

Open Government

FOSTERING DIALOGUE
WITH CIVIL SOCIETY



Open Government

Fostering Dialogue with Civil Society



ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

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FOREWORD

This publication presents the results of the International Roundtable on “Building Open Government in South East Europe: Information, Consultation and Public Participation” held in Ljubljana, Slovenia on 23-24 May 2002. The International Roundtable was organised by the OECD in collaboration with the Government of the Republic of Slovenia, the World Bank Institute (WBI) and the Open Society Institute (OSI). The OECD contribution was made possible by a grant from the Government of Denmark to the Stability Pact Anti-Corruption Initiative (SPAI). The International Roundtable, which drew significant media attention, was opened with an address by the Minister of Foreign Affairs of the Republic of Slovenia, Dr Dimitrij Rupel, and closed by the Minister of the Interior, Dr Rado Bohinc. It gathered close to 100 participants from 28 countries among both OECD member countries and South East Europe non-members, with equal numbers of practitioners from government and civil society.

The International Roundtable’s innovative format facilitated exchange among this highly diverse group of participants, who appreciated in particular three aspects of the event: the high quality of the discussions, the focus on concrete tools, and the chance to meet new partners from other countries in the region and from among the OECD membership. This publication captures the different perspectives and lively debates that characterised the event, and includes a set of concrete case studies drawn from a wide range of country contexts.

The publication was prepared by Joanne Caddy in collaboration with Christian Vergez, both of the OECD Directorate for Public Governance and Territorial Development, and is published on the responsibility of the Secretary-General of the OECD.

ACKNOWLEDGEMENTS

The International Roundtable on “Building Open Government in South East Europe: Information, Consultation and Public Participation” (Ljubljana, 23-24 May 2002) was organised by the OECD in collaboration with the Government of the Republic of Slovenia, the World Bank Institute (WBI) and the Open Society Institute (OSI).

The OECD Secretariat would like to thank the Prime Minister and the Government of the Republic of Slovenia for their generous support in hosting this event, as well as the World Bank and the Open Society Institute for their invaluable contributions in making the International Roundtable a success. Special thanks are also due to the Mayor of Ljubljana for her warm hospitality.

The OECD’s participation was made possible by a grant from the Government of Denmark to the Stability Pact Anti-Corruption Initiative (SPAI). The Community Empowerment and Social Inclusion Programme of the WBI would like to recognise the support of the Government of Italy for this event.

Thanks are also due to all those involved in the preparation of the International Roundtable, in particular: Nevenka Črešnar-Pergar (Office of the Prime Minister, Slovenia); Mary McNeil and Marcos Mendiburu (WBI); and Jerzy Celichowski (OSI). Marc Gramberger (Prospex bvba) offered invaluable professional input both before and during the event, Fadila Oumaouche (OECD) ensured preparations for the event, while the highest possible standards of logistical support were provided by Urša Trojar (Kompas d.d.) and Aleš Gerkman (Centre for Informatics, Government of Slovenia). Finally, special mention must go to all participants, authors and many others for their contribution and support in preparing this report.

TABLE OF CONTENTS

FOREWORD	3
ACKNOWLEDGEMENTS	4
PART I	
THE STATE OF OPEN GOVERNMENT	7
Information, Consultation and Public Participation in Policy-making:	
Building Open Government in OECD member countries	9
Building Open Government in Slovenia	
<i>by Nevenka Črešnar-Pergar, Government of the Republic of Slovenia</i>	25
Governance Principles in Practice: Experience in OECD member countries	
<i>by Klaus-Henning Rosen, Public Management Committee, OECD</i>	29
The World Bank Partnership and Citizens Outreach Programme	
in Europe and central Asia	
<i>by Franz Kaps, World Bank</i>	33
The Open Society Institute's Information Programme	
<i>by Jerzy Celichowski, Open Society Institute</i>	35
Debating Open Government: Why? Who? How?	
<i>A panel discussion with:</i>	
<i>Birgit Lindsnaes, Danish Centre for Human Rights; Josip Kregar,</i>	
<i>Transparency Croatia; Steven Lee, Canadian Centre for Foreign Policy</i>	
<i>Development; Sonja Cagronov, Agency for Public Administration</i>	
<i>Development, Republic of Serbia (FRY); Anne-Marie Leroy,</i>	
<i>Councillor of State, France.</i>	
<i>Moderated by: Keelin Shanley, Independent Journalist</i>	37
Practice What You Preach: The Roundtable as an Effective Interactive Event	
<i>by Marc Gramberger, Prospex bvba</i>	57
Exchanging Good Practices: The Tools Fair on Building Open Government	
<i>by Marc Gramberger, Prospex bvba</i>	67
PART II	
ACCESS TO INFORMATION	71
Access to Information	
<i>by Joanne Caddy, OECD</i>	73
Municipal Citizen Information Centres: An Effective Tool for	
Information, Consultation and Public Participation	
<i>by Vesna Atanasova,</i>	
<i>Macedonia Local Government Project, USAID/DAI</i>	79

The Open Sweden Campaign by <i>Hans Sundström, Swedish Agency for Public Management</i>	87
Access to Information: The Montenegrin Experience by <i>Srđan Brajović, Free Access to Information Program, Republic of Montenegro (FRY)</i>	93
PART III	
CONSULTATION AND PARTICIPATION	99
Consultation and Public Participation by <i>Marcos Mendiburu, World Bank Institute</i>	101
Public Participation in Environmental Protection and Transboundary Water Management Issues in the Estonian-Russian Border Area by <i>Margit Säre, Peipsi Center for Transboundary Cooperation, Estonia...</i>	109
Hear the Citizens: Building Meaningful Dialogue by <i>Katju Holkeri, Ministry of Finance, Finland</i>	119
U-Turn: NGOs Now Reach National Governments through International Institutions by <i>Liliana N. Proskuryakova, St. Petersburg Center for Humanities and Political Studies "Strategy", Russia</i>	129
Governance: A Citizens' Perspective by <i>Giovanni Moro, Active Citizenship Network</i>	137
PART IV	
BUILDING EFFECTIVE PARTNERSHIPS	149
Building Effective Partnerships by <i>Jerzy Celichowski, Open Society Institute</i>	151
Joining the EU by Consulting NGOs: The Case of Slovenia by <i>Fedor Černe, Governmental Office for EU Affairs, Slovenia</i>	155
Opening the Thinking on Open Government by <i>Primož Šprorar, Slovenian Legal Information Centre for NGOs</i>	165
NGOs and Government in the Czech Republic in 2002 by <i>Milena Černá, SKOK Civic Asociation and Jiri Marek, Ministry of the Interior, Czech Republic</i>	171
Dialogue and Partnership between Government and Civil Society in Albania by <i>Zef Preçi, Albanian Center for Economic Research</i>	179
Embracing Civil Society and State Institutions in Partnership Co-operation by <i>Birgit Lindsnaes, The Danish Centre for Human Rights</i>	189
ABOUT THE AUTHORS	203

PART I

THE STATE OF OPEN GOVERNMENT

Abstract

This section provides an overview of the key issues involved in building open government today: ensuring transparency, accountability and openness; widening opportunities for citizen input into public policy-making; and building partnerships between government, citizens and civil society organisations. Recent OECD work on engaging citizens and civil society in policy-making is introduced, and the perspectives of each of the co-organisers of the International Roundtable provided. The frank and lively exchange of views aired during the panel discussion among government and civil society practitioners from OECD member and non-member countries is reported. Finally, the section concludes with a general assessment of participants' views on the challenges of building open government and an overview of the Tools Fair.

INFORMATION, CONSULTATION AND PUBLIC PARTICIPATION IN POLICY-MAKING: BUILDING OPEN GOVERNMENT IN OECD MEMBER COUNTRIES

Abstract

Building open and transparent government is a challenge shared by all countries. This chapter¹ reviews the key findings and main policy recommendations of a recent OECD report on how governments in OECD member countries are engaging citizens in more open policy making. It argues that building robust legal, institutional and policy frameworks for access to information, consultation and public participation in policy making contributes to better public policy, the fight against corruption, and greater public trust in government.

1. From principles to practice of good governance

Good governance is increasingly recognised as an essential factor for economic development and social stability, and is at the core of OECD work in a wide range of public policy fields. Increasingly, the OECD itself invests in policy dialogue with the key partners of governments, such as business, trade unions (through long-standing consultative structures) and, more recently, civil society organisations (CSOs), all of whose contributions are crucial to achieving good governance. Recognition of the valuable insights to be gained from policy dialogue and sharing experiences among a wide range of countries is at the heart of the OECD work with both members and non-members. Both elements of this approach were reflected in the International Roundtable on Building Open Government in South East Europe held in Ljubljana (Slovenia) on 23-24 May 2002, which brought together close to 100 government and civil society practitioners from OECD member and non-member countries.

Good governance principles

Among the widely accepted principles of good governance are openness, transparency and accountability; fairness and equity in dealings with

citizens, including mechanisms for consultation and participation; efficient and effective services; clear, transparent and applicable laws and regulations; consistency and coherence in policy formation; respect for the rule of law; and high standards of ethical behaviour. These principles represent the basis upon which to build open government – one that is more accessible, responsive and transparent in its operations.

Of specific relevance when building open government are the following three key principles:

- *Accountability*, meaning that it is possible to identify and hold public officials to account for their actions;
- *Transparency*, meaning that reliable, relevant and timely information about the activities of government is available to the public;
- *Openness*, meaning that governments listen to citizens and businesses, and take their suggestions into account when designing and implementing public policies.

These principles are not abstract notions. Each one can be applied in practice through appropriate legislation, policies, and formal and informal institutional frameworks. For example, laws establishing rights of access to information – as well as the institutional mechanisms to enforce these rights – are a basic building block for enhancing government transparency and accountability. Government policies stipulating how citizens and CSOs should be consulted during policy making and how policy makers are to account for public input when reaching their decisions are necessary, if not sufficient, conditions for achieving greater openness. Deeper engagement of citizens and civil society does not mean that elected governments relinquish their responsibility to make decisions in the public interest. It does mean that they have to invest more time and energy in explaining their proposals and seeking citizens' views throughout the policy cycle (from design to implementation), and in providing reasons for the decisions they have taken.

The rest of this chapter will review how OECD member countries are putting these good governance principles into practice in building more open government, with specific reference to designing, formulating and implementing public policies.²

Why engage citizens in policy making?

Several driving forces have led OECD member countries to focus attention on strengthening their relations with citizens, including the steady erosion of voter turnout in elections, falling membership in political parties and surveys showing declining confidence in key public institutions. Calls for greater government transparency and accountability have grown, as public and media scrutiny of government actions increases and standards in public life are codified and raised. At the same time, new forms of representation and participation in the public sphere are emerging in all countries. Increasingly educated, well-informed citizens want their views and knowledge to be taken into account in public decision making – and governments in all OECD member countries are under pressure to respond.

These new demands are emerging against the backdrop of a fast-moving, globalised world increasingly characterised by networks rather than hierarchy. The Internet has opened up new frontiers in the independent production and exchange of information while providing a powerful tool for co-ordination among players on opposite sides of the globe. Businesses have been among the first to capitalise on this new reality, while international civil society has not been far behind. Governments have, in contrast, been slow to reap the benefits of a network approach to good governance and are only now discovering the advantages of engaging citizens and civil society organisations in shaping and implementing public policy.

Informing, consulting and engaging citizens are core elements of good governance, means for promoting openness, and a sound investment in better policy making. They allow government to tap new sources of policy-relevant ideas, information and resources when making decisions. Equally important, they contribute to building public trust in government, raising the quality of democracy and strengthening civic capacity.

The OECD's contribution to an emerging debate

The importance of public information and consultation with social partners has long been recognised in OECD work on a wide range of sectoral policies, including the environment, education, and anti-corruption. However, the significance of these functions for the overall health of democratic systems of government was first explicitly addressed at the annual Meeting of Senior Officials of Centres of Government in OECD member countries held in Bern (Switzerland) in 1998, which addressed the issue of “Information Policy and Democratic Quality”. As a result of this meeting, the OECD’s Public Management Service (PUMA)³ was requested to undertake a comparative

analysis of how OECD member countries were taking steps to strengthen government-citizen relations in policy making.

The PUMA Working Group on Strengthening Government-Citizen Connections met for the first time in February 1999 at the OECD in Paris. In the course of its existence (1999-2001), its bi-annual meetings were attended by representatives from 20 or more OECD member countries and could count on the active input of several others. Members of the Working Group were generally senior officials in central administrations with responsibility for the development and oversight of public information and consultation policies. Under the Working Group's guidance, two surveys of OECD member countries were carried out in 1999-2000 on "Strengthening Government-Citizen Connections" and "Using Information Technology to Strengthen Government-Citizen Connections". As a complement to the comparative information obtained via the surveys, nine in-depth country case studies were conducted over the period 2000-2001 to explore the dynamics of government-citizen relations in a number of specific instances and policy fields (including health, education, the environment and social policy). Finally, the insights, experience and regular updates provided by members of the Working Group provided the Secretariat with invaluable guidance.

The results of over two years of joint efforts were published in the OECD report *Citizens as Partners: Information, Consultation and Public Participation* (2001b), which included information from all OECD member countries. The value of the OECD's work in this emerging field and its report lies in establishing some key terms and in providing a framework with which to "map" a highly diverse set of country experiences across the OECD's membership.

In December 2001, the PUMA Expert Group on Government Relations with Citizens and Civil Society was established to carry forward the work in two specific areas, namely evaluation of government efforts to inform, consult and engage citizens and the use of information and communications technologies (ICT) to engage citizens in policy making (e-consultation).

What the report cannot convey, however, is the lively debate and climate of open exchange between country representatives that characterised the regular working meetings. Despite their many differences (e.g. with respect to constitutional systems and administrative traditions), all those attending faced the same dilemma: "How to ensure greater citizen engagement in public policy making within the bounds of representative democracy?" This recognition of a common challenge among such a wide range of countries -- from Canada, Finland, and Sweden to Hungary, Korea and Mexico -- simply serves to

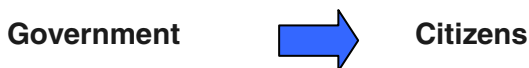
underscore the importance of this issue for democratic governments the world over. While it is certainly true that the experience of a given OECD member country may not be appropriate for all other country contexts, the policy recommendations – developed in the course of the group’s “discussions among diversity” and adopted by consensus – provide some basis for more widespread applicability.

Defining key terms

One of the very first challenges facing the participating OECD member countries was to reach a common understanding of the basic concepts framing the relationship between governments and their citizens that would remain valid for all stages of the policy making cycle: from design, through implementation, to evaluation. Given the diversity of languages, constitutional frameworks and administrative cultures existing among the OECD membership, this was no simple task.

After extensive debate within the Working Group, the following definitions were agreed upon and served as the basis for both comparative surveys and country case studies (OECD, 2001*b*, p. 23). While these definitions may not be of universal application and may be regarded as overly simple, they have the merit of providing a clear point of reference with which to analyse the wide variety of government-citizen interactions that take place throughout the policy process:

- **Information: a one-way relation** in which government produces and delivers information for use by citizens. It covers both “passive” access to information upon demand by citizens and “active” measures by government to disseminate information to citizens.



- **Consultation: a two-way relation** in which citizens provide feedback to government. It is based on the prior definition by government of the issue on which citizens’ views are being sought and requires the provision of information.



- **Active participation: a relation based on partnership** with government, in which citizens actively engage in the policy making process. It acknowledges a role for citizens in proposing policy options and shaping the policy dialogue – although the responsibility for the final decision or policy formulation rests with government.



The concrete measures by which information, consultation and active participation are carried out in practice were identified as follows: legislation, policies, institutions and tools - both traditional and those based on information and communication technologies (ICTs). This analytical framework provided the “map” within which to review the survey results and is presented in Figure 1 (where each cell offers selected illustrative examples).

Figure 1. Analytical framework

	Laws	Policy	Institutions	Tools (traditional)	Tools (ICTs)
Information	Freedom of Information (FOI)	Charging	Information offices	Registers, brochures, posters	Websites, portals
Consultation	Regulatory impact assessment	Minority groups	Advisory bodies	Public hearings	Email
Active participation	Popular legislative initiative	Co-operative agreements	Central policy units	Citizens' Juries	Electronic Discussion Groups (EDG)

Perhaps the main merit of this analytical framework is that it provides a simple reference for the systematic examination of what is often a bewildering array of laws, processes and procedures in place in any given country, let alone across several countries. It also indicates that each of the elements (laws, policy, institutions and tools) has an impact on the ability of citizens to be informed, be consulted and participate in policy making – and that each is crucial to the overall success of government efforts in this field.

Finally, it demonstrates that it is possible to find a concrete example for each of the interactions defined in the figure. This, in turn, suggests that learning from the experience of others (at the local, national or international level) may help to avoid “reinventing the wheel”, and that many more innovative measures could be developed in the future.

2. Key findings and policy recommendations

Trends in OECD member countries

Government initiatives to seek greater citizen input into policy making are, in historical terms, relatively recent in most OECD member countries, and have rarely been subject to evaluation. However, the main trends identified in the report are as follows (OECD, 2001a, p. 2):

- The scope, quantity and quality of government *information* provided to citizens has increased significantly in the past 15 years, and the provision of information is now an objective shared by all OECD member countries.
- Opportunities for feedback and *consultation* are also on the rise but at a slower rate, and large differences remain between those OECD member countries with long-established traditions of consultation and those who have only just begun to open up government decision making to citizens at the national level.
- *Active participation* and engagement of citizens in decision- and policy making, as defined above, are rare and the few instances observed are restricted to a very few OECD member countries.

Information is a basic precondition

Providing adequate levels of access to and protection of information requires sound legislation, clear institutional mechanisms for their application, and an independent judiciary for their enforcement. Last but not least, it requires citizens to know and understand their rights and be willing and able to act on them.

Access to information is the basic cornerstone on which consultation and active participation is built. Yet it is a relatively recent phenomenon, even for OECD member countries with established market economies and democratic systems in place (OECD, 2001c, p. 29). In 1980, only 20% of OECD member countries had legislation on access to information (also known

as freedom of information or FOI laws). By 1990 this figure had risen to just over 40%, and by the end of 2000 it reached 80%. In this light, it is not surprising to find that consulting and engaging citizens in policy making is still a relatively new activity for governments in OECD member and non-member countries alike.

Consultation is central to policy making

During consultation, governments define the issues, set the questions and manage the process while citizens are invited to contribute their views and opinions. Consultation has only recently been recognised as an essential element of public policy making in the majority of OECD member countries, and legal, policy and institutional frameworks are still under development.

The extent to which laws and regulations on public consultation exist varies considerably among OECD member countries. In some, consultation is a fundamental feature of the constitutional system (e.g. referenda); in others it is relatively limited in scope, application and impact. Several countries have legal requirements to consult with specific interest groups, such as trade unions, professional associations or indigenous peoples, when drafting policy or law directly affecting such interests. Consultation procedures are central to regulatory impact analysis (RIA), the systematic assessment of positive and negative impacts of draft regulation and their alternatives, and are a statutory requirement in some policy fields (e.g. laws on environmental impact assessment).

Several OECD member countries rely instead on policy statements, formal rules (e.g. cabinet orders, guidelines, standards) and long-standing informal practice. Many have established permanent or ad hoc advisory bodies, commissions and councils to provide input to government in different areas of public policy.

Active participation is a new frontier

Active participation recognises the autonomous capacity of citizens to discuss and generate policy options. It requires governments to share in agenda-setting and requires commitment from them that policy proposals generated jointly will be taken into account in reaching a final decision. Last but not least, it requires citizens to accept the higher degree of responsibility for their role in policy making that accompanies their greater rights of participation.

Only a few OECD member countries have begun to explore such approaches, and experience to date is limited. Citizens in some member

countries traditionally enjoy the right to propose new legislation or policy, for example under laws on popular legislative initiative and citizen-initiated referenda. Several countries have begun to develop new policies for more active participation by citizens in policy making. A common element in these policy statements is the recognition that government should play an “enabling role” in creating opportunities for active participation – and that citizens and their organisations can play a major role in shaping policies that affect them.

Engaging citizens online

All OECD member countries recognise the potential of information and communication technologies (ICTs) to provide better public services at lower cost, enhance the transparency and accountability of government, and promote greater citizen engagement in democratic processes. At the same time, few expect new ICTs to completely replace traditional methods for information, consultation and active participation in the foreseeable future.

Most recognise the need to ensure that all citizens, whether online or not, continue to have access to high-quality services and enjoy equal rights of participation in the public sphere. In light of the “digital divide”, the integration of new ICT-based tools with existing, “offline” tools becomes essential. A major concern is to ensure that ICTs enable not only a greater quantity but a better quality of citizen engagement in public policy deliberations (i.e. in terms of information provided and contributions received). Experience to date also suggests that the active contribution of those representing the target audience should be solicited when designing online systems for citizen engagement.

Using ICTs to involve a wider cross-section of the public in policy making has been one of the two key directions for the ongoing work of the Expert Group on Government Relations with Citizens and Civil Society in 2002. A forthcoming report, prepared under the guidance of this group, highlights five key challenges to effective online citizen engagement in policy making:

- *Scale*, or coping with many voices.
- *Capacity* of citizens and civil servants.
- *Coherence* throughout the policy cycle.
- *Learning* from experience at the local level and in other countries.
- *Evaluation* of costs, benefits, impacts.

Evaluation is lacking

There is a striking imbalance between the amount of time, money and energy that OECD member countries invest in engaging citizens (whether “online” or “offline”) and their efforts to evaluate the effectiveness of these measures and their impact on public policy making. No OECD member country currently conducts a systematic evaluation of their efforts to inform, consult and engage citizens in policy making – although all recognise the need to develop appropriate tools and to improve their capacity for evaluation (OECD, 2001b, p. 65).

This “gap” in current practice was clearly revealed through country responses to the surveys undertaken for the OECD report on *Citizens as Partners* (2001b). As a result, the second key issue on which the Expert Group decided to focus its efforts in 2002 is the development of a basic evaluation framework that could be adapted to each country’s needs. Of course, the final evaluation of government success in providing information, opportunities for consultation and active participation rests with citizens themselves.

Recommendations for policy makers

When opening policy making up to greater citizen involvement, governments must ensure that:

- **Information** is complete, objective, reliable, relevant, easy to find and to understand.
- **Consultation** has clear goals and rules defining the limits of the exercise and government’s obligation to account for its use of citizens’ input.
- **Participation** provides sufficient time and flexibility to allow for the emergence of new ideas and proposals by citizens, as well as mechanisms for their integration into government policy making processes.

A set of ten guiding principles for public information, consultation and active participation was also formulated, based on the collective experience of OECD member countries (see Figure 2). Such principles may be useful when seeking to improve government performance in this challenging area and in developing national frameworks for evaluation.

Figure 2 - Guiding principles for successful information, consultation and active participation measures for citizens in policy making

1. Commitment

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

2. Rights

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

3. Clarity

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

4. Time

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

5. Objectivity

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

6. Resources

Adequate financial, human and technical resources are needed if public information, consultation and active participation in policy making are to be effective.

7. Co-ordination

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

8. Accountability

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

9. Evaluation

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

10. Active citizenship

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

Source: OECD, 2001*b*, p. 15

Poor practice has its risks

Poorly designed or inadequate measures for information, consultation and active participation in policy making can undermine government-citizen relations. Governments may seek to inform, consult and engage citizens in order to enhance the quality, credibility and legitimacy of their policy decisions, only to produce the opposite effect if citizens discover that their efforts to stay informed, provide feedback and actively participate are ignored, have no impact at all on the decisions reached, or remain unaccounted for.

Professional support and adequate resources for such activities are essential. Based on its key findings, the OECD has made its contribution to enhancing the capacity of government officials with the publication of a practical guide, *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy making* (OECD, 2001*c*). The Handbook is a public resource available to OECD member and non-member countries alike, and is available free online in several languages (including English, French, Italian, Russian).

3. Challenges for the future

The pace of change is accelerating. As a result, all democratic governments are obliged to constantly update and adapt their laws, policies, institutions and tools for effectively engaging citizens in policy making. In responding to domestic and global pressures for greater government transparency, accountability and openness, the exchange of experience between countries remains an invaluable source of inspiration for innovative solutions. As demonstrated by the International Roundtable on Building Open Government in South East Europe held in Ljubljana, there are also great benefits in undertaking policy dialogue between government and civil society on crucial issues of common concern.

Such forms of structured dialogue and exchange – between OECD member and non-member countries as well as between government and civil society practitioners – will be even more crucial in the future given the many challenges facing our societies, including:

- *Globalisation*: what are its impacts on policy making and public participation?
- *Time*: how to ensure adequate deliberation given the need for swift decision making?
- *Citizenship*: is a new balance of rights and responsibilities emerging? What skills are needed?
- Civil liberties vs. national security: how to strike a balance?
- *E-democracy*: will it enhance public deliberation within representative democracy or usher in a new age of “continuous polling”?

As this short selection of issues suggests, many obstacles lie ahead. To meet them will require the combined inspiration, resources and commitment of governments and civil society in all our democracies.

NOTES

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- ¹. The opinions expressed and arguments employed in this article are solely the responsibility of the authors.
 - ². This article is based on the OECD report *Citizens as Partners: Information, Consultation and Public Participation* (OECD, 2001*b*). Please refer to the report for more detailed information.
 - ³. As of 1 September 2002, the Public Management Service (PUMA) is part of the OECD Directorate for Public Governance and Territorial Development.

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BUILDING OPEN GOVERNMENT IN SLOVENIA

by

Ms. Nevenka Črešnar-Pergar

Minister Counsellor to the Prime Minister of Slovenia

Distinguished guests, colleagues, ladies and gentlemen,

First and foremost, I would like to join Minister Rupel in welcoming you all to Slovenia, Ljubljana and to this International Roundtable on “Building Open Government in South East Europe”. His presence here this morning testifies to the high level of attention the government is paying to the issue of openness and transparency.

As Minister Counsellor to the Prime Minister responsible for public administration reform and administrative simplification, I am extremely pleased to host this international meeting on an issue of direct relevance to the reforms we are undertaking in Slovenia.

It is a great honour for me to chair this morning’s opening session. Before giving the floor to the members of this distinguished panel from the OECD, the World Bank, and the Open Society Institute, please allow me to say a few words about our approach here in Slovenia.

Probably most of us would agree with the claim that rapid and continuing changes are the main feature of contemporary life. These changes encompass nearly all aspects of our existence and call for adequate changes and adjustment in public administration. It has been clear for years now that it is not the government and its administration that govern people, but vice versa. It is clear that the administration has to provide a supportive environment for the economy and correspond to the needs of citizens as well. It is clear that governments should open up, that there should be closer relations between the administration and civil society.

The Slovenian Government is well aware of these issues, which are vitally important for the well-being of any democracy. But this awareness is

only the beginning. The question now is no longer why. The questions now are: who, when, what and how. When addressing these new questions, anyone who wants to promote change will affect people in the administration and their long-standing habits, people who are naturally against any measures that would disempower them. This change touches structures and procedures that have been there for ages and that have proven their worth. Why should we change something that has worked so far? This change raises fears: fear of the administration being exposed too clearly, but also fear of civil society, which is sometimes afraid to see its own responsibility in this respect.

Yes -- this process is the government's responsibility -- but it is also a two-way process with two partners. They both should build an environment that would enable positive results not "for both sides" but for society as a whole. Both partners should talk, raise questions and develop pragmatic solutions. Both partners should learn -- not just one. Both should be active -- not just one.

The Slovenian Government and I personally, consider this International Roundtable to be a perfect opportunity to enhance this partnership and to learn from others' examples. If this goal alone is achieved during these days in Ljubljana, we would already be satisfied.

So let me highlight briefly three concrete areas in which we are taking steps to build a more open and civil society -- a "friendly" government and administration in Slovenia.

Access to information

The recently established Ministry for the Information Society is currently working on drafting the Law on Access to Information of a Public Nature which will, without a doubt, be one of the most important legal tools for ensuring transparent and accountable government. The same ministry is responsible for ensuring that government uses new information and communication technology to facilitate citizens' access to information and ensure their greater influence on the administration's work.

Simplification of public administration procedures

Many of the obstacles to improving government relations with its key partners -- citizens, NGOs, small and medium-sized enterprises -- lie in overly complex and time-consuming administrative procedures. Such complexities mean that citizens do not get the information and services they need -- at worst they can foster corrupt practices. We have launched a major programme of administrative simplification and are introducing new information technologies

in order to build an open government which is truly at the service of citizens -- and not vice versa.

Active engagement of citizens and NGOs

We have also had some important successes in consulting civil society during government decision making – we will hear about one important example related to Slovenia's preparations for EU accession. This initial experience has shown that the next step is to establish a structured dialogue between government and partners from civil society. The Slovenian Government is also preparing an interministerial co-ordination unit for dialogue with civil society. We are also supporting the development of NGO networks on thematic policy issues (such as the environment or social affairs) to strengthen their capacity to engage effectively in policy making in Slovenia.

Of course, I am realistic enough to know that these three lines of action are just some of the first steps we need to take on what will be a long path -- and that it will not be easy.

We must recognise that a high degree of mistrust exists on both sides - - and that it will take time and concrete actions on the part of both government and civil society to build mutual confidence.

In hosting this International Roundtable, which has drawn an equal number of participants from civil society and government from 28 countries around the world, the Government of Slovenia intends:

- To demonstrate its own commitment to building more open and accountable government at home.
- To foster exchanges among countries sharing the same objectives.
- To provide the conditions for frank discussions between experts and practitioners from civil society and government.

We have high expectations for this International Roundtable, which we believe will help:

- To clarify the expectations of all partners.
- To identify key challenges.
- To jointly formulate effective solutions.

In giving the floor to my esteemed colleagues from the OECD, the World Bank and the Open Society Institute -- without whose support this International Roundtable would not have been possible -- I would like to thank each of them for their presence here today and their precious contribution to this event.

GOVERNANCE PRINCIPLES IN PRACTICE: EXPERIENCE IN OECD MEMBER COUNTRIES

by

Klaus-Henning Rosen

Vice-Chair of the Public Management Committee of the OECD

It is a great honour to be in Slovenia and to address such a distinguished audience from this region and from around the world. On behalf of the OECD, I would like to begin by thanking the Prime Minister and the Government of Slovenia for their generous hospitality – as well as the World Bank and the Open Society Institute for their invaluable contributions in organising this roundtable.

Building open government is an important goal for all countries. We expect this International Roundtable to be an occasion for policy dialogue between member countries of the OECD and those of South East Europe, who share the common aim of building accountable and transparent public administrations that serve the needs of their citizens. Such events are an integral part of the OECD's efforts to contribute to improved policy making for economic and social development by sharing information and policy approaches among our member countries and, increasingly, with the rest of the world.

The outreach programme of the OECD's Public Management Service contributes to enlarging this circle of dialogue, while SIGMA (a joint initiative of the OECD and EC) helps countries in Central and South East Europe to improve governance and management.

Open government means clean government. This roundtable will also make an important contribution to the Stability Pact Anti-Corruption Initiative (SPAI), which has consistently emphasised the importance of co-operation between members of the public and public authorities in preventing corrupt practices and extortion.

In my opening remarks, I intend to outline some of the lessons and experiences we have gained through our recent work in fostering good public

governance. At the OECD, which is an intergovernmental organisation with 30 member countries, we use the term “governance” to describe how authority is distributed in the governmental system and how those who hold such authority are held to account. When it comes to the notion of good governance, we recognise a number of generally agreed principles, including:

- *Accountability*, meaning that it is possible to identify and hold public officials to account for their actions.
- *Transparency*, meaning that reliable, relevant and timely information about the activities of government is available to the public.
- *Openness*, meaning that governments listen to their partners, and take their suggestions into account when designing and implementing public policies.

Transparency and accountability in the public administration are enhanced by strong public scrutiny based on solid legal provisions for access to information. Investing in openness allows governments to tap new sources of policy-relevant ideas, information and resources when making decisions. Equally important, it contributes to building public trust in government, meeting the expectations of civil society, and strengthening civic capacity.

Of course, building open government is not cost-free, nor is it without its risks. There are difficult trade-offs to be made, for example between swift decision making and the need to consult a wide range of partners. There are also several essential conditions for success: on one hand, ensuring adequate investment in strengthening the core capacities of government; on the other, fostering a mature civil society that also respects and applies the fundamental principles of transparency and integrity.

While challenges are similar across countries and the principles of good governance are widely accepted, there is plenty of room for different approaches, national priorities and institutional solutions to achieve transparent, accountable and open government. This International Roundtable is designed to help each participant to select measures appropriate to their respective political, administrative and cultural environment.

OECD work in this area has identified a number of policy lessons for governments that could be considered during this afternoon’s three parallel workshops on the key issues of access to information; consultation and participation; and building effective partnerships. These policy lessons underline that:

- Governments must ensure that *information* is complete, objective, reliable, relevant, and easy to find and to understand.
- They should see to it that *consultation* has clear goals and rules defining the limits of the exercise and the government's obligation to account for its use of citizens' input.
- Governments must ensure that *participation* processes provide sufficient time and flexibility to allow for the emergence of new ideas and proposals by citizens, as well as the means by which they may be integrated into government policy making.

A recent OECD report and policy brief on *Citizens as Partners* suggests ten guiding principles and delivers a clear message for governments everywhere. To engage people effectively in policy making, governments must invest adequate time and resources in building robust legal, policy and institutional frameworks. They must develop and use appropriate tools to evaluate and integrate the results of consultation in policy making. But without leadership at the highest level and commitment throughout the public administration, even the best policies will do little to ensure that citizens can have a voice and that their views are heard.

To conclude, allow me to underline two key points.

