dialogue - <http://www.ekumenia.pl/>), Naczelna Organizacja Techniczna – Federacja Stowarzyszen Naukowo Technicznych (association of technicians and engineers - <http://www.not.org.pl/not/>), Stala Konferencja Ekonomi Spolecznej represented by Fundacja Inicjaty Spoleczno-Ekonomicznych (confederation of non-profit

The establishment of ad hoc and permanent advisory work groups, councils, and commissions for each of the Ministries based on the legal acts mentioned in the previous section is becoming increasingly common. . Those organs are organized by the representatives of ministries, experts and CSOs (understood as the second and third sector together). For example, the State Environmental Council of Poland was created by the Ministry of Environment, with third sector being represented here by the Institute for Sustainable Development (a think-tank/NGO).. The information these groups provide differs depending on the Ministry. In some cases, as in that of the Ministry of Environment, the information is available directly online and its group is registered in a network of similar groups across Europe (European Sustainable Development Network). In other Ministries, the information about their advisory/consultations groups is very limited or nonexistent, although it is possible through interviews to ascertain that they exist. (the Ministry of Economy, for example).

2.1 Public hearing and lobbying

A separate category of the Polish government consultation with civil society delivered the Legal Act on Lobbying Activities (the Act on Lobbying) in the process of law-making from 7 July 2005 (Ustawa o działalności lobbingsowej w procesie stanowienia prawa, Dz.U. z 2005 r. Nr 169, poz. 1414, Dz.U. z 2009 r. Nr 42, poz. 337).⁸⁸ Although focused on the clarity and visibility of lobbying activities and establishing a registry of 'lobbyists' as well as rules of lobbying procedures, the document established an institution of *public hearing*. Firstly, the Council of Ministers is obliged to prepare and publish its programme of legislative activities at least once every 6 months. Once the document is published, everyone is allowed everyone is allowed to inform a relevant organ of the administration of their interest in a particular legal act. The document clearly specifies the procedure for that announcement and a list of interested parties is published in the Bulletin for Public Information. There is no limitation on who is al-

organizations interested in social economy - <http://www.ekonomiaspoleczna.pl/skes>), Związek harcerstwa Polskiego (Union of Polish Scouts - <http://www.zhp.pl/>), Caritas Diecezji Kieleckiej (charity organization - <http://www.kielce.caritas.pl/>), and Stowarzyszenie Kłow/Jawor (association of non-governmental organizations supporting their activities and the exchange of information between them - <http://www.klon.org.pl/>).

88. <http://www.sejm.gov.pl/prawo/lobbing/kon12.htm>

lowed to make such an announcement. The document stipulates only that it can be an enterprise as well as a physical person. The organs of administration (parliament, as well as the ministerial departments, depending which of them is responsible for a legal act) then organizes a public hearing. The date of a hearing is published at least 7 days prior to it taking place; actors have to reconfirm their interest and announce that they wish to participate in the hearing.

One drawback of the Legal Act from July 2005 is that it lacks clarity in the reporting of public hearings: although transcripts are available, reports do not contain conclusions or detailed information on the participants. It is also unclear if the results of public hearings have any effect. The Legal Act does not specify if they are an obligatory institution, thus neither does it state if they are supposed to have any formal consequence. The index of the public hearing topics does not consist of a separate category for EU issues (while the listed topics range from economical activities to pharmaceutical law). The administration units (like, for example, the Parliamentary Commission on EU issues) rarely have public hearings: only one hearing took place in period from 2007-2009.

3. European Issues Consultation

Due to a fact that Poland has been an EU Member State since 2004, it is extremely hard to distinguish which of the above described consultations and lobbying procedures are those which refer in particular to EU issues, mainly due to the fact that their formal incorporation occurred simultaneously with the EU accession. Because they were parallel processes, the distinction between European and other issues has never been apparent. Moreover, some of the mechanisms for consultation with society on European issues which were used previously are no longer in place. Although there is no clear evidence, this seems to be an effect of Poland's preparations for holding the Presidency of the European Council in 2011. Due to these preparations the main unit responsible for European matters, the Central Office of the Polish European Committee (Urząd Komitetu Intergracji Europejskiej), went through a major reorganization and many previously-used mechanisms were not re-established.

Poland has three main actors within the State apparatus whose domain is connected with EU issues, and who can offer civil society access to participate in the debate on European issues: the Ministry of Foreign Affairs and its departments, the Parliamentary commission on EU issues, and the permanent team of the Tri-lateral Socio-Economic Commission on the European Union.

The Ministry of Foreign Affairs is responsible for the smooth transposition of EU law as well as Polish cooperation with EU institutions. Surprisingly the Ministry as not have a separate council, working group or commission which would be responsible for consulting Polish civil society on EU matters. There are examples of organizing exchange forums for establishing a dialogue between the Ministry and CSOs (Forum Współpracy Ministra Spraw Zagranicznych z Organizacjami Pozarządowymi, 27 March 2008), but they were focused on non-EU issues.⁸⁹

Until August 2009, the main unit responsible for the preparation of the Polish government's opinion on European issues was the Central Office of the Polish European Committee. As from 2009, its responsibilities were transferred to the Committee on European Issues (which is part of the Ministry of Foreign Affairs). The Committee is the main organ of the Polish government administration which prepares opinions and decisions on the transposition of the EU *acquis*, proposals for their renovation propositions of their novelizations, as well as widespread information on European issues. The predecessor of the Committee established in 2004 an online forum devoted to the European integration debate: *Europejska Debata Publiczna* (European Public Debate⁹⁰). It has been the most explicit example of inviting civil society, understood as the second and third sector, to the debate on European issues. There are no restrictions as to who is allowed to express their opinion and the forum is available online and is organised in a simple way: (EU issues are divided into 25 themes, and in each sub-category users can see a list of the most recent documents on which the EU Insti-

89. The Ministry of Foreign affairs has several Departments which are occupied with EU issues and their transposition to Polish law (European Information Department, Department of Coordination of Poland's Presidency of EU Council, Department of the Committee for European Affairs, European Policy Department, Department of European Union Law – for a detailed elaboration of their functions: <http://www.msz.gov.pl/Ministerstwo,Spraw,Zagranicznych,27032.html>)

90. <http://www.debata.ukie.gov.pl/Default.aspx>

tutions are working. They have an option to submit their comments directly under the text. According to the description of the forum's goals, it is a platform which facilitates the collection of society's opinions on the up-to-date documents and legal acts of the EU Institutions. The comments and opinions collected on this forum are then transferred to the relevant units of Polish administration working on the issues. Although the initiative seems to be very interesting from a theoretical point of view, in reality a brief study of the forum webpage proved otherwise. Firstly, although the forum is updated on a daily basis, it is not widely promoted as a platform of opinion exchange.⁹¹ It is considered as an integral part of the Committee webpage and does not 'pop-up' as a visible element of it. Secondly, whilst trying to identify which actors submitted their opinions on EU legislation, it became apparent that none of the legislature examined had received any comments.

The inquiry on statistical data with regard to the forum confirmed those results. The portal had had over a 100 visits (since 2004 it has been updated on daily basis, thus this result is not impressive), and the majority of them had been posted by individuals (mainly students). It appears that the portal is often used as a source of information about the documents the Commission sends to national governments, rather than an exchange platform. The replies and comments on the documents were sent directly to the responsible governmental units and disappeared without trace from the portal.

A related solution has been the provision of financial support for CSOs (third sector only) to prepare reliable expertise on the implementation of the EU acquis: *'Wzmocnienie mechanizmu konsultacji społecznych'* (Support for the mechanism of public consultations). The initiative appeared in 2005 and was continued in 2009 (this was not, however, re-established in 2010). The basis of the initiative was the Commission Programme for better Regulation supported by partial financial aid from Norway Grants. The co-financed experts were commissioned to help CSOs to create their own opinions of EU issues and their implementation in Poland, and thus allowed them to express their interests based on solid expertise. The issues that organizations could request financing for were limited to Commission's document published on the web-

91. Explicit evidence of this is the fact that it took the author of this report over two weeks to find the forum, and in the end its discovery was largely accidental.

page of the European Public Debate, and only if the issue were unresolved and in procedure of drafting. The funding was organized on the basis of a competition directed towards non-governmental organizations (but only not-for-profit organizations). A basis for financial support was the preparation of an opinion, based on expertise, of the European Commission proposition of legislature and its delivery to the relevant Ministry or Department responsible for discussion of the Commission's proposal. A summarised analysis of the solution is not available.⁹²

The second actor directly involved in European issues is the Parliamentary Commission on EU Issues. The Commission can encourage consultation in the second and third sector by giving them the option of correspondence by post. The mailing form is available online. The form for mail is available online.⁹³ The information on how many actors were consulted is not available. The second option is the organization of public hearings by the Commission. As we saw from the analysis in the previous section, the Parliamentary Commission organized only one public hearing during the period from 2006-2009. Thus, the conclusion is that it is not a relevant access point for CSOs.

