

**MODELS FOR COOPERATION AND
PARTICIPATION ON A LOCAL LEVEL:
A COMPARATIVE OVERVIEW**

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FOREWORD

The publication "Models of cooperation and participation on a local level: a Comparative Overview" presents an overview of the legal framework and practices of cooperation of local authorities with civil society organizations in five European countries.

The intention of the Macedonian Center for International cooperation (MCIC) is to provide all stakeholders, such as civil society organizations and citizens in general, local government and all institutions at local and national level, with better understanding of the civic participation in the policy making and mechanisms for cooperation between the local government and civil society organizations.

This overview will contribute towards establishment of the mechanisms for cooperation in the municipalities in the country, through the exposed experiences of the European Union countries (England and Hungary) and the countries of the region (Bosnia and Herzegovina, Croatia and Serbia).

The analysis is developed by Eszter Hartay and Katerina Hadzi-Miceva Evans, experts from the European Centre for Not-for-Profit Law (ECNL) from Budapest.

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Aleksandar Krzalovski

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1. INTRODUCTION

The right of citizens to participate in the conduct of public affairs is one of the basic democratic principles and can be most directly exercised at a local level where local governments are able to work more closely with citizens and their organizations, tackling problems which directly affect their lives.

By considering citizens' opinions and needs and involving them in the work of the local government, local authorities can attract support for proposed policies. Through cooperating with citizens and their organizations in deliveries of programs and services, local governments can gain resources, knowledge and commitment in the implementation of the activities which are of direct concern to the community. This can result in mutual trust, feeling of ownership and wider legitimacy for their decisions.

The aim of the paper is to introduce the existing models that promote cooperation and inclusion, and highlight how they can contribute to a better cross-sectoral partnership and an effective collaboration and involvement of citizens and civil society organizations (CSOs) in the local decision-making processes and activities of local governments.

Initially, the paper provides an overview of the main European documents on CSO-local government cooperation as a compass for national legislations. Secondly, the paper reviews the current state of cooperation in five countries – two European Union (EU) countries and three countries in the Balkans. As examples of the two EU countries, the research presents the situation in England and Hungary.

England, as an old democracy, is a champion of good practices and cooperation between the government and CSOs. Namely, England's example shows remarkable realization of true partnership between the local government and CSOs –its mechanisms have seen successful implementation as a result of commitment and dedication of all parties. Hungary, a relatively new member of the EU has a similar system to the Macedonian one. It is a perfect example for an in-between status where a lot of democratic tools were adopted in the past 20 years but there is still lot to do to implement them in practice and change the mindset. . The three countries in the Balkans are Croatia, Bosnia and Herzegovina (with focus on the Federation of Bosnia and Herzegovina) and Serbia. Of those, Croatia and the Federation of Bosnia and Herzegovina show proliferation of efforts to create models for cooperation and multiply them across the country. Serbia has begun a tendency to develop more mechanisms for cooperation; however, they are not on the same level as the other two countries. Although these countries may face issues with implementation of the models, some of the examples are worth reviewing and considering for adoption in other contexts and countries.

In the course of the research the authors relied mainly on desktop research and materials available in English and local languages. Where possible, interviews were conducted with officials leading the models or experts working in the countries. The authors also relied on the existing studies, comparative analyses, guidelines, models, toolkits and cases studies to decide on the models that should be presented in this paper. It should be noted that there is very little information on the models and their implementation in practice available on the internet and the various research documents already produced on this topic. Therefore the implementation aspect has not been fully explored for all models.

The analysis makes an effort to introduce such models which may be successfully adopted in the practice of the local governments. To ensure effective cooperation, there is a need to undertake steps on both a national and local level. However, the examples of the countries show that while the national legislation should substantiate the rules and provide guidance to local governments, the autonomy of the local authorities and their ability to enter into creative and innovative partnerships with the local communities must be respected above all.

2. INTERNATIONAL DOCUMENTS ON LOCAL COOPERATION¹

2.1. EUROPEAN UNION

The participatory approach of making policies and laws on the EU level and its member states is enshrined in the **Lisbon Treaty**². Specifically, Article 10 prescribes that: “Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.” This also reflects obligations of local governments to work toward participatory democracy in light of EU endeavors.

In 2009, the European Parliament adopted a resolution on the perspectives of **Developing Civil Dialogue under the Treaty of Lisbon**.³ The resolution is important in that it reinforces the significance of consultation and calls on EU institutions to adopt binding guidelines concerning the appointment of civil society representatives, methods for organizing consultations and their funding, and calls on them to maintain registers of active CSOs. Further, the resolution calls on EU institutions and Member States to make full use of legal provisions and best practices to “step up dialogue with citizens and CSOs”, and especially in those regions and sectors where it is not fully developed. The resolution also acknowledges that dialogue with citizens at all levels requires certain financial resources, and therefore calls on the stakeholders and responsible bodies to ensure that such dialogue is adequately funded.⁴

Even before the Lisbon Treaty was adopted the European Commission developed the **White Paper on European Governance**⁵ in 2001 which, among others, aimed to reinforce the culture of consultation and dialogue on the EU level and thus increase the legitimacy of the decisions. The paper highlights five principles of ‘good governance’: openness, participation, accountability, effectiveness and coherence, which not only “underpin democracy and the rule of law in the Member States, but they apply to all levels of government – global, European, national, regional and local.”