Firstly, the success of building open government will ultimately be judged not by governments or international organisations, but by citizens. Civil society as a whole is demanding greater transparency and accountability from government as well as greater public participation for citizens in shaping policies that affect their lives. For that reason I am especially glad to see so many civil society practitioners here today, and would like to thank them for their valuable contribution to the International Roundtable.

Secondly, building open government is essential for equitable and sustainable economic development and social cohesion. I firmly believe that opportunities for policy dialogue and direct exchange -- such as today -- are of major importance in this shared endeavour. In the future, as in the past, the OECD will continue to work together with representatives of governments, private enterprises and civil society to promote good governance around the world.

**THE WORLD BANK PARTNERSHIP AND
CITIZENS OUTREACH PROGRAMME
IN EUROPE AND CENTRAL ASIA**

by

Franz Kaps

Senior Partnership Advisor

Office of the Vice President Europe and Central Asia, World Bank

The Ljubljana International Roundtable is co-sponsored by the OECD, the Open Society Institute (OSI) and the World Bank Institute (WBI), and builds on other WBI initiatives which have been carried out in South East Europe with the OECD and OSI. Special thanks are due to the Government of Slovenia, which is hosting this International Roundtable. Its high-level representation is testimony to the great importance it attaches to the roundtable's topic.

During a visit to OECD in February, Johannes Linn, World Bank Vice President for Europe and Central Asia, agreed to intensify co-operation in areas of common interest such as the topic of the roundtable. A presentation at the World Bank in Washington DC a few weeks ago by Joanne Caddy of the OECD on recent work published under the title, *Citizens as Partners: Information, Consultation and Public Participation in Policy making*, received wide attention. It confirmed that OECD reports and experience in this area match the World Bank's own assessment and policy advice and is, thus, very complementary.

Access to information, consultation and public participation have become a standard feature of World Bank policies as repeatedly emphasised and demonstrated by President James Wolfensohn.

There is also a direct link between the International Roundtable and the e-Europe Ministerial Conference which Slovenia will host on 2-4 June 2002. The conference will address the challenge which the European Union put to itself on the occasion of the EU Summit which took place in Lisbon in early

2000: the EU, including the EU candidate countries, called for “Europe to become the most competitive economy and society by 2010”. Achieving this ambitious objective requires close interaction and consultation with civil society.

Civil society in the World Bank’s partner countries is now regularly consulted on the World Bank’s country assistance strategies, the poverty reduction strategy programmes (PRSP) for its poorer client countries, as well as its comprehensive development framework (CDF). The same is true for all its general policy strategies and individual operations in borrowing countries.

The objective is to ensure full ownership by those benefiting from or affected by World Bank policies and operations as well as to promote greater transparency and accountability among public institutions in the World Bank’s partner countries. Such behaviour should contribute to better overall governance and less corruption.

The Ljubljana deliberations and their emphasis on transparency, accountability and openness of governments, including in their interaction with civil society, should prove useful for the World Bank’s and other partners’ work in the EU candidate and Western Balkan countries.

The International Roundtable also builds an important bridge with an assembly of more than 200 NGOs from Europe and Central Asia, who, in the presence of numerous civil society organisations and international institutions representatives, will meet on 14-16 June 2002 in Belgrade with the World Bank’s Europe and Central Asia (ECA) management team as well as among themselves to discuss their future co-operation with the World Bank. We are glad to note that the OECD and OSI, as well as numerous other intergovernmental institutions, will be represented at the Belgrade meeting. We at the World Bank are proud to also be associated with this challenge.

THE OPEN SOCIETY INSTITUTE'S INFORMATION PROGRAMME

by

Jerzy Celichowski

Deputy Director of Information Programs, Open Society Institute

I would like to begin my remarks by expressing my thanks to the Slovenian Government for hosting our meeting with an extraordinary hospitality. I would also like to say that I feel honoured that the Open Society Institute, which I represent here, is -- along with the OECD and the World Bank Institute -- a co-organisier of this conference.

The Open Society Institute (OSI) is a part of a network of foundations financed by George Soros. It develops and implements a range of programmes in civil society, education, media, public health, human and women's rights, and social, legal, and economic reform as well as information, which is the area in which I work.

The OSI is at the centre of an informal network of foundations and organisations active in over 50 countries world-wide. Even though the network is now global in character, its core is still composed of foundations operating in the formerly socialist countries of Central and Eastern Europe, the Caucasus and Central Asia.

In our work in the information area, we rely on the information-consultation-participation framework developed by the OECD. This shared approach to the question of government-citizen relations underpins our co-operation in organising this roundtable, and I am very pleased about that. I hope also that it could provide the basis for future joint projects both with the OECD and other organisations.

The OSI has been active in supporting the introduction and implementation of freedom of information acts in a number of countries. We are continuing these activities but we are also going to provide our support to consultation and participation practices involving civil society organisations in the policy-making process. We focus on such groups as we consider civil

societies to be a major interlocutor of governments in their dialogue with citizens. I should stress that the OSI has been supporting NGOs ever since it began functioning, and they have always been the primary recipients of our grants and the main partner of our operational activities.

Civil societies in our region have come a long way. As recently as 13 years ago, before 1989, they were made up of dissidents positioning themselves in opposition to the state. Maybe a title of a major dissident book of that time – *Antipolitics* – best expresses this attitude. Since then, civil societies have become less hostile to the state. They are more mature and more sophisticated. They have developed an understanding of the working of the state and how policies are developed. They are ready to constructively engage with governments, with the state.

During this meeting we will be practising government-civil society dialogue in a rather small group. If we do well, I believe it will be an encouragement to repeating the exercise on a much larger scale back in our own countries.

DEBATING OPEN GOVERNMENT: WHY, WHO AND HOW?

A Panel Discussion with

Birgit Lindsnæs

Deputy Director General, Danish Centre for Human Rights

Josip Kregar

Director, Transparency Croatia

Steven Lee

Executive Director, Canadian Centre for Foreign Policy Development

Sonja Cagronov

Director, Agency for Public Administration Development,
Republic Of Serbia (Fry)

Anne-Marie Leroy

Councillor of State, France

Moderated by

Keelin Shanley

Independent Journalist

Abstract

One of the highlights of the International Roundtable was a panel discussion that allowed for the frank and lively exchange of views among a diverse group of panellists from government and civil society in OECD member and non-member countries, as well as interaction with other participants. The discussion took the form of a “talk show”, moderated by a professional TV journalist, that set the tone for the open, constructive dialogue that characterised the roundtable throughout. This chapter, based on the original transcript (slightly abridged and edited for style), reflects the wide-ranging and fast-paced nature of the debate among panellists and with members of the public.

Panel introduction

Keelin Shanley

Good morning, ladies and gentlemen. We have a distinguished panel of practitioners assembled here today whose task is to open the debate by addressing three key questions. Namely: Why? What are the benefits of, and limits to, open government? Who? What are the respective roles of government and civil society? and How? What measures and tools are needed to ensure greater access to information, consultation and participation? We will kick off with a quick round of opening statements and start with Birgit Lindnæs. Birgit, the floor is yours.

Birgit Lindnæs

The first question that comes to me is of course the general question of how to formulate a policy that promotes and respects civil society but also human rights, and there the discussion of open governments comes in. I would say that the first question is how to ensure independence not only of non-governmental organisations but also of civil society initiatives. Then the next question that comes to my mind is, what is the job of governments? Is it the job of a government to organise the NGO sector? I would actually question that. Also, are NGOs obliged to unite in an organised way? If you ask NGOs in the northern countries they will say, "We want to keep our liberty".

Josip Kregar

Less than a week ago we had a seminar in Zagreb regarding access to information -- and when I say we, it was an association of journalists, Transparency International, Open Society and some other NGOs, and civic institutions who organised it. It was very well accepted by the government. The Deputy Prime Minister came and she gave a speech, a very nice speech indeed, very promising. They will support us, they will accept all of our initiatives. They asked us to draft legislation but listening to her I was thinking that something must be terribly wrong, because we already *do* have laws regarding that. We have a quite well-expressed willingness by the government to be open -- but what for? We did not succeed up to now and I think there are four main points. First of all it's a kind of, let's say, tradition. Government officials perceive their positions to be something very important -- so please do not ask us what we are doing, let us do our job. The second is, let us say, their education -- they are educated in schools to obey the rules and to abide by the laws. That is actually not enough. The third, it seems to me, is about organisation. The

administration is a bureaucratic organisation based on principles of professionalism and hierarchy and they are doing their job. They don't *want* open administration, they don't *want* participation of the citizens, I'm sorry, they're closed. And the fourth, it seems to me, is maybe the most important in many of our countries in Central and Eastern Europe. They have an administration that is not perfectly honest. They would like to keep a monopoly of information in order to get some advantages. I don't call that corruption but in any case, in this type of society it is very good to have something to exchange, and this is *information*.

Steven Lee

I think we have a common interest in figuring out, first of all, how to do government better. Another objective perhaps is how to build trust. How to build trust between citizens and their governments, how to build trust among one another. What are the tools and what are the techniques that we need to engage in order to do that? And finally, I'd like to provoke us with the thought that maybe we're all -- in a kind of stumbling, not very clear way -- working toward the challenge of global governance. In my work in Canada, we work with Canadians and sometimes other people to engage them to help develop foreign policy. This has not traditionally been an area of active civil society engagement in many countries. We're still figuring out how to do this in the foreign policy field in Canada, as we are in many other fields, but we are developing some experience and some practices and techniques. We have a toolkit, including a project fund that we give money to NGOs and others so that they have the resources to contribute to policy development. We also work with youth and a number of other folks.

Sonja Cagronov

Our situation is a little bit different, a little bit more basic. Our concern is not how to create a better government but rather how to rebuild Serbian society. It seems to me that we are the youngest in the field here, since we have been operating for only 14 months. Our issues and goals should involve all the stakeholders. As a matter of fact, I think that the NGO sector in Serbia is very strong. So our question is: how to benefit from the expertise that we may find in different NGOs and from individual experts? Of course we are using the same language, the same terminology, and the same questions: how to make the government more efficient, citizen-oriented -- but, in fact we are talking about quite different things. Now, our challenge is to find a place for 600 000 people that will be out of jobs in the public and private sector, but mainly in the public sector, in the next couple of months. Therefore, what I expect from this panel discussion is some concrete ideas, some good practices --

like Slovenia for example -- and also some mistakes that were made in other countries. We have no time, we have to proceed really quickly. Therefore we should learn from others.

Anne-Marie Leroy

Throughout my career I have focused on issues of government reform. So I have come to think a lot about change management and how a government can implement a reform, carry it out and achieve change not only with the acceptance, but *participation*, of stakeholders and society. I think this is a main challenge for our governments and for our societies. We're not talking about consultation or participation just for the beauty of it, but because it is a way of helping us change our societies and bringing about progress. Another problem when you're a government is, how do you know what your citizens want you to do? How do you know what they will accept and what they will not accept? What are their main concerns? That is the challenge. But I do believe that we have not yet found the right tools to address this problem. I think that we have tools to carry out change in single organisations in some specific sectors, but we still don't know how to have a dialogue with a society at large.

Why build open government?

Keelin Shanley

Thank you very much indeed. So now that you have an idea of who the people participating here are, I think we should start with the most basic question of all: Why build open government? What's in it for governments? Why should they get involved in unwieldy, difficult, time-consuming, sometimes expensive processes of listening to their citizens when citizens have already voted them in -- they've had their voice?

Steven Lee

Well it's a very good question, and let me make it even slightly more complicated. We also need to think, where do MPs fit into this? Where does parliament fit into this? If the state apparatus and citizens are expanding their direct relationships with each other, what does that do to our parliamentary systems? But to go back to your question, "Why should governments do this?", I think there are two basic reasons. By engaging citizens in active participation, it strengthens the *legitimacy* of the policy itself. It also gives government an opportunity to make *better* policy by tapping the expertise and ideas of citizens. Governments don't have all of the answers. Citizens can often provide

expertise, insight, world experience that can be very useful in developing policy. It's certainly the case in foreign policy where a government doesn't have all of the expertise by any means. Business is international, labour is international, students travel, people work in NGOs abroad and do field work around the world -- so all kinds of people can usefully contribute to foreign policy.

Keelin Shanley

That may be fine in a country like Canada that is well on its way and is very stable. But Sonja, for a country like the Republic of Serbia, where you're really just beginning to get systems in place, is it a priority for you to go out there to find out what your citizens want, to listen to them?

Sonja Cagronov

Yes, it's a matter of survival. We used to have a strong public administration, basically a German model, which made the state of Serbia function for decades. But in the last two decades we lost the expertise and now we experience quite a different environment. So it is even more important to communicate with the citizens of Serbia -- and the role of the media is crucial. We are also very focused on communication and promotion of the basic values, because in order to build a new society you have to re-establish those -- and the core values of the whole society, not just that of the public service. When you enter a ministry and ask several middle managers: what are the core values of your ministry, of your department? -- no answer. Some of those people do not even understand. Not because they are not smart enough, not because they are not dedicated enough. They have never had the opportunity to go anywhere abroad to find a different way. They were sitting like people in black boxes -- I very often use that term -- and one of our priorities is to open that black box, to provide the opportunity for some fresh air! I really believe that our people are extremely good in their motivation and willingness to change. But if we are talking about change management and strategic management, it's the essence of implementing change in any society, particularly in Serbian society. It's about finding the way, inventing new tools, always having in mind different obstacles. And listening very carefully to citizens, to different interest groups, to NGOs, to the international community, and to the very high expectations of more than 300 000 Serbs abroad who are very interested in coming back to invest but who expect substantial change.

Keelin Shanley

Birgit, can I turn to you and ask for the citizens' point of view? The very last thing I want to do when I come home from a long day's work is to start getting involved in NGOs or asking questions. How do you motivate citizens so that you get a fair representation of the citizens of the country getting involved and not just those who are representing special interest groups?

Birgit Lindsnæs

I think that basically it's very difficult to come up with a recipe on how to involve citizens. I think it's something that has to come from bottom up and not top down, so to speak. I think citizens' involvement in voluntary work or in interest groups or in professional NGOs is something that citizens decide themselves, what they want and how they want to do it, and that's really the characteristic of a vibrant civil society. You have a lot of different diverse activities that are not centralised or co-ordinated in any way.

Keelin Shanley

But why should citizens bother? You've voted for the government, you pay your taxes, you're paying your civil servant salaries, why do you have to do more?

Birgit Lindsnæs

I think it comes from the bottom up in reality. If there are the possibilities for citizens to organise themselves in the way they would like to, if they have a problem that they would like to address and have the capacity to do so and the ideas and know that they can do it, then they will do it. We have a saying in Denmark, that each time you have three persons together you have a small organisation. It's not formal, it's not registered, it's just there, and they work for something. It could just be in your neighbourhood or it can be country-wide. If it's country-wide then the tendency would be that you would have a more professional type of organisation.

Keelin Shanley

Anne-Marie, based on your experience in France, what do you think can happen if systems are *not* properly in place, if citizens are *not* listened to?

Anne-Marie Leroy

Well, I'll give you an example, not about citizens at large but rather about involving stakeholders. An example of failure, because I think failures tell you more than successes. This was the failed attempt to reform the Ministry of Finance that happened two years ago. We have in France a very specific system of tax collection that was designed one century ago to avoid corruption, in which you have two different departments within the ministry. One to assess and calculate the tax that the taxpayer should pay and another, completely separate, to actually collect the money. Of course that gives us two networks. It turns out that the cost of collecting taxes in most OECD countries is between 0.5 and 1% of the tax collection, while in France it reaches 1.8%. Which is, after all, logical: when you have two bureaucracies to do the same thing instead of one, it costs twice as much. So the decision was made to have one single tax administration and to join up the two departments. There had been some consultations done by the inspectors. They had travelled throughout the country, talked with the employees and everything had gone fine and well. When the minister announced the decision he almost had an uprising. We had a several-week-long strike, major disorder in the ministry, and tax collection stopped. We had street demonstrations and in the end the minister resigned and the reform was thrown out. We are still trying to carry it out but very, very slowly and we have probably lost several years. I think the example tells enough about what happens when you do not listen. You simply fail and even if in the end you succeed it will be after a fantastic loss of time.

Keelin Shanley

Josip can I go to you? If you are going to set up systems where citizens can be listened to, where NGOs can be listened to, where everything is done through consultation, do you not end up with a system that really doesn't get to *do* anything because it has spent so much time listening? And then don't you also get a system where it is very easy for politicians to hide behind this notion that they have to listen?

Josip Kregar

You are right. All this is very costly, to consult and ask people what they think and to include that in the policy of the government. But democracy is expensive and many people do think that the most simple way is to have a tyrannical government or something. It takes time, but then the decision is better, and much better accepted by the people. Just to give you a simple example from urban planning. It takes a lot of effort for the administration in the city to discuss with the citizens how to locate, for instance, graveyards or

sewage disposal. Nobody wants such a facility in their neighbourhood, but it has to be somewhere. It takes time, but then it is much less problematic to implement the plan. It is much easier to have a kind of understanding among the people, about the reasons for decisions. The administration will be better accepted, not in a legitimacy and a political sense, but it will be more understood by the citizens. It is better to have a little bit more discussion than to make mistakes. For instance, we can argue about decisions regarding collection of sewage. One day the company simply started to work and then the people rose up and held a demonstration. Everything stopped. We had a few months of discussing how to find an alternative. This is very expensive. It takes a lot of time. It's maybe better to go out and see if the citizens choose to participate in the making of decisions. So, in the end, it is not costly and it is not time-consuming.

Who is involved in building open government?

Keelin Shanley

I think it's quite clear from what we've heard that everybody here would certainly support the notion of developing dialogue between citizens and government. Which brings us to the second question: Who is involved in building open government? Whose role is it to make this happen? Who takes the responsibility? At what level should there be dialogue? Does everybody working within a government have to inform, consult and listen, or are people specifically assigned to this job?

Steven Lee

I think the more specific we can be and the more specific we can think, the easier it is to answer that question. If we just think in broad general terms about listening to everybody everywhere all the time it becomes very difficult to answer that. If we break it down to specifics -- where to put a graveyard, how to run the sewage plant -- then it becomes more obvious who in government should be consulting. I think it's part of something that we all share -- the need for cultural change in government and in public administration. And this cultural change should include everybody. It should include ministers, it should include people on the political side of government, and of course it should include the managers and the people who do the day-to-day administration and, as I mentioned earlier, parliamentarians. So at all levels -- depending on the issue and depending on the problem you're trying to solve, the decision you're trying to make, or the policy you're trying to develop -- the

approach should include the people both *inside* and *outside* who can contribute something useful to that decision making or that problem solving.

Keelin Shanley

Anne-Marie, when you were working in the government in France, how did you decide who to consult with or who to ask questions of?

Anne-Marie Leroy

I think you're coming to the most difficult point in our discussion. The question is not so difficult when it's about who should consult on the government side. I think the answer was given by our Canadian friend and would be clear. The question is more, *who should be consulted?* And that's really the most difficult issue. You have to dialogue with a huge variety of people and you have to ask yourself who is legitimate, who really represents the citizens or the stakeholders. When you are dealing with organisations, NGOs or trade unions, trade unions have legitimacy in themselves and they are all from elected people, but even then you often realise that they are not really representative of what workers want. When you're dealing with NGOs, you're dealing with people who are self-appointed as representatives and you have no way to verify their representativeness. And that's really the most difficult because you happen sometimes to realise after years and years of working together with the trade union, or NGO, that you have taken wrong decisions. Let me again give you an example, a short one. Agriculture policy in my country: it's a long, long story of consultations with farmers' organisations. It's almost co-management with the farmers' organisations – they can walk into the minister's office without even knocking at the door. Now, it has led us to an agriculture sector which is highly productive and which is now widely refused by the society at large. Especially after we had the mad cow disease and the consumers were saying we're fed up with it. The products are bad, they don't taste of anything and it's polluting the country and we don't want that anymore. But we were in perfect consultation with the stakeholders about it, so that's one example.

Keelin Shanley

Sonja, from your perspective, just embarking on dialogue, who are you dialoguing with? Who have you decided to listen to?

Sonja Cagronov

First of all, our task was to promote change and to identify different interest groups and individuals who might help us in that effort. Secondly, we were obliged to provide very quick wins, launch very visible short-term projects and at the same time start to build foundations for a long-term programme of reforms. Of course, it was not possible for this to be undertaken and achieved by government alone, so we held some *ad hoc* training programmes for different government institutions and we co-operate very closely with different NGOs.

Keelin Shanley

You're dealing primarily with NGOs?

Sonja Cagronov

No. We create different mixed working groups composed of different NGOs and real experts from universities, private companies, public companies and experienced civil servants. This is the main principle for all projects. Concerning our overall strategy for reforming public administration in Serbia, we have four NGOs involved, three university professors, three private consultants in change management and quality control, and a group of seven experienced civil servants from ministry of the interior, ministry of finance, ministry of justice, and so on.

Keelin Shanley

Going back to that issue of who are NGOs -- they're not elected, they're self-selected -- what would you say, Birgit, as you work with them? Is it actually part of democracy that these self-selected people should be listened to by governments?

Birgit Lindsnæs

I think that these self-selected organisations should, of course, be listened to. We have to be clear that they can play a very positive role in promoting development. But they can certainly also play a negative role, depending on who looks at the issue. So it's a very complicated question. One area is the whole issue of who do you represent and can democracy be negative also? In Denmark we had a long public debate with NGOs representing some of the minority groups who wanted to establish graveyards that represented their religious faith. There was an absolute resistance in our media, the population and among certain politicians -- even though there was a positive attitude in the

local government of the area concerned. The question has now been debated for five or ten years and still we do not have this graveyard, and I really think that, from a human rights point of view, that's really a pity because it creates conflicts in society.

Keelin Shanley

Since you've had this debate for five or ten years but with no results, may I ask whether you find it efficient enough?

Birgit Lindsnæs

That's part of democracy -- that you have an open debate on issues that, sadly, conclude with politicians having difficulty reaching decisions because the topic is too highly criticised. You may say that democracy is expensive, but I would say the opposite. I would say it's too expensive *not* to create democratic decision-making procedures. In Denmark you have a very high rate of membership in professional organisations and unions. It's maybe 90%, probably more, and one result is that there are very few strikes in Denmark because you have a forum where you can negotiate issues.

Keelin Shanley

Here we are all talking about opening up dialogue between government and citizens, but NGOs are not at all open. I know that from my own work as a journalist. Very often it's difficult to know what's going on inside an NGO. Is it not also the case that within civil society, people now have to start making efforts to be more open and transparent themselves?

Josip Kregar

Yes, absolutely. This is one of the problems. I would like to comment on previous explanations or statements. First of all, about the legitimacy of NGOs. The legitimacy of NGOs is not derived from, let's say, democratic legitimacy. The government has to invite them if they have expertise or if they are representing a serious interest of the people. First, about expertise -- in many of our countries, especially in small countries, it is absolutely impossible to have all the expertise for problems exclusively within the administration. There are universities and NGOs, especially, with a certain expertise who really co-operate with the government or really criticise the government, but this is exactly the point. For the sake of society, let's try to extract the best, the people who do know something about the problem, and this is exactly the principle we hope the government will observe. It isn't true that many NGOs are small

“kitchen table” NGOs, it isn’t true that they are closed. That is absolutely something that you cannot generalise about. Let’s say there are 17 000 NGOs in Slovenia or 20 000 in Croatia or I don’t know how many in some other countries. Some NGOs are very open, some of them are not, simply because they did not develop the same kind of principles as the open ones. But the administration has to judge, and the public will judge, whether they are reliable.

The role of civil society and NGOs is also to be critical towards the effects of administration. It is not the shoemaker who will decide about the quality of my shoes. I am wearing my shoes. I am walking in my shoes when it’s raining. I have to tell him that he made the wrong shoes. This is also true of government decisions. I am the user and I am a citizen. I am taking on the burden of government decisions and it is up to the government to expect that. I think you mentioned something that is very important to our discussion right now. We are faced with a crisis of democratic institutions. For instance, political parties are not representing the small interests of the people. They are simply focused on the big topics. They are prepared for local elections but they will not discuss issues like the protection of eagles. They don’t care about it. It is simply not in the interests of political institutions. Somebody else, some NGOs, some maybe fanatical people are trying to defend the eagles. They are using a bottom-up approach.

Steven Lee

There are several issues that have been raised here, and if I could just draw your attention to a couple of them. One is not only how and who to consult but, and it’s come up clearly in this discussion, *when*. Not after the eagles are dead, not after you’ve stopped collecting taxes. So when to consult is a critical issue and I think the general rule has to be: *very early* and *very often*, so that people aren’t caught unaware by policy changes or decisions. The second question is about representativeness and who represents whom. In our discussion, let’s not forget that governments are elected and in the end the governments are accountable for decision making and they’re accountable to citizens through the electoral process. So as we think about who NGOs represent and who should be consulted, the ultimate point is that governments are representative and they are accountable in the end for the decisions they make. Third, let’s be careful not to paint a black-and-white picture where governments are potentially the bad guys and NGOs are always the good guys.

How to build open government?

Keelin Shanley

Can I stay with you Steven for a moment please, as we move onto the third and the biggest question of all, namely: How to build open government? You're working within the Canadian Government, one that has been very proactive and very involved in opening up dialogue with citizens. What would you say is the crucial framework for establishing dialogue?

Steven Lee

I'm not sure if I could tell you what the framework would be because I think we are all continuing to experiment and learn as we go along, so I don't think there is one such framework. I think the important things are the kind of philosophical starting points and also, as I mentioned earlier, culture change within governments.

Keelin Shanley

At a concrete level, if you want to start thinking about setting up dialogue -- what's the first step? Do you first of all inform your citizens? If you do, how do you do it? Do you preach to your citizens? Do you open the doors and start listening to them immediately? What is the most important step?

Steven Lee

Clearly the most important step is information and communications. If citizens aren't aware of issues, if they are not aware that decisions are being made, if they are not aware that there are opportunities to contribute, then all of this discussion is in a kind of vacuum. So government has to be willing and able to share information. The information has to be credible, it has to be useable, and citizens have to have access to it fairly easily. So let's assume that that's a given. If you move beyond that, and I think this is the other critical element, the government has to decide that it legitimately wants and needs input. It can't ask for input or consultations or advice if it is just doing it as a formality.

Keelin Shanley

Or as a cosmetic exercise?

Steven Lee

That's right. Government has to say, "Look, we're facing a decision", or "We're facing a policy change and we actually need substantive input either from experts or other people" so that that can help inform the government process. If you have those two things, if you have the information and communication base and you have the legitimacy and accountability of government wanting public help in decision making, then you're well on the way to your framework.

Keelin Shanley

Anne-Marie, did you want to say something about informing the citizens?

Anne-Marie Leroy

It's about the input point. I think that you have to have information and communication but that's really the starting point. But once that's done, you have not yet achieved your open society. You have given your civil society the means to know what is at stake and what are the challenges and the problems, but you have achieved only a one-way system. The problem is the feedback and the input -- and now I'm back to the "who" question. From whom do you get feedback? What you have to achieve is *listening*, and that's maybe one of the most difficult parts of the process because listening means making people tell you what they want. When I say "people" there, I really say it at large because people who are in unions, professional organisations, NGOs, etc. are the most educated part of society. They tend to represent very legitimate special interests and causes which they advocate -- and that's OK. But what about the less educated part of the society, people who are shy because they can't speak well? Because the people who are in these non-governmental organisations speak well, they have friends in the media, they make a lot of noise and they create a sort of politically correct framework of thought for the whole society. But then, if *they* are not in touch with what grassroots people think, then you're in trouble -- because grassroots people will not tell you. They will not tell you because they're shy, because they think that if they do they will not say it well and they will be called names by everybody. It ends up with what we are witnessing now in western Europe -- namely "populism". Because one day, a guy will come and tell them "I know your problem" and he talks well, he says exactly what they are thinking and he gives simplistic solutions -- and there you're in trouble.

Keelin Shanley

Birgit, you've worked with NGOs, what do you think are the basic steps that need to be put in place to start this dialogue?

Birgit Lindsnaes

First of all, again I would not limit this discussion to NGOs, because in a way NGOs are a very small group of those who will be represented in a dialogue with government. I would like to widen the discussion a bit and say that if there's a topic that should be discussed, let's say prison reforms or other topics that are important for many professional groups and NGOs, then usually the Danish Government or a ministry would establish a working group. They would invite representatives from the various government offices involved in such a reform process, say NGOs working on prison reforms, legal advisors working on these issues and maybe even some representatives from prisoners' organisations, those who are in prison, and they would sit down and discuss these issues. The problem is that it's a rather professional way of working. In many ways that's good, but the question is how to organise working tables on issues where you do *not* have NGOs representing a vulnerable group, like the mentally ill for example, or mentally handicapped persons. You would not very often find strong organisations representing these people.

Keelin Shanley

Sonja, can I ask you one question? Can you give me an example in your experience over the last year and a half of something that has really worked for you in terms of *how* you have consulted with citizens and had very positive results?

Sonja Cagronov

Actually, our priority in the first year was to establish and improve communication within the civil service, as well as with the public. We have several tools for that, including a website. The main one is the internal newsletter, called "Art of Reforms", printed in 5 000 copies, distributed to all municipalities, parliamentarians, ministries, embassies, international organisations, NGOs and media in Serbia. The main goal of this initiative was to open the door and gather and disseminate different kinds of information, ideas, and initiatives. It doesn't matter where they come from – NGOs, different ministries, municipalities.

Keelin Shanley

So you're at the stage of opening up?

Sonja Cagronov

Yes. The first two issues were completely prepared within the agency by professionals and journalists. What we tried to do was present a new framework and introduce a new concept of sharing information. After the seventh issue, civil servants, NGOs and other people prepared more than 70% of the newsletter.

Keelin Shanley

Josip, a final brief word from you and then we are going to open the floor.

Josip Kregar

I would like to simply refresh some of the ideas which I heard in another role. I was Commissioner for Zagreb for some time, and without the backing of political parties and without much support from the government. Left alone, I had to rely on the sympathies of the citizens and I discovered that all those classical approaches are not sufficient – there has to be some innovative change, a change in the culture and approach that Steven emphasised. I learned two things. First of all, about the media. The media is making public opinion. We are not making public opinion through, let's say, websites. Public opinion has to be informed via media and media people dislike, let's say, press conferences. They dislike interviews with officials. What they like are stories from real life. They like to be included and well informed from the very beginning of the preparation of decisions. Actually, every day I had a kind of chat with them. It was not an official press conference, they didn't publish the next day what we talked about, but they were informed about some future decisions.

Keelin Shanley

And that's how you informed your citizens?

Josip Kregar

Absolutely, and the citizens like that. Actually, maybe an even more important thing is to support this atmosphere that administration is ready to

listen. It is not just a formality. It has to be a part of very sincere efforts to listen to people. It is not enough just to open the door, to have officials who will talk with the people and so on. The administration has to react correctly to some urgent social events. For instance, if somebody cut the trees in an avenue, you have to go there not as an official. But you have to see it, you have to talk to the people, you have to respond and react immediately. This is an innovative approach, it is not bureaucratic or routine work. To listen to people is more than an art, it's a necessity for good administration and good governance.

Questions & Answers

Keelin Shanley

Thanks very much, everyone. I think you can see that we really have touched on a huge number of issues. There's plenty more to be said on almost everything, but at this point we've got about five or ten minutes to take some questions from the audience.

Ruth Cardinal (Institute on Governance, Canada)

My question to the people on the stage, particularly those from Denmark and Croatia and anyone in the audience is: when you start a consultation, when do you stop? When do you declare victory? The government has consulted, the civil society has participated, now you make a decision and you implement it. What are the indicators?

Birgit Lindsnæs

That's a very good question. I have myself been working in the Amnesty International Danish section so I know very well how difficult it actually is as an NGO to achieve a victory. My answer would be no, we could never say that we will have a victory. All issues that we discuss are a process. You keep working and trying. It's like a marriage that goes in a positive direction, then you get a problem and you go a little bit back and then you go forward again. That's how I see it.

Josip Kregar

The expression is excellent but I dislike this type of word – *victory* and *war*. You know, it is not about war and victory, it's about discussion in society and there is no end. Victory, when we successfully do something important through the government, is just part of a new process. There is always

a kind of dialogue and hopefully it's with the civil society and with the citizens, and this is not a war, it's life.

Keelin Shanley

Who would like to ask another question?

Igor Stojanović (Centers for Civic Initiatives, Bosnia-Herzegovina)

My question is: how to protect public participation from being simply dependent on the willingness of individual government representatives? Is there any way to put in place an obligatory process, in some kind of law perhaps, that representatives of the government have to follow regarding public participation?

Steven Lee

That's a very good question and I'm not quite sure what the answer is. I guess there are a couple of things that could be explored. You can make consultations compulsory in legislation for some things. You can say: in this field of public policy or for this kind of decision making, there will be a consultation process. So you could do some of it through legislation. You can do some of it through parliament. So parliament could decide that before we sign a treaty or before we change the health care system there will be parliamentary consultation. I think, ideally, what you also want to explore is what we were saying here and what our friend from Zagreb obviously has done himself in some very creative ways: culture change. So the administration goes through a culture change where it sees that -- even if it doesn't want to -- it sees that it is necessary for the legitimacy of policy and for better policy to engage with citizens.

Keelin Shanley

We have time for one last question.

Giovanni Moro (Active Citizenship Network)

I'm from Italy and am the Director of the Active Citizenship Network, which aims at promoting active citizenship in Europe. I have only one remark on this very interesting discussion. In my opinion, public participation cannot be reduced to the moment of deliberation or decision making, and it seems to me that this was the limit of today's discussion. Citizens' participation in public policies also concerns a lot of activities that don't have to do with decisions or deliberations -- for example, in establishing the agenda, planning policies, the

implementation of policies, and their evaluation. From this point of view, I think that the situation is a little bit better than you describe. Governments don't have to decide if they want to interact with citizens because citizens exist and interact with governments and public policies in several ways, and not only in the decision-making process.