The third actor is *the Trilateral Socio-Economic Commission*. One of its permanent teams is devoted to the preparation of opinions about Polish legislation which refer to the implementation of the EU aquis (the team's main fields are: employment, industry, liberal professions, SME, tradeunions). The team is based on the legal acts from May 1991 (on labour unions and employers associations), the legal act from July 2001 on the establishment of the Trilateral Commission, and the Act of 8th October 2004 on the change of the Act on the Tripartite Commission for Social and Economic Affairs. The team is allowed to deliver opinions on EU white and green papers and on the drafts of regulations in the area considered as relevant for employees' and employers' associations. The team is allowed to submit questions with regard to European Union issues, which are under consideration of the Polish Government. The team is directly connected to the Trilateral Commission Presidency, which improves its work

92. We know that they were 17 sessions of the Contest. It is possible to identify which organizations received the funding and projects that they requested finance for. There is no data on the transposition of the expertise to the relevant administrative units, as well as on the use of it by them.

93. <http://orka.sejm.gov.pl/ListydoS6.nsf/JK1?OpenForm&SUE>

coordination. The ultimate goal of the team is an improvement of the consultations with social partners in the process of the formulation and presentation of the Polish government positions on the documents discussed at the EU forum. The team was supposed to meet once per month and focus on the screening of legal acts and explanations of doubts with regard to proposed regulations. The records of the team meeting suggest however that it met only several times during the period 2004-2007, and did not have a meeting during 2008.

4. Conclusion

The system of negotiation between the Polish government and civil society seems to resemble a mixture between the 'Southern' and 'Statist' models. On the one hand we can observe a trend of creating a formal regulation of consultation procedures. There are some clues suggesting that the financial system to support third sector expertise as well as a closed, limited list of the Trilateral Socio-Economic Commission, can be interpreted as a form of clientism and a 'closed' club network.

On the other hand, the still-present distrust of society by the CSOs connects the Polish model directly with the 'Statist' model. Despite the the late-1990s movement of the institutionalization and professionalization of CSOs (commonly referred to as NGO-ization or NGOs 'mushrooming'), the general mode of today's civil society arena is a low level of social activism connected with general distrust and the decreasing participation of activists from previous decades. In the past this situation was commonly attributed to the post-communism legacy (e.g. distrust in public institutions and agencies in general, or the movement away from any involvement in public affairs); however, new interpretations suggest that 20 years after the fall of communism in Poland that explanation is no longer valid.

1. Introduction

The relationship between civil society and national government institutions depends upon specific mutual commitments. A mutually satisfactory relationship demands responsibilities and achievable targets, through well-established rules of dialogue. In terms of public obligations, Portugal has a very clear institutional framework: article 48 of the Constitution states that every citizen has the right of participation in the political life and every political aspect of the country. They also have a right to be objectively informed about acts by the state and its institutions, and a right to be informed by the Government and other public authorities about the management of public affairs. This article is currently understood as establishing the basis of transparency in public life, leading to a disclosure of all administrative acts, for example.

However, Portugal still lacks a more constructive framework, in terms of its relationship with civil society organisations. This means that all entities respect the constitution, ensuring that all departments within the state make their work available for public scrutiny. Civil society organisations and individuals can download most documents from the respective department's website, and most often will find a "contact me" section⁹⁴. The government's *Simplex* programme⁹⁵ has in fact made easier the contact between public sector and civil society, by cutting red tape, reducing compliance costs and using ICT to deliver better public services. Both state institutions and private organisations recognise that active cooperation does not yet characterise the relationship. For example, there are no regulations or good practise guidebooks regarding a closer cooperation. Most contacts are made in an informal way, relying more on the personalities involved than on actual regulations.

2. Formal Framework for Civil Society Consultation

94. Roughly half the homes in Portugal have access to the internet, which justifies the governmental choice of prioritising online access. See the data about the number of computers per home here (in Portuguese) http://www.pordata.pt/azap_runtime/?n=4.

95. <http://www.simplex.pt/english.html>.

The judicial system is considered the most obvious avenue of dispute resolution⁹⁶. Nevertheless, the judicial system is severely hampered in Portugal, due to the long periods between filing a complaint and its final resolution in court.

The first law mentioning NGOs was passed as late as 1994, and the statute defined in 1998. The relationship wasn't easy: "The recent past has however been characterised by an absence of dialogue and coordination mechanisms, and even by active mistrust and open conflict between the State and NGOs. This approach, now corrected, has weakened both the operational capacity of Portuguese development cooperation and its national and international image. It is fundamental that we learn from this negative experience, and avoid making the same mistakes again."⁹⁷ Contacts are much more regular these days, with weekly conversations between the IPAD (institute of the Ministry responsible for cooperation and development, which gives financial support to most organisations) and the platform. The platform is always invited for seminars and conferences, and receives most information regarding these issues. However, the mistrust reveals itself in the sense that organisations sometimes feel the government is using them. They do not regard their participation on policy decision as particularly active (except in the Strategy of Education for Development), since they are only invited to sign under established policies, validating them. The status of financial dependence does not enable them to have the necessary distance to criticise some political options. There are no protocols or compacts defining the mutual obligations, so the relationship depends upon the trust built between the responsible individuals in charge of office.

2.1 National councils

The most common form of cooperation in Portugal is the national council. These councils consist of formal advisory bodies, independent in terms of statute, but working with a line ministry or the parliament, who provides for them financially and logistically (although the councils have budgeting autonomy). They usually have a mixed composition, comprising government representatives and CSO representatives. 96. Radost Toftisova (2005), "Implementation of NGO-Government Cooperation Policy Documents: Lessons Learned". International Journal of Not-for-Profit Law, vol.8, no. 1, 11-41. 97. Quotation from the report mentioned in note 1, page 45 (English version).

tives (NGOs, trade unions, personalities, and private entities). The councils are formed according to the field of interest, and their composition is directly related to the issue in question.

The parliament also nominates the National Council of Ethics for the Sciences of Life, which was created in 1990. The council appeared as a necessity, due to the increasing moral issues around scientific research and development. At first the council was just an advisory body, working with the Ministry of Presidency. The scientific progress justified an increase in budget, since more reports and working documents were being produced, on request and by the council's initiative. The council holds several open conferences, many of them with an international participation. The composition is, once more, mixed: members of the public entities and members of civil society, namely personalities of recognised merit make up the membership of this council.

The Ministry of Labour and Social Security promotes a National Council for the Promotion of Voluntary Work, which is also an advisory body for other ministries, depending on the issue being discussed: social rights, political rights, youth activities, local issues, etc. Again we find a mixed composition, ensuring strong civil society participation. The council has had an enlarged responsibility in the legal framework of voluntary work, regulating its activity.

One should also mention the National Council of Education. Created in 1982, it has a plenary session of 68 members. The mission of the council is to ensure that the education system is permanently adapted to the interests of citizens. That being said, the council is of an advisory nature, strengthened by the wide scope of its members. Civil society related to science and education is present alongside trade unions and members of the public entities. The council is important not only as a forum of discussion but also because it presents an opportunity for consensus among different – often antagonistic – partners.

2.2 Regional and local administration

At the central administrative level, we chose to emphasise the Commission of Regional Coordination and Development. They operate within the Ministry for Environment and Spatial Planning. There are five such Commissions, representing the Portuguese continental regions. They are particularly relevant to the study of civil society since they allow for a greater contribution from interested partners. The Lisbon and Valley of the Tagus Commission is divided into two main areas: environment and spatial planning. In 2000, Portugal adopted as law the European directives regarding environmental impact analysis. All private and public projects of significant dimensions must be subjected to such evaluation. The Commission has a procedure of public consultation for these projects, for those who are interested. Firstly, the project is fully disclosed at the local *câmara municipal* or *junta de freguesia* (local level of administration) for 30-40 days. An announcement is published both in a national and a regional newspaper. Usually, in a more informal way, the Commission sends some information about the public consultation to the NGOs that deal with the issue being discussed. Then, the Commission receives written comments that are evaluated by the corresponding department. If they are found pertinent, these comments are included in the evaluation and proposal of decision (the Commission is an advisory body; it informs the decision). The process of consultation is considered quite formal and institutional, as our interviewee defined it. Even though there is open access to projects, civil society is not really active. Civil participation is deemed weak. Bigger projects (a new international airport, the project of high speed trains, etc.) tend to have more attention from the media, and hence develop greater attention from civil society, which does not necessarily lead to written proposals. To sum up, the Commission recognises that regarding the environment, individuals and NGOs are the more important partners; when it comes to spatial planning, private companies interact more, according to their interests.

The UN Agenda 21 defined at the Rio Conference of 1992 (*Earth Summit*) strengthened the role of civil organisations at a local level, promoting participation and public awareness in a more sustainable environment and development. Portugal has almost fully implemented this process. By September 2009, 118 municipalities declared on-

going strategies of Agenda 21 (42% of total population). All of these pursued multi-disciplinary efforts to strengthen civil society's participation and responsibilities to the community, by contacting and inviting schools, associations and collectivities of every nature to participate in common projects⁹⁸.