Keelin Shanley

Thank you very much. We will have to conclude the debate here and, in closing, I would like to say thank you very much to everybody on the panel and to the audience for their questions.

PRACTICE WHAT YOU PREACH: THE ROUNDTABLE AS AN EFFECTIVE INTERACTIVE EVENT

by

Dr. Marc Gramberger*
Managing Director, Prospex Bvba

Abstract

The International Roundtable on Building Open Government in South East Europe was a special event: it followed a unique design, allowed for frank discussion and led to tangible results. How? This chapter looks at the way the conference was set up and the dynamic it took. It explains the special interactive sessions that characterised the event and presents the results of those sessions, including key areas for action identified by participants. It also looks at the value of the approach taken, indicating critical success factors.

Designing and running the roundtable as an interactive event

When the OECD and its fellow organisers World Bank Institute, Open Society Institute and the Government of Slovenia conceived the International Roundtable on Building Open Government in South East Europe, they wanted it to be an exchange between government and civil society -- a forum for discussion, a forum to reach conclusions, a forum to start new initiatives and bring open government forward.

In designing the roundtable, it was crucial to understand, respect and make use of the gathered close to one hundred practitioners of information, consultation and active participation. The participants had diverse backgrounds: they came from OECD member countries and from South East Europe, from government and from civil society -- and an equal representation was sought in the mix.

Recognition of the diversity among participants was a key element for the dynamic of the interaction. The design of the roundtable did not seek to

suppress differences, but to respect them -- by giving participants time and space to state, review and understand differences in order to be able to move forward to shared conclusions. Also, in view of these differences, the active participation sought for the roundtable demanded frank talk. In order to allow for it, a portion of the proceedings had to give participants representing the different actors the possibility to interact in confidence without the risk that their every word could possibly be reported elsewhere.

The roundtable was thus conceived in three parts. The first part was open to the public. It featured the official opening and introduction, marking clear support and commitment for the topic through statements by the Minister of Foreign Affairs of the Republic of Slovenia and high-level representatives of all four organisers. During the second part the roundtable continued in three parallel workshops on 1) access to information, 2) consultation and active participation, and 3) building effective partnerships, held in closed session. This gave participants a “safe house” for frank discussion, and applied the “Chatham House Rules” of non-direct quoting by participants after the event. With the third part, the roundtable discussed the results of the workshops and identified next steps in plenary session. After that the public was again invited to join in for the Tools Fair, where participants and organisers demonstrated and shared concrete examples and experiences from the field.

Before entering the parallel workshops, participants had to establish a common idea and understanding of the subject itself. They witnessed a panel discussion in the format of a live “talk show” on the issue of open government – with a representative group of five practitioners from government and civil society, moderated by a TV journalist. With the breadth of the issues brought to the fore, participants could now enter their dialogue on open government. In two special interactive sessions -- one at the beginning and one at the end of the roundtable -- participants had the opportunity to express their positions. In between, workshops allowed for exploring the topics in depth. As a result, the conclusion of the interactive sessions put forward shared proposals for concrete action.

Tackling two key questions - interactive exercise #1

After the official opening and introduction of the roundtable, participants engaged in a first interactive exercise. The exercise intended to chart the view of both governmental and civil society participants on the topic of the conference, as well as on their relationship to one other. It aimed at marking differences that appeared in answers to the questions asked, allowing for them to be taken into account in further work at the roundtable.

“In your opinion: How important is the issue of Open Government today?” was the first of two questions asked of participants. While this question tackled the general relevance of the topic of the roundtable, the second question went straight to the heart of the issue, namely the openness and willingness of government and civil society to co-operate: *“In your opinion: How willing are your counterparts (in government, if you are a civil society practitioner; in civil society organisations, if you are a government representative) to engage in effective co-operation?”*

The exercise took the form of a vote: participants each received one sticker per question. There were two separate boards, each featuring one of the questions and an answer scale from “very important”/“very willing” to “not important”/“not willing”. Participants could place their stickers freely on the scale of each board. There was one important difference: government representatives used blue-coloured stickers, while practitioners from civil society used pink-coloured stickers.

Casting their votes on these two questions gave all participants at the roundtable a first chance to express their opinion, which they did before heading for the coffee break. Upon their return, the posted results were waiting for them. The facilitator then presented, analysed and interpreted the results displayed on the boards.

Strong consensus and lack of trust

Participants’ answer to the first question *“How important is the issue of Open Government today?”* was unambiguous. Without exception, participants placed their sticker squarely on the “very important” side of the scale. There was hardly any difference in the way representatives from civil society or government voted. Upon closer examination, however, one could see that the pink-coloured stickers from civil society practitioners were placed even further towards the high end of the “very important” side of the scale than the government representatives’ blue stickers.

Participants’ answer to the second question, *“How willing are your counterparts to engage in effective co-operation?”*, provided quite a different picture. Here, the stickers were spread across the entire scale from “very willing” to “not willing”.

Strikingly, for this second question there was a clear difference in voting between governmental and civic society practitioners. The former placed their blue stickers more on the “very willing” side of the scale, and civil society representatives placed their pink stickers more on the “not willing” side. This

difference was relative, however. Both colours could be found across the entire spectrum from “very willing” to “not willing”. In their majority, governmental representatives saw their counterparts as more willing, while civil society practitioners saw their counterparts as more unwilling to engage in effective co-operation.

What does all this mean? At first sight, the clear vote for Open Government as an important topic might seem obvious. After all, everybody present at the event had something to do with the issue. At the same time, however, the clarity of the vote as “very important” -- almost unanimously across government and civil society practitioners -- is a striking confirmation of the relevance of the topic. Nobody placed the sticker around the middle of the scale. The strength of this vote could be interpreted as an impetus for action.

At the same time, participants clearly showed doubts about the willingness of their respective counterparts to engage in effective co-operation on this issue. While this is true for both groups, it was civil society practitioners who proved to be more sceptical. This could be seen as a sign of a lack of trust between the two groups, standing in the way of effective co-operation on a topic that is regarded by both as very important. This raises the question of what conditions could help to bring about more effective co-operation. The oral review of this exercise, led by the facilitator, flagged these issues to participants for inclusion in their subsequent discussions in the parallel workshops.

Ensuring shared ownership of workshops

After the first interactive exercise, participants went into three workshops. The workshops had the same overall objectives despite their distinct topics, namely to: share concrete experiences of good practice and failures, identify conditions for and obstacles to success, and indicate how civil society and government can co-operate.

In order to enable fair and constructive dialogue, one government representative and one civil society practitioner co-chaired each workshop, following established ground rules for interaction. The co-chairs were extensively briefed about their role in enabling fair and fruitful discussion. This was especially important in allowing the participants, from diverse countries and usually non-native speakers of English, to fully participate in the discussions. Each workshop designated a rapporteur to share the results of their discussion during the plenary session.

After the workshops, chairs and rapporteurs of each workshop prepared a presentation of their workshop’s discussions with the help of

computer slides. The next morning, participants listened to all presentations and continued to discuss the issues raised by the workshops in plenary. Through the intensive treatment of topics in the workshops and the discussions in plenary, participants emerged with a deepened and broadened understanding of the different aspects of the topic. The next question to be addressed by roundtable participants was, naturally enough: Where to go from here?

Focusing on key actions to take - interactive exercise #2

“In your opinion: What is the one action that has to be taken after this workshop?” This question stood at the centre of the second interactive exercise at the International Roundtable. After the intensive discussions, the exercise gave participants the opportunity to freely express their own idea of what has to happen. At the same time, it focused these ideas on one single action per participant, obliging them to prioritise based on their own perspective.

Equipped with one large sticker and a pen, each participant took a couple of minutes to reflect on the one action they deemed to be most important. After writing this action on the sticker, participants pasted it on the board. During the introduction to the exercise, the facilitator had asked for volunteers from both government and civil society to take charge of evaluating the result during the coffee break. A team of six participants reviewed all the stickers on the board, and with the help of the facilitator grouped the stickers, giving rise to eight areas for action.

Eight key action areas for open government as defined by participants

During the subsequent feedback session in plenary, the different clusters of stickers were presented and reviewed with regard to their relative size and content. The eight key areas of action which emerged from the second interactive exercise were, from largest to smallest:

1. Rules, standards and laws (largest cluster).
2. Good practices, pilots, show cases.
3. Policy and commitment.
4. Training and human resources.
5. Trust and new culture.
6. Pressure.
7. Research, concepts, evaluation.
8. Money and resources (smallest cluster).

In the cluster “*Rules, standards, laws*”, participants stickers included actions such as “ethical rules for consultation”, “standards” for both governments and civil society organisations, “international harmonisation” and better legislation on open government. Several participants specifically mentioned the areas of access to information (freedom of information) and anti-corruption.

“*Good practices, pilots, showcases*” included actions relating directly to practical experience. While pilots and good practices were mentioned as general areas, specific examples concerned “open government national roundtables”, the creation of networks including recognised leaders, and regional meetings among government representatives on the issue. The general call for “concrete tools and measures to involve citizens” was mirrored in examples such as “annual reports on openness of the government” and on the connections between government and NGOs, an Internet-based knowledge and practice database, and the “inclusion of NGO representatives in government delegations for international negotiations”.

The actions in “*Policy and commitment*” asked for policies enabling a “meaningful dialogue between government and civil society” so as to “build partnership in resolving major national issues.” Willingness and commitment to dialogue were mentioned several times. Also, the conditions to be able to create this dialogue received attention – among them resources and accepted “criteria for partnership recognised by both sides”.

“*Training and human resources*” covered a range of educational actions geared to “both sides,” NGO representatives and government representatives, in order to “learn from one another.” Actions geared to NGOs concentrated on young people. Proposed training actions specifically for government officials were to focus on “how to work with citizens”, on NGOs and their contributions and on “compulsory education about civil society, ethics and access to information”. Some actions mentioned human resources in general, also on both sides, and suggested to “put open people in the administrations”.

“*Trust and new culture*” contained actions for a change in the way government and civil society deal with the issue of open government, as well as with one another. A new culture and trust was mentioned by several participants as an action on its own. Others called for transparency on the side of NGOs and government, encompassing “structure, main goals and interests”, or for building a “listening capacity” in government for civil society. A “public campaign” to raise awareness on the two sides, to support active citizenship, and to enhance the public discussion on relevant topics was also brought forward.

A smaller group of participants called for more drastic measures to support the building of open government – “*Pressure*” in principle or as a last resort. International organisations and the international community in particular but also national civil society were called upon to put pressure on governments to take action. Some even suggested the need to “force governments to listen”, cutting through what one participant called a “conspiracy of silence” between politicians and bureaucrats.

“*Research, concepts, evaluation*” contained actions geared at gaining further insight. Participants asked for a better idea of what government and what civil society actions might entail in the context of open government. Others called for “scientific research” and ways of “measuring improvement”.

“*Money and resources*”, finally, also covered “financial resources”, “technical assistance”, and “user-friendly information resources”.

When reviewing these key action areas, it was noteworthy that participants did *not* concentrate on financial or technical resources – this was indeed the smallest cluster of actions. In contrast, the largest key areas tackled direct political and practical support. This can be interpreted as a call for a broad application of open government.

The key areas and the set of proposed actions constituted an important result of the International Roundtable result in their own right. They remained available to all participants as a possible guideline for action after the conference. At the same time, they constituted pooled, tangible input from all participants to the organisers: the OECD, World Bank Institute, the Open Society Institute and the Government of Slovenia. In the final plenary session, the organisers were able to react to the clear input from participants and presented their conclusion of the conference. At the subsequent tools fair (see separate chapter), participants and organisers used the opportunity to share, learn about and plan concrete activities in building open government.

Successful dialogue requires a sound approach

During the International Roundtable, the number of participants in the various activities remained stable. Participants contributed with dedication, building shared insights without denying differences in interests. This made the roundtable an open and dynamic event that did not content itself with stating the obvious -- as is demonstrated in the articles provided in this publication. In their evaluations of the event, organisers and participants alike shared a very positive view of the event. In their written evaluations, participants rated the overall usefulness of the meeting 4.63 on a scale of 0 (least) to 5 (highest). Both

government and civil society practitioners called it a highly useful conference, in which new insights and new understanding was reached and clear lines of actions worked out. Participants and organisers specifically stressed the value of the interactive exercises and the overall concept of the event, which one participant saw as “perfect harmonisation of topics, speakers and step-by-step learning.”

This evaluation of organisers and participants confirmed the value of the approach adopted for the International Roundtable, which has three distinct aspects:

- It gives voice to all those present, thus also to those that stay silent in more traditional conferences. In this way it activates participants, leading to more energetic participation.
- It allows differences and conflicts, as well as common ground, to be identified and treated in a constructive manner.
- It enables the achievement of tangible results shared by participants, which can serve as a basis for subsequent action.

Critical success factors: the roundtable as a “test case”

There is undoubtedly great potential in applying this interactive approach to other such events. Experience shows, however, that the success of these kinds of actions is by no means a given. It depends on a number of critical factors, of which five are:

1. *Openness of the organisers to engage in a real, open dialogue.* The interactive approach gives participants a strong role. Organisers need to be prepared to accept that participants will then take this opportunity for open dialogue.
2. *Representation of participants.* Participation at the roundtable reflected a roughly equal balance between government and civil society practitioners. If participation does not reflect the various groups involved, no serious dialogue can emerge.
3. *Professional, detailed design.* The sequence and process for each activity and exercise (but obviously not the content of contributions from participants!) was conceptualised in detail beforehand and with professional support. This planning touched on every aspect, from the grand design to the exact wording of questions in interactive exercises.

4. *Fair and skilful facilitation.* The complex interaction among such a diverse set of actors as those present at the roundtable demands skilful facilitation, which is non-partisan, supports correct understanding, prevents unnecessary conflicts developing, and allows fair and fruitful participation.
5. *Commitment to consider follow-up.* An interactive event such as the International Roundtable does not happen in a vacuum. Participants do not like to spend their time for nothing -- a demonstrated commitment to consider follow-up on the outcomes is crucial.

Conclusion

As evidenced in the eight key areas of action identified through the second interactive exercise as well as in the articles provided in this publication, the International Roundtable has generated clear and tangible results through an interesting and interactive process. With this achievement and with the learning and understanding shared by participants in this process, the International Roundtable on Building Open Government in South East Europe not only pushed the boundaries of the issue into new areas of understanding and raised new perspectives for action. It has also shown that open government is best achieved by practising it.

EXCHANGING GOOD PRACTICES: THE TOOLS FAIR ON BUILDING OPEN GOVERNMENT

by

Dr. Marc Gramberger*
Managing Director, Prospex Bvba

Abstract

The final event of the International Roundtable on Building Open Government in South East Europe was devoted exclusively to practice. During the Tools Fair, all participants had the chance to learn about and present exemplary activities on building open government.

Designing a marketplace of ideas

The aim was to further knowledge about and enhance “hands-on” good practice – the issue of “how” took centre stage. The response by participants was impressive: One general stand, 19 stands by organisations and 12 separate presentations provided insights into diverse experiences in a large variety of countries [see Figure 1]. During the two and a half hour fair, participants and the public freely strolled from stand to stand, from presentation to presentation – listening, collecting, and exchanging. Thanks to the generous support of the Government of Slovenia as hosts to the International Roundtable, and the technical assistance provided by the Government’s Centre for Informatics, exhibitors at the Tools Fair enjoyed the highest possible standards of technical equipment to display their “wares” (including individual desktop computers and Internet connection).

The marketplace of initiatives and ideas featured articles, posters, leaflets, books, online databases, web sites and lots of direct conversation and discussion. There was a wealth of information on hands-on experience available at the stands. The Cabinet Office of the United Kingdom presented its consultation toolkit and web-based resources. Partners Albania distributed its Directory of Albanian Non-Governmental Organisations (NGOs) and other

publications on democratic change. The Finnish Ministry of Finance presented a broad range of activities, among them a specific youth election campaign. Slovenian NGOs informed about policy initiatives stemming from civil society. The Austrian Federal Ministry for Public Service showed its online platform “help.gv.at”, featuring interactive questions and answers on the most important issues between public administration and citizens. The Finnish Rheumatism Association explained its partnership with government and municipalities. The Croatian Government documented the activities of its Government Office for Co-operation with NGOs. The list of valuable initiatives continues.

In a separate room of the tools fair, participants listened to a series of presentations on open government initiatives. Due to high demand, the main room of the tools fair featured an additional Speaker’s Corner for a second series of presentations run in parallel. Among the initiatives presented were the Citizen Participation Toolkit of Partners Romania Organization for Local Development; the “Open Sweden Campaign” of the Swedish Government; Citizen Participation in Local Government Reform in the Former Yugoslav Republic of Macedonia; “Open Up!” seminars offered by the Norwegian Ministry of Defence; and the activities of the World Bank-NGO Working Group for the Europe and Central Asia (ECA) Region.

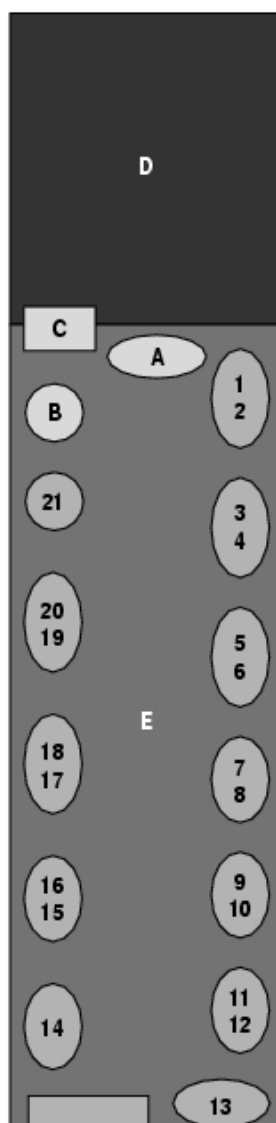
The organisers of the roundtable were also actively engaged at the Tools Fair. The OECD presented its multilingual publication series “Citizens As Partners” on information, consultation and public participation, featuring a comparative report on engaging citizens in policy-making in OECD Member countries and a practical handbook.¹ The World Bank and the World Bank Institute showed and distributed its detailed set of toolkits, instruments and support programmes designed specifically for local community empowerment. The Open Society Institute introduced its extensive information programme and demonstrated its “issue crawler”, a software application that maps networked discussions on the Internet. Additionally to its own extensive activities in involving civil society organisations in policy making, the Government of Slovenia presented the e-democracy portal of the city of Velenje, that allows direct access to, and interaction with, the city council’s meetings.

After listening to the final address by Dr. Rado Bohinc, Minister of the Interior of the Government of the Republic of Slovenia, which brought the Tools Fair and the International Roundtable to a close, participants left equipped with piles of leaflets, brochures, reports, valuable contacts and information from direct exchange. They were heading off to their respective countries to put their new insights into practice.

NOTE

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- ¹. Citizens as Partners: Information, Consultation and Public Participation (OECD, 2001) and Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-making (2001). The handbook is available free online at: www1.oecd.org/publications/e-book/4201141E.pdf.

Figure 1. A map of the Tools Fair



Stand	Organisation
A	Speaker's podium for official address
B	Coffee buffet
C	Entrances, open doorways
D	Presentation room
E	Large room
1	Telekom Slovenia
2	Government of the Republic of Slovenia
3	FMK UCM Trnava, Slovakia
4	Office of the Government of the Slovak Republic
5	Organisation for Economic Cooperation and Development (OECD)
6	Centre for Management and Policy Studies, United Kingdom
7	Research Triangle Institute, Romania
8	Partners Romania Organisation for local Development
9	NGO Working Group on the World Bank
10	World Bank
11	Federal Ministry for Public Services and Sports, Austria
12	Open Society Institute (OSI), Information Program
13	Speaker's Corner
14	General stand (for last-minute exhibits)
15	People's Voice, Ukraine and Slovenian NGOs
16	Centre for Policy Studies, Belgrade
17	United Nations Development Program (UNDP)
18	Euroregional Center for Democracy CED, Romania
19	Ministry of Finance, Finland
20	Partners, Albania
21	Ministry of Defence, Norway

PART II

ACCESS TO INFORMATION

Abstract

This section presents the results of discussions between government and civil society practitioners from many different OECD member and non-member countries on the topic of access to information. The group identified four key steps to improving access to information: establish consistent legal frameworks; develop user-friendly information resources; foster co-operation between governments, NGOs, the media and international organisations; and invest in awareness-raising. Also included are three country case studies on access to information from the FYR of Macedonia, the Republic of Montenegro (Federal Republic of Yugoslavia) and Sweden.

ACCESS TO INFORMATION

by

Joanne Caddy

Administrator,

OECD Directorate for Public Governance and Territorial Development

Strong public scrutiny, based on solid legal provisions for access to information, is an essential precondition for building open government. Workshop 1 examined the central role of laws, institutions and tools for access to information in ensuring open decision making, drawing on the active contribution and experience of the equal number of government and civil society practitioners present in the group.* This workshop was co-chaired by Ivana Aleksic, Center for Policy Studies, Federal Republic of Yugoslavia and Fernando Castaños, Director General for Research and Analysis, Unit for Relations with Citizens, Office of the President, Mexico.

Creating the conditions for effective access to information

Despite the large differences in policy and practice to be found across the wide range of countries represented around the table, participants agreed upon the following key conditions for ensuring effective access to information by citizens and civil society.

A. Introduce and enforce legislation on freedom of information (FOI)

Participants agreed that a sound legal basis and robust institutional mechanisms for implementation were essential. A “presumption of access” should hold, with *openness as the rule* and any derogations being well-defined, circumscribed exceptions. Legislation should provide clear definitions of: which public bodies are obliged to comply with its provisions (i.e. executive,

Over 20 participants attended the workshop from: Croatia, Greece, Hungary, Latvia, FYR of Macedonia, Montenegro, Mexico, Norway, Poland, Romania, Serbia, Slovenia, Sweden, and the United States.

legislature, local authorities, all bodies spending public funds); any limits on rights of access to information (e.g. established by other laws on official secrets or privacy); what constitutes “a document” (i.e. paper and/or electronic formats); how to submit a request (e.g. oral, written, electronic and whether requests may be made anonymously); how information will be provided in practice and within what time frame; and finally, how to lodge a complaint or an appeal against a government decision to withhold information. To date around 80% of OECD member countries have passed laws on access to information, and many countries of South East Europe are considering the adoption of such legislation.

B. Invest in public administration reform

Openness in government is much more than just a set of core values. Laws on access to information define concrete obligations and establish a set of standards that public administrations must meet. Efforts to achieve effective access to information are most successful when they are integrated into an overall strategy for public administration reform, one that supports the introduction of appropriate systems, resources, training and tools. The trend towards greater decentralisation has also brought government information services closer to citizens. Examples include the 144 Citizens’ Service Centres throughout Greece and a network of municipal Citizen Information Centres in the FYR of Macedonia.

Participants mentioned a wide range of tools for information provision, including citizen guides, call centres, annual reports (Greece), public access “Telecenters” equipped with computers and Internet links (Hungary) and national and local government web sites (Slovenia). Several approaches to raising the capacity of civil servants to meet the requirements of access to information legislation were cited. In Hungary, the examination curriculum for public servants includes reference to the 1992 Act on the Protection of Personal Data and Disclosure of Information in the Public Interest. Ireland chose to invest heavily in training civil servants even prior to adopting the Freedom of Information Act in 1997. The “Open Sweden Campaign”, launched in 2000, rests on the important realisation that even a country with a long history of open government (and whose original legislation dates from 1766) requires constant efforts to update and renew awareness among public officials and citizens alike. As the Swedish Government official attending the workshop emphasised, “Nobody is born with openness; it is something that is learned.”

C. Foster investigative journalism, responsible media and guarantees for journalists

In most countries, the majority of requests under access to information legislation are submitted by journalists, rather than individual citizens. The media also play an important role in delivering government information to a wider public. In Latvia the media enjoy high levels of public trust, and also act as the main driving force for implementation of access to information legislation. The participant from Norway's Ministry of Defence reported receiving approximately 300 requests per week from journalists seeking information of all types. In countries with little or no tradition of investigative journalism, and where legal safeguards for journalists are weak, the picture is rather different. One participant from Montenegro noted the many obstacles posed by the lack of independent media, legal protection for journalists, and expertise on media law - a situation common to several other countries of South East Europe.

D. Strengthen independent state institutions for oversight

While participants agreed that both the courts and the ombudsman had a central role in ensuring government compliance with access to information provisions, the wide range of country experiences with such instruments led to extensive debate on their relative merits. The powers of ombudsman offices vary considerably, from simply issuing recommendations to having the power to order the administration to release documents. Some countries require appeals to be addressed to the ombudsman before taking a case to court, a provision that can be used to delay access to information. While a court ruling usually takes longer to obtain, it has the advantage of setting new standards with which administrations must comply in the future. On the other hand, the ombudsman office often provides a cheaper and swifter channel for citizens' appeals and, by providing support rather than imposing sanctions, may be better suited to promoting change in administrative culture among public officials. An official from the office of the Greek Ombudsman reported that citizens who do not receive a response to a request for information within 60 days can apply for compensation. Participants agreed that whatever institutional format is chosen, an appeals mechanism must be fast, inexpensive and independent if it is to be effective.

E. Foster the role of active civil society

Experience from many countries has shown that civil society can play a major role in initiating and promoting legislation on access to information. In Romania an NGO (the Romanian Academic Society) successfully brokered an

agreement between proponents of two competing draft laws, and this led to the adoption of a new Freedom of Information Act in January 2002. Civil society organisations are also important in monitoring the implementation of such laws once they are adopted. In some countries NGOs have accumulated considerable expertise on access to information that can be drawn upon by governments when drafting laws or training public officials. One such case was reported from Bulgaria where the Access to Information Programme Foundation has provided support to government.

F. Change the political culture

Participants discussed how to counter long-standing traditions of secrecy among public officials that severely hamper citizens seeking to exercise rights of access to information. Where legal provisions are scattered among many different laws and specific procedural mechanisms are lacking, decisions to provide or withhold information are often arbitrary and impossible to challenge or monitor. Building a supportive environment for achieving greater openness calls for stronger co-operation between NGOs and government. It requires both partners to overcome their standard stereotypes, whereby government is “always corrupt” and NGOs are seen as potential “enemies of the state”.

Priorities for action

On the basis of group discussions in the workshop, participants identified four key areas for immediate action to improve access to information:

- *Establish consistent legal frameworks.* Laws on access to information, data protection and privacy, official secrets and the media often contain overlapping provisions, which in some countries may even be contradictory -- which poses a major obstacle for citizens and public officials alike. Consistency and clarity of the legal basis for citizens' rights of access to information must be guaranteed.
- *Develop user-friendly information resources.* A large number of mechanisms and tools have been developed to ensure that citizens can put their rights into practice (e.g. registers, information offices, online databases). The best options are those that are low-cost, easy to use and fast.
- *Foster co-operation.* Raising standards and government performance in providing access to information requires closer co-operation between governments, NGOs, the media and international

organisations. Each actor can play an important role in developing, promoting and adopting good practices.

- Invest in awareness-raising. Effective access to information rests on widespread knowledge -- and understanding -- of the rights and responsibilities established by law. Building awareness and capacity among government officials, media, NGOs and individual citizens requires time, resources and training.

Finally, the group agreed that achieving and maintaining access to information depend crucially upon two key factors: a *commitment* to promoting the values of open government; and the *exchange of experience* within and between countries to ensure that innovations and good practices are disseminated and adapted to local contexts.

MUNICIPAL CITIZEN INFORMATION CENTRES: AN EFFECTIVE TOOL FOR INFORMATION, CONSULTATION AND PUBLIC PARTICIPATION

by

Vesna Atanasova

Citizen Participation Specialist

Macedonia Local Government Project, USAID/DAI

Abstract

Well-informed and educated citizens are the basis of democracy. It is not possible to envision a democracy that is without a system of institutions and tools that manage and administer the free flow of information. This can be achieved in many ways. However, it is most important to take into account people's right to information and the need for them to be informed.

Lack of information and withholding of news were tools used by the former socialist regimes to support state totalitarianism.

The average citizen in Macedonia does not have the resources (education, friends or "connections") to negotiate effectively with government agencies or even to complete various government documents correctly. Many citizens visit their mayor seeking assistance, although that office is not equipped to handle their problems. The central government bureaucracy is not structured to provide any service more direct than handing out application forms and other documents. Thus, citizens are left without the knowledge and guidance they need to follow bureaucratic procedures, many of which require a trip –often, multiple visits – to the state capital. Nor do public agencies publicise a list of documents necessary to complete a procedure.

The Citizen Information Centre (CIC) is a sustainable solution to these problems, the best way for implementing the 2001 Ohrid Framework Agreement, and tangible evidence of a future of decentralised local government in Macedonia. The 2001 Law on Local Self-Government is an important step

toward improved transparency and overall political reform in Macedonia. The reform process is already well under way, building better communication between the citizens and their local government. Municipal officials have demonstrated the capacity to take on the new competencies that the planned decentralisation entails.

A. Introduction

In recent years, Citizen Information Centres have proved one of the most successful tools for citizen participation used in other countries in the region. They serve as offices in city halls that inform citizens about their local government and central government ministries, facilitate solutions to problems citizens have with the delivery of public services, and act as citizen complaint and suggestion centres. In addition, they provide information about local NGOs, schools, international projects, regional fairs and exhibitions, regional educational opportunities and NGO development information.

CICs have been instituted in a number of countries in Central and Eastern Europe in the past five years. In this region they serve a particular purpose: given the reality of governments in transition and changing functions at all levels of government, there is widespread confusion among citizens about which competencies are performed at which level. CICs have been very successful in reducing the confusion.

Citizen Information Centres also symbolise the government's new attitude toward citizens. They are no longer treated merely as taxpayers but as customers of local government services. Friendly atmosphere and customer-oriented staff are the basis of the CIC concept.

The centres provide two-way communication and so create a real relationship between citizens and local government. They are a sustainable mechanism for citizen involvement in decision making at the local level.

B. The Macedonian experience

The Macedonia Local Government Reform Project, set up in October 1999, is a USAID (United States Agency for International Development) project implemented by Development Alternatives, Inc. (DAI). The strategic objective of the current programme of assistance to local public administration and reform of the policy framework in Macedonia is "more responsive, accountable, and effective local governments". In order to achieve this objective in the area of citizen participation, the LGRP is undertaking several activities.

One of the most successful has been the establishment of Citizen Information Centres within the municipalities.

The programme began with two pilot cities and was then replicated in other municipalities. Twelve CICs have been opened around the country to date – the first one in Gostivar in February 2001 and the latest in Kriva Palanka in March 2002. Implementation of several others is under way.

The biggest challenge to face the LGRP so far is newly elected mayors, since local elections took place during the early CIC implementation. There was a certain fear that changing mayors might give rise to certain problems. Therefore, the Citizen Participation Team of the LGRP made a special effort to introduce the concept of a CIC to all stakeholders in the community and launch a media campaign. CICs have been opening at the rate of approximately one per month.

C. CIC components

The mission of the Citizen Information Centre is to provide more transparent and efficient services to citizens by improving the information flow to them from their local government and vice versa. It serves as a one-stop shop – a place that offers solutions to the citizens' concerns and problems. The centre builds bridges not just between government and citizens, but also among municipalities.

Although each CIC is tailored to its community needs, offering particular activities and services, all centres have the same objectives. They aim to:

- Increase the transparency of local government in the eyes of citizens.
- Provide feedback to municipal officials on the needs of citizens.
- Address the confusion that exists among citizens today about the competencies of local government and about where to go to receive necessary government documents and information.
- Begin to change the mentality of local government in Macedonia, developing a more inclusive, service-oriented attitude among government employees.
- Foster two-way communication with citizens.
- Handle some citizens' inquiries directly, thereby reducing demands on the municipal administration.

A centre has two components:

1) It provides information, regarding the following:

- Competencies and responsibilities of the mayor and the municipal council, architect, and administrative bodies.
- The municipal organisational structure.
- Communal services provided by public enterprises, including prices, announcements, possible deficiencies and service departments.
- Decrees and other acts adopted by the council, mayor and other municipal bodies.
- Procedures for obtaining construction permits and taxi licenses.
- Competencies and responsibilities of regional ministries.
- Local NGOs, schools and women's organisations.
- Regional fairs and exhibitions, conferences, and cultural and sporting events.
- Procedures for registering a new business.
- International donors' projects.
- Regional educational opportunities.

2) It serves as a complaints centre:

- Citizens with complaints can complete a form at the centre. The staff are responsible for recording the complaint on a computer using a purpose-built programme, delivering it to the appropriate city department, and giving the citizen a date of response, furnished either by mail or through another visit. Each month the CIC staff prepare a monthly report that is submitted to the mayor, all respective departments and regional ministries. Some of these reports

are published in the local media. The reports contain information about all the citizens visiting the centre -- highlighting those departments that have had more visits -- and identify some of the main areas of concern. In this way the city can have a better idea of the basic problems and issues it has to deal with.

D. Implementation steps

The first step toward implementation was the signing of the Memorandum of Understanding by the LGRP and the municipality. This MOU stated the specific responsibilities of the LGRP, which included technical assistance; the purchase of a computer and appropriate software and other office equipment and furniture; and the cost of initial computer Internet access. The municipality was responsible for providing the CIC with office space (upgrading it as necessary) and with ongoing operating expenses, including salaries, supplies and equipment maintenance.

The objective of the project was to provide enough financial assistance to put the CIC into operation and then leave the long-term financial responsibility with the city. The ultimate aim was for the CIC to become a permanent department of the municipality.

As a second step, the LGRP and city officials then worked together to appoint and train CIC staff and to create a computer database. While the choice of CIC staff resided with the mayor, the LGRP provided technical assistance to define the talents and skills required of staff in order to provide excellent customer-oriented service to citizens. In multiethnic communities the staff was ethnically mixed (Macedonian/Albanian). Once the CIC staff members were hired, the LGRP provided staff training in the following areas: citizens as customers, information collection and distribution, problem-solving for customers, maintaining community/NGO and regional ministry contacts, and the CIC becoming an effective communications tool for local government. The staff of the new centre had a one-day visit to the one already opened.

Additionally, the LGRP provided technical assistance in media coverage of the process and helped the municipality create publicity and outreach to the citizens. Promotional material is an integral part of the centre. Three types of flyers are available in all centres: one explains the concept of the CIC and the type of services it offers, the second defines the municipality, its functions and bodies, and the third is a municipal directory containing all important telephone numbers in the community. Depending on the ethnic composition of the population in a given municipality, the flyers are bilingual.

All CICs have the same logo and recognisable sign, a warm and friendly atmosphere, and the following motto: *A citizen is not somebody who interrupts our work; a citizen is the purpose of our work. We do not do him a favour serving him; he does us a favour in giving us a chance to serve.*

E. Success stories

Even during the crisis in Macedonia, four CICs were opened. Those in the crisis region immediately responded to the changing local conditions and requirements. The case of the Kumanovo Citizen Information Centre is worth mentioning: it provided assistance as well as information. In this period the military activities left many people homeless, forcing them to seek shelter elsewhere. In their uncertainty citizens turned to the centre. They requested daily information regarding the possibility of returning to their homes. They wanted to know the extent to which their property was damaged, whether their cattle were alive, and how they could obtain documents they had left behind. The CIC was also used to distribute relief packages and one-time financial assistance. It established contacts with international organisations such as UNHCR, IRC, NATO, OSCE and the EU monitoring mission, as well as with many local humanitarian organisations, in order to gather firsthand information about what was going on in the villages and to pass it along to the displaced. The need for sure facts about what was happening on the ground led these actors to hold weekly co-ordination meetings, at which CIC staff was regularly present. The CIC took the role of disseminator of information about the local government and expressed the needs of the citizens, asking for replies from the others.

The CIC also serves as a proactive mechanism for citizen involvement in decision making, as illustrated in the following story from Veles. Dissatisfied with the traffic situation in the city, citizens started to complain to the centre. The CIC staff reacted immediately and conducted a survey. After processing the results, the staff presented the findings at a session of the city council. The initiative resulted in a decision made by the council to employ a solution based on the citizens' recommendations and suggestions.

The municipality of Karposh is a good example of how the CIC can build a bridge between the local government and the NGO sector. With the aid of its extensive database, CIC staff contacted all NGOs active locally and regionally, and invited those interested to participate in a co-operative effort. The initiative resulted in a series of public hearings on different topics held in the municipality, with speakers who were experts from the different NGOs. The centre also, in co-operation with schools located in the municipality, arranged for pupils from higher classes to visit the CIC, where they had a chance to meet

and talk to the mayor and spend a day learning about the functions, role and responsibility of their local government.

In the months of February and March 2002, a series of budget hearings were held in twelve Macedonian municipalities. CIC staff were the key players in the process: they designed and printed brochures explaining the revenues and expenditures in the municipal budget. Then, in co-operation with local NGOs, they distributed the brochures to the all stakeholders in the community, and organised the hearings.

The CIC Network has been created in order for staff to share experience and best practices, find solutions to the common problems, and offer support for its members. The LGRP provides technical assistance to build the capacity of the network to represent the CICs in Macedonian local governments, and to train network members to become CIC implementers. Its activity will eventually include helping the network research and decide upon its future status – NGO, association, or continuation as a network.

F. Conclusion

The new Law on Local Self-Government adopted in January 2002 offers a legal framework for institutionalising existing Citizen Information Centres, and provides incentive for the other municipalities to establish their own centre. The LGRP will next focus on institutionalisation of the centres, and their inclusion in the statutes of the municipalities.

Additional future efforts will be directed toward CIC outreach – design of a network that uses the existing centres as hubs from which information can emanate to smaller municipalities and communities.

So far all centres are established as a partnership between the municipality and a foreign donor. The ultimate goal is for them to function as a joint effort of all stakeholders in the community, a project-partnership among the government, civic and private sectors. That day should not be long in coming.

THE OPEN SWEDEN CAMPAIGN

by

Hans Sundström

Chief Legal Adviser, Swedish Agency for Public Management

Abstract

In September 2000 the government launched a campaign to make the Swedish public service a prominent international example of “openness”. While Sweden is renowned for its long-standing traditions of openness and transparency, this campaign recognised that openness is something one learns and must always be recaptured, generation after generation. The paper outlines the main objectives, actions and lessons learned from the Open Sweden Campaign.

Background

The Open Sweden Campaign had the mission to improve citizens’ knowledge of laws and regulations and to communicate the importance of openness in a democratic society. “*All public power in Sweden proceeds from the people,*” says the Swedish Constitution, which is made up of four fundamental laws:

- The 1974 Instrument of Government, which embodies the basic political principles by which the state is governed. It defines and delimits the tasks of government, establishes the basic rights and freedoms enjoyed by Swedish citizens, and prescribes the procedures for general elections to the *Riksdag* (Parliament).
- The Act of Succession of 1810 sets out the rules governing the choice of successor to the Swedish throne, the person who will succeed as head of state.

- The 1991 Fundamental Law on Freedom of Expression protects that freedom in media such as radio, television and film, as well as in new media.
- The provisions in the 1949 Freedom of the Press Act protect that freedom and the right of public access to official documents. This principle has applied in Sweden – with minor interruptions – since it was first laid down in 1766. Its purpose is described as follows: *“To encourage the free exchange of opinion and availability of comprehensive information, every Swedish citizen shall be entitled to have free access to official documents.”*

That last freedom gives every Swedish citizen the right to publish printed material. No one may hinder or censure it in advance; anyone who attempts to do so can be punished. The citizens and the media must be free to scrutinise all branches and areas of government and thereby determine how and whether politicians and authorities are honouring the trust placed in them.

Considering Sweden’s long-standing traditions in openness and transparency, as well as its far-reaching legislation, it may well be asked why there is any need for an Open Sweden Campaign. The answer is that no one is born with a sense of openness. Openness is something one learns and it must always be recaptured, generation after generation. Subsequently, during the last decade, there have been indications that laws and regulations have not been followed in a satisfactory manner by civil servants. The public, on the other hand, has not been fully aware of its rights. Also, the civil servants have felt that their rights of freedom of expression and freedom to communicate information to the media have not been fully respected. Signals like these reached our former Minister for Democratic Issues and Public Administration, Britta Lejon, who was deeply concerned.

Another important aspect is that parts of our legislation are very old – and perhaps not always easily applied when it comes to modern techniques like IT. Most middle-aged civil servants know how an ordinary incoming letter should be registered – but many are very uncertain when it comes to responding to emails (which should, of course, be treated in exactly the same way as letters.)

In the summer of 2000 the Swedish Government published an action programme for the development of central government called *“A Government in the Service of Democracy”*. One of the components of the programme was a campaign to make the Swedish public service a prominent international example of “openness”. The Open Sweden Campaign was born.

Key objectives

The campaign started in September of 2000 and ended on 30 June 2002. It was co-ordinated by the Council for Open Sweden, which consisted of 13 representatives from the national government, municipalities, county councils and a number of trade unions and professional organisations. The council was chaired by Ms. Monica Sundström, former executive director of the Swedish Federation of County Councils.

The objectives of the Open Sweden Campaign were:

- To achieve better application of the Public Access to Information Principle.
- To increase openness within the public sector.
- To cultivate public knowledge and awareness.
- To encourage involvement and debate.

The target groups were civil servants throughout the entire public sector. Administrators, both politicians and public officials, were key, as were registry administrators. And the public must be informed about its rights. The Council emphasised the need of informing youth and immigrants -- two groups that are poorly informed and have no tradition of enjoying openness. The disabled also have special information needs, and we had to ensure those needs were met.

Conducting the Open Sweden Campaign

How, then, did the campaign proceed? As mentioned earlier, openness is something that must be learned, and also something one “learns to want”. A “need for openness” occurs once a person understands, for example, the connection between an open society and lack of corruption. OECD statistics show that countries with well-developed legislation on openness have the lowest degree of corruption. This campaign already had the “tools”, the laws and regulations, so it was now necessary to increase the motivation of target groups to work for more openness.

In November 2000 all organisations in the Swedish public sector were invited to join the campaign on a voluntary basis. Approximately

240 organisations, out of a target group of 400, chose to do so. Joining up meant a commitment to develop openness by appointing a project leader. The organisations had set their own goals for openness and were supported with information and advice, courses, conferences, training material, etc.

On several occasions seminars on openness were arranged for the project leaders exclusively. Prominent persons from the public sector, educational institutions and the media were invited to speak on different aspects of openness. Topics for discussion on these occasions have included when and how secrecy should be applied. We must not forget that it is of the utmost importance that laws and rules concerning secrecy are also followed in an appropriate manner. It might seem like a paradox, but having a long tradition of openness also means that we have considerable experience of protecting sensitive information that could harm an individual – or our country.

Our main channel of information to the project leaders was our web site, www.oppnasverige.gov.se. The site has the character of a manual, where people can pick out the information they need when they need it, whether it be training material, interesting information from the media, the Minister's latest speech on openness, or information on the latest regulations.

Something that has been very much appreciated is that the web site offered good examples of how you can work to improve openness. Organisations can thus learn from each other and do not have to start from scratch. For example, several organisations use the Internet to encourage citizens to exert their public influence. One way is to make web-voting possible in different issues – like the level of local tax rates or the construction of a new parking garage in the neighbourhood. In some places the politicians and/or the directors have continuous dialogue with the citizens on the web. Others broadcast local government meetings over the Internet. And some municipalities have been methodically handling citizens' complaints and, while doing so, they find that their organisations have opened up almost automatically.

One thing noticed in the campaign may that be stressed here is the importance of leadership in an organisation with regard to openness. When the leader makes it perfectly clear that "all I can accept is openness" -- that is when the organisation will succeed.

Apart from serving its project leaders, the strategies of the Open Sweden Campaign have been to put the issue of openness on the public debate agenda and to encourage the municipalities to inform the citizens of their rights. Hearings have been arranged at different locations in Sweden and the campaign

has participated when other organisations have arranged conferences. Articles and information were regularly published. Especially noteworthy is a manual that was produced for the entire public sector, various educational institutions, trade unions, etc. The manual contains basic information on the Public Right of Access to Official Documents and on how a civil servant must act according to law. A similar folder has been produced for citizens, which stresses their right of access to official documents and how they can exert this right. Training material for teachers and pupils has also been published on the web site.

The author has travelled to some 50 different locations around Sweden, visiting all kinds of organisations in the public administration to discuss and inform about the importance of maintaining openness. Most of the questions from civil servants on these occasions concern new information technologies and how the law should be applied in this domain.

One of these seminars concerned how one can publish the public sector's diaries/journals on the Internet. This is a delicate matter indeed, where the public interest in openness comes into conflict with the individual's right of privacy in certain matters. However, we have every reason to believe we can handle this challenge while preserving our open society, just as we have handled other such challenges ever since 1766.

The struggle for an open society continues -- in Sweden as elsewhere.

ACCESS TO INFORMATION – THE MONTENEGRIN EXPERIENCE

by

Srdan Brajović

Co-ordinator, Free Access Information Program,
Republic of Montenegro (FRY)

*“Without publicity, no good is permanent;
under the auspices of publicity, no evil can continue.”*

– Jeremy Bentham

Abstract

Montenegro currently lacks a distinct and comprehensive law on access to information, while existing legislative provisions are scattered and vague. An all-encompassing reform process is needed to establish basic legislation defining citizen rights and state obligations, concrete procedures for accessing information and independent judicial review. Such reforms will pose significant challenges for the Montenegrin public administration and will lead to profound, longer-term change within organisations, procedures, formal and informal rules.

Background

Regardless of the particular political context, it is clear that democracy cannot exist without communication -- and that communication cannot exist without information. The idea that government decision making should be transparent is nothing new. A range of factors -- some of them contradictory -- have now pushed that notion to the centre of contemporary debate on governance.

As Harlan Cleveland explains, the impetus for greater openness in modern democracies arises naturally from a politically sophisticated electorate. For the most part, individuals, corporations and governments do not have the choice or capacity to keep information secret; openness is the ineluctable

consequence of education producing knowledgeable societies. "Less secrecy" moves from ideological preference to technological imperative. Secrecy goes out of fashion anyway, because secrets are so hard to keep. As Oxford Professor Monroe E. Price noted, "The essence of transitions to greater democracy is the fragmentation or destruction of a previous monopoly or oligopoly of power, including the monopoly over information as a critical element of the monopoly over power."

Access to information in Montenegro today

Looking at the Montenegrin experience with regard to the right to information in society and the media -- and given the situation of the last 50 years -- it could be said that the country is having a serious structural problem that is evidence of a disrupted system of values, a regression.

This is a consequence of: its inherited communist praxis and political culture, which can be characterised as highly secretive, lacking in rights-based thinking, and producing apathy and passivity in the population -- all of which have delayed the enactment and proper enforcement of a legal framework for information. The provision contained in the second paragraph of Article 34 of the Montenegrin Constitution, which guarantees the right of expression to everyone, is not realised by law. This constitutional right has remained at the level of a programme norm and is practically impossible to exercise.

After analysing Montenegro's legislation on information (provisions of the Public Information Law, Law on the Local Government, Code of Criminal Procedure, Code of Civil Procedure, Environmental Protection Law, Archival Law), one may conclude that provisions are scattered and vague rather than clear and precise. This is, in the author's opinion, tantamount to an undue restriction -- even a denial -- of freedom of information. As we know the right cannot be enjoyed if its exercise is made conditional or subject to a law, rule or principle abounding in uncertainty.

The basis of an Access to Information (or Freedom of Information) Act is that the public is entitled to obtain access to official information to the greatest extent possible, consistent with the public interest and the right to privacy. Therefore, full implementation of the right to freedom of information is possible only through the adoption of separate, comprehensive legislation, campaigning, and advocating that will guarantee subsequent application and enforcement.

After many years under the communist regime, one that jealously guarded all information and nourished the myth of secrecy, public

administration officers have become accustomed to refusing information systematically. Everyday practice is to regularly deny common citizens access to certain data.

A frequent excuse used in many instances is the need to preserve secrecy in relation to state interests. The dual problem that arises is how to determine what can and cannot be publicly disclosed, and how to classify something as secret and keep it well away from eyes and ears, when Montenegro is still lacking legislation on classified information or on personal data protection.

Since there are no specific regulations dealing with procedural issues related to freedom of information, the decisions of administrative officers concerning public access to information are frequently arbitrary and impossible to control. The current trend is to refuse disclosure even on matters of everyday importance. Ordinary citizens are not trusted with information and so are not able to judge or make accurate decisions regarding the political or economic situation. As Sissela Bok observes, “The exercise of power depends on knowledge and the means to employ it, and without the former, there is no opportunity to exercise the latter.”

The specific problems are as follows:

- The levels of knowledge, comprehension and general awareness among journalists and those in the legal profession are unacceptably low in Montenegro.
- Media legislation and legal mechanisms for the protection of journalists in Montenegro are inadequate to nonexistent, and there are no laws for reform.
- There is a lack of media lawyers in Montenegro (one of the main obstacles to establishing an efficient system of legal protection for journalists).
- Information access channels available to the public are almost nonexistent.
- Only media and journalists close to the ruling parties are granted easy access to sources of information in local government and institutions.

The consequences are:

- An increased possibility of manipulating public opinion.
- A citizenry lacking means of controlling the government and venues of public participation.
- Uneven reforms with unclear direction.
- A corrupt government with unlimited opportunity to loot the economy.
- A number of questions then arise:
 - How can Montenegro be freed from its long-standing, deep-rooted culture of secrecy?
 - How can its legislation in this domain be brought to a standard comparable to those of the advanced countries of the world?
 - How can a system in which officials decide whether or not to release information be transformed into one based on transparency and accountability?
 - What are the best ways to improve access to information as one of the basic steps towards restoring and maintaining democracy?
 - How can citizens be made true stakeholders in the running of the country?

Key steps for reform

Given this overall picture, it may easily be concluded that it is due time for substantial reform and transformation of the existing system into one based on a higher level of openness and public control, equipped with efficient mechanisms to prevent corruption, and accountable in relation to citizens' rights and freedoms. In order to accomplish the reform process, it is indispensable to establish through legislation:

- The concrete obligations imposed on state bodies.
- Precisely defined cases in which the right to information would be withheld.
- Relevant procedures for accessing information.
- Independent judicial review procedures.

It must be stressed that if Montenegrin society and its government want to be a part of integration processes and the world economy of the 21st century, the secrecy, unaccountability, lack of integrity and corruption will not be allowed to oil the wheels of investment.

To conclude, what is of vital importance and what the Montenegrin Government has to undertake immediately is an all-embracing process, including broad public consultations, aimed at recognising:

- That citizens have a right to information and should be given the greatest possible access to it, in accordance with the principle of protection of the public interest and the right to privacy.
- That the right of Montenegrin citizens to access information held by public authorities represents a *right* inherent in the system of a participatory democratic government, not a *privilege* approved or granted by a state.
- That the right to access information further provides a citizen with a right to participate in the decision making process.
- That information is a national resource, a fundamental good; that it should be equally accessible to all; and that information related to a citizen's economic, social or political status -- their health, for example -- is in reality that citizen's property.
- That access to information should be part of a wide-ranging programme of reform.

As such, of course, freedom of information will represent one of the Montenegrin public administration's biggest challenges in recent years, perhaps decades. Openness, transparency and accountability will be tested to the full.

Implications for the future

It must be clear that freedom of information will constitute profound, longer-term organisational change, a process involving:

- Construction, diffusion and institutionalisation, both on international and national levels, of already defined and consolidated formal and informal rules, procedures, policy paradigms, styles, and shared beliefs and norms that are to be incorporated into the logic of domestic discourse, political structures and public policies.
- A gradual reorientation of the direction and shape of domestic politics so that international standards and dynamics become part of the organisational logic.

Any further delay or failure in initiating that process shall produce nothing other than a “prologue for a new farce or tragedy” -- perhaps both. In the tragedy, the potential losses, poverty and injustice would distance Montenegro much further from the standards of a democratic society with a recognisably higher level of state responsibility towards citizens’ rights and freedoms. In the farce, Montenegro’s “transition to a higher level” would amount to little more than a stylisation of “achieved” results, and above all a final freezing of social relations based on a completed distribution of the former social capital. In that climate, no one will dare make the “revolutionary” suggestion of reviewing the Montenegrin transformation.

PART III

CONSULTATION AND PARTICIPATION

Abstract

This section presents the conclusions of the workshop on consultation and participation of citizens and civil society organisations in government policy making. Participants in the workshop stressed the need for capacity building and technical assistance for government officials and citizens alike in conducting effective consultation and participation processes. The section also includes two case studies on consultation and public participation at the national level (in Estonia and Finland); one on participation at the international level; and a paper on citizens' views of governance issues.

CONSULTATION AND PUBLIC PARTICIPATION

by

Marcos Mendiburu

Learning Analyst, Community Empowerment
and Social Inclusion Learning Program, World Bank Institute

On certain occasions citizens undertake initiatives on their own. At other times citizens might need to co-operate with governments in order to be more effective. For citizen-government co-operation to happen, citizens need to be considered not as a problem but as a resource for effective policy making. Workshop 2 focused on the relevance of consultation and public participation for policy making,* and was co-chaired by Giovanni Moro, Director, Active Citizenship Network, Italy and Bojan Bugarcic, State Undersecretary, Ministry of Interior, Slovenia.

All participants at the workshop recognised that the processes of consultation and public participation occur more frequently locally than nationally. That is particularly true in decentralised contexts, in which the decision-making process becomes closer to citizens and so creates greater opportunities for civic engagement.

The discussion began by identifying two key drivers for fostering consultation and public participation: a sense of ownership among all stakeholders, as government officials “come and go”; and promotion of the transparency and accountability of public authorities.

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More than 28 participants from a wide diversity of countries attended this workshop. Among others, there were participants from Albania (2), Austria, Bosnia-Herzegovina, Canada, Denmark, Estonia, Finland (2), France, Italy, Latvia, the FYR of Macedonia, Montenegro, Serbia, Slovakia (2), Slovenia (3), Romania, Russia, and the United Kingdom.

Several examples served as illustrations. The experience of participatory budgeting in Brasov (Romania), based on an information campaign and a subsequent public budget hearing, led participants to understand where the money comes from, how it is spent, and the trade-offs in setting priorities. Other examples included the Open Budget in Saint Petersburg (Russia) and public budget hearings in municipalities in the FYR of Macedonia.

The workshop covered the following issues as preconditions for the success of consultation and public participation: 1) the selection process; 2) the legal framework; 3) the existence of civic culture; 4) the commitment of politicians and civil servants; and 5) the strength of civil society organisations. Other issues discussed were the participation of the poor and marginalised; NGO accountability; the language barrier; the cynicism and fatigue surrounding consultation and participation processes; and appropriate tools.

Regarding the selection process, participants identified two key questions related to both the initiator and the end-user of consultation and public participation processes: *Who selects whom?* and *Who should be invited to participate?*

The answer to the first question of who selects whom depends on what agency deals with the particular policy issue at hand. For instance, in Latvia, the Ministry of Justice consulted NGOs on the NGO Law. Once a government agency identifies the stakeholders (those who stand to benefit or be affected in some way), it needs to find out whether they are organised (i.e. what are the existing organisations in that policy field? are they strong or weak?). If the organisations are weak and have limited resources, then the question becomes how government can reach those organisations and explain to them the implications of their participation. In this respect, some participants stressed that not only organisations but also individual citizens must be able to participate.

The second question of whom to invite to participate requires the establishment of selection criteria which should be adopted in collaboration with civil society organisations. The use of specific tools may also determine which groups will be consulted. A tool can be appropriate or not, provided it is clear who the targeted interlocutor is. For instance, Internet proved to be effective to consult web surfers when consulting for a bill on electronic signatures in France.

On the legal framework, the discussion centred on its usefulness as a basis for conducting consultation and public participation. Given the differences between the Anglo-Saxon tradition and the continental European approach

related to soft laws vs. robust legal norms respectively, a participant noted that “there is no one single answer” to this question. Nevertheless, there was recognition of the need for a minimum legal framework that establishes a procedure involving consultation and participation. As a consequence, soft laws (i.e. best practices, codes, guidelines) may complement the robust legal norm by specifying the consultation and public participation mechanisms, and how these can actually be run.

Many noted that a minimum legal framework is not sufficient to ensure appropriate consultation and public participation, as there are other elements of key significance: the mechanisms for legal enforcement, civic culture, political commitment, and the strength of civil society organisations.

The strength of civic culture is key as well, and not necessarily developed with the adoption of legislation. This culture originates from the bottom up, through how children are educated at home and in kindergarten, and how families and institutions foster youth engagement. In sum, the civic culture starts within the family and in the neighbourhood and then extends to local government.

A meaningful example of fostering civic culture was the experience of Finland with regard to youth participation, a topic underlined by several participants. To reverse the trend of decreasing youth engagement in public affairs, Finland launched two initiatives. The first one consisted in setting up youth councils or parliaments at the local level, where students – selected by their classmates – were invited to make decisions. However, these councils rapidly became isolated from the community environment. A more successful experience consisted in using schools as an arena for children’s participation that involved decision making on “local” matters such as the environment. Their decision-making power grew over time. For instance, on a yearly basis, 7- or 8-year-old student representatives get to decide on how to allocate and spend nearly 2 million euros in Helsinki. In addition, the current project “Growing into Critical Citizenship”, launched by the Finnish Ministry of Education, aims to foster civic culture and participation among the youth. Other examples from Canada and Romania illustrated the importance of youth participation.

Concerning the commitment of politicians and civil servants, it could be undermined if consultation and participation processes do not add value to their daily work. In this regard, an awareness-raising effort in Finland, through the dissemination of best practices, places emphasis on the reasons why civil servants should make use of consultation and participation processes.

The strength of citizens' organisations is also a key element for the success of consultation and participation processes, since it provides citizens with the resources, information and venue to get involved in the policy process. However, the development of civil society in the Central and Eastern European region is still relatively recent.

Last but not least, others identified the need to have proper consultation and participation mechanisms in place within the machinery of government as a condition to make the legal framework meaningful. For instance, in the United Kingdom, several government departments appointed consultation co-ordinators.

Equally important was the discussion on the extent to which consultation and participation processes are inclusive, that is, help empower the poor and marginalised to have a voice and choice, and to become self-reliant. Participants pointed out that traditional methods for implementing consultation and public participation usually fail to reach out beyond the educated middle class. Therefore, more innovative methods are needed in order to reach those groups that are usually excluded. In this respect, participants suggested two ways through which to involve the poor and marginalised. One is by working with community leaders; the second involves working with NGOs that may be closer to the excluded. As poor and marginalised people must struggle to survive and have no time to participate, intermediary organisations such as NGOs may motivate their participation by showing them the links between their pressing needs for survival and the necessity for an open budget that might contribute to eliminating corruption and ultimately increasing their well-being. This might create incentives for the poor and marginalised to participate.

Some participants cautioned about the role of NGOs as enablers for the participation of the poor and marginalised, pointing to the problem of NGOs losing touch with the grassroots. Different perspectives arose in this respect. Some stressed that the NGO interlocutors end up looking like civil servants and government officials over time. By getting involved in policy dialogue, they may lose touch with ordinary people. Others replied that NGOs sometimes need to adopt bureaucratic language in order to interact with and be heard by government.

In addition to the struggle for survival and lack of time, other barriers make it difficult for people to become part of decision-making processes. Too often, language can become a barrier. Consultation or participation processes are usually conducted in the language of the majority of the population, thus preventing ethnic minorities that only speak their own languages to get involved. In other countries such as in Finland, with very high literacy rates,

legal language can be a barrier as it is not understood by ordinary citizens. The bureaucratic and/or abstract language of some elected government and administrative officials can still affect consultation and participation. In order to deal with this language problem, the US civil service is requested to use plain English and avoid jargon.

The discussion also covered problems of cynicism and fatigue surrounding consultation and participation. In order not to become cynical about public engagement, it was noted that citizens should participate during the entire cycle of policy development (agenda-setting, implementation, monitoring and evaluation, etc.), instead of at specific stages. Public consultation and participation in service delivery at the local level in the United Kingdom offers an interesting example of engagement of citizens at various stages of the policy cycle. In the case of the United Kingdom, citizens not only assess their satisfaction with the public services, but also help set performance standards for different services such as education, health and housing. A similar experience exists in Italy with the Service Charters, in the particular in the health care sector.

Another way to prevent cynicism and consultation fatigue is to inform participants on the results and impact of their input. They would then know that their contribution is worthy and valued, and that they did not waste their time. For this to happen, consultation and participation should be conceived within an ongoing communication process between government and citizens, which in turn may lead to trust-building. By building mutual trust, citizens become confident that the information and suggestions they might provide will not be manipulated.

There are different tools available to seek public consultation and participation, such as the citizen information centres and citizen advisory committees in Romania and Macedonia; the public budget hearings in Brasov (Romania), in several municipalities of the FYR of Macedonia and in St. Petersburg (Russia); and the participatory municipal development strategies in urban centers in Romania. Other examples include the Service Charters in Italy; the publishing of brochures with information on local council members in Bosnia-Herzegovina; the Growth and Poverty Reduction Strategy in Albania; and the use of the Internet in Austria, Finland, the United Kingdom and Slovenia.¹ Youth engagement and the working with community leaders to encourage participation for empowerment of the poor and marginalised were also stressed.

The choice among these tools should be based on the goal to be achieved, and on the kind of citizens to be reached. In this respect, some of the

existing instruments do not allow for a truly two-way communication. This may be the case with surveys, which are often employed as social market research tools, thus constraining the dialogue mechanisms to foster deliberation.

Finally, discussions highlighted the problems associated with the different time horizons of participation and consultation processes and the policy and electoral cycle. On the one hand, participation is a long process whose results cannot be seen in a short term. On the other, the time constraints faced by policy makers elected for a short mandate push them to get results in order to ensure re-election. Thus it is more likely that they will support these processes if they generate some concrete results.

In conclusion, participants stressed the need for capacity building and technical assistance for government officials and citizens alike on how to conduct consultation and participation processes. Participants emphasised the need, among others, for government officials and civil servants to learn how to provide relevant and timely information for citizens to participate, and for citizens to learn how to make constructive comments. NGO support centres could play an important role in building these capacities.

NOTES

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- ¹. Austria and Finland have Internet platforms for communicating with citizens: The HELP project (Austria), and “Share Your Views with Us” (Finland). HELP includes online handling of life events such as buying a car or getting a new passport. In addition, in the United Kingdom there is a web site with a register of all government consultations.

PUBLIC PARTICIPATION IN ENVIRONMENTAL PROTECTION AND TRANSBOUNDARY WATER MANAGEMENT ISSUES IN THE ESTONIAN-RUSSIAN BORDER AREA

by

Margit Säre

Managing Director,

Peipsi Center for Transboundary Cooperation, Estonia

Abstract

This chapter focuses on public involvement and citizen participation relating to environmental protection and transboundary water management in the Lake Peipsi international water basin along the Estonian-Russian border area. It provides examples of different projects and methods to involve stakeholder groups in environmental and local development discussion. The importance of public participation is highlighted: people can feel more a part of a community – and authorities have better relationships with these communities – when public participation is higher.

The experiences and recommendations presented are based on the work of NGO Peipsi Center for Transboundary Cooperation, which deals with sustainable development and cross-border co-operation issues.

Introduction

The Peipsi Center for Transboundary Cooperation (CTC) is an international non-governmental organisation established to promote sustainable development and co-operation in the border area between Estonia and Russia -- the EU's future external border.

Lake Peipsi is the fourth largest lake in Europe after Ladoga, Onega and Vänern, and the biggest transboundary lake in Europe. The total length of Estonian-Russian border is 277 kilometres; approximately two-thirds of the

border runs through Lake Peipsi/Chudskoje. This means that water management and environmental problems are of major importance in this region.

The border area is less developed compared to the other regions of Estonia. In some communities unemployment has reached as high as 30%. The region is populated by Estonians and Russians, but also some minority groups such as Russian old believers and a Setu minority.

One of the major challenges of this region is to overcome the monofunctional character of the local economies and to develop a more diverse foundation of economic development based on the principles of sustainable development.

To develop and improve the quality of life of the region's population, intensive discussion of priority directions with the participation of local authorities, businesses, NGOs, schools, etc. is needed. Local people should themselves be more active and continue to search for new regional development resources. More than anyone else, local citizens have an understanding of and direct interest in the development of their region.

This is a common theme in all Center programmes: how to involve local people and different stakeholder groups in the discussion and decision-making process.

Civil society development

As civil society started to develop in the former Soviet Union only 10 years ago, there are still many unsolved problems, weak participation of different community groups, and a lack of co-operation between NGOs, the private and the public sectors.

According to the UNDP Human Development Report, one of the biggest problems with democracy in Estonia lies in its civil society, in its weakness and low level of participation in shaping the development of society. Yet it cannot be said that supporting civil society and increasing dialogue between the state and citizens' associations is among the main priorities of Estonian Government.

Today, around 17 000 third sector organisations are registered in Estonia. Awareness of the NGO sector and civic society has developed during the years of transition. Development of the Estonian NGO sector and public participation in general have been especially slow and remains low in rural

areas, which could be described as having high levels of unemployment, depopulation, and serious environmental problems.

Public participation in environmental matters

Numerous international documents have expressed the importance of public participation and the need to institutionalise that participation in order to move towards sustainable development. This is one of the main strategies of the Peipsi CTC.

Mention should be made of Principle 10 of the Rio Declaration on Environment and Development, signed by more than 100 heads of state worldwide in Rio de Janeiro in 1992, establishing that:

“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”

Recent years have seen a rapid growth of interest and public participation in a wide range of sectors and contexts, including public health, environmental management, urban regeneration, agriculture, conservation, national parks and local economic development (Säre, Roll and Uus, 2001). In all these sectors new forms of engagement are beginning to emerge, resulting in people increasingly getting involved in their own communities and governments, and influencing decisions that affect their lives. The complexities of real-world problems need solutions developed by all stakeholders, if they are to trust in and abide by the outcomes. Traditional Soviet-style non-participatory processes such as top-down direction and instruction have been shown not to work. History shows that coercion does not work. The results are clear in the decline in the state of the environment, the increase in social exclusion and the public's lack of trust in government and industry. On the one hand public participation benefits both planning and management institutions, and on the other it benefits the public in general:

- It strengthens democracy by showing stakeholders that they do have an influence over what decisions are made.

- It allows NGOs and the public to provide locally held information and thus widen the pool of ideas and knowledge. Solutions to problems are found in new and productive partnerships between the local and the external, and are therefore better adapted to local implementation.
- It creates awareness and ownership of decisions and plans that are in turn essential for their successful implementation.
- It allows NGOs and stakeholders to play a more constructive and better-informed “watchdog” role to ensure government accountability.
- Given the time and investment, it will help build a culture of co-operation to handle conflicts and tensions. Participation is an investment in social structures, institutions and relationships that will allow stakeholders to go on to achieve much more in other areas.
- It is being increasingly demanded by institutions, donors and the public themselves as their right.

What has become clear in recent years and in a range of sectors is that public participation can lead to improvements in performance and outcomes. There are significant opportunities -- given proper implementation -- to set European water and other environmental management onto a more sustainable path. Environmental NGOs clearly have a significant role in (and responsibility for) assisting in this process.

However, the experiences of the Peipsi CTC have shown that it is difficult to draw the public in to participate, since the phenomenon of public participation is a relatively new one. That is why the Center decided to step in to tackle the problems.