The municipality of Lisbon, for example, presents several possibilities of participation: public consultations and discussions⁹⁹ and a citizen's budget¹⁰⁰. More than 500 citizens' proposals were registered, thus demonstrating that at the local level there is a mutual commitment. In 2009, of the 11 projects voted favourably (by all actors, private and public), 4 were concluded and 7 are under construction.

3. European Issues Consultation

In parliament, Portugal is only just beginning to foster cooperation with CSOs, under the framework of the Treaty of Lisbon. The principle regarding participation remains the above-mentioned article of the Constitution, but the Treaty of Lisbon offers a new framework for the participation of civil society, namely citizen's initiatives. Good governance means that all public agencies and departments conduct their work as openly as possible, ensuring the citizens' participation. There is also a commitment to open channels of communication to be carried out as regularly as possible.

Accordingly, all Commissions of the Portuguese parliament (with the exception of the Defence Commission) conduct their work in an open manner. All reports and minutes of meetings are available for download on the Commissions' websites¹⁰¹.

The Commission acknowledges that there is still much to be done in order to speak about a proper participation of civil society in parliamentary work regarding European issues. In 2006, they sought the opinion of several organisations in the discussion of the European treaty that would be called the Treaty of Lisbon. The Commission

98. <http://www.agenda21local.info/>

99. Several subjects on discussion, ranging from the planning of green spaces to the use of taxes (in Portuguese) <http://www.cm-lisboa.pt/?idc=90>

100. <http://www.cm-lisboa.pt/?idc=486>

101. These can be found on the parliament's website, www.parlamento.pt

organised questionnaires and treated the data, which was later presented in public sessions. The effort of de-centralisation is also clear in this example: the sessions were held not just in Lisbon, the capital, but also in Porto, Braga and Coimbra, so as to inform a larger share of the population regarding the Treaty. In that same year, the parliament approved a law (43/2006) on the powers of the parliament regarding European construction. Under this legal framework, information needs to be made available in due time, thus promoting transparency and good governance. Since then, the parliament became much more active in terms of the reports and opinions produced.

The Commission still receives few requests for public audition. The existing requests demand information about European directives and regulations, for example in the field of consumer issues and agriculture and fisheries. In both cases, public auditions with the relevant civil society organisations and representatives (personalities of recognised merit and trade unions) were held, together with the other Commissions involved. In 2008, the Commission organised a series of public consultations for organisations and partners of civil society on the subject of ultra-peripheral regions of the European Union. A report was published with the results of this large-scale consultation, which served as a policy advising paper. There is some expectation that now that the Treaty of Lisbon has entered into force (in December 2009), the citizens will make more use of the resources that are available.

4. Conclusion

The internet plays a significant role in the consultation with civil society. Free access to all documents means that stakeholders can prepare themselves for the public consultation processes that characterise most councils and departments. The interviews revealed that the process needs more structuring. A compact or CSO procedure would transform an approach that is more ad hoc than regular into a common practice made easy for all actors involved.

The Portuguese third sector does not include strong networks. The Platform of NGOs, for example, does not include some of the bigger NGOs (in terms of staff and budget), thus weakening the dialogue between state agencies and sectoral networks. Once

again, the lack of a procedure leads to several talks being held at the same time, without any coordination between its participants. The situation weakens the potential involvement and action of the third sector, deemed as unstructured and fragmented.

Most procedures observe an advisory role for civil society organisations, including them in the early and late stages of decision-making. The local level presents more frequent patterns of interaction, as was expected.

1. Introduction

The general framework for consultation procedures with civil society or the involvement of non-state actors in the policy-making process in Romania started to be addressed by public officials back in 2001, when the Parliament adopted the law on free access to public information (Law 544/2001). This law aimed at aligning the national regulations on civil society access to information with those regulations promoted by the European Union (EU) and the Council of Europe. Furthermore, the law on public administration transparency in decision-making (Law 52/2003) together with the Government Decision 775/2005 that establishes the procedures for central government on the elaboration, approval and presentation of draft legislation, have introduced public consultations as a mandatory step in the decision-making process. This decision had also established a common methodology for all central government bodies in consulting the civil society. More specifically, the Romanian government (through its various central and local bodies) has the obligation to publish an announcement regarding the legislative acts/drafts (except for legislation regarding the national defence strategy, public order, national economic strategy or any other classified information or personal information, according to the law) on its official website and also on the information point of the respective ministry. In addition, the government should also disseminate the information regarding the given public policy via the mass media. This should be done at least 30 days before the normative act is supposed to be adopted. Members of civil society who are interested in the given legislation can submit feedback/amendment proposals to the law initiator. In addition, it is mandatory that any piece of legislation that affects the business sector should be sent by the initiator to all business associations or any other legal associations belonging to the domain of the given activity. The period for receiving feedback is 10 days. In terms of the working mechanisms – to accommodate the input from civil society and the centralization of information at the government level – the law prescribes that each public authority should designate a responsible person for the relationship with civil society, with the main responsibility of collecting and managing the received comments and amendments. Nevertheless, this does not always hold in practice, as

various ministries lack a person who is directly responsible for the relationship with civil society (for example the Ministry of Foreign Affairs or the Ministry of Justice¹⁰²). The law further stipulates that if a member of civil society requests a public debate on a given legal act, the initiator has the obligation to organize one. However, it should be noted that the feedback received from non-state actors has only a 'recommendation' status and therefore the government has a leeway in deciding what to incorporate in the final public policy.

In terms of figures, the findings of the 'Assessment of Public Consultation Practice in Romania', study conducted by the Regional Association for rural development¹⁰³ show that for example in 2005, a total of 178,178 legislative acts have been produced, out of which 177,316 were produced by local authorities and 862 by central authorities. Out of the total number of legislative acts, 132,025 have been publicly announced and open (by request) to public consultation. The means used by public authorities for the public announcement of the legislative drafts were: 76% website, 18% public announcement displayed at the respective authority premises, and 6% via mass media. As a result of the public consultation process, in 2005 the public authorities received 6,257 recommendations for changes of the legislative drafts from civil society, out of which 4,310 (69%) have been considered and introduced into the new legislation. The conclusions of this study point to the fact that the public consultation process in Romania is developing and improving in terms of the attitude of public administration versus civic involvement; however, it is still perceived as being formal and lacking managerial coherence.

Having a more specific focus, namely in the field of environment protection, law 86/2000 (that ratifies the Aarhus Convention – the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters) introduces the right of citizens to receive environmental information, to participate in decision-making processes that affect the environment (in areas

102. See for example Simona Fit (2009), 'Studiu privind existent sau nu a unor proceduri minimale de consultare publica la nivelul administratiei publice central si locale din Romania' (In English: Study of the existence or not of minimal public consultation procedures at the central and local public administration level in Romania), Academia de Advocacy, Timisoara, www.advocacy.ro

103. www.arดร.ro

that vary from waste management and porcine fast growing installations to highway building and nuclear plants), but also the right to file suits against public authorities that do not respect their freedom to participate and to receive information.. Along the same lines, government decision 1076/2004 establishes that “public participation in environmental impact assessment is done effectively as from the initiation of the program”. The responsibility of information and consultation lies with the public authority as well as with the titular of the project that needs the environmental impact assessment and approval. The law provides detailed procedures for consulting the public, along with deadlines and channels of information. Each stage of the consultation process must take into account the opinions expressed.

2. Formal Framework for Civil Society Consultation

The current president of Romania decided to establish various committees (formed by experts in different fields of activity, such as professors, researchers, members of NGOs, IOs, labor unions, business organizations, and so on) aimed at analyzing and preparing research reports for special issues or policy problems that Romania faced¹⁰⁴. These are¹⁰⁵: the presidential committee for communism dictatorship in Romania (established in 2006), the education and research committee (established in 2008), the presidential committee on health care (established in 2007), the presidential committee on national patrimonies and historical sites (established in 2008), the committee on the Romanian political system (established in 2008), and the presidential committee on analyzing the demographic and social risks in Romania (established in 2008).

For example, the committee for assessing the current state of the education system in Romania elaborated a strategic document that would help to reform the education system in order for it to become more competitive both at the European and international level. The presidential committee was formed by public authorities and members of civil society (professors, researchers, members of labor unions, and other social partners) and it has elaborated various policy alternatives for the Romanian

104. For an overview of the work of the presidential committees please see: <http://www.presidency.ro/?lang=en>

105. The work of the committees marked in bold followed the EU regulations and good practices in the respective area.

education reform program. Parts of these recommendations were incorporated into the new national education law that is currently in the process of a public debate and which should be sent for parliament approval in the upcoming month. A similar picture can be depicted in the case of the committee on the public health care system, or the demographic and social risks working group, where the experts identified the existing policy problems at the national level and elaborated solutions/recommendations based on EU practices and regulations as well as domestic settings.