Peipsi CTC projects in the field of public participation and citizen involvement

Peipsi CTC activities are divided into three main programmes:

- Environmental protection and water management in the Lake Peipsi water basin (the biggest programme).
- Civil society and NGO development.
- Local development and ecotourism.

The Peipsi CTC main office is located in Tartu, Estonia and there is also a field office in Pskov, Russia. The Center works closely with universities and research institutes, local and regional authorities and ministries. It is also involved in the work of Estonian-Russian Transboundary Water Commission.

All programmes include research, training and information dissemination components. In order to ascertain the local problems and priority areas, the Center is constantly organising surveys to study the views of local people, local government, businessmen and NGOs. Each month training takes place based on local needs. Information dissemination is achieved through publications, regional web sites and email information lists. Last year Peipsi CTC launched five different kinds of mailing lists – for local governments, NGOs, environmental organisations, ministries and international organisations.

At the end of 2001 four Peipsi CTC project managers visited all 19 municipalities¹ on the shoreline of Lake Peipsi. The survey arose from the need to map out the real problems, needs, ideas and perspectives of the Lake Peipsi area and get a more precise overview of the region. Focus group interviews were conducted with local authority leaders, representatives from NGOs, entrepreneurs, teachers and development specialists.

The municipalities in the Lake Peipsi area are rather small – altogether there are about 27 000 inhabitants in the region, with an average population per municipality of 1 000. These 19 municipalities are located in four counties forming a peripheral area and, with few exceptions, are economically less important and unsuccessful communities.

In such small localities, the extent to which progress or entrepreneurship depends on individuals becomes an important question. In over half the rural municipalities in the Lake Peipsi area, there are active and eager people in important positions, constantly labouring toward improvement. It goes without saying that these rural municipalities are more prosperous and look towards the future more optimistically.

The lake provides a number of local people with work, but times are not as good for fishermen as only ten years ago. Apart from economic importance, the majority of rural municipalities also underlined the emotional and aesthetic value offered by the lake. The clean and picturesque natural environment is also seen as a potential magnet for tourism.

Municipal governments co-operate quite closely with local NGOs. At the same time the activities of the latter are mostly confined to clubs, sports societies and the organisation of minor events. Only in very few municipalities

do the NGOs also deal with social work and care. Co-operation with Russia is generally very scarce. The main impediment seems to be cross-border communication, but there is also the change of people in power in local governments. Communication with Russia mainly takes place in the field of tourism and is, as with other foreign countries, generally rather passive.

An analysis of the shoreline municipalities' survey was published in Estonian and English, and disseminated widely through local and regional authorities as well as ministries and international organisations based in Estonia. This survey and several other similar studies provide a basis for developing the Center's future programmes; governmental institutions also appear to take them into consideration.

Peipsi CTC has developed a solid partnership with similar organisations in other Central and Eastern European transitional countries, in order to share experiences and the lessons from successes and failures.

In January, 2002 Peipsi CTC completed the project "Strategies for Public Participation in Management of Transboundary Waters in Countries in Transition: Lake Ohrid and Lake Peipsi Case Studies". The project aimed at enhancing public participation in the management and protection of international lakes through awareness raising, the development of appropriate procedures, and recognition of good practices in public participation in the Lake Peipsi and Lake Ohrid (Macedonian-Albanian border) water basins.

Although many international organisations and governmental institutions have set up instruments and guidelines to promote public involvement and co-operation with NGOs on environmental issues, most grassroots organisations are not aware of their rights or participation possibilities. Thus the project's special focus was on increasing awareness with regard to international treaties on transboundary water issues and on mechanisms for NGOs and other local stakeholders to take part in preparing policy documents as well as the implementation process.

The project presented experiences of public participation in water management in different transboundary areas of Europe (Lake Peipsi, Lake Ohrid, Lake Prespa, the Daugava River, the Cherava river basin and other regions) and gave an overview of the international legal framework, including the UN/ECE Water Convention and UN/ECE Guidelines on Public Participation, the Aarhus Convention on Access to Information, Public Participation and Access to Justice and the EU Water Framework Directive (WFD).

Local and regional authorities, environmental departments, NGOs and water companies participated in the project. During the project seminars and workshops, the guidelines for involving the public in the elaboration of water management plans in the transboundary basins of Lake Peipsi and Lake Ohrid were discussed and proposals made

One of the outputs of the seminar was establishment of Lake Peipsi Water Club, the activities of which are co-ordinated by Peipsi CTC. The main aim of the Club is to bring together stakeholders from different interest groups and representatives from different economic sectors, with the idea of promoting richer dialogue for better water management -- and thus increasing public participation in the water-related decision making and management discussions. It should serve as a better bridge between the public and non-governmental sector interests and contacts. The Club has organised international Water Day, Earth Day, Ecotourism Day, cleaning of the lake shore and many other promotional activities in order to increase environmental awareness, mostly among children and youth but also other stakeholder groups.

Conclusion

Estonia, as well as other new post-soviet countries in Central and Eastern Europe, is still going through a transitional period. Although its economy is one of the most liberal and open in the whole of Europe, its civil sector and dialogue between government and the third sector still need further development.

The Peipsi Center for Transboundary Cooperation's eight years of experience has shown that public participation in the local decision-making process is vital. Local people themselves should be more active and continue to search for new regional development resources. Involving more people in the process produces a wider range of experiences. It brings in more points of view and reveals facts about local conditions that might not be widely known. If a decision takes account of this wider range of experience and views, it is more likely to be "right" – since more issues will have been considered and more risks evaluated.

Information dissemination and access to information plays a crucial part in motivating the people to become more involved in the local discussions and decision-making process. Surveys among local citizens and different stakeholder groups (NGOs, local governments, schools, businesses) should be organised on a regular basis. Methods for taking part in the decision-making process and influencing these processes should be also taught to the public.

NOTES

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- ¹. Alajõe, Iisaku, Lohusuu, Tudulinna, Kasepää, Pala, Torma, Alatskivi, Meeksi, Peipsiääre, Piirissaare, Vara, Võnnu, Mikitamäe, Räpina, Värskä parishes and Mustvee, Kallaste, and Räpina town.

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HEAR THE CITIZENS – BUILDING MEANINGFUL DIALOGUE

by

Katju Holkeri

Counsellor, Public Management Department
Ministry of Finance, Finland

Abstract

This chapter is about the Hear the Citizens project, part of the current central government reform in Finland. It tries to clarify the various aspects of the project, which has the support of the government and its co-operating very closely with the ministries. The biggest challenge remaining is to win the hearts and minds of individual civil servants within ministries. This can happen only if the dialogue with citizens and citizen organisations proves meaningful to civil servants and their work.

The background

The issue of strengthening government-citizen connections has received increasing attention in Finland for several years now. Discussion began partly because of the decrease in voting activity and in respect for institutions and political parties, but also because of the new possibilities information technology has had to offer.

The tradition of public consultation in Finland dates from the postwar years. Today consultation in the Finnish administration is widespread and intensive, although some areas might not be fully covered. There is a continuing trend towards increasing openness and transparency in regulatory development.

The Hear the Citizens project

The Finnish Government embarked on major central government reform in June 2000. Already in May 2000 the government had stated -- based largely on a survey conducted by three international experts¹ -- the principles

and goals of the reform. One of these was to widen the possibilities of citizen participation.

In Finland the local authorities -- municipalities -- are very much autonomous and provide 60 to 70% of public services. Thus they are much closer to the citizens. The ministries of central government are much more distant from citizens, and perceived as such. An additional challenge therefore is how to bring the ministries closer to the citizens so that they feel they *can* participate in some way in the preparatory processes.

A key goal of the central government reform is to increase citizens' trust towards government as well as increasing their possibilities of participation. With those aims in view, central government reform was launched in the September 2002 with thirteen component projects. One of these was to measure the trust of citizens towards administration; another was the project "Hear the Citizens", which emphasised increasing participation. This latter project's mandate was from September 2000 to April 2001.

The idea behind Hear the Citizens was that increasing consultation and participation also further increases openness in government. Openness and use of a wider knowledge base in government will result in deeper know-how. This too increases trust towards government. If citizens and businesses trust the decision-making process, this in turn promotes national competitiveness because business knows that in their own decision making they can trust the information they get from government. Without sufficient trust the government cannot succeed in its duties.

The Hear the Citizens project was also based on the thought that participation increases the quality of decision making: the greater the co-operation and dialogue when preparing the issues, the better the preparation process. Also, improved co-operation in this phase makes it easier to carry out the implementation phase quickly and efficiently. The project aim is not to create substitutes to representative democracy but to support it.

Recommendations of the project

The first Hear the Citizens project consisted of members of both citizen organisations and the administration. A national survey was conducted, in which the main questions were:

- What kind of consultation and participation forums are there in the Finnish ministries?
- How are these forums used?
- What kind of new ideas or experiments and pilots are there in the ministries to hear citizens and citizen organisations?
- In which policy areas do the participation models best fit?
- What kind of experiences do the different actors have of these experiments?
- What kind of opportunities and risks are there?

The survey was conducted through a questionnaire sent to ministries and 130 citizen organisations. The information gathered from the answers was complemented by interviews (experts, researchers and decision makers), thus producing a fuller picture of the current situation of consultation and participation systems in the central government.

Based on this national survey and lessons learned in other countries (information that came to a large extent from the work done in the OECD on strengthening citizen-government connections), as well as several meetings with citizen organisations, the project put forward recommendations.

It was suggested that all ministries should have a well developed strategy of co-operation and dialogue with citizen organisations as well as individual citizens. It was also emphasised in the proposals that the information strategies of the ministries should be diverse, interactive, and properly tailored to citizens and citizen organisations. It was thought that information too often seems to be written just for media and civil servants (e.g. a person would need to be familiar with the administrative structures in order to find that information). It was also stated that increasing participation should be part of a leadership role and that specific training in information, consultation and participation should be arranged for civil servants.

The project proposed that ministries have a code of consultation, and that increasing participation should be studied in pilot projects with a special emphasis on new forms of consultation and participation. It was also stated that regular feedback from citizens should be used more efficiently than is the case today.

The ministerial steering group in charge of the central government reform made its suggestions for reform in June 2001 based on the work done in the component projects. The government backed these proposals.

Implementing the proposals

Following government backing of the proposals made in the first phase of the Hear the Citizens project, a large meeting was held in the city of Turku in September 2001 in co-operation with the UN Year of Voluntary Work co-ordinators in Finland. This meeting was open to anyone interested. The agenda was to go through the suggestions, demonstrate the government's commitment to the work done and planned, and to discuss future work. Two ministers of the Finnish Government attended the meeting.

After that a new project was set up to implement the suggestions. The mandate of the new Hear the Citizens II is from November 2001 to the end of September 2002. The project group consists of members of citizen organisations and civil servants from four "pilot" ministries: foreign affairs, justice, education and labour.

One task of the project, to be performed in co-operation with the pilot ministries, is for the civic organisations to create models and procedures for formulating and advancing their strategies. Another task is to produce a consultation code – or rather, to compose guidelines for civil servants on how to address civic organisations with requests for comments – as well as to promote good consultation practices within the central government (e.g. training of civil servants).

Strategies of ministries

The pilot ministries are each individually reviewing their current procedures of how they dialogue with citizens and citizen organisations. After this evaluation they will look at what is good and what is less successful. They will examine possibilities of finding new ways of interacting and further strengthening already existing good practices.

During the process the ministries exchange lessons learned during this process. They hold discussions with the citizen organisations involved about the good examples, the failures, and the way forward.

The ministries have arranged the strategy work themselves according to their own needs, but the common Hear the Citizens project group offers support along the way in the form of consultant-driven strategy workshops. One

such workshop was held in the very beginning and another will be held at mid-term to see how the work is proceeding and what action is necessary.

Guidelines for civil servants

Guidelines for Civil Servants on how to carry out consultation and participation have been drafted in the project group. The idea behind these guidelines is to remind civil servants that in each project they should take into consideration the consultation aspect. Consultation should always be adjusted to the size and significance of the project. The guidelines are specifically for ministries, their units and civil servants.

The guidelines emphasise that good planning is the key to successful consultation and that the aspect of consultation or participation should be considered from the project's earliest planning stage.

Another important part of the guidelines is information, the dissemination of which is crucial in all phases of the project -- including the planning phase, when citizens have the possibility of reacting to ideas and proposals relating to how the consultation is going to be carried out. It is important to remember that the administration itself should also be well informed about coming projects and their consultation.

The guidelines also point out the need to have a sufficiently wide array of citizen organisations and citizens for consultation. This is most important to the outcome of the work; a short time span for the project or other excuses should not be used to limit the consultation.

The guidelines also indicate that an resume with analysis should always be made of the comments, answers and thoughts received. In the decision-making phase, those comments that have not led to changes in the suggestions or work should nonetheless be pointed out and dealt with. The guidelines also strongly recommend that the resume be put into the Register on Projects and Legal Preparatory Documents of the Finnish Government (www.hare.vn.fi), so that those who are interested can read it. Also, individual responses to the consultation should be published on the same site. This way citizens and organisations would be able to check that the resume is properly done and that all views are taken into consideration.

The guidelines end with the statement that it is important to evaluate afterwards whether the consultation or participation process was successful.

The guidelines themselves are currently undergoing the consultation process; they are also on the www.otakantaa.fi pages for individual citizens to comment as well.

Online register

There is also work going on to develop the Register on Projects and Legal Preparatory Documents of the Finnish Government (www.hare.vn.fi), so as to make the consultation process work available electronically. The civil servant responsible for the issue would send the consultation papers to the citizen organisations and they would be able to answer the register directly. After the consultation is over the civil servant would publish all the answers received as well as the resume drafted in the administration. This way all the consultation material would be visible on this site. Also, the ministries could link the ongoing consultation processes to their own websites.

Training for civil servants in consultation and participation

One of the key challenges in increasing consultation in the central government is the commitment of civil servants and of leaders. It therefore appears necessary to organise training for civil servants in the issues of consultation and participation.

There are currently plans for training on different levels. One idea is to include this element in the overall training provided to those freshly recruited to central government. There are also plans to include it in the training of leaders.

To reach the civil servants currently working in ministries, several ideas are being carried forward. First, it would be important to have this kind of training included in the already existing training schemes. A separate theme day is also being planned for Autumn 2002 – this would be a single day, but it would mark the beginning of the training. The project will visit each ministry in order to inform civil servants of these training possibilities as well as other relevant aspects. The ministries regularly hold information sessions for their staff on upcoming personnel development issues, and the project will use these sessions to disseminate information about Hear the Citizens.

Co-operation with schools

On 9 April 2002 the Finnish Government presented a report to the parliament about citizens' opportunities for participation. This report was prepared on the basis of experiences and results of the Participation Project.² Additional experiences in, e.g., central government reforms were utilised in composing the report, which emphasised the importance of the future of democracy. The main question asked was how children and young people learn democracy and grow up to be active citizens. Hear the Citizens thus targets young people as one priority area in the project.

The Finnish Youth Alliance is responsible for running a project whose aim is to encourage young citizens to actively participate. Hear the Citizens is co-operating in this project in Autumn 2002. The goal is to increase interaction between young citizens and the ministries. It also provides a way for young people to see the decision-making process through concrete cases. Groups of pupils from volunteering schools first get acquainted with the administrative field of the pilot ministry they have chosen. The pilot ministries list the projects they will have under way next autumn and what special questions will be dealt with in these projects. The groups can then choose the area or question they are most interested in. They prepare their own background papers and proposals/comments and hand them to the civil servant in charge, who will answer all the questions. The pupils follow the preparatory process with the help of the civil servant. The process is also reported on www.valtikka.net, a site run by the Youth Alliance and financed by the Ministry of Education. The site is for young people and includes information on participation, news, discussions, articles, columns, and a vocabulary on participation as well as a handbook (lessons learned and tips from people who know how to change things).

In the end the groups prepare reports on the process and lessons learned. They also visit the ministry and discuss the issues with civil servants face to face.

Online discussion forum

One of the suggestions of the Hear the Citizens project was that the Internet discussion forum www.otakantaa.fi, which had been running for two years as a pilot project, should be made permanent. A separate project group was set up to look at how to improve the forum and decide on the technical changes needed.

The www.otakantaa.fi Internet discussion forum was created to serve as a platform for individual citizens to be consulted on issues of central government that are in the early stages of preparation. But it is not just the citizens that engage in discussions in the forum but also civil servants, who have the possibility -- indeed, responsibility -- to comment and provide feedback to the discussion. This way the citizens giving feedback receive feedback as well. The www.otakantaa.fi discussion forum is not, however, a place where every comment should or needs to be answered. The emphasis is on discussion. It is not a question and answer site.

In the two years of its existence www.otakantaa.fi has proved itself worthy of being continued. It was revised in March 2001 to act as a common platform for the ministries, for the purpose of hearing citizens. However, there are many ways in which it should be further developed.

The plans for the future are that the forum will have its own editor-in-chief and editorial staff that will co-ordinate the questions being discussed in the forum. The idea is that these editors will co-operate with the ministries so that all projects will be discussed in the forum and there will be more horizontal questions. At the moment the questions are most often from one ministry's field, but it is hoped that in the future the trend will be more towards a cross-sectoral approach with several ministries acting as moderators at the same time. The forum will retain its name, which is relatively well known. Different ministries had had some pressure to set up their own forums, and this common forum, with one address and already in action, was seen as a good solution.

The forum was set up as a development project and though it is being made permanent, the principle behind it is that it should constantly evolve. Electronic forums are a relatively new phenomenon in the public sector and so new lessons are learned all the time, and new ideas emerge as well as new techniques that help develop the forum even further.

The work continues

Most probably there will not be a Hear the Citizens Project Number Three, but the work will not finish either. When the second phase ends there will be a report on the work done including, for instance, good practices from the ministries' strategy work as well as the final version of the guidelines. The work will then continue in the ministries, which will implement their new strategies. Work will also continue in the field of training.

Conclusion

Work has been going on for almost two years to develop new ideas and means for consultation and participation in central government. Although there is no opposition towards the idea embodied by the Hear the Citizens Project, it is sometimes seen as time- and resource-consuming, and there is no realisation of the benefits it can bring the administration. It is therefore important to show solid, successful examples. The biggest challenge will be the ability to use the knowledge obtained during the project to form consultation and participation that is meaningful to both citizens and civil servants.

NOTE

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- ¹. Potential Governance Agenda for Finland,
<http://www.vn.fi/vm/julkaisut/tutkimukset/jaselvitykset/selvitykset.html>
 - ². <http://194.89.205.3/suom/osallisuus/eng/index.html>

U-TURN: NGOS NOW REACH NATIONAL GOVERNMENTS THROUGH INTERNATIONAL INSTITUTIONS

by

Liliana N. Proskuryakova

Co-ordinator, International Unit,

St. Petersburg Center for Humanities and Political Studies "Strategy", Russia

Abstract

This chapter will, first, briefly discuss an evolving development in NGO activity in today's international relations. The growing degree of interaction between NGOs and supranational institutions is proving the most effective tool for the former to influence national governments and reach their goals. Direct targeting of national governments by NGOs appears to be a far less efficient method, especially in the transition economies. The chapter will then focus on how social partnership has developed in Europe and Central Asia (ECA) region,¹ and finish with some practical examples (cases) of NGOs from the ECA region and their U-turn initiatives in the field of cross-sectoral co-operation.

A. The international NGO movement – recent trends

Today the world agenda is marked by globalisation trends and characterised by a growing involvement of civil society organisations in national and international development programmes. These organisations have attempted a number of different approaches in their efforts to establish consistent dialogue with national governments, in order to influence decision making and monitor governmental activities.

The changes of the modern world made it possible for groups representing indigenous peoples and grassroots organisations to express themselves at the international level and take a hard stand on the issues relating to their life, their land and the resources before the governments.² Such is the story, brought to light in *Newsweek*, of Lejando Toledo, who worked his way up

from a poor indigenous peasant family through Stanford University to become the first president in the history of Peru of mainly native descent. The significance of Toledo's triumph is that it happened in the era of high-tech and unbridled globalisation.³

Indeed, in the era of globalisation it became possible for NGOs and grassroots organisations to join forces across the borders and directly approach international institutions such as the World Bank, the International Monetary Fund and the United Nations. In fact, in some cases it has become easier for international NGO coalitions and networks to approach intergovernmental organisations than national governments. Indeed, sometimes these cases produce more tangible results. National governments are often the "indirect targets" of NGOs and their campaigns -- that is, they are being influenced by NGOs *through* international institutions of which they are members. This indirect way of approaching national governments arose from the NGOs' unsuccessful attempts to interact with them directly. A condition that held equally for G7 countries, economies in transition, and economies referred to as developing.

The main prerequisite for NGOs to play a significant role in international relations is an ability to find common interest -- and on that basis, to form or enter into coalitions, associations and other types of unions. This is very true for both national NGOs and those who wish to join forces across borders. In the new democracies -- for example, the countries of the Eastern Europe -- the NGOs often find it difficult to join forces. Instead they try to compete for resources, thus perhaps assuring short-term benefits and financing from the foreign foundations but losing in the strategic sense. One voice can be very weak; many voices is what is needed to be competitive and to be heard by the governments and the private sector.

NGOs are performing a task of high social importance, provided that they themselves follow standards of excellence such as information transparency, quality management and financial accounting. NGOs have taken up a wide range of issues where governments have failed to take a stand or manage the situation satisfactorily: preventive medicine issues, care of the elderly, the free time of young people, good governance, etc. The scope of work of social importance and the close relationship with the people make NGOs an important link between the population and governments.

B. NGOs in Europe and Central Asia (ECA): specific features of the region

In countries with transition economies and especially in such regions as Central and Eastern Europe (CEE) and Central Asia (CA), the complexity of establishing regional NGO coalitions is due to the greater diversity of countries in the region as compared to, for example, Africa or Latin America.

Most of the countries in CEE and CA regions have only a decade ago undergone the painful transition from communist regimes to new democracies. Young democratic regimes in this region still bear the traces of the old system, including government's misunderstanding of the role and importance of the third sector, and the importance of capacity building and capacity unleashing of the NGOs themselves.

The process of building up good relations between NGOs and authorities has been referred to as "social partnership" and "cross-sectoral co-operation". Both terms are quite new and in most cases have little meaning to the general public in the Europe and Central Asia region. The notion also involves one more sector of society -- business -- in the co-operation process, in some cases the media plays the role of the fourth partner. In the overwhelming majority of cases in the ECA region, representatives of the third sector have launched proposals for co-operation addressed to authorities and businesses. Since the NGO community as such is quite a recent phenomenon in the region, it faces difficulty when trying to explain the concept of "social partnership" to the population, which remains ignorant as to what NGOs are and what schemes of cross-sectoral co-operation they build. The difficulty arises from the fact that no sufficient public relations are maintained with the population due to lack of competencies in that area, but in some cases that is due to an inability to understand the vital necessity of such activities.

It is always better for NGOs to come to the authorities with a suggestion for equal co-operation, rather than with a "donor-recipient" attitude. Only if NGOs consider themselves to be and behave like equal partners will they be considered a pillar to rely upon and not a burden on the budget.

Democratic governments are supposed to support the civil society organisations' (CSOs') development through providing an enabling environment, supportive legislation and financial assistance to those NGOs that best perform their function in society. In many CEE and CA countries the governments are actually competing with CSOs for "Western" funding channelled from developed countries, through technical assistance programmes and foundations.

NGOs exert various types of influence on governments, ranging from public campaigns and direct lobbying to joint educational programmes. An example of type of influence – via supranational institutions – was referred to earlier. One of the most effective instruments in elaborating common agenda and positions since 1970s has been to hold international conferences and forums, which can produce key output such as joint declarations and recommendations to national governments. However, there are exceptions; governments sometimes also elaborate recommendations for NGOs, as was done at the seminar “Basic Principles of Sustainable Water Use in the Ukraine and the NGOs’ Role in Preparing for the World Water Forum” (Kiev, 22-23 February 2000). These recommendations included participation in developing national policy; a legislative basis for and the decision making process in matters of water use, environment revival and prevention of water pollution; NGO awareness as to state policy; a normative basis and strategy on environmental matters; public monitoring by individual citizens, local authorities, enterprises and other structures of waste water discharges into rivers, etc.

Of course such recommendations are good, whichever body elaborated them, as long as they do not remain on paper only but are practically implemented in everyday life.

C. Some cases and examples

As for international organisations that work directly and indirectly with national governments, one should mention the NGO working and consultative groups linked with large international organisations, e.g. special agencies of the United Nations, the Organisation for Security and Cooperation in Europe, the World Bank, etc.

The Europe and Central Asia (ECA) region NGO Working Group on the World Bank was initially created in line with the latter’s efforts to generate greater interaction with civil society and a decentralisation of civil society outreach efforts. The starting point of the Working Group was the Vilnius Assembly of April 2000, when representatives from non-governmental organisations were elected as members of the Working Group (WG) for a period of two years. The mandate of the WG is to catalyse NGO efforts to influence and monitor World Bank operations in the ECA Region and to facilitate communication between interested parties (including the NGO community in the region, other civil society organisations and national governments). The primary focus of the WG is on national programmes and projects, such as the Poverty Reduction Strategy Paper (PRSP), financed by a loan from the World Bank and executed by national governments.⁴

United Nations Association of Georgia (UNA-Georgia) was the key player in forming a national NGO network dealing with Internally Displaced Persons (IDP) issues. This group of the 20-22 most established and credible groups working in the field has become a useful partner for international organisations in the policy development phase. Since 1998 UNA-Georgia has been working as an implementing partner of the United Nations High Commissioner for Refugees. Among the specific areas of its activities in co-operation with UNHCR are information provision and public relations activity; refugee- and IDP-oriented NGO capacity building; and specific training programmes for governmental officials and civil sector.⁵ The work on joint education programmes for government officials and civil society organisations is greatly important for mutual learning in the context of future collaboration and understanding. Of utmost importance in mutual understanding is to speak the same language.

At the national level NGOs work to establish direct contact with authorities for closer dialogue and better direct results for society.

The National Anti-Corruption (NAP) programme of the “Freedom of Choice” Coalition of Ukrainian NGOs is the nation-wide co-ordination and co-operation mechanism of NGO and government efforts to advocate democratic reforms by curbing corruption in the Ukraine. The Ukraine is well known as the country in the ECA region that has highly developed NGO-government contacts and collaboration (although outcomes are not always what the NGOs would have desired), as well as NGO-international institution consultations and dialogue. The programme develops a database of anti-corruption toolkits, best practices and experience. The NAP serves the role of information gatherer, repackaging and distributing related data among its partner organisations through traditional hard-copy publications and modern ICT tools. The programme provides consulting, information and organisational support for anti-corruption initiatives implemented by NGOs, government and business, as well as international organisations and donors. In this way, the NAP may be called the umbrella organisation (or resource centre) for social partnership initiatives. The “Freedom of Choice” Coalition is actively involved in building an international NGO coalition on anti-corruption together with Transparency International-Russia, St.Petersburg “Strategy” Center and others. Experts of the programme also evaluate the effectiveness of governmental anti-corruption programmes, international technical assistance and donor funding. “Making the U-turn”, NAP representatives prepare recommendations to the three-year Country Assistance Strategy (CAS) and the “Programmatic Adjustment Loan” (PAL) of the World Bank⁶. These two framework papers outline the priorities for how the World Bank’s loans will be spent by recipient countries. Incorporating civil society participation mechanisms in these papers at the

development stage provide for sustainable and socially responsible aid to countries. This ambitious National Anticorruption Programme aims to cover the whole range of social partnership issues at all levels, from national to supranational, working on dissemination of experience and tools for others – beginners and partners.

The social partnership project of the “Counterpart Consortium” from Kyrgyzstan, executed with support from USAID, has touched upon many issues related to the social partnership concept and practice. “Counterpart Consortium” is a strong NGO in central Asia with an extensive record of activities. The focus of the project is on the development and promotion of laws on the State Social Order as the way for NGOs to act as sub-contractor and receive state budget financing for the work they are doing for citizens. In many countries of the region, including various regions of Russia, drafting, promotion and adoption of the Law on State Social Order (that also regulates NGOs’ participation in tender competitions), face barriers and misunderstanding on the part of public authorities. That is why pointing at international experience in this sphere is helpful.

Advocacy skills for work with national governments and international institutions are something that needs to be developed in the CEE/CIS region in general, and particularly in Central Asia. One of the aims of “Counterpart Consortium” is activation and involvement of the population in the protection of their rights and interests. Advocacy and lobbying of NGOs yield good results: government leaders have worked with NGOs to improve their legal and regulatory environment, not without advice from major international donors in the region. Kyrgyzstan, Uzbekistan and Tajikistan have enacted new laws or provisions of existing laws that ease registration requirements and better define the organisational and legal forms of NGOs. It is acknowledged that much more needs to be done to develop this grassroots social partnership – and that acknowledgement is already a basis on which to build. “Counterpart Consortium” maintains a database of NGOs located in Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan, with a view to developing a Central Asian NGO community and assists it in dialogue with governments.⁷

D. Conclusions

It has become obvious that NGOs work equally with national governments and supranational governmental organisations to reach their goals and the goals of their constituencies. Working directly with international organisations offers a greater outreach and, to a certain extent, the greater influence on national governments of mobilised international public opinion.

While the necessity of social partnership, both in concept and in practice, seems clear and understandable, the means and tools still vary greatly from country to country and from region to region. The general trend is that these tools are becoming standardised, which makes it easier for NGOs to join forces across borders.

NOTES

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- ¹. Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyz Republic, Latvia, Lithuania, former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia, Moldova, Poland, Romania, Russian Federation, Slovak Republic, Slovenia, Tajikistan, Turkey, Turkmenistan, Ukraine, Uzbekistan.
 - ². “The Role of NGO’s in International Relations”, Presentation by the author at the 10th National Quality Congress “Non-governmental Organisations and Good Governance”, 13-15 November 2001, Istanbul, Turkey.
 - ³. Joseph Contreras, “Rise of the Indian”, *Newsweek*, 13 August 2001.
 - ⁴. www.developmentgateway.org/eca.
 - ⁵. <http://www.asa.am/msdp/una.htm>.
 - ⁶. <http://www.coalition.org.ua/nap/Eng/index.html>.
 - ⁷. http://eng.gateway.kg/cgi-bin/page.pl?id=28&story_name=doc874.shtml.

GOVERNANCE: A CITIZEN'S PERSPECTIVE

by

Giovanni Moro

Director, Active Citizenship Network

Abstract

This chapter aims at presenting a “citizens’-side approach” to governance issues, a topic that should be considered of the highest importance but is strangely forgotten or underestimated by scholars, politicians and policy makers. It is a matter of fact that governance studies are concentrated on the state’s perspective of governance rather than that of the citizens. But in doing so one risks losing sight of what, in a sense, is the most important thing.

To this end, some theoretical and methodological framework elements will be introduced. Then the features of governance from the citizens’ point of view will be illustrated using some concrete examples. Finally, a “memo” for public administration seeking partnerships with citizens’ organisations will be presented.

The content of the paper comes both from the author’s theoretical research in political sociology, and from reflection on the concrete experience of Italian and European citizens’ movements, especially the Italian organisation *Cittadinanzattiva* (www.cittadinanzattiva.it).

Theoretical and methodological framework

Governance is a quite diffused field of research and activity, but neither well grounded nor fully clarified. It can be understood as a form of government, as a model or pattern, as a social and institutional process, as an analytical paradigm, as an institutional framework, as a project of public administration reform, and so on. Moreover, the literature on governance is often mixed or overlaps with other approaches. Finally, the same word “governance” is used in several different ways and with a plurality of meanings:

“good governance”, “local governance”, “global governance”, “democratic governance”, “corporate governance”, as well as “aboriginal governance”.

Despite the complexity and uncertainty about the governance issue, some statements can be taken as basic assumptions:

1. National states and public administrations have lost their traditional monopoly in the exercise of government functions (but, naturally, they are not going to disappear!).
2. Power is moving away from them along three different vectors: *downward*, towards regional and local administrations; *upward*, towards global and supranational institutions; and *outward*, towards civil society, private, non-profit, and civic organisations and networks.
3. This transformation is not a mere matter of a different mix between state and non-state intervention in the public arena; it is rather a changing of the very status of agents of government and of their relations. In other words, it is not a difference of degree, but a difference of nature.
4. Regarding the actors, the change in their role means that *public* actors tend to become enablers, networkers, catalysers rather than “rowers”; that *private* actors tend to become more socially responsible and engaged in public policies; that *social/collective* actors are called upon to exercise their own powers and responsibilities, and not only consensus, voice or exit in respect of others’ power.
5. While awaiting a more precise and consistent conceptual and theoretical clarification, governance can be viewed from two different perspectives:
 - As a general framework, governance can be defined as a process of transformation in the exercise of government functions from state-centred to multi-centred policy making. In this first meaning, governance appears to be a dynamic phenomenon that forms the background to the present developments in managing societies.
 - As an operational approach governance can be defined as a way of making policy in which the definition, implementation and evaluation of a policy is the result of an interaction between different agents (public, private, and social). Those

that take decisions are those directly committed to their implementation, and the targets of policies are involved in the whole process of policy making. In this second meaning, governance can be rendered into the metaphors of the “shared government” or “enlarged government” or “partnership government” in the field of public policies.

In the light of these definitions it becomes clear that citizens affected by public problems would be relevant actors of the policy-making process. One of the main implications of governance is indeed that people are no longer merely the target of public intervention (as, for example, in the traditional view of welfare policies), but are co-responsible for its definition and implementation.

Though on this point there is a general agreement, very few elements - theoretical or institutional -- are offered to put this shared principle into practice. And, very often, the principle is questioned too.

A good example of this is the European Commission White Paper on Governance. It was intended to establish a new “division of labour” between the Commission, the other European institutions, the member states and civil society; the general aim was to enable citizens to fully participate in European policies (according to the President of the European Commission, Romano Prodi). Finally however, both the preparatory work and the final text was centred on the redefinition of relations among the European institutions and between them and the Member States, reducing the citizens’ involvement in European policy making to consultation.

The underlying paradigm that often emerges in these situations is that citizen participation in public life has no institutional or political definition, is achieved through “citizen demand -- state supply”. This implies an activity of pushing, protesting, claiming, without any constructive aim or capacity, engaging in a troublemaking rather than a problem-solving activity, having no power as citizens but as dependent upon the power of others (the market, the state). In a word, it implies that citizens’ organisations do not have an autonomous identity or role in public life and are of minor importance in relation to other participants.

This view harks back to a traditional conception of citizenship that can be defined as follows.

Citizenship is the belonging to a national identity, which is put in practice through a set of rights and duties that govern the relationship between the state and individuals or social groups.

It must be highlighted that, according to the traditional concept, voting is the highest expression of citizenship, and that the state and public institutions have an exclusive role in managing things and solving problems.

The point is that the traditional vision has hardly been called into question by significant worldwide phenomena, such as migrations, the process of globalisation/localisation, the lack of effectiveness of public administration, the crisis of welfare systems and the crisis of consensus and trust in political leaderships.

At the same time, citizens' participation in public life is increasing. It justifies the idea of the emergence of a new feature of citizenship. This new kind of citizenship can be defined as follows:

Citizenship is the exercise of powers and responsibilities of citizens in the arena of public policies, in the context of governance.

With regard to these definitions, it would appear quite clear that there is a correlation between the shift from government to governance and the shift from traditional to new definitions of citizenship. This depends not only on the same framework of social and institutional phenomena, but also on the fact that new citizenship cannot have any relevant space in the government approach, and that the shift from government to governance requires a new citizenship, active in the "politics of everyday life".

The main expression of this new way of being a citizen is what can be defined as active citizenship:

Active citizenship is the capacity of citizens to self-organise in a multiplicity of forms for the mobilisation of resources and the exercise of powers in public policies for the protection of rights to achieve the end of caring for, and developing, common goods.

In practice, the "forms of mobilisation of resources" are voluntary organisations, associations, grassroots organisations, movements of representation and advocacy, social enterprises, self-help groups and communities, professional reform movements and "second degree" structures. They work in a wide variety of public policies, from the care of neighbourhoods to globalisation issues. In these fields, they exercise powers (to inform, to use

symbols, to push institutions, to change material conditions, to promote partnerships) for the actual implementation of citizens' rights. They have achieved relevant results, for example, in terms of norms and behaviours, resource allocation, culture, social organisation, public management, agendas, styles and language and market rules.

The citizens' side of governance: a definition and five examples

Given that "active citizenship" organisations are in any case operating in public policies, when can this participation be encompassed in governance as an operational approach?

It would seem that five conditions need to be fulfilled:

- Other actors of governance – especially the public bodies – must recognise the citizens' role, for example through formal or informal agreements before or during the enactment of policy.
- Citizens' organisations must actually take part in at least one phase of the public policy cycle (agenda, planning, decision, implementation, evaluation).
- Citizens' organisations must play a role while being at the same time autonomous and in co-ordination with other actors.
- Such a role must imply the exercise of powers and responsibilities of citizens' organisations.
- Citizens' participation must add value to policy making (i.e. it must allow the fulfilment of goals that otherwise could not be reached).

It must be highlighted again that the citizens' participation in public policies is not always encompassed in the governance approach. Sometimes this participation takes the form of an unyielding conflict, or is developed against or in spite of other agents. The above conditions can thus help us to distinguish between "governance-" and "non-governance situations" in citizens' participation in policy making.

"Non-governance situations" occur, for example, when users' organisations make claims against trade unions' exercising the right to strike in public services because of the violation of the citizens' rights to safety, liberty of movement, etc.; or when they replace the state in delivering services without any agreement with public authorities; or when they hold roundtables with other

stakeholders without any public intervention (such is the case of agreements between environmental organisations, trade unions and companies to reduce pollution in industrial production in Italy). None of these situations fulfil the above conditions, thus they cannot be defined in terms of “governance situations”.

But let us take some examples of “governance situations”, especially in order to avoid the possible misunderstanding that we are suggesting an ideal rather than an empirically grounded approach. The examples are drawn from the recent activity of Cittadinanzattiva -- an Italian non-governmental organisation.

Post office monitoring: In January and February 1997 the Citizens’ Advocates of Cittadinanzattiva promoted the monitoring of post offices. A checklist was used to gather information on the functioning of about 1 400 counters of about 190 post offices. Special attention was paid to the number of counters actually open to public, to queues and waiting time, to the availability of seats and dispensers of waiting-order numbers, to the adoption of ID badges by employees, to the presence of architectural barriers. From the information collected a situation of low quality and of difficult accessibility of the post offices emerged. A report was prepared and presented to the press and to the post service stakeholders. As an outcome, the postal service company organised a roundtable with the stakeholders, including citizens’ organisations, to plan a new organisational model for post offices. A prototype of the new post office was tested by citizens’ organisations and modified on the basis of their feedback. The new model was then introduced with remarkable effects in efficiency and quality of service and the increased satisfaction of its users, as demonstrated by the direct monitoring by citizens afterwards.

Service charters: At the beginning of the 90s, the Italian Premier Carlo Azeglio Ciampi decided to introduce “service charters” as a tool for the improvement of quality and efficiency in public interest services. A process of consultation on the government directive involved all the stakeholders, and thanks to the contribution of citizens’ organisations a close link between quality and users’ rights was established. Moreover, the law introducing the service charters provided for a procedure of consultation and co-decision with citizens’ organisations on quality standards. In the implementation of the rule, citizens’ organisations played a crucial role, both in defining quality standards in several fields (health, local administrative services, energy services, etc.) and in evaluating the results. Thanks to this activity, especially developed in health care services by the Tribunal for Patients’ Rights, an improvement of the quality was reached, a set of “good practices” in the management of services was found and shared, and several local health agency managers were dismissed. This activity, moreover, has been almost the only

“counterbalance” against the trend of decreasing costs through the elimination of services or the limitation of their accessibility.

Introduction of the euro: In preparation for the introduction of the European single currency, several citizens’ organisations of different countries have been involved in a European Commission programme called “Easy euro”. The programme is aimed at facilitating access to the new currency for vulnerable groups (about 30% of the European population according to the EC) and preventing the risk of social exclusion. Focus groups of target people were organised in several European countries by citizens’ organisations, to identify operational and cognitive problems and to adjust appropriate tools. Then, the EC entrusted citizens’ organisations to create networks of “proximity informers”, that is people working closer to citizens (doctors, pharmacists, teachers, frontliners in public services, etc.) and able to give information and allay fears. In Italy, Portugal and Greece about 6 000 euro informers have been trained and are operating to directly contact millions of citizens through various initiatives (meetings, festivals, lessons in schools, daily advice and assistance, etc.). Through all the phases of the programme, a European roundtable collecting all the subjects involved has been active to co-ordinate the work, evaluate the situation and plan further developments.

Access to radiotherapy: In Italy, about 154 000 new cancer cases each year require radiotherapy treatment. Patients actually undergoing radiotherapy instead number about 82 000. The other 72 000 who do not have access to radiotherapy – most of them living in Southern regions – often go abroad, die before beginning the therapy, use alternative therapies such as chemotherapy, turn to non-conventional medicine or, finally, decide not to do anything. In 1999 the Cittadinanzattiva’s Tribunal for Patients’ Rights produced a report on radiotherapy through its local branches in co-operation with the Italian Association of Radiotherapists. Media and public relations activities were conducted based on the report. A dialogue with the Social Affairs Commission of the Chamber of Deputies was developed during 1999. A proposal to the Commission of an amendment to the 2000 Finance Act aimed at increasing funds for radiotherapy services in the Southern regions was submitted and shared. The amendment was approved by the Commission, and then by both Chambers. About 23.2 million euros were allocated for radiotherapy for three years (2000-2002). Eleven new services have already been opened (2001 data).

Constitutional reform: In 2000, during discussion of the reform of the Italian Constitution, regarding the redefinition of powers and responsibilities of the state, regions and municipalities, Cittadinanzattiva promoted a campaign titled “Accused of Excess Citizenship”. The campaign was intended to stigmatise the fact that public bodies were used to fine, prosecute or inhibit

citizens engaged in public interest activities (from care of public gardens and buildings to monitoring quality of public services), on the basis of an obsolete idea of the monopoly of public administration on public interest functions. As an outcome of the campaign, the government accepted to discuss with citizens' organisations how to manage this problem. A proposal of amendment from citizens' organisations was discussed and agreed. The government decided to submit it to the parliament, which approved it. A referendum, held in 2001, ratified the new Constitution, which contains the following norm (Art. 118, 4):

State, Regions, Cities, Provinces and Municipalities favour the independent initiative of citizens, taken as individuals and organisations, in the exercise of general interest activities, on the basis of the principle of subsidiarity.

Citizens as partners in governance: a memo for public administration

Though governance, both as a framework and as an approach, implies a growing role for non-public actors, the role of public administration remains of the highest importance and can bring about successes and failures of policies.

The role of public administration can be of crucial importance for citizens' organisations' engagement in public policies -- in the sense that it can be definitely positive or negative. That is the reason why a focus on a public administration-citizens partnership in the framework of governance is appropriate. Here it can take the shape of a brief memo for public administration engaged in building stronger operational relations with their citizens.

To this end, the cycle of public policies can be used as a point of reference. Thus each step of the cycle (setting the agenda, planning and taking the decision, implementing, and evaluating) could be considered with regard to problems and opportunities that are tabled, and to strategies that could be adopted.

1. In the *agenda setting* phase, there are problems such as the inaccessibility of those who are in a position to decide which issues are of public interest, and the lack of attention paid by the establishment to citizens' points of view. Citizens can be of crucial importance in this phase, especially in identifying hidden or unrecognised problems through the production of "civic information", that is information on relevant situations linked to their concrete conditions. A crucial strategy, in collecting and giving value to the contribution of citizens' organisations to the building of the agenda, is no doubt the creation of a bilateral communication process.

2. In the *policy planning* phase, one of the major obstacles that hinder a full contribution of citizens is the lack of recognition of their competence in dealing with public matters. The underlying vision is that citizens do not have the knowledge, time or ability to overcome self-interest, so they can only elect other people who are able to manage public affairs. But now citizens are often the most competent actors in many public issues. Their role in the planning phase can consist above all in taking into account obstacles that stand in the way of implementation and that are not visible to other agents. In the planning phase, moreover, citizens can also “test” tools and components of policies: for example, a new public bus model, a new home health service, a new programme of preventing street crime, and so on. In this phase, the implementation of a consultation strategy of citizens appears to be of utmost importance – on condition, of course, that feedback on citizens’ organisations proposals and ideas always be incorporated into the consultation process. A consultation without feedback is indeed the best way to lose citizens’ commitment in policy making.
3. In the *decision making* phase, the main problem seems to be one of restrictive and bureaucratic-centred criteria for recognising citizens’ organisations qualified to intervene in decision making. These criteria are generally linked to a kind of “fear of citizens” on the part of public officials. But a citizens’ organisation need not be “representative” in the traditional terms, as applied to political parties and trade unions. It can be important and useful because of its knowledge of situations, ability to find solutions or gather people, etc. Active citizenship can play a very important role in the decision-making phase: convincing people, channelling consensus, revealing the nature of general interest on an issue, and so on. To obtain these benefits, other stakeholders must adopt a strategy of shared decision, fully bringing citizens’ organisations into the realm of policy makers, in the sense that the decision must be shared, not necessarily agreed upon, by citizens; and in the sense that the decision must encompass citizens’ responsibilities too.
4. In the *implementation* phase, the main problems that citizens’ organisations must face are linked to the lack of co-ordination with other actors, often due to the competitive spirit of public administration or to its inability to be a real catalyser. Consequently, the energy and resources that citizens can mobilise in the implementation phase risk being wasted. Citizens can support implementation through many actions and programmes: for example, creating new services, monitoring situations, collecting and sharing good practices, and so on. The strategy that public administration should adopt in the

implementation phase can be defined as a partnership, this being a concept characterised by the equality and full responsibility of actors. This implies an investment in trust in citizens on the part of public administration, based on the principle that only those who trust can themselves be trusted.

5. In the *evaluation* phase the main problem seems to be that the outcomes of citizens' activity are not taken into account as evaluation tools, needed to assess and redesign policies on the basis of their successes and failures. Citizens can indeed carry out social audits on public policies, or participate in stakeholder conferences aimed at comparing information, needs and problems, at deciding new objectives, and at taking on precise, timetabled responsibilities (such as in the case of the Italian local health agencies "Service Conferences"). In this phase, the adoption of a strategy of common re-engineering of policies is highly recommended.

Conclusion

Citizens can be a problem or a resource for governments. When they are not taken seriously or are not really trusted they become a problem, hindering the efforts of governments, extending the time needed to reach decisions, complicating the implementation phase. On the contrary, when they are operationally recognised as actors of public policies on an equal basis, they can exercise their powers positively and take responsibilities for better and more effective policy making: in a word, they can be a resource.

The resort to a governance approach can enable governments to involve citizens in policy making in a constructive way, on condition that governance be viewed not only from governments' but also from the citizens' side.

In general terms this approach requires overcoming the traditional principle of freedom of association, which only concerns action for the fulfilment of private objectives. And it implies the enlargement of the idea of subsidiarity towards the concept of "horizontal" subsidiarity: subsidiarity not only in the relations of the state with upper and lower institutions, but also in its relations with non-public actors. Without any resignation from its own responsibilities, the state recognises that these responsibilities can be, and often really are, better exercised with the contribution of citizens.

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PART IV

BUILDING EFFECTIVE PARTNERSHIPS

Abstract

This section presents the conclusions of the workshop on building effective partnerships between civil society and government. Among the priorities for action formulated by participants at the end of the discussions were: building mutual respect and understanding; setting rules for engagement; and ensuring transparency of both the government and NGO sectors. The section also includes papers expressing the respective viewpoints of government and civil society practitioners from the Czech Republic and Slovenia, as well as country experiences in building effective partnerships from Albania and Denmark.

BUILDING EFFECTIVE PARTNERSHIPS

by

Jerzy Celichowski

Deputy Director, Information Programs, Open Society Institute

Partnerships are made possible by pre-existing access to information and consultation practices; they are thus becoming the most advanced form of engagement between governments and civil society. Workshop 3 focused on building effective partnerships as one of the key aspects of the government-civil society relationship* and was co-chaired by Cvjetana Plavša-Matić, Head, Government Office for Co-operation with NGOs, Croatia and Kaarina Laine-Häikiö, of the Finnish Rheumatism Association, Finland.

The discussion began with various participants describing examples of partnerships in their countries. In Canada partnerships even exist at the level of foreign policy. For instance, the country participated in coalitions of NGOs that successfully lobbied for the land mine treaty (the international treaty that was the fastest to be passed and ratified) and for the establishment of the International Criminal Court. The division of labour between the partners contributed to the success of both campaigns, which is the reason behind the government's approach to engagement with NGOs. Also, both the land mine treaty and International Criminal Court fit well into the Canadian foreign policy tradition of pursuing humanitarian objectives. Canada also usually includes NGO representatives in official delegations. In Poland a formalised agreement was signed between the government and NGOs pertaining to the care of AIDS/HIV victims, as a result of which a priest was effectively in charge of a department of the Ministry of Health. Also in that country, partnership exists in the area of assistance to Chechnya, the protection of white storks (rather popular in Poland) and programmes for streetworkers (distribution of condoms and

* The workshop was attended by 17 conference participants, 9 representing governments and 8 from civil society.

needles). In Finland the government works closely with trade unions. More generally, countries mentioned partnerships in development assistance abroad, election monitoring and environmental issues.

Interestingly, sometimes governments support civil society without entering into specific partnerships, by ensuring a constant source financing. In the Czech Republic, a portion of revenue from privatisation was put aside in the form of an endowment for civil society in 1992. In Finland funding comes from a slot machine company, which has both government and civil society representatives on its board.

The discussion also covered the question of preconditions for partnerships. Speaking at the most abstract level, social demand for participation is a function of the affluence of a given society. The World Values Survey clearly shows this relationship: societies that have achieved material security show a shift of focus from material issues to questions concerning the quality of life, which involves the environment and participation in public life. East European countries can expect such a shift as they grow richer. This observation means that the emergence of an active citizenship mentioned by many participants has a better chance of being realised in societies that are better off.

Another frequently mentioned precondition is trust between governments and civil societies. There was broad agreement that a lack of trust is the main challenge at the moment. Although the need for governments to become more trustworthy in the eyes of the citizens is commonly accepted, the discussion made it clear that civil society groups should also work at improving their image in the eyes of governments. This leads to another precondition, namely for organisations of NGOs to establish themselves as a suitable partner to engage with government.

This point provoked a debate about the role of NGO umbrella organisations, which exist in numerous countries. For instance, one in Estonia essentially focuses on organising an annual meeting of NGO representatives attracting about 500 participants; this is preceded by regional meetings with a participation of 1 000. Although such organisations are generally desired, concerns were aired about them potentially monopolising the voice of civil society. This is related to the issue of favouritism on the government's side in choosing partners, which should be done through tendering procedures similar to those applied in public procurement. Umbrella organisations should service its member groups and facilitate emergence of various (numerous) opinions.

Further challenges included political instability (changing governments), the weak capacity of the NGO sector, lack of understanding of what civil society is among politicians and civil servants which is sometimes combined with a prejudice against it (“foreign spies”, “anti-governmental organisations”, “anarchists”).

Co-operation with civil society is facilitated by the existence of an appropriate government body responsible for it (as is the case in Croatia) and clear government policies and procedures for engagement with NGOs. Example here include documents such as the Concept in Estonia, the Accord in Canada or the Croatian Program of Co-operation.

Why establish partnerships? Looking at civil society, it was widely assumed during the meeting that as NGOs attract the most active citizens willing to get involved in public issues, such organisations will usually desire partnerships with governments. (At the same time governments, should not complain about citizen passivity; everybody has an equal right to participate – and to abstain). The reasons for governments to get involved are less obvious. During the discussion two arguments were formulated: NGOs can bring expertise the government may be lacking, and they can also offer a mechanism for service or programme delivery. The reason for Canada’s decision to form a partnership with NGOs in the campaign for the international treaties was the belief that their engagement would increase that campaign’s chances of success. A participant from South East Europe added that government/NGO partnerships could be helpful in securing foreign assistance.

The discussion frequently touched on the issue of consultation, indicating how close this topic is to the issue of partnerships. Interestingly, there are similarities between the reasons for launching consultations and those behind partnerships. The participants mentioned three arguments in support of consultations: expertise residing in society, which can lead to better legislation; better reception of new legislation that has been the subject of consultation; and early detection and defusing of potential conflicts.

At a practical level, in order to create a partnership, civil society groups ought to find an ally (e.g. an individual) within the state institution to be partnered who is keen on such a partnership. Time should be invested in building a good rapport with him/her. Quite probably such individuals should not be sought among top-level officials, as the latter are often changed for political reasons. This ally approach is particularly useful when there is no existing culture of creating partnerships.

Partnerships, however, need not involve only governments or other state institutions such as parliaments. They can, for instance, be formed with donors, which often are more important from the civil society point of view than governments. In one of the countries represented, the World Bank is giving loans to local governments to provide services through NGOs. Such partnerships can cause resentment on the side of governments. European Union institutions are also potential partners. Some NGOs already operate at the EU level. To facilitate this, a Polish umbrella organisation has established a representative office in Brussels. Within the EU there is a trend towards formalisation of the relationship with NGOs. Another challenge stems from the federal character of some countries, where NGOs operate -- and form partnerships -- at different levels, depending on their interests.

First among the priorities formulated at the end of the discussion was building mutual respect and understanding. That was followed by setting rules for engagement with civil society on the government side. Access to government information was mentioned but so was transparency of the NGO sector -- achieved by, *inter alia*, proper annual reports. Finally, if partnerships are to succeed, they need a legal framework with a clear enforcement mechanism.

JOINING THE EU BY CONSULTING NGOs: THE CASE OF SLOVENIA

by

Fedor Černe

Governmental Office for EU Affairs (GOEA), Slovenia

Abstract

This chapter focuses on the development of a structured dialogue between the Government of the Republic of Slovenia and the organisations of civil society, aimed at preparing the non-governmental organisations for their role in the European Union after Slovenia's accession.¹ This process can be divided into three phases:

- The period up to the launch of the process of negotiations with the European Union.
- The co-operation during the preparation of negotiating positions.
- The concept of government co-operation with NGOs in the future.

1. A bloom of civil society movements in the 1980s

Since the second half of the 1980s, there has been a bloom in the development of civil society movements in Slovenia. Mostly, they have been dealing with human rights, social and environmental issues. After Slovenia gained independence, which could be seen as an ultimate achievement of these movements, many participants from the NGOs entered the decision-making sphere. The government started to set up a legal basis for these movements in order to make co-operation with NGOs possible. Consequently, three legal acts were adopted – on institutes, foundations, and associations. In addition, the government laid down the necessary conditions for conferring a status of associations of public interest. On the other hand, the civil society movements of the eighties were only poorly exploited in building up an integral system of relationship between the government and civil society. Every ministry still had

its own particular policy towards NGOs, which consisted mostly of financing their projects while neglecting their wider role in the society. Similarly, the participation of NGOs in the decision-making process was weak. The exceptions, which existed, only proved the rule. We can say that a kind of “clientele” developed, in the sense that most NGOs were ready to do exactly what the government wanted in order to get the financial support. And it was also because of this that in many areas, the criticism of individual policies was weaker than it could have been. The absence of criticism additionally contributed to the poor effectiveness and efficiency of policies. The situation was interpreted by the government as being the consequence of weak or improper organisation on the part of NGOs. Instead of co-operation, competition prevailed for the already limited financial resources. And it was the budgetary resources that were the main source of finance for NGOs. Since most were composed of a small number of members, this questioned their degree of representation. And the above two problems simply prevented the NGOs from preparing or carrying out any sizeable project. To sum up, the described system served no one properly and further hindered the opportunities for full development of a society based on fruitful co-operation between the government and civil society.

2. The period of negotiations on EU accession

The beginning of closer co-operation between the government and NGOs coincided with the launch of the negotiating process, which was based on the principles of transparency and participation of all interested parties. All NGOs received a public invitation, published in the media, to actively participate in the preparation and adoption of negotiating positions (December 1998). The goal of this move was to provide for the widest possible dissemination of information about Slovenia’s accession to the European Union, its negotiating positions and general situation in negotiations, in addition to presenting the opportunities for participation in projects co-financed by the EU. The idea was to launch a discussion among the NGOs about the basic processes under way in Europe. At the same time the NGOs would, by proposing initiatives and stating their view of the negotiating positions, give an in-depth view into the actual problems in individual areas.

One hundred and sixty four organisations responded to the invitation and took part in 31 working groups in charge of preparing negotiating positions. Public presentations of negotiating positions were organised, which were eventually visited by only 10% of the interested organisations. Fewer still offered initiatives or proposals. The following factors explain the poor response of the NGOs:

- Screening of legislation was concluded before the invitation for co-operation.²
- Certain areas are very specific and technically demanding, which was an objective obstacle to any greater participation of NGOs.
- Negotiating positions were often submitted at too short notice before the public discussion, and there was not enough time for qualified comments.³

Last but not least, limited financial resources and an unclear role of the NGOs within the working groups, as well as their fragmented structure, prevented any stronger co-operation.

NGOs criticised the established system, saying:

- Participation of NGOs in the decision-making processes was actually insufficient.
- Some ministries behaved as self-sufficient.
- The NGO's unused potential in carrying out certain functions is a consequence of the weaknesses of the government in laying down the preconditions for more efficient work.

Despite the above criticism a list of interested NGOs was drawn up, and they were informed regularly about the majority of negotiating positions before the latter were adopted by the government and working bodies of the national assembly.

3. Towards establishing a system of co-operation between the government and civil society

Despite numerous weaknesses, a sufficient level of trust was established between the NGOs and the government to develop co-operation. In addition, it became increasingly clear that co-operation with NGOs had gone well beyond the original narrow concept of involvement of the civil sphere in the negotiating process. The new problem that arose was setting up of the organisational structures and activities of civil society that would be comparable to those in the EU.

The NGOs in Slovenia -- whose area of activity goes beyond Slovenian state borders and who wish to operate within the EU and apply for funds within the EU programmes and projects cofinanced by the EU and Slovenia on the basis of pre-accession assistance (European projects) -- have to set up a proper organisation to be able to function efficiently within the EU. In

the European Commission, a reform has been under way about financing of the projects for NGOs; it foresees the introduction of the following measures:

- Raising of the minimum threshold for the size of projects financed by Community funds, which will lead to the merging of activities into larger projects.
- Encouraging NGOs to establish closer liaisons for presentation and execution of the projects.
- Encouraging NGOs to establish network connections, with the representative body.
- Introducing programme contracts for those NGOs that are long-term partners of the Commission.
- Introducing one-off grants for individual NGOs and networks of NGOs for financing small-scale activities, on the basis of an assessment of their previous activities.

This policy should lead to a smaller number of more sizeable projects. The list of projects will be based in the first place on *ex post* reporting. The past experience and seriousness of approach of an NGO, its size and liaisons will be the most important factors in approving the projects. As a consequence, NGOs are expected to merge into larger organisations, each with their own legal, financial and other services. These organisations will carry out large-size projects, whereas poorly organised and small NGOs will lose importance⁴.

Such a civil society development in the European Union could further hinder the development of Slovenia NGOs, which are still small, badly organised or connected, and usually unable to carry out any larger project. Most of Slovenian NGOs lack knowledge in project management, public relations or acquisition of funds. Communication channels between related organisations are poorly developed and co-operation among them is on a low level. Some NGOs that are active in the European area do not have sufficient support from the government. Another key problem of NGOs in Slovenia is a lack of consensus about the legal definition of NGOs, which would regulate the legal status of these organisations in Slovenian legislation.

The NGO Centre

The NGOs in Slovenia have been aware of their weaknesses from the very beginning, and have expressed their interest in better organisation and liaisons. The first attempts at such liaisons and at setting up information centres go back to 1994. In these attempts, NGOs were focused mainly on acquiring

equipment, access to networks, assistance in applying for projects and organisation of conferences. They succeeded in acquiring funds of foreign donors, for example the Open Society Fund and Regional Environmental Centre, for purchasing IT and other equipment. In most of the attempts at closer co-operation, the initial enthusiasm gradually waned. NGOs lacked funds from both the state budget and from abroad for maintaining established networks. It should also be noted that it is extremely difficult for NGOs to acquire funds from the business sector, as there are no proper tax incentives to stimulate enterprises to donate funds or to sponsor NGO activities.

An important shift in the development of non-governmental information centres arose from a non-governmental initiative that led to the establishment of the Press Agency of Non-governmental Organisations, with goals of better internal communication between NGOs and providing information to the media and wider public about their activities. However, this initiative was – for similar reasons – only short term in nature.

In January 2000, the Government Office for European Affairs invited, within the framework of bilateral co-operation with the Netherlands Government, Dr. Michel van Hulten, an adviser, to prepare a paper about the state of affairs of NGOs in Slovenia and to propose possible solutions. The key findings of the January report were:

- The non-governmental sector in Slovenia is fragmented and lacks co-ordination and co-operation. Some NGOs co-operate well with relevant organisations in the EU and are undergoing preparations for EU tenders, but most of them have underdeveloped structures and lack the knowledge required to be able to have influence on government policies in Slovenia or on EU policy making via participation in European platforms.
- NGOs in Slovenia do not provide sufficient organisational support for the development of voluntary work.
- For numerous reasons, the government and non-governmental organisations support the idea of setting up an NGO centre, which would organise training for NGOs.
- If the government wants to strengthen the non-governmental sector, it needs to prepare a document that not only expresses the political will but also defines the role of NGOs in legal and political contexts.

- In this regard, NGOs serving the public interest have to be redefined and certain financial resources have to be provided by the government; legal bases have to be prepared for amendment of the Personal Income Tax Act and the Corporate Profit Tax Act; and possibilities need to be examined for the NGOs to collect part of the funds by fees.

On the basis of the above, a broad consensus was reached between GOEA and the representatives of NGOs that the best means to achieve this goal was the establishment of a centre that would co-ordinate European activities of the NGOs.⁵ On 30 March 2000 a Statement of Intent was signed by some NGOs, confirming the need to set up a centre to strengthen the role of NGOs in Slovenia and thereby improve their participation in the process of Slovenia's accession to the EU.

In April 2000, a group of 15 NGOs from various areas established a core working group that sought solutions for better organising of the non-governmental sector in Slovenia. On the basis of numerous discussions with the representatives of all 15 NGOs, the main premises were defined for the establishment of a NGO centre. The key points agreed upon were:

- The criteria for membership should be the same as that applied by the European Commission for European non-governmental organisations: these are non-profit, voluntary, independent organisations that carry out beneficial activities.
- The core activity of the centre should be to improve the communication channels among the non-governmental organisations engaged in the same areas of the "*acquis communautaire*" (environmental protection, consumer protection, social affairs, etc.) and to organise training on specific types of knowledge required by the NGOs to carry out projects related to implementation of the *acquis communautaire*.
- Improve communication between the government and the NGOs.

It is essential that the *centre is established by non-governmental organisations alone*, with the GOEA only offering technical and financial support. The GOEA informed the government about the "Centre of Non-governmental Organisations" project, and the government supported it and mandated the GOEA to continue with the co-ordination of activities for participation of NGOs in the process of Slovenia's accession to the EU. On 15 September 2000, the initiative group -- the NGOs on the one side and the Government Office for European Affairs on the other -- signed a Statement of

Intent concerning the co-operation in the activities and co-financing of the centre, according to which the centre will:

- Inform the NGOs about the progress of the accession process and about participation in the formation of European policies.
- Collect and submit opinions of NGOs in relation to accession process.
- Encourage training of NGOs for the needs of their effective functioning within the European Union.
- Encourage training of the NGOs for quality project management.
- Encourage the training and strengthening of NGOs with the purpose of conferring the tasks arising from the *acquis communautaire* from the state institutions to the non-governmental organisations, wherever possible.
- Provide information useful to the non-governmental organisations for better functioning in the European area, with the emphasis on information concerning applying for projects, participating in the conferences and meetings of non-governmental organisations, and possibilities for co-operation with partner organisations at home and abroad.
- Establish the proper environment for promoting liaisons between non-governmental organisations in individual areas and the co-ordination of networks of non-governmental organisations.

During preparation of the acts on establishment, a number of non-governmental organisations expressed their fears that the centre would merge or restrict “by force” the functioning of civil society, based on the fact that the government was prepared to co-finance the centre’s activities. Therefore, there was a need for an organisation that would not be of a representative nature but would only provide services for non-governmental organisations – its members. The accession acts were prepared in December 2000, when the initiative group called upon the Slovenian non-governmental organisations to participate in the co-establishment of the centre. The founding session took place in January 2001 and the acts were signed by 29 organisations. In the following six months, the centre obtained offices and equipment and by October, it started operating. The main characteristic of the centre is that it allows NGOs to participate either as users only by obtaining information or as members, participating also in the preparation of the common policies.

There is a good exchange of information between the government and the national assembly. The centre is a point through which information is

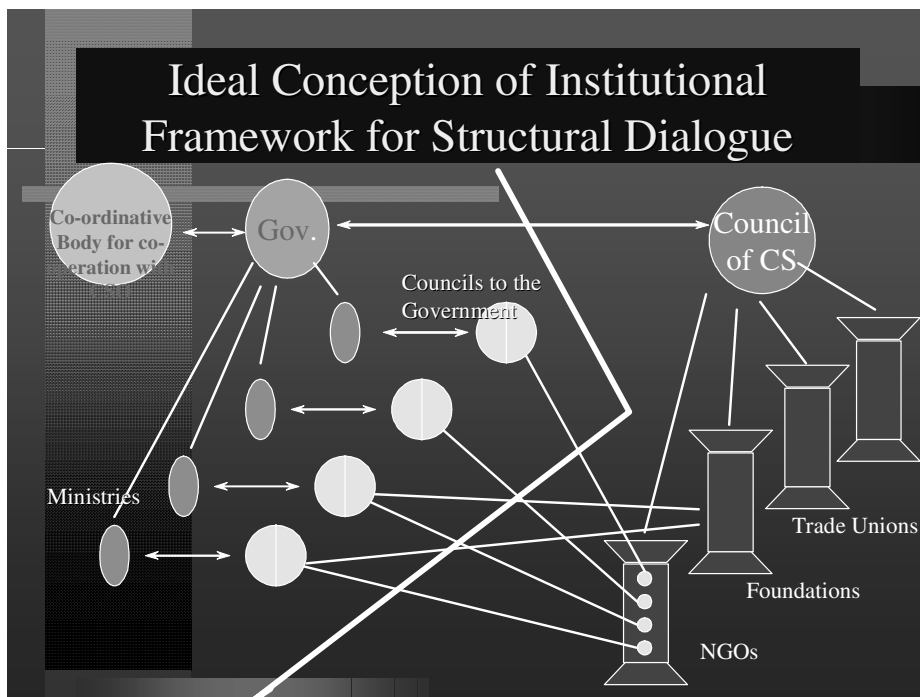
disseminated in a swift and inexpensive manner. But the project needs to be further developed. The NGOs should process these bits of information to adopt a common position. The government has already been preparing the structure and procedures according to which Slovenia's positions will be prepared concerning the proposals of EU legislation once Slovenia becomes a EU member state. The government believes that to be able to achieve the widest possible consensus, social partners and NGOs should also be part of these processes, in addition to the national assembly. Defence of Slovenian national interests, which would be widely accepted, will in Brussels take place on both government and non-governmental levels. To this end, the government enabled Slovenian NGOs to participate in the Common Consultative Committee of Socio-Economic Interest Groups, comprising members of the Socio-economic Committee of the European Union and two representatives of social partners, a representative of the Chamber of Agriculture and a representative of NGOs on the Slovenian side. The ways of participation of the NGOs in the process of drafting of legislation and its implementation are being established on the governmental as well as non-governmental sides. It is important that both sides are prepared for this co-operation.