2.1 The tripartite social dialogue

In the field of social and economic policies the national government has to consult the Social and Economic Council (www.ces.ro). In terms of institutions, the government established in 2005 the Department for Social Dialogue with its main responsibility being to assure communication between the Romanian government and social actors. Furthermore, this department is responsible for preparing, negotiating, and establishing partnerships with social partners. In addition, each ministry should establish a Social Dialogue Committee responsible for the relationship with social partners on specific/sectorial issues. In special cases (for example, when there is a complex national socio-economic problem) the government and the social actors can sign so-called 'social agreements' – the first social partnership was signed in 2001 by all national labour confederations and business organizations in order to identify solutions for the important socio-economic problems that Romania then faced. Among the most remarkable outcomes of these partnerships were: the establishment and enforcement of the Labour Code, the Labour Unions Law, the Business Organizations Law, and the Law on stimulating the labour force and assuring social benefits for unemployed persons.

2.2 The Parliamentary Committees

Once on the agenda, a policy proposal is analyzed by the Parliament by sending it to the specialized working committee(s) for discussion. At this stage, the legislative act can be directly amended by deputies, senators and the Government – regardless of who is the initiator. MPs who are not members of the respective committee have

the right to participate in the debate but not the right to vote in it. In addition, at this stage an indirect influence (through parliamentarians or government bodies) on formulating policy alternatives can be exercised by *social stakeholders* (formally, they can participate in the debate if invited by the members of the respective committee). Furthermore, lobbying members of the parliamentary committees is an often adopted practice carried out by both government bodies and members of the civil society.

2.3 The NGOs

As a result of the adoption of the legislation on access to information and transparency in public administration, some NGOs decided to specialize in providing advocacy and developing working procedures for public consultation. One example is the Resource Center for Public Participation¹⁰⁶, a foundation created in 2007 through the civic program of the National Democratic Institute in Romania, which was designed to support NGOs and public institutions in acquiring the principles and applying the methods of public participation. In CeRe's vision, NGOs, citizens and public institutions assume responsibility for public participation and use their rights associated to this participation.

The Civil Society Development Foundation¹⁰⁷ an independent, non-governmental organization, established in 1994 on the initiative of the European Commission is another NGO that advocates and offers training for public participation in the decision-making process.

A further example is the Advocacy Academy¹⁰⁸, an expert organization for increasing the participation of the business sector in the policy-making process. The institution is both a member of the Romanian Social and Economic Council and of the European Social and Economic Council.

106. www.ce-re.ro

107. www.fdsc.ro

108. www.advocacy.ro

3. European Issues Consultation

In order to enhance communication and debate in the Member States, at the civil society level (namely citizens, social and economic partners), the European Commission established in 2001 a public consultation mechanism which allows non-state actors to get involved directly in the European policy-making process. On the one hand the mechanism consists of online questionnaires that give citizens the opportunity to evaluate communitarian policies, and, on the other the opportunity to send policy feedback in various domains of EU competences in the early stages of the decision-making process.. These mainly cover economic affairs, agriculture, audiovisual, budget, research and technology, competition, consumers, culture, education, energy, fiscal aspects, enterprise, justice and home affairs, environment, the labour market and social problems, equal opportunities, fisheries, the internal market, regional policy, trans-European networks, public health care, food safety, information society, sports, youth actions, and transport. These consultation procedures were introduced by the Romanian government through the Ministry of Foreign Affairs and consist of an online portal¹⁰⁹ that allows citizens to directly monitor and involve themselves in the European policy-making.

This legal setup, which is designed to improve cooperation between civil society and state bodies in terms of public involvement in politics, also applies to the national legislation which was adopted as part of the *acquis communautaire* and any other recommendations or policy suggestions coming from the EU. In other words, all relevant EU legislation that was transposed into the national law was supposed to go through the public consultation procedures (as of 2003 onward). However, in many cases this remains rather a formal step of the policy-making process, without the salient involvement of social partners, and with the executive being the most important body in the decision-making process.

109. <http://www.mae.ro/index.php?unde=doc&id=34937>

4. Conclusion

While drafting a legislative act (more than 80% of the current legislation in Romania is produced by the Government), the respective ministry (law initiator) can consult/ask for the advice/expertise of social actors. In most cases, this procedure is informally conducted by members of the given ministry that would ask civil society partners (e.g. NGOs, think-tanks, labour organizations and so on) that have experience and knowledge in the respective field to participate in the elaboration of law drafts, thus also accommodating their policy preferences into the final normative act. Furthermore, as has already been mentioned above, another policy influence channel for non-state actors is the parliamentary arena (especially in the working committees), where various stakeholders are able to lobby politicians to gain their support for their propositions.

1. Introduction

One notable distinction that sets the Slovak case study apart is its delayed achievement of democracy due to Mečiar's regime of 1990-1998. Mečiar's highly centralised and autocratic leadership stalled the formation of a constructive, consultative culture between public authorities and civic actors. At the same time, the Slovak public's growing dissatisfaction with Mečiar's regime served as a springboard for collective civic action and organisation. These early phases were marked by the formation of the NGO umbrella platform Gremium of the Third Sector, the 1996 S.O.S. Third Sector Campaign against the contentious Foundations Act, and the subsequent get-out-the-vote campaign OK in 1998 which led to Mečiar's demise. Since 1998 to 2006 the relationship between the government and the civic sector dramatically improved with the government's increasing inclusion of civil society experts in policy making, with the passing of the 1% Income Tax Act to support NGOs' public financing (2002), and the formation of the Slovak Council for Non-governmental Organisations (1999-2006).

With the onset of favourable conditions and the consolidation of civic actors, the latter have increasingly expanded their instruments of influence through direct protest actions, participation in decision-making bodies and provision of expertise to the government. The presence of foreign foundations and Slovakia's accession to the EU in 2004 also played an influential role in reinforcing standards in the practice of public consultations. Yet in 2007-2008, complaints about the government's disregard for public consultations procedures have increased,¹¹⁰ namely in the context of the Building and Land-use Acts, the Environment Impact Act (EIA) associated with large public infrastructure projects and in violation of the Aarhus Convention (on Access to

110. Public consultations were omitted in the issuing of permits to mining, land fill projects, electrical ???, the burning of hazardous waste, chemical factories, production of toxic materials, or genetically modified organisms (www.priateliazeme.sk). Concrete cases where desired public participation was prevented can be found in the example of the mining of uranium in Jahodná near the city of Košice, in mining activities in the area of Tokaj, and the mining of gold in Kremnica, or the issuing of permits for the electricity company in Trebišov.

Information, Public Participation in Decision-making and Access to Justice in Environmental Matters),.

2. Formal Framework for Civil Society Consultation

Five general trends characterise the practice of public consultations in Slovakia. These include:

2.1 Legal (non)basis for public consultations as a policy tool

An official standard and a comprehensive national strategy or guidelines on the use of public consultation procedures in the broader process of public policy-making (i.e. agenda setting, policy formulation, implementation, analysis, monitoring, and evaluation) in Slovakia do not yet exist. Explicit references to public consultation procedures in policy making appear in the Environmental Impact Assessment Act and the Building Act with regards to issuing permits for large infrastructure projects such as the construction of highways, commercial buildings, mining and exploration and any other public construction initiatives with potential impact on the environment and peoples' living space. More indirectly, the Free Access to Information Act (2001) also touches on transparency, citizens' right to information and government's obligation to publicly disclose information (except in cases involving a state secret) on issues pertaining to its competences. While a bill on lobbying was drafted by the Anti-Corruption Department of the Slovak Ministry of Justice in 2005 (originally the 'law on the participation of the public in the legislative process), it was never adopted.

Thus, though some legal provisions exist, clear directives as to when and how a policy concept, legislative intent or action plan should be introduced are lacking. The legislative process relies on internal normative acts and ad hoc initiatives rather than formal procedures¹¹¹ (Staroňová 2004). As a result, the practice of public consultations (in areas where directives exist) is fragmented, sporadic and discretionary, and dependent on the will of the initiating agent. Extreme "ministerialism" is also attributed to

111. Legislative Rules of the Slovak Government and Guidelines for Preparation and Submission of Materials to the Sessions of the Slovak Government.

“the nature of the coalition government, where disputes among political parties in the coalition are reflected in disputes among their ministries”. Moreover, given that legislation (legal acts) is the key policy instrument in Slovak politics (90% of all policies developed in the ministries have a legalistic nature) there few alternatives for civic actors to wield influence (Staroňová & Mathernová 2003).

2.2 Corporatist style of policy making

Another influential factor in understanding the public consultation climate is Slovakia’s history of corporatist or statist policy-making style. Policy-making in Slovakia tends to be centralised where legislative proposals and public policies tend to be elaborated in working groups consisting of civil servants, standing advisory bodies and civil society experts (Staroňová 2009; Donelan 2008). Policies are most often initiated on the basis of a ministerial mandate followed by the formation of a corresponding working group or advisory committee.