4. A view ahead

So far, the system has been established extremely quickly, on the basis of the achieved critical mass for changes on the side of the government as well as non-governmental organisations. On the level of informal discussions, initial outlines of an ideal concept of institutional framework for structural dialogue between the two spheres have been put forward (Figure 1).

It is based on a balanced and symmetrical internal structure of both systems. On the level of civil society, the idea assumes formation of the so-called pillars (NGOs, trade unions, church organisations, foundations, etc.) whose representatives comprise the world of civil society, a partner in the dialogue with the government. The government side, on the other hand, comprises representatives of civil society in councils that formulate sectoral policies together with the line ministries. It is important that the civil society appoints representatives to these councils and not the line ministries. In addition, a co-ordination body on the government level has to be established to treat the horizontal issues.

Figure 1. Ideal conception of institutional framework for structural dialogue



5. Conclusion

The process of Slovenia's accession to the EU also triggered the process of enhanced co-operation between the government and civil society. The sequence of events was relatively quick, and has already borne fruit: an NGO Centre has been established. The system is not yet stable and functioning, but the foundations have been laid for future operations. The project assumes that deep and important changes will occur in behaviour and communications. To be able to control the reactions to these changes is one of the most important tasks in the period to come. Its success depends predominantly on how clear the goals will be and on the consensus on both sides about the urgency to overcome the hurdles.

NOTES

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- ¹. More information is available at www.gov.si/svez.
 - ². The problem was mostly the lack of time, because in the first stage of the negotiating process the bulk of work had to be done extremely quickly.
 - ³. In many cases, the government bodies were themselves not given much more time.
 - ⁴. The European Commission published this opinion in the discussion document "The Commission and Non-governmental Organisations: Building a Stronger Partnership".
 - ⁵. This was also the conclusion of the meeting between the representatives of GOEA and 15 NGOs held on 6 March 2000 on the initiative of GOEA. All large NGOs were invited; these were engaged in all areas of activity (environment, social affairs, human rights, etc.) that had in the past applied for tenders related to the European affairs.

OPENING THE THINKING ON OPEN GOVERNMENT

by

Primož Šporar

Executive Director, Legal Information Centre for NGOs, Slovenia

1. Background

There are 16 000 registered civil society organisations in Slovenia. As many as 85% of non-governmental organisations do not employ even a single staff member; in over 80% of the NGOs, the average annual revenue is below \$10 000.

From a legal standpoint, there is:

- No clear definition of NGOs.
- No clear definition of CSOs.
- No clear definition of public interest.

Given that individuals -- citizens -- are a vital part of participatory democracy, a number of questions need to be asked:

- To whom should the government be open?
- How can knowledge and understanding of the role of the key players be widened and deepened – particularly government's understanding of CSOs' importance?
- How can structures for collaboration be built, both on the CSO side and on the government side?

In short, how can government be made truly open for individuals (citizens), in order to assure participatory democracy?

2. Declaring open government as one of the main goals for democracy

The European Union

A number of documents have been put forward, the content of which demonstrates the increased influence of NGOs and the desire to include them in the decision-making process:

- A Communication from the European Commission on Promoting the Role of Voluntary Organisations and Foundations in Europe.
- The European Commission's discussion paper "The Commission and Non-governmental Organisations: Building a Stronger Partnership".
- The European Commission's White Paper on European Governance.
- The Aarhus Convention.
- The Laeken Declaration and, based on that, the European Convention currently underway on the Future of the European Union

Civil society should be actively included as an equal partner in all the procedures and discussions with which it is concerned. The documents above recommend the following courses of action:

- Better knowledge and understanding of the non-governmental sector in general.
- Building of relations (partnerships) between the state and the non-governmental sector.
- Adoption of relevant legislation.
- Establishment of the financial basis and competition rules.
- Ensuring the non-governmental sector's positive role in the society and encouraging donations.
- Provision of training.
- Information development.
- Access to programmes and shared funding from EU structural funds.

To these ends the European Union (EU) formed the European Economic and Social Committee as a representative of NGOs within the EU. The Committee enables and promotes the co-operation of civil society in decision-making processes, thus increasing the legitimacy and democratic nature of the decisions adopted. In the future it will focus on the integration of NGOs that are not yet represented in the Committee.

Government

The development of CSOs is one of the more important tasks for Slovenia in its process of approaching the EU, as required in particular by the Partnership for Accession document which defines the commitment to fulfil the Copenhagen criteria as a priority assignment.

In Slovenia there is a lack of clear strategic documents declaring the need for the involvement of CSOs in information, consultation and participation.

One finds written in the invitation to the Ljubljana conference the sentence: "Since the mid-90s, one of its [the Government of the Republic of Slovenia] priorities has been to deepen dialogue between government and civil society organisations on how to build open, citizen-oriented government." That sentence is hard to believe given the lack of results demonstrating good intentions in practice.

At the general level the implementation of open government principles in Slovenia is not a result of global government policy, but rather depends on the willingness of the individual ministries, administration offices and local government offices. Differences between these bodies are huge; it is easy to work with some parts of the government and very hard to even get an answer from others. (On the average the Legal Information Centre receives 5 answers for every 10 letters it sends, and the Centre is a well-known NGO.) This creates an environment in which CSOs are very suspicious, even if the intentions of the government are good.

The best of intentions aside, declared openness is not enough. There also has to be a legal basis for the participation of CSOs, and mechanisms of legal protection to enforce such participation in case the government is not as open as it declares.

Nor is open government enough if there are no preconditions established for CSO participation. There should be funds for CSO representatives in different government and administration bodies so as to

enable them to dedicate their time and energy to such co-operation. This is rarely the case and therefore participation is sometimes a word on paper rather than the reality.

Another problem is the selection of CSOs and how to achieve a proper representation of this sector when government is not implementing the participatory democracy model.

When the author was invited to this conference he warned the organisers that he could only speak in his own name, since in Slovenia we do not have (and CSOs do not even know whether they want) a mechanism to select representatives of civil society. The author also expressed a wish to distribute the invitation to the wider circle of organisations, but was told that Ljubljana is a closed conference and they cannot participate. That was interesting to learn, since the topic was open government. So some CSOs were invited, but only to an opening and closing ceremony. When their members contacted organisers, it was explained that they already have their representative – the author, even when he clearly stated that he had no such mandate. They protested, and now we can see them participating. This is a clear example of how careful one needs to be in speaking about information, participation and open government. It would be of great interest to learn what mechanisms exist in other countries to select CSO representatives: how were those present here selected for the conference?

There are nonetheless good practical attempts in the direction of open government in Slovenia:

- Forum on the Future of Europe (within the Convention on the Future of Europe).
- Support to the NGO Centre from the Governmental Office for EU Affairs (GOEA), one of whose tasks is to provide information.
- A document called “Partnership for Environment”, produced jointly by the Ministry of the Environment and NGOs, declaring open government as one of the strategic goals.

Civil society organisations in the case of Slovenia

The Slovenian Government recognises the role of the CSOs as central to an open democratic state, and is fully aware of the importance of principles of open government.

Many activities in last years were implemented:

1. Formation of an NGO Coalition for Ratification of Aarhus Convention, which has problems convincing government how important it is to ratify the convention, which is all about open government.
2. Projects related to the European Commission White Paper on European Governance.
3. Nine members of the NGOs and many CSO representatives were invited to participate in the Forum on the Future of Europe.
4. The Freedom of Information Act was prepared by CSOs and proposed to the National Council in order to begin the parliamentary procedure to adopt it. Such pressure also helped the government to prepare its promised draft, which is certainly not as open as that proposed by the CSOs. Hopefully the law will be passed with changes this year.
5. The project "Participation of the CSOs in the Preparation of the Strategic Documents" was implemented by one of the NGOs.
6. A draft law was drawn up on public participation in the preparation of laws and strategic documents, aiming at:
 - Involving CSOs in the policy-making process from the start.
 - Ensuring a transparent process of adopting different relevant documents.

The questions to consider are:

- Where should open government be defined as a priority?
- Who should be involved in the process of defining it?

One of the solutions could be adoption of a compact -- a programme of co-operation that establishes open government as the main priority. But it will be necessary to ensure that mechanisms of participatory democracy will be present at all times -- meaning that the government is also obliged to co-operate with all NGOs and individuals.

- How can adequate mechanisms for permanent civil dialogue be created?

Solving individual problems should not be a priority -- the priority should be development of permanent dialogue. When we have that in place, then we can start solving individual problems. It does not work the other way round.

3. Conclusions

It can be said that building open government is a creative process. The government has to involve and consult with CSOs in the early stages of this process. It also has to provide an enabling environment for CSO growth and co-operation, including funds. That environment will lead to stronger involvement on the part of CSOs since it will help them achieve their goals.

CSOs should always keep in mind their independence, and not forget that their primary goal is to serve civil society, not government.

But it is also important that the principle of open government should contribute to better democracy, enabling CSOs -- through information, consultations and participation -- to always retain their critical distance from the government. Only a well-informed and included civil society can evaluate government work and assure the variety and diversity of civil society responses -- tasks that are vital.

NGOS AND GOVERNMENT IN THE CZECH REPUBLIC IN 2002

by

Milena Černá
Skok Civic Association

and

Jiri Marek
Ministry of the Interior, Czech Republic

Abstract

At present, there are over 46 000 NGOs in the Czech Republic (with ten million inhabitants). The government has formalised co-operation with NGOs. It created an unique system of dedicating a portion of the interest received on securities derived from the privatisation process as an endowment to dozens of foundations, and established the Government Council for NGOs with 50% NGO delegate participation. Finally, since 1992 government grants to NGOs have been divided between those operating in the areas of health care, social assistance, education, youth, culture, the environment, human rights and sports every year. Occasionally departments apply to NGOs for comment -- e.g. in the case of a new draft law or allocating government grants -- but ultimately their opinions are not taken into account.

NGOs are not satisfied with being incidental consultants of the government. The measures offered by the state are considered narrow and without real scope, constraining citizens' initiative.

In the authors' opinion it would be helpful to establish a Council *of* NGOs as partner for participation in government decision making instead of a Council *for* NGOs. NGOs call for commitment on government's part to work in co-operation with them. At the same time the public administration reform provides the opportunity to establish space for closer connection between

officials and delegates of NGOs on the regional level, where community planning and other tools of effective co-operation have already begun operating.

A View of NGOs

A. Introduction

Before the political change of 1989, the so-called National Front included dozens of associations, among them organisations of special groups: disabled people, gardeners, apiarists, etc. Those delegates of the National Front who had the proper credentials -- i.e. membership in Communist Party -- were elected to the parliament as well. In every respect, civil society was replaced by political principles.

B. Positives

Following the political change of 1989, newly emerged organisations of citizens have reflected the needs of society and striven for changes in public life, culture, the environment and public (including social) services. At present, there are over 46 000 NGOs in the Czech Republic. Up to now, their umbrella organisations have had to cope with difficulties stemming from aversion to the previous model. NGOs rather prefer networking based on democratic principles.

Charitable organisations renewed their activities, aspiring to change and complete the state social services for the elderly, abandoned children, families with children with disabilities, victims of violence, the homeless, etc. Many of them addressed the human rights of minorities and marginalised groups. There was a strong trend to integrate people with disabilities into society. At the same time, NGOs started to develop a network of services and systems of exchange of information and specialised education. From the beginning NGOs have been supported by financial contributions from the government and from foreign and domestic sponsors.

Since 1992, the Council for Foundations, later the Council for NGOs, a consultative body of the Czech Government, has served as a link between NGOs and the government in certain issues. Half the members are state officials and the other half NGO delegates. The main task of the Council in the past three or four years was the distribution of interests of the 1% profit acquired from the first wave of privatisation to several top trustworthy and flourishing foundations. According to a law approved in 1992, funds were deposited with the Investment Fund of Foundations (NIF). In late nineties, at the end of the process, 80 foundations obtained a portion of these interests as endowment.

This was the unique approach of the Czech Republic Government, the method used to support sustainability of the non-governmental non-profit sector. Under the strict supervision of the National Property Fund foundations, those obtaining the endowment must distribute a part of their annual yield to NGOs operating in one of several selected areas (health care, social assistance, culture, youth, the environment and promotion of human rights). They must provide reports, including an annual report, with specific data. To use the money, foundations must issue a public tender specified by contracts concluded with the National Property Fund.

Another achievement of civil society is in the area of public relations. Every year since 1998, NGOs have organised a massive campaign lasting one month (February) for the promotion of civil society. NGOs appeal to journalists to publish good news from the civil society sector. Press conferences, topic groups and meetings are organised in all regions. This is a good tool for reminding the public of useful NGOs activities, at least once a year.

C. Negatives

Government's motivation to explore rationales and methods for integrating NGOs into Czech society is low. In general, their enthusiasm, experience, good practices and skills are underestimated, although they could be involved in public services on the level of both the regional government and the local community. The government still views NGOs as the biggest consumers of public financial resources. Participation of NGO delegates at different working groups is sometimes actually an alibi for departments, members of the Czech Parliament, international authorities and others.

The first report of the Czech Government on observance of the European Social Charter refers to "communities" as groups of marginalised people. In the same text the general attitude of the government reveals little knowledge concerning civil society and none concerning the participation of citizens in decision-making procedures. This report was elaborated without any participation from civil organisations and does not reflect the important role of NGOs in public life, especially in social services. NGOs are presented as an accessory to the mainstream, i.e. social services provided by the state. The present trend of the government is centralised control and support of institutions, even in social policy.

D. The role of SKOK

NGOs operating in social and health care services are part and parcel of the whole non-profit system. Steadily since 1997, the Committee of Special Conference NGOs operating in social and health care services (SKOK) has been offering its specialised knowledge to the government, and engaging in consultations with the Ministry of Labour and Social Affairs (MOLSA) regarding standards of quality, social services reform and the Social Services Act. Several members of SKOK became members of the Steering Committee for Support of Social Services Reform (the long-term British-Czech project) and participate in programme development. The output so far has been the general Quality Standards of Social Services and three pilot projects in the framework of social services reform. Despite the pressure from NGOs and their longstanding work in consultation groups, the essential results – e.g. public discussion of social services reform, implementation of new methods in social work and legislative changes recommended by NGOs – have not yet got past the gates of the ministry. On the other hand, local governments look to SKOK for expert information and consultations.

Nowadays, SKOK seeks to encourage NGOs to be partners in matters relating to municipalities and regional governments. Through seminars, meetings and consultations, SKOK pushes for support of NGOs during the pre-accession process, using that process to set up the basic preconditions for NGOs operating in the fields of social and health care services. SKOK recommends regular communication with NGOs as a means for conveying the social and health care situation in the Czech Republic to the Delegation of the European Commission in Prague. “Access” is considered a preparatory tool for using European Union (EU) structural funds and community planning in community development.

E. Vision of success

NGOs in the Czech Republic will have an important role to play in terms of:

- Information -- access to information both from the government for citizens and from citizens and NGOs for government.
- Education -- support for lifelong education for a wide spectrum of target groups.

- Monitoring of outcomes in relation to required objectives -- equal opportunities, social integration of groups at risk, education, employment and employability.
- Policies -- guidelines, standards, recommendations, models adapted from other countries.
- Networking of NGOs -- to enhance influence on governments at the central, regional and local levels and to take part in their decision making.
- Resources -- to ensure adequate resources for the reasonable functioning of NGOs as partners of the government.
- Participation -- the most difficult task is to engage citizens in policy making. The present trend of the government is centralised control and support of state institutions. On the regional level there is greater understanding of NGOs' activities and participation in public life. NGOs are involved in social and health care policy, work with youth, free time activities, environmental projects, education, the support of human rights of minorities, refugees and elderly people, local culture and sports. Hence citizen participation might spread to other levels of public life. The supportive programmes of international institutions are useful here.

A view from government

A. The theory and the reality

A great number of problems of co-operation between the state (public administration) and non-profit organisations have to do with mutual misunderstanding and a subsequent lack of confidence. A salient characteristic of the non-profit sector was described by Weisbrod in his definition, contained in theory of public holdings: the non-profit sector rises where both the governmental and market sectors fail. In this concept, the non-profit sector differs in nature depending on whether it arose by historic development or failure correction.

The sector has, however, a more complex role than purely to solve problems caused by governmental or market lapses. It brings new motivation for the involvement of citizens in resolving common (public) problems, and also contributes to creation of an "active citizenship" and to establishing civic society. Recognising this quality of non-profit sector, the state (public

administration) has no better choice than to take it on as an equal partner in resolving issues of public interest.

That is the theory. In practice, the non-profit sector as such does not exist – only a lot of autonomous non-profit non-governmental organisations which, with some exceptions, are not “roofed” by common representation, an umbrella organisation. The state, as the central level of public administration – even if it has the best will to co-operate – is confronted with a difficult task. How can it communicate with thousands of organisations, cope with their variety, deal with the fact that no single common, overall or uniform opinion is heard (and probably cannot be heard) from the non-profit sector. So far, no proposals for resolving those questions seem to be forthcoming from non-profit organisations.

B. Good practice examples

The solution would appear to lie in strengthening transparency of public administration at all its tiers, making respective information accessible, listening to the voices of non-profit sector representatives and creating conditions for the open involvement of these representatives in tackling common problems, especially at the local level.

Apart from the Investment Fund of Foundations mentioned above, there are other examples of good practice from public administration in the Czech Republic:

- The Act on Free Access to Information, pursuant which a citizen has to be provided with any piece of information not subject to secrecy. An appropriate fee covering costs connected with obtaining that information may be required.
- The Government Council for Non-state Non-profit Organisations was established as an advisory body of the government. The governmental and non-profit sectors are represented in this Council almost equally.
- Practically all central state administration authorities announce (although to a limited extent) grant programmes for non-governmental non-profit organisations; the government annually discusses an aspect of this grant policy. A similar practice is exercised by regions and a majority of larger towns.

- The legislative rules of the government specify an obligation to consult with all parties that may be affected by newly prepared legislation. Consequently, representatives of the non-profit sector are frequently addressed within the ordinary comment procedure.
- Representatives of non-profit organisations -- where they have proved their qualities in respective areas – are appointed as members of working groups, where they can participate in the preparation of planned legislation.

C. Challenges

To reinforce mutual confidence on both sides, a preliminary project entitled “A code of conditions for solid co-operation between public administration and non-governmental non-profit organisations” could be a suitable starting point. This project should determine the possibilities and limitations on both sides, and include a detailed analysis of particular points of mutual agreement on co-operation so that both sides could enter into the relationship knowing concrete conditions and not nursing unrealisable expectations.

Within the reform of territorial public administration in the Czech Republic, significant competencies has been transferred from the central state administration level to local and regional self-governing authorities, including powers in the field of public services. Recently a broader and more extensive discussion has been developing on this topic, which can lead to a determination of public services standards in terms of their minimum (basic) qualitative and quantitative levels. Non-profit organisations should be on an equal footing when clearly defined parameters for selection of public service providers are adopted.

The issue of transparency refers not only to the governmental sector but also to the non-profit sector. At present, an obligation for all non-profit organisations to publish their annual reports is not embodied in legislation. This seeming protection of the non-profit sector against bureaucracy in fact turns against the whole sector, because there are many non-profit organisations that do not pursue any activity, or at least any perceptible to the public. And that is the root cause of non-confidence in the non-profit sector as a whole.

DIALOGUE AND PARTNERSHIP BETWEEN GOVERNMENT AND CIVIL SOCIETY IN ALBANIA

by

Dr. Zef Preçi

Albanian Center for Economic Research (ACER)

Abstract

Albania, like other countries in Central and Eastern Europe, has suffered from a lack of active and transparent dialogue between government structures/officials and open society representatives such as NGOs. The partnership between governments and civil society organisations will be effective only if the two sides have a similar vision of the need to promote consultation and participation for decision-making purposes and to be responsible and accountable for the nation's development. The government must consider the NGO community as a legitimate point of reference for better proposals for legal acts, drafting regulations, and any other kind of decision making. Much of the think-tank potential for national development is now found within local NGOs and community groups; governments therefore need to trust their opinion and expertise and make better use of their capacities. Governments themselves should be the ones to promote the execution of projects that build mutual trust between civil society and governments.

Transitional economies seem to have a common problem: the low involvement of the public in governance (due to the tradition inherited from the previous regime) and a still-centralised government undermining the incentive of local government institutions to serve their communities. In addition, earlier examples of civil society involvement in governance that failed to achieve the intended objectives undermined the perception of communities that times have changed. There is a need to ask and consult those who are affected by any improper decision-making practice.

There is a huge amount of work to be done to stimulate easy access to information and consultation, to establish government-civil society partnerships

and to build open governments. Although a well-defined legal and institutional framework (with clear procedures and responsibilities) might help in this direction, there is still the need to build confidence and accountability between partners if we are aiming for sustainability.

A. Building open governments by strengthening information-sharing and consultation with the public and creating an informal network of practitioners

In Albania, civil society moved from narrow concept to complex phenomenon only after 1990. Prior to this date, there existed only the Hunters Association and the Albanian Red Cross, although the Labour Party and some associations known as “mass organisations” (involving labour, youth, women, etc.) were considered as non-governmental structures.

The first non-governmental organisations established after 1990 had to do mainly with humanitarian activities and were encouraged by international organisations of the same nature. Later developments in society brought new types of organisations, associating individuals with common interests and culture. Most of these organisations dealt with public interest issues. Concurrently with the progress made by the private sector, a number of business associations were established. The same pattern of development was followed by some civil society organisations in the field of print media. The turmoil in the Spring of 1997 increased the awareness of public and civil society organisations of the need to deal with financial and banking issues. As a consequence, a number of existing non-governmental organisations that were dealing with these issues grew to be more visible and influential in the public policy-making environment.

It is worth emphasising that during the first five years of the economic transition in Albania, political circles neglected civil society and were very sensitive to criticism originating from independent and opposing media. Following the crisis of 1997, there was a notable boom in audiovisual media as well as an extension of the “information” space for Albanian citizens. Due to the worsened financial situation of print and audiovisual media (hindering their independence), there was an observed intensification of government intervention and misuse of media. Meanwhile, the role of civil society organisations had further progressed and their contribution towards fostering democratic change was more influential.

Civil society includes many forms of social capital and civil society organisations (CSOs) but this section will focus on NGOs. The NGO sector has grown rapidly during the last ten years, having had a boom during the Kosovo

crises. There are two directories that provide useful information about NGOs, although not all are listed. There is a National Registry for NGOs within the Court System, and the 2001 Law on Non-profit Organisations improved their legal framework, but expertise and advice on NGO legal issues is concentrated in the capital, Tirana. Only one-fifth of 500 NGOs sampled in an ACER survey were more than sporadically active. Civil society is growing but is not yet able to independently and effectively balance and monitor government power, nor is it able to contribute regularly to decision making.

Past experience has demonstrated the increasing attention civil society has paid to public interests, and a number of these organisations have already taken the first steps towards structuring those interests and ensuring their protection. Meanwhile the field of intervention of civil organisations remains in most cases determined by the requirements of their donors. Due to the importance of poverty issues in the present transitional process of the Albanian economy, it must be emphasised that issues pertaining to community development are of crucial interest to civil society organisations. This is why some donors like the World Bank have supported some development projects targeting the provision of social services, and have accorded lower priority to the fields of education and public health, where the presence of civil society is less extensive. During the past few years, the presence and voice of civil society organisations in various debates on the country's development priorities has increased, as seen in the country assistance strategy for Albania.

In Albania, as in most countries of Europe, information and consultation issues, especially those dealing with: i) transparency in government operations and ii) public awareness of the individual's rights to be informed, are of great importance. Although there has been progress in the preparation of an appropriate legal and institutional framework on public information and consultation, the implementation process is still problematic, suggesting the need for law enforcement.

At a central level, there is a certain large quantity of information primarily used for propaganda and political purposes; in other lower levels, information is smaller in quantity and poorer in quality and nature -- for example, accessing information on local government structures is difficult. This has led to a paradoxal situation, where the citizens blame the central government for every problem they have -- including bad quality public services provided or supervised by the local government structures.

Print media continue to be concentrated mainly in Tirana and other big cities of Albania, while audiovisual media is considerably more widespread. Yet professionalism is still lacking in both areas. Moreover, as a reflection of

the situation following the pyramid schemes, mass media was supported financially by advertisement campaigns from the public sector¹ (equalling over two-thirds of the total) which led to the misuse of public information in the political debate as well as a reduction in the level of public outreach and audience figures for mass media in general.

It must be pointed out that thanks to a great number of technical assistance projects implemented by groups of national researchers, consultancy services for the government have increased considerably. The wide range of projects deal with issues crucial to the Albanian economy's transition towards a market economy and a free society. The increased level of co-operation between civil society institutions/organisations or groups of researchers and counterparts in Western Europe helped in building relationships and confidence. Although state institutions generally have a preference for foreign expertise and consultancy, in most cases this attitude is influenced by the international financial institutions as well as by the predefined criteria for participation in various bids for consultancy services.

Public participation in decision making at various levels of governance is -- in the author's opinion -- still weak and without a real impact on the decision-making process. In each two-year period in the transition Albania has undergone more than one central or local election process. This is accompanied with instability of institutions. As a result, the majority of individuals elected by the public through the voting process and provided with decision-making power remained simply representatives/militants of their party and did not become heads of government institutions. Political and civil crises associated with the Albanian transitional process have fed on the political obedience of elected officials to their political parties and on the indifference of citizens towards their common destiny. This situation contributes to: i) the lack of community values, ii) intensive migration of the population (at least 15%) from rural areas to capitals and the other city surroundings of the Albanian coastal plain, and iii) a tangible social polarisation of Albanian society.

¹. See "Strengthening Relationships between Media and Business", unpublished document from ACER, Tirana 2000, p. 13

B. Identifying, analysing and dealing with key issues and challenges in information-sharing, consultation and active participation between government and civil society

1. Information-sharing and consultation between government and civil society is hindered by many obstacles, among which the following are the most notable:
 - The old mentality of government officials, who see themselves as governor rather than civil servant and pay almost no attention to public needs.
 - Citizens' lack of knowledge about the scope or context of their individual freedoms and rights, or how to exercise these rights.
 - Conceptual weaknesses in the daily activities of those civil society organisations and groupings that deal with the issue of public information, participation or consultation.
 - Lack of professionalism and misuse of the right to free expression on the part of a considerable portion of print and audiovisual media.
 - Penetration of mass media affairs by some business groups and political circles. During the last five years, the boundaries between business, the media and (further afield) politics have been melting. So certain business groups, that are mostly informal or in possession of dubious assets, are invading the national media space and are artificially establishing their public personality to be later gradually imposed in political circles.
2. The use of local consultancy by the government is hampered mainly by:
 - *Limitations in local human resources.* Current human resources exist due to i) foreign assistance projects that invested in the qualification and training of public sector employees; ii) education received abroad as well as experience and co-operation with foreign assistance projects that were, or are being, implemented in Albania.
 - *Lack of a legal and fiscal framework for consultancy services.* The absence of such a framework permitted a large portion of investment projects in the field of infrastructure, civil works, etc. to be executed by foreign consultancy companies – returning to the countries who offered the respective grants or credit lines. The participation of local

staff as members of the teams of foreign assistance projects provided to the Albanian Government is increasing every year.

- *Lack of professional standards of consultancy services.* Still in its initial stage, the component of government-civil society co-operation still seems to be spontaneous and occasional. The small size of the consultancy agencies and the interaction of their main activity (consultancy) with other business activities that are not directly linked have induced a number of capable individuals in certain fields to abandon consultancy activity. Recently, a number of civil society representatives that offer consultancy services to the government were given an initiative to define ethical and professional standards for consultancy.

3. The current involvement of the public in governance appears to be constrained by a number of factors:

- *The fact that the country is undergoing a transition process,* which means that members of Albanian society have a dual frame of reference. The first, inherited from the former communist regime, caused apathy in citizens and undermined their perception of themselves as able to influence the destiny of their country. The second is inspired by the attributes of a modern society in which the citizen is self-responsible, plays an active role and continuously interacts with the decision-making bodies appointed through his/her vote.
- *A still-limited level of government decentralisation.* For a number of reasons, essentially political, the central government continues to hold a number of competencies and responsibilities that should belong to local governments. As a consequence, local government institutions lack the incentive to recover taxes and to ensure a proper level and quality of services.
- A number of projects financed by the government and foreign organisations, designed to involve local actors and stakeholders of the civil society in governance, appear to have achieved limited concrete output. One example is the anti-corruption project implemented by MSI and funded by USAID. The latter had anticipated the development of a strong public-private partnership in order to reduce corruption in Albania and increase transparency and accountability within both governmental and non-governmental activities. Two years after its implementation, few changes are notable in the direction of

public perceptions and the real extent of corruption. It seems premature to talk about partnerships between public and private sectors.

C. Developing proposals for future co-operation on concrete actions between government and NGOs in the field

Given the current stage of, and challenges facing, the fledgling co-operation between the government and the NGO community, a number of steps must be taken aimed at facilitating this co-operation:

- *Continued support towards the establishment and institutional strengthening* of those groups of NGOs who: i) are dealing with issues that have not been addressed yet, ii) are facilitating public information, education and awareness, iii) are facilitating the improvement of public services, and iv) are dealing with the specific issues of those marginalised and vulnerable social groups or strata, etc.
- *Shifting from foreign to domestic technical assistance.* In doing so, it might be possible to: i) preserve and further consolidate domestic intellectual capacities, ii) facilitate the entry and exit from politics of young intellectuals, and iii) encourage the return of youth who are receiving modern education in western universities, etc.
- *Promotion of projects that stimulate public trust in the state* and establish alternative meanings of legal power and citizen-state relationships.
- *Involvement of NGOs in the provision of some public services* might release the state from those services and at the same time expand the influence of NGOs in the daily life of various communities.
- *Building on the historical inheritance of the Balkan countries* it is important to promote co-operation not only between the respective governments but also between those NGOs that have similar fields of action or long-term objectives. This will help both to accelerate collaboration between NGOs and to create a regional and sustainable dimension to the projects that these NGOs undertake.

D. Paving “the road ahead” in strengthening government-citizen relations at the regional and national levels

At the national level, co-operation between government and NGOs could be increased by shifting the activities of NGOs from central parts of the country towards the surrounding areas where civil society has not yet operated significantly. Greater attention must be paid to increasing transparency within international donors and the financial community, always i) aiming to increase competitiveness and enable horizontal networking between local actors, and ii) avoiding shortcuts, conflicts of interests and corrupt practices in bidding and the allocation of funds. For those problematic countries of the western Balkans, strengthening civil society will lead to sustainability within the region. With this goal in mind, civil society must exercise much more pressure on their respective governments, demanding that they implement those programmes and projects that will stimulate application of the most recent practices in public governance.

At the regional level, the review and enrichment of national constitutions could be one of the most important instruments for guiding relationships between governments and citizens. This is crucial for: i) issues dealing with the support and respect for private property, ii) the right to become involved in any entrepreneurial initiatives, iii) arrangements for the free movement of capital, and iv) establishing government stability mechanisms.²

It is clear that to rapidly normalise the Balkan region, the only acceptable means are those constitutional rules that are clearly defined and that provide the basis for sustainability.

Conclusions

Information-sharing and consultation processes between governments and civil society are threatened by many obstacles, mainly related to insufficient pressure exercised by civil society organisations on government structures. Civil society is relatively weak in exercising pressure due to the fact that mass media channels – to a certain extent – are either infiltrated by business groupings or by individuals with assets of dubious origin. Civil society hardly gets access to information or consultation within government institutions. Building open governments able to easily and freely diffuse public information to those interested and to invite for consultation any well-known civil society actor involves a process and institutional reform rather than a simple activity.

². Stanchev, K. and P. Mandova, “Balkan Constitution Making – Is There a Peculiarity and What is to be Expected?”, Institute for Market Economics, Sofia (Bulgaria), February 2002.

Building open government decision making will require a properly established legal and institutional framework, and the availability to both civil society and government officials of updated educational and knowledge bases. In this respect it is imperative to properly examine the role, tools and institutions that safeguard the right of civil society to have free access to information based on solid legal provisions.

Although government officials are appointed to exercise their power in the public interest, many of their decisions are taken *a priori* and not based on the outcomes of an open discussion with those affected. Both individuals and civil society organisations are beginning to play a more active role in policy making. To be effective, they must be provided with the proper practical measures and tools for open consultations and participation.

Effective partnership between governments and civil society organisations could be established not only via strict procedures and well-defined legal frameworks, but also through mutual confidence and trust. Although many of the Central and Eastern European countries do have a proper legal basis for information, consultation and public participation in government decision-making, serious problems exist with their implementation. This is why building confidence, reliance, trust and accountability between partners is crucial.

EMBRACING CIVIL SOCIETY AND STATE INSTITUTIONS IN PARTNERSHIP CO-OPERATION

by

Birgit Lindsnæs
Deputy Director General,
Danish Centre for Human Rights

Abstract

The chapter presents the method developed by the Danish Centre for Human Rights (DCHR) to address implementation of human rights issues. Through a holistic method, DCHR attempts to build partnerships with both civil society organisations and state institutions, sometimes in combination. The approach is built on the assumption that a stable democracy is best secured by the simultaneous presence of a vibrant, consolidated civil society and transparent and well-functioning state institutions. The dialogue and interaction between the two sectors continue in an ongoing process. Both the monitoring and advocacy activities by the civil society as well as the dialogue and co-operation with the state are complementary in creating and sustaining state observance and respect of human rights obligations. The dialogue between civil society and the state, including reform initiatives, in itself constitutes a stabilising measure.