In the research and development policy sector, a good example is the role of the Slovak Republic Government Board for Science and Technology which serves as the standing advisory body comprising a total of 15 members: 5 from the respective ministries representatives, 2 members from the Slovak Academy of Sciences, 3 from the private sector and an undefined number of appointed sectorspecific experts¹¹². In most cases, however, the official number and composition of such groups/ committees is unknown. This leads to procedures which are not transparent¹¹³ and numerous advisory bodies at different levels of government which are often unaware of each other. Diverse quality in policy outcomes is also a problem.

112. The SRGBST is mandated to discuss and evaluate conceptual and strategic materials on S&T policies elaborated for the Slovak Government, EU organisations or other international organisations. Other examples include the Ministry of the Economy establishing a Business Environment Board and the National Agency for the Development of Small and Medium Enterprises (NADSME), which acts as a standing advisory committee but is registered as an NGO, comprising representatives of the Slovak Chamber of Industry and other business associations.

113. However, this lack of transparency is a more a result of “mismanagement than intentional efforts to conceal information”.

Hence, given the corporatist nature of policy-making in Slovakia, civil servants and ministries tend to rely heavily on external stakeholders and sector specific interest groups for expert input during the policy agenda-setting stage. Influential interest groups and associations often have a legislative or advisory unit which prepares policy concepts and draft bills in advance and addresses the ministry with ready-made material. It has been argued, however, that this trend is attributable more to administrative pragmatism in order to alleviate civil servants' job loads than to the intention for inviting policy stakeholders to enrich or inform policy content (Staroňová 2004). Due to the corporatist style, organised interest and lobby groups tend to be more integrated in public policy-making than NGOs. The latter thus act more as watchdogs and implementing agents for (mostly foreign or EU-funded) programmes, while the general public and ordinary citizens are the least consulted (directly).

2.3 Dependency on political cycles

An interesting paradox observed in the organised CSOs-state relationship is the sector's continuous aspiration to establish itself as a distinct professional entity vis-à-vis the state on the one hand, and its inability to maintain full political independence on the other. Different lobby and civil society groups played an important role in the election of the governments in both the pre-election period of the SDKU – Dzurinda-led government (more right leaning in the period 1998-2006), and in the current (left of centre) SMER- HZDZ-LS/ SNS. This suggests a level of closeness – thus political partiality – among some civil society players and government which further complicates the context.

2.4 Government's passive versus pro-active approach

Due to a lack of legal provisions, the government and its respective line ministries still remain relatively passive when reaching out to the wider public. Though much progress has been made with regards to government agencies posting information on government websites, public consultations targeting wider public audiences are negligible. When public consultations are used, they tend to be launched too late in

the policy process when it is more difficult and the government and civil servants are more reluctant to incorporate public comments.

There is also substantial evidence about the inadequacy of the Slovak government's use of public consultations in practice. In 2008-9 a series of appeals and public protest campaigns was successfully launched by Ekofórum against the government's amendments to the EIA directive, which were seen to be in violation of the Aarhus Convention. The protests criticized the Slovak government's non-compliance with the existing EIA directive and for removing or significantly diluting the role of public consultations in the proposed amendments to the Act. In 2006, a survey of business entrepreneurs also revealed that 'entrepreneurs not being consulted' on pertinent business legislation was the second most limiting aspect in Slovakia's business sector (www.ruzsr.sk).

A recent positive development in this regard is the *New Legislative Monitor*. Established to promote legislative transparency and public engagement in public policy making, it is an online legislation monitoring system and Web portal introduced in 2009 where all new and ongoing draft laws and regulations (except international treaties) in all ministries, have to be publicly listed via the "Legislative Editor" hosted by the Ministry of Justice (lt.justice.gov.sk). Through this portal, any member of the public may provide their comments, proposals and modifications to the draft legislation within the period of the official Intra-governmental Consultation. It is promising that the site is professional, well maintained and has been actively used by the public. At the same time, by law, the government is only obliged to consider and provide a response to proposals that obtain 500 or more undersigned persons/ petitioners.

3. European Issues Consultation

In Slovakia, the influence of the EU and international organisations on the diffusion of public consultations as a standard and a good practice is strong. The EU has played an important role since 2004, but previously (and continually) the OECD, EBRD and various other foreign foundations have also been important. The influence is indirect, exerted mostly in the form of public consultations being built as a phase or a constitu-

ent part of programs and financing packages. A multimillion EUR package to build the R1 motorway, which was co-financed by the EBRD, is one such example.

However, at present, public consultations on European issues in Slovakia are rather in the minority as public consultations on domestic issues predominate. The few that do exist mostly concern environmental, energy policy and climate change issues, and deal with Slovakia's (non)harmonisation with EU legislation and with international conventions. Business lobbies are also emerging as new active players, not only on European issues but also in consultation and lobbying activities in transnational arenas. A third stream where public consultations commonly appear, as mentioned earlier, is in the context of projects financed by EU structural funds, the Cohesion fund and/or foreign donors.

4. Conclusion

To a great extent, the relationship between Slovakia's civic actors and the government has been marked by a post-communist legacy similar to that of its Visegrad neighbours (Czech Republic, Hungary and Poland), and marked by mutual distrust; thus it has experienced shaky cooperative relations, an NGOs' boom and bust period in early 1990s and organisational disparities, dependency, asymmetry, the dominance of unions¹¹⁴ and reliance on foreign foundations, government instability and EU accession, to name but few. Although these factors have evolved and slowly improved over time, their influence on the formation of the civic sector and its relations with the government cannot be ignored.

114. Union density, at over 20% is higher in the Slovak Republic than in most of the other states of central and Eastern Europe, with 400,000 trade unions registered; KOZ SR is the dominant union confederation, although individual unions have considerable autonomy and influence.

1. Introduction

In Slovenia, consultations between the government and civil groups can be characterized in two ways depending on policy issues. The first is a neo-corporatist style of social and economic policies, and the second is a pluralist style in other policy areas such as the environment, agriculture, research and education (Fink Hafner 1998). Moreover, Slovenia also has a constitutional institution that functions as a semi-second parliamentary chamber and is constituted according to the principle of interest representation.

2. Formal Framework for Civil Society Consultation

2.1 The National Assembly

The National Assembly is the central legislative body. Within the legislative procedure, the assembly's committees have an important role in the second legislative phase; the phase in which a bill is in the process of being debated and reconsidered in detail. Any committee may invite experts or representatives of civil groups that have an interest in the proposed bill to participate in debate. It may also organize the public presentation of opinions on a policy. These consultations with civil groups take place on regular basis. The Assembly is also an important target for lobbying activities. Studies show that parliament has been more accessible for lobbying than the executive, because it has established continuous relations with interest groups (Fink Hafner, 1998).

2.2 The National Council

The National Council is a constitutional institution and is constructed on neo-corporatist principles. The Council has 40 members; 22 of them are elected as representatives of local communities and 18 as representatives of functional interest (4 employers, 4 employees, 2 farmers, and one for each group that represents

tradespeople, the professions, universities, education, culture and sport, medicine and social services). The Council can initiate legislation, demand referendums and parliament investigations, and veto and suspend the adoption of bills. If the Council postpones a bill, the Assembly has to reconsider it and reconfirm its decision by an absolute majority. The balance of formal power in legislative procedure between the two chambers is in favour of the Assembly as the Council may only delay a bill but cannot overrule its adoption by the Assembly. For this reason the Council acts only as semi-second chamber and does not have an important impact on policy-making. Its role is mainly consultative and representative.

2.3 The Executive branch

The executive branch of the government has been the least accessible institution for civil groups in their attempts to influence policy-making in Slovenia (Fink Hafner, 1998). However, consultations with several civil groups have been formalized with the establishment of a government consultative body. The influence of councils varies according to the strength of the interest groups represented in the council. The most influential and important among them is the Social and Economic Council because of strong trade unions and organized business.

2.4 The Council for Competitiveness

The Council for Competitiveness was established by the current government in 2008 with the aim of coordinating different policies related to economic competition matters. It provides professional and technical knowledge support for the coordination of reforms of various policies that can contribute to the further development and competitiveness of the Slovenian economy. The Council has 10 working groups, each for a specific policy: life and health, information technology, materials and nanotechnology, environment and construction, energy and sustainable development, transport, process technology, financial environment, creative industry and research and education institutions.

The Council is chaired by the Minister for European Affairs and Development. Members of the Council are representatives of relevant ministries and other government offices, representatives of companies, academics, trade unions and business associations. The activity of the Council is to draft strategic programs and methodologies for the implantation of the measures needed to be taken in order to increase the competitiveness of the national economy.

2.5 The Council for the People with Disabilities

The Council for the Disabled is the government's consultative body for policies and issues concerning the improvement of life for people with disabilities, and their social protection. Members of the Council are representatives of several ministries, representatives of public institutes for health and pension insurance, representatives of civil groups of people with disabilities and representatives of the Employment office.

2.6 The Council for the Implementation of the Principle of Equal Opportunity

In 2004 the government established the Council for implementation of the Principle of Equal Opportunity. The Council's role is to oversee the realization of the Law on the implementation of the principle of equal opportunity and to monitor the position of specific social groups. It may also propose to the government the adoption of a law or other any measure to fight against discrimination. Members of the Council are Ministers for labour, education, culture, Slovenians abroad, along with the general secretary of the government a representative from the equal opportunities office, representatives from various government social services, and finally representatives of non-governmental organizations which work on fighting discrimination.

2.7 E-government consultations

In 2009 the government launched a website for e-government consultations. Its creation was based on the experience of the Estonian government's platform for e-government consultations. The aim of the project is to increase the participation of

individuals and civil groups in the decision-making process of government proposals. Visitors may post their opinion and vote on government bills or other official documents under consideration. The government has committed itself to reply to the opinions which have been posted within 20 days.

2.8 The Commission for NGO relations

In 2002 the government began consultations with non-governmental organizations in order to establish a legal and financial framework for the non-governmental sector, and to set up an agreement for relations between the government and civil groups. The commission was established to bring representatives of the government and civil groups together and to reach an agreement between them. However, negotiations between the government and NGOs have not been concluded because of unresolved questions related to the government's financial contribution to NGOs and tax policy.

3. European Issues Consultation

There is very little information available on the specific role of Slovenian CSOs with regard to European issues. We can only assume that the ESC has a consultative and coordinative role in the implementation of the European legislation on social and economic issues, as any issue that concerns workers or employers may be put on the ESC's agenda. It is less likely that the government coordinates its official opinions on the European bills examined by the council with its social partners.

For example, the ESC has been following the national implementation of the Lisbon Strategy and follows up reports and related documents annually. However, most of the issues discussed with the ESC are matters of national relevance such as income policy, pension reform, and employment or unemployment policies.

European issues were most salient during the Slovenian presidency of the European Council in 2008. CSOs such as Greenpeace Slovenia and other organisations took the advantage to organise several public events, demonstrations and media campaigns to raise public awareness on European issues and policies.

Another, more prominent, example was the lobbying campaign organised in 2008 by the largest Slovenian trade union, the Association of Free Trade Unions Against the Working Time Directive. The Union organized lobbying campaigns, conferences and small demonstrations to influence the official opinion of the government at the council and the opinion of Slovenian MEPs.

Most of the CSOs interested in European issues are young because under the Communist regime independent and autonomous CSOs were illegal. Most of the CSOs were formed in the late 1980s and early 1990s in the period of democratic reforms. However, some of them are claiming to have a longer institutional history, such as the Chamber of Commerce and Industry of Slovenia from the 19th Century, or the Association of Free Trade Unions of Slovenia as the successor of the “old communist” trade union.

The most important national civil society networks or platforms involved in European issues are:

- Gospodarska zbornica Slovenije (Chamber of Commerce and Industry of Slovenia);
- Združenje delodajalcev Slovenije (Association of Employers of Slovenia);
- Obrtna zbornica Slovenije (Chamber of Craft and Small Business of Slovenia);
- Zveza svobodnih sindikatov Slovenije (Association of Free Trade Unions of Slovenia);
- Konfederacija PERGAM (Confederation of Trade Unions PERGAM of Slovenia);
- Konfederacija sindikatov javnega sektorja (Confederation of Public Service Trade Unions of Slovenia);
- Kmetijsko gozdarska zbornica Slovenije (Chamber of Agriculture and Forestry);
- Umanoter (environmental NGO);
- Inštitute za trajnostni razvoj (Institute for Sustainable Development);
- Zveza potrošnikov Slovenije (Association of Consumers of Slovenia)

4. Conclusion

CSOs really started to flourish after 1990, when their numbers increased ten-fold in only a few years. Slovenian CSOs are typically young organizations; they do not have large memberships and most do not have any paid staff. Most NGOs are located in or around the capital city of Ljubljana, and in several regions there are no NGOs at all. CSOs in Slovenia lack financial resources; most of them are in an unstable, poor or very poor financial state. Slovene NGOs generate little income themselves, and therefore depend on external sources of funding to conduct their projects. Unfortunately, few foundations or organizations support NGOs financially.

1. Introduction

Spain joined the European Community in 1986, about a decade after the beginning of the country's transition to democracy. Many observers had by then concluded that Spanish democracy had been consolidated. However, Spanish civil society was, and still is, notoriously weak.

2. Formal Framework for Civil Society Consultation

The Kingdom of Spain lacks a general provision (a legal provision or a master plan) establishing the legal framework, or the strategic lines of communication between the central administration and civil society. This relation is instead disseminated in the different legal dispositions that create and regulate the different consultation bodies in charge of economic, social, and civil stakeholders in relevant sectors. Consequently, in order to analyze the consultation mechanisms, we must first identify the organizations charged with facilitating such consultation. In other words, the task of studying the procedures is necessarily linked with the task of identifying the relevant consultation bodies. Practices of Spanish consultation with civil society can be structurally divided into three tiers:

2.1 The consultation practice in the central administration

In this first tier we can highlight the following key consultation institutions:

- The National Council of Non Governmental Organizations of Social Action (Consejo Nacional de Organizaciones No Gubernamentales de Accion Social);
- The Advisory Council of Environment (Consejo Asesor de Medio Ambiente);
- The Consumers and Users Council (Consejo de Consumidores y Usuarios);
- The Council of Womens' Participation (Consejo de Participación de la Mujer);

- The Council of the Youth (Consejo de la Juventud).
- The main tasks of all these councils are essentially::
- To report in a mandatory but non-binding fashion on preliminary drafts and other dispositions of the general state administration on matters falling within their expertise;
- To report on matters concerning areas of responsibilities which the government may submit for its consideration;
- To issue recommendations and proposals on the relevant domain on its own initiative.

Regarding their internal composition, these councils are comprised of representatives of the civil society (NGO's or associations of stakeholders in the different domains) together with members of the public administration.

2.2 Formal Consultation on Economic and Social Issues

In matters of an economic and social nature the mechanisms of consultation are still the councils. In this respect, the Economic and Social Council (CES) is the main institutionalized actor. In a key area of development policy, another council, the Council for Cooperative Development, also plays an important role.

2.3 Informal Consultation Procedures

The main non-institutionalized consultation process on economic and social matters is the so-called 'Social Dialogue' ('Dialogo Social') between the central government, trade unions and employers associations. In a first stage, from 1979 to 1986 the social dialogue was strictly linked with the consolidation of democracy, and achieved under the mechanisms of broad social pacts. The result was a reduction in the level of social conflict. In a later stage, with the consolidation of democracy, the social parties substituted the general pacts by more concrete agreements. These agreements were not achieved under a uniform basis as on some occasions the central government took part in the negotiations, on other occasions the most representative trade unions and

employers' organizations were able to reach agreements by themselves, and in some times only some of these organizations reached agreements.

The content of these agreements covers a wide range of domains: the establishment of frames for salary increases, the modification and the widening of social protection, the establishments of criteria for collective agreements, and the enhancement of active employment policies, etc...

Traditionally, the social partners present in the social dialogue in a national level have been, and are: representing workers, the trade unions CCOO (Comisiones Obreras), UGT (Union general de Trabajadores), representing employers, the employers' organizations CEOE (Confederación Española de Organizaciones Empresariales), and CEPYME (Confederación Española para la Pequeña y Mediana Empresa).

2.4 Think Tanks and Unofficial Consultation Bodies

Spain lacks a structure of serious think tanks that create reports and recommendations that could provide a potential input to the planning and drafting of public policies. However we can point to the following organizations as potentially having an influential role in their respective domains (mainly international relations):

- The Real Instituto Elcano is a think tank focused on International Politics, which is partly financed by the Central Administration and partly financed by the private sector. It counts amongst its members with national authorities such as the Prince of Asturias and the former President Felipe Gonzalez;
- The FRIDE, specializes in International Relations and Cooperation and Development policy. Also the RI Elcano is well linked with national politics and national authorities;
- The Carolina foundation is a public-private institution working in the field of cultural and educational relations with Latin America. Its potentially influential role is limited to the area of cooperation with and development in Latin America.

In general terms, the few relevant think tanks and organizations tend to be attached in economic and also in organizational terms with the public administration. In their composition, there is a heavy presence of current or former national authorities.

3. European Issues Consultation

The CES pays great attention to European related developments in its area of action. One of its seven Permanent Working Groups specifically deals with the problems and challenges arising from the European Common Market. Equally, the rest of the Permanent Working Groups, such as those dealing with employment and social security or farming and fishing policy heavily depend on what it is decided at EU level.

The CES also faces the necessity to deal with EU related work in the development of its advisory role, this as most of its opinions affect bills drawn up by central government in the implementation of EU legislation. Further, some of its reports directly deal with EU matters. In this respect its last report of October 2009, is named "The Challenges of the Internal European Market".