Methodology adopted by the Danish Centre for Human Rights (DCHR)

In order to enter into a constructive dialogue or co-operation with the state, the civil society organisations must be well consolidated with a proven capacity in the field of human rights but also in the methods applied in promoting human rights in the given form of co-operation.

The methodology applied by DCHR will be described in the context of the DCHR strategy and by way of examples. Emphasis is put on the DCHR civil society programme area.

Human Rights and Societal Development is the key to the four competence areas of the overall strategy of the Danish Centre for Human Rights (DCHR) as it lays out the long-term vision of DCHR partnership programmes, with the aim:

To promote human rights as an integrated part of the international development co-operation, including an intensified effort in the areas of civil and political rights as well as social, economic and cultural rights, and in good governance.

This vision sets the overall directions for the other four DCHR competence areas in partnership programmes: *Reform of Law and State Institutions, Access to Justice, Civil Society* and *University and Research Centres*. The following sets forth more precisely the specific and more reachable goals, target groups and working methodologies of our work in the civil society programme area:

On behalf of broad segments of individuals, vulnerable or discriminated groups and others, the independent civil society organisations are engaged in and promoting the establishment and continuation of a democratic society based on rule of law and the observance of human rights.

Through partnerships, the aim is to enhance civil society organisations within the fields of advocacy, monitoring and implementation of human rights. Monitoring includes analytical activities, documentation, data collection, human rights surveys and assessments, development of indicators and evaluation techniques. Promotion and implementation of human rights imply awareness raising, education, training of specific target groups, drafting of training materials, dissemination of information and establishment of dialogue with state agencies. Advocacy activities include preparing strategies to promote certain rights or concerns. This includes PR, lobbying, networking and mobilising interest groups.

While this programme area focuses on co-operation with civil society organisations, the overall DCHR method attempts to build partnerships with those organisations and state institutions, or a combination of both. The approach is based on the assumption that a stable democracy is best secured by the simultaneous presence of a vibrant civil society and transparent, well-functioning state institutions. Monitoring, advocacy and co-operation activities by NGOs with the state are important in creating and sustaining state

observance and respect for human rights. The independent and watchful position of civil society is perceived as a stabilising factor. Promoting the rights of individuals and groups in vulnerable situations is a built-in measure for preventing conflicts and preserving peace. In countries in transition towards democracy, the presence of independent structures is vital not only to assist the process of establishing legislation, institutions etc., but also to safeguard against regression of the state towards non-democratic practises.

Partnership

Partnerships are characterised by common interests, involvement (participation), trust, openness and effective and timely communication, as well as recognition and respect when there are differences in terms of values, resources and capacity.

DCHR attempts to establish equal partnerships with counterpart organisations in partner countries, based on realistic agreements and collaborative activities for a shared vision, common agreed objectives and reciprocal obligations, mutually recognising respective strengths and weaknesses.

The target group of DCHR is the partner organisations, which are the main implementing agents of the programmes for *their* target groups (women, children, prisoners, local communities, etc.). They can receive DCHR's support for organisational capacity building, as well as in other areas such as education methods, human rights issues and documentation, project planning and management, etc.

The overall DCHR partnership method most often employs formalised co-operation with human rights organisations, and also when addressing state or independent institutions such as the judiciary, the police and ministries. In this programme area, non-governmental organisations are key actors when entering into co-operation with public authorities, governments and intergovernmental bodies.

Civil society and human rights

The definition applied to civil society reflects the type of organisations targeted in the DCHR partnership co-operation (McKinstry Micou and Lindsnæs, 1992) is as follows:

Civil society is defined as non-profit and non-governmental organisations, organised by groups of people in the sphere of civil

society, working for a cause for the benefit of society, that very often contribute as well to the development of democracy. There are, however, grey areas in this definition, organisational forms such as political parties and liberation movements that, on the one hand, spring from civil society and, on the other, may end by assuming government responsibility.

The majority of DCHR engagements are in the poorest countries. Some are characterised as emerging democracies leaving behind a past as totalitarian regimes while others have had patterns of violations and suppressions. Very often a common feature in such societies is the lack or pronounced weakness of independent and critical civil society organisations. This is particularly true for the human rights organisations. The civil society organisations are monitoring and documenting the human rights records of these states as well as advocating, implementing and co-operating with their governments to promote human rights. In order to stabilise the democratic process and prevent conflicts or regression tendencies, the presence of independent civil society organisations is crucial.

DCHR has long been co-operating with human rights NGOs in Southern and Western Africa, the Great Lakes, Central Europe and the Baltic countries, and Southeast Asia, and has lent support to regional NGO network co-operation in the Balkans and Southeast Asia. The programme area includes both projects and short-term consultancy assignments.

A. Human rights based approach

The programme area has an open human rights focus, since the particular human rights concerns and needs in the partner countries vary. DCHR does not apply a uniform approach but attempts to design project activities to meet key human rights challenges in each national setting after extensive consultations with partners and stakeholders. However, a pattern has emerged over time indicating that co-operation with civil society organisations is to a large extent grouped in three human rights categories:

- Human rights empowerment of civil society organisations, resulting in increased human rights respect in general.
- Enhancement of the human rights of individuals or groups in vulnerable situations.
- Consolidation of the democratisation processes safeguarded by the presence of independent civil society organisations.

Projects focusing on human rights empowerment of civil society in particular and society in general are typically grouped in freedoms of expression, association and assembly, as well as other civil and political rights and freedoms such as those guarding against violations in relation to extra-judicial killings and disappearances, torture and political prisoners.

Projects also target groups in vulnerable situations, including persons subject to political rights violations, e.g. prisoners, detainees and dissidents. However, this focus area also extensively addresses groups subject to discrimination, such as women, children, indigenous groups and ethnic or religious minorities.

Thirdly, the category of rights relating to the democratisation processes will typically comprise initiatives concerning participation in the political process. This can include the civic education and training of professional groups, and advocacy and co-operation with government and state institutions.

A major difference between NGOs working in development/health and human rights is in the choice of approach and method. While development and health NGOs typically are mandated to deliver services in areas of education, health, the economy and the environment, the point of departure of the human rights NGOs will be the *international human rights standards* and the human rights protection ensured by the domestic legislation. When DCHR engages in project co-operation with human rights NGOs, attention is placed exclusively on the rights in question.

An example of a human rights approach on HIV/AIDS:

1. Legislation: Is there proper protection of HIV/AIDS-infected persons in the domestic legislation? If not, there will be an attempt to remedy the situation by advocating for law reform. Documentation of the problem and broadly based networking can precede advocacy activities. At best the advocacy may lead to co-operation with government agencies concerning the content of a draft law.
2. Professional training: An in-service training programme is created to alert health workers to the rights of the HIV/AIDS patients and the obligations of the government.
3. Civic education: Information materials and training seminars will be prepared for local communities affected by HIV/AIDS. The training will target the local citizens with the purpose of creating a broad

awareness of their health and the rights of those who are infected with HIV/AIDS, as well as the duties and obligations of the government.

While traditional health NGOs in this example would be confined to services and treatment of HIV/AIDS patients, there is now a tendency of health and human rights NGOs to engage in co-operation.

B. Human rights NGOs and capacity building

Since 1991, DCHR has focused on capacity building of partner organisations in terms of human rights expertise, strengthening of methodologies, and organisational skills. The following initiatives are often included in project co-operation:

- Monitoring and reporting on thematic issues such as refugees (the Balkans and Botswana), minorities (Estonia), women's rights (the Balkans), general human rights issues or vulnerable or excluded groups (all partners), the death penalty (China, Malawi) and anti-corruption initiatives (Uganda, Lesotho).
- Documentation and library facilities, and information activities (all partners).
- Developing teaching materials and curriculum on human rights standards for professional groups such as school teachers (Mozambique, Nepal, Vietnam) and the police (Uganda, Mozambique, Malawi, Bangladesh, five countries in the Balkans).
- Training (including testing) for professional groups such as school teachers, the police and the judiciary (the Baltic states, the Balkans, China), and women groups (China, Malawi).
- Lobbying and advocacy activities (all partners).
- Strengthening institutional capacity through training and coaching in fields such as management, strategic planning, administration, accounting procedures and log-frame methods for project management. Development of activity indicators and evaluation methodologies (all partners).

Partner expertise in project-related human rights areas is raised in a number of different ways. Participation in DCHR biannual human rights courses and seminars on themes such as discrimination, national human rights

organisations, ombudsman institutions, children's rights, policing, etc. are frequently offered. They are supplemented by democracy study trips to Denmark specially designed for partners and stakeholders to explore human rights issues such as fair trial, administration of law and ombudsman institutions, police training and discrimination. Academic staff from partner NGOs are able to join the DCHR Research Partnership Programme, which includes a 6- to 12-month stay in the DCHR Research Department, conducting a research programme.

C. Documentation and monitoring

Human rights NGOs, being the watchful eye of government, have a solid understanding of how NGO work is conducted. While many NGO partners start as monitors and critics of the human rights violations, many tend to move into other areas and activities over time. However, continued documentation and monitoring remain the basis for those activities.

In co-operation, attention and resources are often offered to ensure the quality and expansion of the level of human rights knowledge as well as methods and tools to monitor specific areas by the partner organisation. A project component may typically target the documentation and library unit in the NGO by expanding the collection of books and publications. Additional training will be offered in Human Rights Information and Documentation Systems (HURIDOCS) formats for the recording and exchange of information on documents, organisations, and human rights violations as well as database systems corresponding with the formats. Training is also offered in filing and registrations in NGO libraries or databases.

NGO partners may conduct studies, analyses and reporting as well as drafting of teaching materials, information materials, conference papers, etc. in connection with the human rights to be addressed in a project. Shadow reporting by NGOs about the international human rights conventions is another way of monitoring. External short-term experts may be coaching the process with the purpose of raising the expertise of the NGO.

Box 1 – Malawi: DCHR documentation and information projects

In Malawi, DCHR has helped establish a human rights resource centre aiming at strengthening the group of human rights NGOs. As a part of the project, the resource centre has library facilities, as well as access to the Internet and email for visiting NGOs. Another component of the project is to conduct small-scale studies. Staff at the resource centre and NGOs are assisted in this by an external consultant. Several officers at the resource centre are co-ordinating expert teams that are drafting teaching materials on children's rights and human rights training for the police. The Malawian librarian has attended documentation training at DCHR and a DCHR librarian has made several counselling visits to the resource centre.

D. Human rights training

Promotion of human rights is based on a broad knowledge and recognition of human rights standards, both among those protected and the states responsible. DCHR project activities tend to include human rights training targeting both groups. The training is conducted either as popular civic education or as training of professional groups such as schoolteachers, judges, lawyers, prison personnel or police.

Box 2 – China: an example of DCHR training activities

Recent project co-operation in China has developed with semi-independent women's organisations. One of these addresses violence against Chinese women by preparing a manual for the legal aid staff counselling the victims. Apart from drafting the manual, the project co-operation also includes assistance in designing training programmes for the legal staff. External experts in gender issues and education coach and offer feedback to the local experts writing the manual.

Box 3 – Training manuals for police officers

DCHR is engaged in co-operation activities with human rights NGOs with the purpose of producing training manuals in human rights for police officers in countries such as Uganda, Mozambique, Malawi, Bangladesh and five countries in the Balkans. The assistance includes preparation of training materials, curriculum development and training testing. If police schools or academies exist, these institutions as well as the concerned ministry are close collaborators in the co-operation.

E. Strategic planning

The focus of NGO project partners is influenced by factors such as the most urgent human rights concerns, the available funds, the priorities of interested donors and the expertise or resources in the organisation. The partners go through an extensive process of creating an overall strategic plan setting the goals, programme areas, plan of actions and budgeting of the NGO. External consultants will guide the process, one involving the entire staff of the organisation.

Box 4 – Estonia: Strengthening capacity of a human rights centre

A DCHR-supported human rights centre was established in Estonia in the early 90s. Later on an external strategic planning consultant coached the Centre through a process of drafting a strategic plan. This resulted in, inter alia, a clear and transparent vision of the Centre raising the public confidence in its work, and furthermore enabled the Centre to broaden its funding base since other donors had gained trust in the Centre.

In general, strategic planning exercises force the NGO partners to define and focus their goals, methods and activities, and thus become more result-oriented.

F. NGO networks

The DCHR strategy also encourages co-operation between human rights NGOs. The joining of forces holds several advantages. It is one way of recognising and prioritising an action-oriented strategy, with the purpose of drawing attention to important human rights claims. Networking and co-operation among NGOs break down isolation and put the effort of each NGO into the larger human rights perspective.

Networking among NGOs has a number of other advantages. Apart from the exchange of relevant information, joint activities and the prevention of overlapping, it will in many cases become a space for inspiration, an introduction to new perceptions, methods and approaches in human rights work, as well as create a common platform in terms of action, advocacy and fundraising.

Finally, civil society networks hold a strategic perspective in young or unstable democracies. When state structures are unstable, the monitoring, advocacy and assistance of the civil society and other independent forces become crucial in protecting human rights.

Box 5 – Establishing networks of human rights NGOs

Since 1998, DCHR has been involved in establishing and building up the Balkan Human Rights Network. This large network consists of about 45 human rights organisations in the Balkans. The main strategic interventions are the following: 1) education in human rights for selected target groups of professionals such as the judiciary and the police, 2) capacity building of member organisations, 3) advocacy and information activities, 4) dialogue with state institutions and 5) training in human rights reporting. Furthermore, the network is engaged in crosscutting co-operation with other networks in the region, such as refugee and media networks. The network is co-ordinated from a secretariat in Sarajevo.

DCHR organises ongoing networking workshops in partner countries and Denmark in order to encourage interaction among partner organisations involved in similar tasks, such as drafting of manuals, NGO reporting on the UN human rights conventions and management/coaching techniques.

G. Advocacy and co-operation with state institutions

The Development Foundation in the US formulates the broadly based definition of advocacy we apply:

Advocacy means mobilising an organisation's members or individuals in the community to work with local, governmental and national leaders to create changes in programmes and policies.

The advocacy activities in project co-operation aim at effecting changes in the political process. When such an approach is chosen, the partner NGO and the project are set to challenge existing practices, ideas, etc. The broad spectrum of advocacy activities varies depending on the particular circumstances, issues, opportunities and constraints that appear within a concrete context. However, most often it consists of some or all of those elements:

- A defined issue and identified goals.
- A time frame.
- A political analysis.
- A mapping out of the context e.g. relevant legislation/institutions and attitudes
- Arguments to support the issue.
- A coalition with other groups, organisations, etc.

- Identified constraints (internal and external).
- An opposition to the issue (groups or arguments).
- Target groups.
- Lobbying tools.
- Legal mechanisms.
- Monitoring and evaluation of the advocacy process.

On the basis that it is the state that carries the responsibility to protect the human rights of people, the advocacy activities applied in the project co-operation often take one of two directions, or a combination of both.

One direction is to document and articulate criticisms while generating a broad awareness of human rights concerns. This can include media campaigns and mobilising or organising protest meetings or demonstrations.

Alternatively or subsequent to a phase of criticism and awareness raising activities, the advocacy activities can be non-confrontational with the purpose of entering into dialogue and co-operation with the government. Partner NGOs will typically create alliances with a wide group of independent actors and seek to co-operate with reform-minded groups within state institutions with the purpose of helping state bodies effect the desired changes.

Advocacy activities at times appear as short-term initiatives, such as partners organising a national conference to sensitise the public to crucial draft laws relating to the media, criminal procedure and the like. Alternatively they can be part of a comprehensive strategy, e.g. abolition of death penalty where partners join networks and over a long period engage in monitoring, campaigning, public collection of signatures, media and public awareness activities and the lobbying of prominent judges, lawyers and MPs. Most often advocacy activities in this programme area are integrated in training and awareness raising project initiatives.

Box 6 – Albania: promoting human rights

In Albania an independent human rights centre and DCHR have engaged in project co-operation involving the national police and the police academy. While the project objective is to combat human rights violations carried out by the police and thereby contribute to establishing rule of law, the project is composed of a number of elements: having a local group of experts prepare a police training manual, creating in-service training in human rights especially for police officers nation-wide, collecting and distributing mini-libraries of police laws, documents, etc. for police stations, and conducting roundtable conferences on crucial laws on security and police.

The project in Albania is a typical example of integrating advocacy activities and co-operating with a state institution in order to address a serious human rights concern.

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ABOUT THE AUTHORS

Abstract

This section provides brief biographical information about and contact details of the contributors to this publication.

ABOUT THE AUTHORS

Author	Biographical note
<p>Vesna ATANASOVA</p> <p>Contact details: Macedonia Local Government Project USAID / DAI Ul. Blagoj Strackov br. 4 1000 Skopje FYROM</p> <p>Tel: +389 2 113 188 Fax: +389 2 290 122 E-mail: vesna_atanasova@dai.com</p>	<p>Ms. Vesna Atanasova works as a Citizen Participation Specialist within the Macedonia Local Government Project. She is directly responsible for implementation and monitoring of the Citizen Information Centers. Before joining LGRP, she worked as Marketing Assistant in Macedonian Business Resource Center/USAID.</p>
<p>Srdan BRAJOVIĆ</p> <p>Contact details: FAIP Pariske komune St.7/29 81 000 Podgorica Montenegro Federal Republic of Yugoslavia</p> <p>Tel./fax: +381 81244459/241235 E-mail: faip@cg.yu</p>	<p>Mr. Srdan Brajović, a lawyer, is the co-ordinator of the Free Access Information Program - Montenegro (FAIP – Montenegro). This registered non-governmental organisation is independent, non-profit and non-partisan. Established in August 2000 it aims to promote, implement and protect the fundamental right to freedom of information as one of the basic elements of democracy.</p>
<p>Joanne CADDY</p> <p>Contact details: OECD 2 rue André-Pascal F-75775 Paris Cedex 16 France</p> <p>Tel : +33 1 45248956 Fax: + 33 1 45248796 E-mail: joanne.caddy@oecd.org Website: www.oecd.org</p>	<p>Dr. Joanne Caddy is an Administrator in the OECD Directorate for Public Governance and Territorial Development where she provides support to the OECD Expert Group on Government Relations with Citizens and Civil Society. She was responsible for drafting the report on <i>Citizens as Partners: Information, Consultation and Public Participation in Policy-making</i> (OECD 2001) and the production of an accompanying handbook. Prior to this, she worked for SIGMA providing support to public administration reform in Central and Eastern Europe.</p>

<p>Sonia CAGRONOV</p> <p>Contact details: Agency for Public Administration Development Kralja Milana 36 11000 Belgrade Federal Republic of Yugoslavia Tel: +381 11 3345532 Fax: +381 11 3345671 E-mail: sonjac@apad.sr.gov.yu</p>	<p>Ms. Sonia Cagronov is the Director of the Agency for Public Administration Development of the Republic of Serbia. The Agency was established in 2001 to provide expertise and operational support to the implementation of the public management reform in Serbia. Her previous professional experience, acquired mainly in the private sector, encompasses human resources management, change management, public relations and market communications.</p>
<p>Jerzy CELICHOWSKI</p> <p>Contact details: Open Society Institute Október 6 utca 12 1051 Budapest Hungary Tel: +36 1 3273135 Fax: +36 1 3273042 E-mail: Celichow@osi.hu</p>	<p>Mr. Jerzy Celichowski is the Deputy Director of Open Society Institute (OSI) Information Program. Its mission is to promote the equitable deployment of knowledge and communications resources for civic empowerment and effective democratic governance. Before taking up this position he worked as a program manager at the Center for Publishing Development (OSI).</p>
<p>Milena ČERNÁ</p> <p>Contact details: Steadily Committee of Conference CSOs Providing Social Services (VDV-NOH) P. O. Box 240 111 21 Praha 1 Czech Republic Tel: +42 2 24217331 /24216883 Fax: +42 2 24217082 E-mail: vdv@telecom.cz</p>	<p>Ms. Milena Černá M. D. works for the Steadily Committee of Conference CSOs Providing Social Services (VDV-NOH). This foundation builds networks of CSOs providing innovative social and healthcare programmes, organises roundtables of CSOs and government representatives on social services reform, strengthens the capacity of CSOs for involvement in decision making processes and provides information on the use of EU structural funds.</p>

<p>Fedor ČERNE</p> <p>Contact details: Government Office for EU Affairs Subiceva 11 1000 Ljubljana Slovenia</p> <p>Tel: +386 (0)1 478 24 45 Fax: +386 (0)1 478 24 85 E-mail: fedor.cerne@gov.si</p>	<p>Dr. Fedor Černe is State Under-Secretary at the Government Office for European Affairs and a Member of the Negotiating Team for Accession of the Republic of Slovenia to the European Union. He is also the National Co-ordinator for co-operation with NGOs. His previous positions have included Assistant to the Minister for Environmental Protection.</p>
<p>Nevenka ČREŠNAR PERGAR</p> <p>Contact details: Prime Minister's Office Gregorciceva 20 1000 Ljubljana Slovenia</p> <p>Tel: +00 386 1 4781731 Fax: +00 386 1 4781721 E-mail: nena.pergar@gov.si</p>	<p>Ms. Nevenka Črešnar Pergar is Minister Counsellor to the Prime Minister of the Republic of Slovenia. She is responsible for co-ordinating state administration reform, the e-government project and chairs the government committee for administrative simplification. Her previous appointments included that of Secretary-General of the Government and Head of the legal and administrative affairs section at the Ministry of Economic Affairs.</p>
<p>Marc GRAMBERGER</p> <p>Contact details: Prospex bvba Arthur Diderichstr. 3A B-1060 Brussels</p> <p>Tel: +32 2 534 8902 Fax : +32 2 534 1984 E-mail: marc.gramberger@prospex.com Web site: www.prospex.com</p>	<p>Dr. Marc Gramberger is the Managing Director of Prospex bvba, a Brussels-based international consultancy. He is an expert in interactive processes and government-citizen relations with extensive international experience in the field. He was responsible for drafting the <i>Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-Making</i> (OECD, 2001).</p>

<p>Katju HOLKERI</p> <p>Contact details: Public Management Department Ministry of Finance P.O. Box 28 Government Finland</p> <p>Tel: +358 9 16033258 Fax : +358 9 16033235 E-mail : katju.holkeri@vm.fi</p>	<p>Ms. Katju Holkeri is Counsellor in the Public Management Department of the Ministry of Finance and currently the chair of the 'Hear the Citizens' project group, as well as co-chair of the www.otakantaa.fi project group. She is also a member of the OECD Expert Group on Government Relations with Citizens and Civil Society as well as a member of the Finnish Ministry of Education's working group on e-democracy.</p>
<p>Franz KAPS</p> <p>Contact details: The World Bank Office of The Vice President Europe and Central Asia Bajcsy-Zsilinszky ut 42-46 H-1054 Budapest Hungary</p> <p>Tel: +36 1 3749500 Fax : +36 1 3749510 E-mail : fkaps@worldbank.org</p>	<p>Mr. Franz Kaps is the Senior Partnership Advisor in the Office of the Vice President Europe and Central Asia of the World Bank. His responsibilities include the chairmanship of ECA's European Union (EU) enlargement team, in which capacity he also represents the World Bank in respective working groups with the European Commission and other IFIs and serves as ECA's main contact with EU member countries, parliaments, and foundations. He also chairs the ECA NGO steering committee.</p>
<p>Josip KREGAR</p> <p>Contact details: School of Law University of Zagreb Trg maršala Tita 3 HR 10000 Zagreb Croatia</p> <p>Tel: +385 1 4802422 / 4802444 Fax : +385 1 4802421 E-mail : josip.kregar@zg.tel.hr</p>	<p>Dr. Josip Kregar is Professor of Law at the University of Zagreb and President of Transparency International Croatia. With TI Croatia he has developed, in partnership with the government, a National Strategy to Fight Corruption, and has drafted legislation on conflicts of interest, public procurement, and the financing of political parties. He is President of the Board of Open Society Croatia and Member of the Parliamentary Commission to Supervise State Security Activities. In March 2000 he served as Commissioner for the city of Zagreb (in lieu of the mayor).</p>

<p>Steven LEE</p> <p>Contact details: Canadian Centre for Foreign Policy Development 125 Sussex Drive Ottawa, Ontario K1A OG2 Canada</p> <p>Tel: +1 613 9448278 Fax: +1 613 9440687 E-mail: steven.lee@dfait-maeci.gc.ca</p>	<p>Mr. Steven Lee is the Executive Director of the Canadian Centre for Foreign Policy Development at the Department of Foreign Affairs and International Trade. He is a former Adjunct Professor UNESCO Chair for Human Rights, and a former Research Associate at the Canadian Institute for International Peace and Security. Most recent publication "Real Borders in a Not So Borderless World" in <i>Canada Among Nations</i> (Oxford, 2000).</p>
<p>Anne-Marie LEROY</p> <p>Contact details: Conseil d'Etat 9 avenue Raymond Poincaré 75016 Paris France</p> <p>Tel: +33 1 40208000 E-mail: anne-marie.leroy@conseil-etat.fr</p>	<p>Ms. Anne-Marie Leroy is a member of the Council of State in France and served as Adviser to former Prime Minister Lionel Jospin on government reform and the civil service. Previous positions included that of Director of International Affairs and Co-operation at the Ministry of Education. She has accumulated significant international experience as Senior Public Sector Specialist for the Middle East and North Africa region at The World Bank as well as Division Head, Governance and Role of the State, in the Public Management Service of the OECD.</p>
<p>Birgit LINDSNÆS</p> <p>Contact details: The Danish Centre for Human Rights Wilders plads 8H 1403 Copenhagen K Denmark</p> <p>Tel: +45 32 698888 E-mail: dak@humanrights.dk</p>	<p>Ms. Birgit Lindsnæs is Deputy Director General of The Danish Centre for Human Rights and Director of the Department for Partnership Programmes. Her areas of specialisation include: preconditions for development of state and civil society; institutional and human rights capacity building. Her field experience includes Africa, Asia, Central and South East Europe and the Baltic states. She has written or co-edited several publications including: <i>Good Governance and Human Rights</i> (forthcoming).</p>

<p>Jirí MAREK</p> <p>Contact details: Ministry of the Interior U Obecního domu 3 Prague 1 112 20 Czech Republic</p> <p>Phone : +420 974 846347 Fax : +420 974 846356 E-mail : jmarek@csu.notes.cz</p>	<p>Mr. Jirí Marek is Director of the Department for Modernisation of Public Administration, in the Ministry of the Interior of the Czech Republic. The Department is, <i>inter alia</i>, responsible for modernisation of public administration including the opening up of government to public participation. Mr. Marek also represents the Czech Republic on the Public Management Committee of the OECD.</p>
<p>Marcos MENDIBURU</p> <p>Contact details: World Bank Institute 1818 H Street, N.W. Washington DC 20433 USA</p> <p>Tel: + 1 202 4733696 Fax: + 1 202 6760977 E-mail: mmendiburu@worldbank.org Web site: www.worldbank.org/wbi/communityempowerment</p>	<p>Mr. Marcos Mendiburu is a Learning Analyst at the World Bank Institute. He is a member of the Community Empowerment and Social Inclusion Program, and his main areas of work are community empowerment in Central Asia and civic engagement and governance in South Eastern Europe. Before joining the World Bank, he worked at FLACSO/Argentina, UNIDIR and the US Department of Education.</p>
<p>Giovanni MORO</p> <p>Contact details: Active Citizenship Network Via Flaminia 53 I-00196 Rome Italy</p> <p>Tel : +39 06 367181 Fax : +39 06 36718333 E-mail : g.moro@activecitizenship.net Website: www.activecitizenship.net</p>	<p>Mr. Giovanni Moro is the Director of the Active Citizenship Network - a new project managed by Cittadinanzattiva, an Italian non-profit organisation engaged in improving civic participation in public policies for the protection of citizens' rights. The project aims to support the construction of European citizenship as "active citizenship", by strengthening networking activities, increasing know-how and opportunities, and participating effectively in the European policy-making.</p>

<p>Zef PREÇI</p> <p>Contact details: ACER I.Qemali Street, Building 34/1, 5th Floor, Apartment 4, P.O. Box 2934 Tirana Albania</p> <p>Tel/fax: +355 4 225 021/22 069 E-mail: zpreci@interalb.net Web site: www.acer.org.al</p>	<p>Dr. Zef Preçi is the head of the Albanian Centre for Economic Research (ACER) and one of its founder-members. ACER is Albania's first independent, non-governmental organization dedicated to the values of democracy and market economy. He is also engaged in developing a network of think tanks in the region. He is an economist and a recognised expert on the issues of anti-corruption and competitiveness in Balkan transitional economies. In early 2000, he served for a brief time as the Minister of Public Economy and Privatisation.</p>
<p>Liliana PROSKURYAKOVA</p> <p>Contact details: St.Petersburg Center for Humanities and Political Studies "Strategy" 7th Krasnoarmejskaya ul., 25/14, office 417, St.Petersburg, 198005, Russian Federation</p> <p>Tel./Fax +7 812 1126612/ 3164822 E-mail: L.Proskouriakova@yahoo.com and Liliana@strateg.spb.su Web site: http://strategy-spb.ru and www.transparentbudget.ru</p>	<p>Ms. Liliana N. Proskuryakova is Co-ordinator of the International Unit of the St.Petersburg Center for Humanities and Political Studies "Strategy". She has been a member of the Secretariat, and a representative, of the NGO Assembly to the World Bank for the Europe and Central Asia Region (ECA) which seeks to catalyse NGO efforts to influence and monitor World Bank operations in the ECA Region and facilitate communication between interested parties. She has been working in the international European NGO movement since 1997. Her research fields are European security issues and public participation in globalisation.</p>
<p>Klaus-Henning ROSEN</p> <p>Contact details: Federal Ministry of the Interior Alt-Moabit 101 D Berlin Germany</p> <p>Tel: +49 1888 6812170 Fax: +49 1888 6811649 E-mail : KlausHenning.Rosen@bmi.bund.de</p>	<p>Mr. Klaus-Henning Rosen is Director General at the Federal Ministry of the Interior in Germany for Organisation of the Administration, Local Government Affairs, Protocol, Civil Defence, and Statistics. Previous appointments in the German Federal Chancellery, included that of Advisor to the former Chancellor Willy Brandt. Prior to this he served as a judge, prosecutor, and advisor in Ministries in the State of Baden- Wuerttemberg. He is the Vice Chair of the Public Management Committee of the OECD.</p>

<p>Margit SÄRE</p> <p>Contact details: Peipsi Center for Transboundary Cooperation Veksi 69 50409 Tartu Estonia</p> <p>Tel: + 372 7 421001 Fax: + 372 7 421162 E-mail: margir@ctc.ee</p>	<p>Ms. Margit Säre is a Managing Director of the Peipsi Center for Transboundary Cooperation - an international, non-governmental organisation promoting sustainable development and cross-border co-operation in the Estonian-Russian border area, i.e. the Lake Peipsi international water basin. She is an elected council member of the Network of Estonian NGOs and Foundations and an Advisory Group member of both the Tartu Agenda 21 Working Group and the East-West Institute's Russian programme.</p>
<p>Keelin SHANLEY</p> <p>Contact details: 23 Church Avenue South Dublin 8 Ireland</p> <p>E-mail: keelin_shanley@hotmail.com</p>	<p>Ms. Keelin Shanley is an independent television journalist with extensive experience at the Irish National Public Service Broadcasting Organisation (Radio Telefís Éireann). She received a national Award for Science & Technology Journalism in 1999.</p>
<p>Primož ŠPORAR</p> <p>Contact details: Legal and Information Center for Non Governmental Organisations Novo Polje c. I/23 1260 Ljubljana-Polje Slovenia</p> <p>Tel: + 386 1 4323358 Fax: + 386 1 4343181 E-mail: primoz.sporar@pic.si Website: www.pic.si</p>	<p>Mr. Primož Šporar is the Director of the Legal and Information Center for Non Governmental Organisations in Slovenia. The Center aims to enlarge access to legal advice, strengthen the autonomy of civil society on legal issues and achieve greater influence of NGOs on legal regulations concerning both their status and their fields of activity. He is also Member and President of the Board of the Center of NGOs Slovenia (CNVOS) as well as a Member of the Government intersectoral group for Human Rights and the National Committee on Human Rights Education.</p>

<p>Hans SUNDSTRÖM</p> <p>Contact details: The Swedish Agency for Public Management Box 2280 SE-103 17 Stockholm</p> <p>Tel: +46 8 4544630 Fax: +46 8 791 8972 E-mail: hans.sundstrom@statskontoret.se</p>	<p>Mr. Hans Sundström is Chief Legal Adviser of the Swedish Agency for Public Management. He served as Secretary in the Open Sweden Campaign (2000-2002) run by the Ministry of Justice in order to improve knowledge of the Right to Access to Official Documents among civil servants and the public. He is currently Secretary for a Ministry of Justice Working Group on removing legal obstacles to electronic communication and electronic processing.</p>
<p>Christian VERGEZ</p> <p>Contact details: OECD 2 rue André-Pascal F-75775 Paris Cedex 16 France</p> <p>Tel : +33 1 45249044 Fax: + 33 1 45248796 E-mail: christian.vergez@oecd.org Website: www.oecd.org</p>	<p>Mr. Christian Vergez is Principal Administrator in the OECD Directorate for Public Governance and Territorial Development. He provides support to the OECD Expert Group on Government Relations with Citizens and Civil Society, a group he helped to launch in 1999. He is also responsible for the network and annual meeting of Senior Officials from Centres of Government in OECD Member countries. His previous appointments include positions within the General Secretariat of the Government and the Ministry of Foreign Affairs of France.</p>

OECD PUBLICATIONS, 2, rue André-Pascal, 75775 PARIS CEDEX 16
PRINTED IN FRANCE
(42 2003 01 1 P) ISBN 92-64-09983-2 – No. 52883 2003