The CES is a permanent platform of dialogue and participation in which an important number of CSOs are represented, most of which deal with issues for which EU legislation has great relevance. In addition to this "natural" concern, most of these organizations are part of wider pan-European structures in their specific domains of activity. In his respect, we can identify the following national socio-economic organisations represented on the CES as members of pan-European organisations:

- The General Workers' Union (UGT) and the Workers' Committees (CC.OO.) are both part of the European Trade Union Confederation.
- The CEOE and the CEPYME are both part of the Union of Industrial and Employers' Confederations of Europe.
- The national consumers' organisations, CEACCU and UCE, are members of the European consumers' organisation: BEUC.

- The national farmers' organisations, ASAJA, UPA and COAG, are all members of the European farmers' organisations: COPA-COGECA.
- This implies that all these organisations have direct input on these European bodies, and on EU public affairs more generally. In addition, most of these organisations have also permanent representations in Brussels operating within their areas of competence, whilst also obtaining information.
- However, within the CES there is a heavy presence of traditional institutionalized economic and social actors. These limit the role the CES could have in bringing into the European arena new civic actors, such as NGOs and civil society platforms (i.e., the 0,7 Platform, the Salvem el Cabanyal Platform, etc...).

4. Conclusion

In order to understand the nature of the relations between administration and civil society it may be necessary to divide our conclusions into two levels of governance: Firstly on a central level, in which civil society is framed in heavily formal and institutionalized terms (in fact, civil society is equivalent to the consultative organs created to represent it and its associated organizations) And secondly the local level, within which (beyond simple "institutions") we also find "mechanisms" of public dialogue and participation. Therefore, in the central level of government – what is commonly defined as the national central administration – we find the following features:

- An absence of a Strategic Plan or Master Plan on public participation.
- A consultation process between administrations and CSOs that is heavily institutionalized in the form of consultative councils with the main function of formulating non-binding reports and recommendations.
- There is an absence, at least at a national level, of overarching forums of participation and dialogue.
- Informal consultation procedures solely consist of social dialogue between trade unions and workers, and on the advising and lobbying activities of a rather small group of "think-tanks" and foundations.

At the local level we find, on the one hand, mechanisms that are the direct consequence of the legislative action of central administration (i.e., the popular initiative in the local context or the creation of Social City Councils), and on the other we also find mechanisms created on the initiative of municipalities, which cannot be easily identified with the traditional tools of public participation (i.e., participatory budgets and local forums).

1. Introduction

Historically Sweden has a highly organised civil society that employs alternative means of active participation and of voicing of opinions in Sweden. There is a strong tradition of social dialogue between partners in management and labour, without political or legal involvement (EESC 2010). The Government consults social partners several times a year, partly under the umbrella of the National Reform Programmes (NRPs), and alongside specific meetings, organised within civil society (Official Journal of the European Union 2008).

For example, as part of the preparatory work on the *Swedish Reform Programme for Growth and Employment 2008-2010*, social partners (the Confederation of Swedish Enterprise, the Swedish Trade Union Confederation, the Swedish Confederation for Professional Employees, the Swedish Confederation of Professional Associations and the Swedish Association of Local Authorities and Regions) were consulted. The social partners have, like previous years, contributed joint submissions to this programme, presenting, among other things, results from negotiations. The Swedish labour market has a high degree of organisation, a broad covering of collective agreements and a well-developed social dialogue. The social partners traditionally resolve many issues by means of collective agreements without central government intervention in the form of legislation or involvement of government agencies.

2. Formal Framework for Civil Society Consultation

There is no formal regulation of lobbying, such as a public registers of lobbyists, in Sweden. The opponents to regulation maintain that such measures would impede access to non-registered CSOs by giving the impression that the only way to approach the government successfully is by making use of a registered lobbyist (Naurin 2001).

Civic dialogue exists in many forms: organisations are formally consulted on official reports and proposals, they take part in hearings and conferences and are involved

in other ways (EESC 2010). The type of CSO involvement varies from the creation of a specific working group to a consultative procedure called *remissförfarande*, where the interested parties are invited to comment on an issue (EU consultation). These procedures are described more in detail below.

2.1 Consultation (*remissförfarande*)

Remissförfarande, i.e. submission of documents for comments to relevant authorities and CSOs, has a long tradition in the Swedish policy-making process. It was established by the *Instrument of Government* in 1974 (Chapter 7, Art. 2), and is one of the four fundamental laws that make up the Swedish Constitution (Regeringskansliet 2009):

“In preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Organisations and private persons shall be afforded an opportunity to express an opinion where necessary.”

The Government’s aim in facilitating *remissförfarande* is mainly to illuminate different consequences that a given proposal might have once implemented. *Remissförfarande* is also important from the democratic point of view since it is believed to promote a broad citizen engagement in the public debate. Sweden uses this method extensively, although less so in recent years. Through this consultation procedure, the government asks CSOs, which have a formal status of as consultation bodies (*remissinstans*), for opinions in written form. In some cases, the relevant CSOs are also invited for face to face meetings to discuss the government proposal. Also those CSOs or individuals that have not been invited to submit their opinion can do so. The government proposals put out for consultation come either in the form of official series of reports of committees appointed by the Swedish government for the analysis of issues in anticipation of proposed legislation called *reports of official commissions of inquiry* (statens offentliga utredningar (SOU)), or reports of committees internal to one of the Swedish government ministries (*departement*), published in another series called *official report series of the Ministries* (departementsserien (Ds))¹¹⁵.

115. Both types of reports are publicly available in electronic form on the Government portal: www.regeringen.se

2.2 Specific Government Committees (utredning)

For example: In February 1999, the government created a specific committee concerned with the adoption of children by homosexual families. The committee included MPs and experts from authorities and organizations working with children, adoptions, and sexual orientation. The committee worked over two years with the aim of investigating the situation of children in homosexual environments and assessing the legal differences between homosexual and heterosexual couples. At the same time as the committee handed in its report to the Government, it was also submitted for comments (remissförfarande) to relevant authorities and CSOs. On the basis of the committee's and the consultation bodies' (remissinstans) opinion, as well as with the support of Justice Department officials, the government submitted a proposal for changes in legislation to the Parliament (government offices).

2.3 Departmental position memorandum (ståndpunktspromemoria)

Every government department takes charge when determining a Swedish political position on EU matters that fall within its area of responsibility. This is mainly done through so called 'position memoranda' (*ståndpunktspromemoria*), which have to be produced at latest five weeks after a new proposal from the European Commission has been handed over to the Council in Swedish translation. The memorandum includes the following points: the legal basis and the decision-making procedure; the position of Sweden and other Member States, and EU institutions; information about and analysis of the proposal. The memorandum indicates what result is desirable through negotiation, what should be prioritized, and where there is space for compromise. Essentially, it functions as a basis for negotiation during the whole decision-making process. This memorandum also takes into account the opinion of consultation bodies, including CSOs.

Examples of Government - CSO dialogue

1. Example of procedure: Commission for Sustainable Development

In order to engage and integrate different actors of the Swedish society in questions concerning sustainable development, the government has appointed an advisory body named the Commission for Sustainable Development. Its mandate includes, in the light of the European Strategy for Sustainable Development, the task of analysing issues regarded as relevant for the work of sustainable development. The commission is supposed to analyse obstacles and develop strategies. Its work is used as a foundation for decision making by the Swedish government. The Commission consists of members from the business world, independent organisations, research centres and the political sphere. All members are appointed because of their individual qualities, not as representatives of different organisations, and the commission is supposed to function as an expert adviser to government (Olsson 2009).

2. Example of organisation: the Confederation of Swedish Enterprise

The Confederation of Swedish Enterprise (Svenskt Näringsliv, SN) works closely with the Parliament on climate issues, especially with the Ministry of the Environment and with the Ministry of Trade. SN has a permanent representative in the Swedish Council for Environmental Objectives. In 2007, SN published a report on how Swedish companies follow up the national environmental objectives, based on in-depth interviews of 29 companies. It led to a conference on the issue with participants from both companies and the public sector (e.g. the ministries) (Olsson 2009).

3. European Issues Consultation

The social partners also have a central role in implementing EC directives and guidelines through arrangements in collective agreements. This is also true of autonomous agreements the partners have entered into at the European level.

Regular consultations take place between the Government and the social partners on EU matters associated with employment and the labour market, and in addition issues that affect social partners. These consultations, which take place both at the political level and with senior civil servants, provide opportunities to discuss important EU issues in relation to the government's actions and national policies. Moreover, the Government invited some 70 CSOs, social partners, industry bodies, and government agencies for discussions on the implementation of EU strategy for growth and jobs in Sweden, as well as on the organisations' work on Lisbon-related matters. These roundtable discussions took place on two separate occasions, and a total of some 50 organisations participated. The organisations were also invited to present written submissions, which 15 organisations subsequently did (Prime Minister's Office 2008).

Both government offices (an integral authority comprising the Prime Minister's Office, the ministries and the Office of Administrative Affairs) and the Government Departments (Ministries) coordinate their EU work with relevant civil society organizations (CSOs) early on in the decision-making process. There is a continuous dialogue between these departments and civil society in various policy areas. The aim is to facilitate the shaping of the Swedish position in preparation for EU negotiations and the implementation of EU directives in Sweden. Within departments, the Ministers bear the responsibility for consultations with CSOs within their particular sphere of interest, and also when it comes to EU matters.

4. Conclusion

Sweden has for a long time shown corporative tendencies, e.g. the labour movement had a close relationship with the Social Democratic Party (the governing party in Sweden since the end of the Second World War, excepting a few exceptional periods).

However, the traditional corporativism - where the representatives of trade unions, industry and agricultural interests are closely involved in the work of the government administration – has been weakened over time (Göransson 2000). During the past 20 years, the collaboration between the state and the large CSOs has become less intimate and less institutionalised. At the same time, the CSOs have increased in number, and involvement in the political arena has become tougher. Other methods used to influence politics - lobbying, media contacts, opinion making – have become more prominent. Currently, there is a trend towards pluralism or 'lobbyism' (Naurin 2001).

UNITED KINGDOM

1. Introduction

It was not until 2000 that the Government of the United Kingdom adopted a Code of Practice on Consultation setting out the Government's approach to run a formal, written, public consultation exercise. Acknowledging the significance of a dialogue between Government and stakeholders in policymaking, the UK Government sought to provide a very structured and most importantly effective consultation procedure with this Code of Practice. That is, a consultation process targeted at, and easily accessible to, those with a clear interest in the policy in question. This Code also helps to ensure that the adoption of a common standard for consulting the public exists across government.

The Code does not have legal force and cannot prevail over statutory or mandatory requirements. Under the terms of the Code, Ministers and Departments retain their existing discretion whether to conduct formal consultation exercises or not. As such, a formal, written, public consultation is not always the most effective or proportionate way of seeking input from interested parties (e.g. when engaging with stakeholders very early in policy development or when the scope of an exercise is very narrow and the level of interest highly specialized). In such cases a formal and written consultation exercise is deemed inappropriate. These are other ways to seek input from interested parties, which do not fall within the scope of this Code. However, when departments decide to choose other ways than formal and written consultation to engage with interested parties, they are encouraged to be clear about the reasons why they preferred to choose these methods. Other public sector organizations are also free to make use of this Code for their consultation purposes.

2. Formal Framework for Civil Society Consultation

The Directgov website (<http://www.direct.gov.uk>) offers citizens and organizations all public services in one place. The "Government, citizens and rights" section of the website provides interested parties with a detailed explanation of the consultation pro-

cess, the benefits of consultations, tips on taking part in consultations, and finally a list of government consultation websites. Consultation is defined as the involvement of the public in the work of government. Among its other benefits, consultations with interested parties allow government access to the widest source of information possible, therefore improving the quality of the decision taken. Consultation also alerts policy makers to any concerns and issues not picked up through existing evidence or research.

2.1 Voluntary Organizations (VOs) or Non-Governmental Organizations (NGOs)

Voluntary and community organizations have played a major role in service delivery in Britain. Notable examples include the philanthropists of the 19th century who were the main drivers of social change, giving rise to methods for tackling illiteracy, poverty and ill-health. In fact, many services that now fall within the scope of the governmental sphere had begun in the voluntary and community sector (VCS). Today, the VCS is still actively contributing to service delivery and the strengthening of communities, and it is a key partner in delivering government policies. The Government also sees the VCS as a close partner, and shows its commitment by various funding schemes for the sector to flourish, be strong and independent.¹¹⁶

Two major attempts towards this goal were the 1996 Deakin Commission Report and the 1998 Compact. While the former charted a way forward for the sector, the latter set out the roadmap for an effective partnership between the Government and the sector. Its ultimate goal was to explore the ways in which central and local government can work more effectively with the sector to deliver high quality services.

In cases where the sector engages in service delivery, it is able to do so effectively.¹¹⁷ The Compact is a guide to an effective partnership, but it is not legally binding. Although it has been regarded as a necessary step, it was criticized for being poorly implemented and having a limited scope.¹¹⁸

116. HM Treasury, *The Role of the Voluntary and Community Sector in Service Delivery: A Cross Cutting Review*, 2002, p. 3. <http://www.hm-treasury.gov.uk/d/CCRVolSec02.pdf>

117. *Ibid.*, p.5

118. *Ibid.*, p. 29.

This was followed by the Charities Act of 2006, which established the Charity Commission for England and Wales with the following objectives:

- The public confidence objective to increase public trust and confidence in charities;
 - The public benefit objective to promote awareness and understanding of the operation of the public benefit requirement;
 - The compliance objective to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities;
 - The charitable resources objective to promote the effective use of charitable resources;
 - The accountability objective to enhance the accountability of charities.
- The 2006 Act also established a Charity Tribunal with a jurisdiction to hear and determine:
- Such appeals and applications as may be made to the Tribunal in accordance with Schedule 1C to this Act, or any other enactment, in respect of decisions, orders or directions of the Commission;
 - Such matters as may be referred to the Tribunal in accordance with Schedule 1D to this Act by the Commission or the Attorney General.

According to DANGO, the Database of Archives of UK NGOs, there are currently about [1,800 organizations registered in the DANGO database](#). [DANGO](#) is not exhaustive, however, and focuses on organizations which are socio-political actors, which means, in a broad definition, that it excludes all sports and purely recreational organizations. DANGO is an [Arts and Humanities Research Council](#)-funded project, based within the [Birmingham Centre for Contemporary History](#) in Birmingham's [Department of Modern History](#).

DANGO defines an NGO as a “non-violent organization that is both independent of government and not serving an immediate economic interest, with at least some

interest in having socio-political influence.¹¹⁹ Conceptualizing society as comprising three spheres: governmental, economic, and voluntary, DANGO is interested in the third sphere, focusing mainly on organizations that seek to play an influential role in the national and/or international arena.

3. European Issues Consultation

In Britain, there is, in an exact sense, a national Economic and Social Council or its counterpart. This absence has never been an issue in British politics. The British neo-liberal model of social partnership is quite different from that of other European countries. It is based on the idea of pluralism. The British model rests on the principle of collective bargaining in decision making.

On European issues, each government department seeks the views of different CSOs. Different interests are represented by national umbrella organizations that campaign, lobby, protest and act as advocates for their members. For instance, the Association of British Insurers represents and defends the collective interest of the UK's insurance industry, whereas the National Farmers' Union is the largest farming organization representing the collective interest of British farmers.

According to Vandenberghe (1995), civic interests exert a greater influence on EU policy-making. Civic interests refer to interests other than those of producers. Among these lobbying groups, environmental groups and human and animal rights lobbies rank highest in influence, whereas agricultural associations and industry rank only third and fourth. British Civil Society institutions also reflect the same trends, as they are highly active in the civic domain.

The activities of British CSOs are mostly service- and lobby-oriented. They provide certain services for their members such as gathering information on issues and making information available (often exclusively to their members). While performing their lobbying functions, they seek to influence decision-making processes from outside by meeting Commission officials or participating in public hearings.

119. <http://www.ngo.bham.ac.uk/defining.htm>

The most important national civil society networks or platforms involved in European issues include:

1. The National Council for Voluntary Organizations
2. BOND (British Overseas NGOs for Development)
3. European Alternatives Limited
4. FERN
5. The Parliamentary Advisory Council for Transport Safety
6. The National Farmers' Union
7. The ABI (Association of British Insurers)
8. The British Business Bureau (BBB)
9. The British Retail Consortium
10. Consumer Focus

The majority of the organizations identified above are listed as interest groups represented by Lobbyists accredited to the European Parliament or the European Commission.

4. Conclusion

Most EU countries have a national Economic and Social Committee which acts as an anchor for their EESC delegation. The UK has never had such an institution and responsibility for dealing with the EESC delegation and related matters rests with the Foreign and Commonwealth Office, supported by the Cabinet Office and the Department of Trade and Industry.

However, the American Anglo-Saxon philanthropic model served as “a benchmark not only for Europe and the United States but also for the rest of the world.”¹²⁰ According to Tayart (2005), CSOs are regarded as a partner, but also a counterweight, 120. Luc Tayart de Borms, Norine MacDonald, *Philanthropy in Europe: A Rich Past, A Promising Future*. (London, UK: Alliance Publishing Trust, 2008)

to government and state: whilst they work with the state in delivering a service, at the same time they “cast themselves” in the role of critics of the state and motors of change in society.¹²¹

121. Luc Tayart De Borms, [Foundations: Creating Impact in a Globalised World](#). (West Sussex: John Wiley and Sons, 2005).

ANNEXES

List of Country Experts

Each country expert is the author of the correspondent country section



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Bulgaria:
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Slovakia:
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Slovenia:
Grega Gostencnik



Spain:
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Sweden:
Alina Ostling



United Kingdom:
Gaye Gungor

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This study was funded by the
European Economic and Social Committee



Education and Culture DG

Lifelong Learning Programme

The European Commission supports the
EUI through the European Union budget