2.2. COUNCIL OF EUROPE

The Council of Europe has developed numerous documents and recommendations with the purpose of enhancing the citizens’ empowerment and participation in the democratic process at local, regional and national levels.

The first internationally binding treaty that guarantees the rights of communities and their elected authorities and establishes the principle of subsidiarity is the **European Charter of Local Self-Government** which was drawn up within the Council of Europe and entered into force on the 1st of September 1988 (hereinafter: “*European Charter*”). By signing the European Charter the states undertook to respect a core of basic principles, *inter alia*, the right of citizens to participate in managing public affairs.

Section 3. under Article 4 articulates the principle of subsidiarity as follows: “Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.”⁶

¹ The following section was developed with the support of Hanna Asipovich, ECNL

² Consolidated Version of the Treaty on European Union, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:EN:PDF>

³ P6_TA(2009)0007, 13 January 2009

⁴ For further information see: EurActiv.com, “MEPs Push for ‘Structured Dialogue’ with EU Citizens”, 14 January 2009, <http://www.euractiv.com/en/social/europe/meps-push-structured-dialogue-eu-citizens/article-178503>, accessed on September 14, 2010

⁵ COM(2001) 428

⁶ <http://conventions.coe.int/Treaty/EN/Treaties/Html/122.htm>

The possibility for participation of citizens is implied in the concept of the local government, which is explained with Article 3:

“1. Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

2. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.”

The meeting of European Ministers responsible for Local and Regional Democracy at their Conference in Valencia, 2007 drew up in the **“Valencia Declaration”** that emphasized the need for states to adopt measures to ensure ethical behavior by local authorities and transparency in public management and decision-making.⁷ The meeting gave an impetus for developing an Additional Protocol to the European Charter on Local Self-Government and endorsed the Strategy for innovation and good governance later adopted in 2008 by the Committee of Ministers of the Council of Europe.⁸

The Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority⁹ is the outcome of over two decades of the practical experience in terms of the Council of Europe’s intergovernmental work on participation at the local level. The Protocol was drawn by the European Committee for Local and Regional Democracy (CDLR) and opened for signature on November 2009. The Additional protocol aims to bring within the scope of the Charter the right of everyone to participate in the affairs of a local authority.¹⁰

Article 1 of the Protocol regulates that:

1. The States Parties shall secure to everyone within their jurisdiction the right to participate in the affairs of a local authority.

2. The right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority’s powers and responsibilities.

Importantly, Section 3 under Article 1 outlines the responsibility of the signatory to establish and maintain the legal framework that facilitates the right to participate in the affairs of a local authority.

Further, the Protocol provides that states should undertake measures to support participation. Those measures, as outlined in article 4(2) include:

“ i empowering local authorities to enable, promote and facilitate the exercise of the right to participate set out in this Protocol;

ii securing the establishment of:

a. procedures for involving people which may include consultative processes, local referendums and petitions and, where the local authority has many inhabitants and/or covers a large geographical area, measures to involve people at a level close to them;

b. procedures for access, in accordance with the Party’s constitutional order and international legal obligations, to official documents held by local authorities;

⁷ Council of Europe ministers promote good democratic governance at local level: www.eukn.org/E_library/Urban_Policy/Council_of_Europe_ministers_promote_good_democratic_governance_at_local_level

⁸ Strategy for innovation and good governance (2008): www.coe.int/t/dgap/localdemocracy/Strategy_Innovation/Strategy_Brochure_E.pdf

⁹ <http://conventions.coe.int/Treaty/EN/Treaties/Html/207.htm>

¹⁰ Read the commentary to the Protocol: <http://conventions.coe.int/Treaty/EN/Reports/Html/207.htm>

- c. measures for meeting the needs of categories of persons who face particular obstacles in participating; and
- d. mechanisms and procedures for dealing with and responding to complaints and suggestions regarding the functioning of local authorities and local public services;
- iii encouraging the use of information and communication technologies for the promotion and exercise of the right to participate set out in this Protocol.”

The protocol recognizes that the procedures, measures and mechanisms may be different for different categories of local authorities, considering the different sizes and competences. It also emphasizes the importance of consulting with local authorities when such mechanisms are developed on national level.

As an acknowledgement of the significance of the dialogue between citizens and locally elected representatives and the fact that the success of any local democratic participation policy depends on the commitment of the local authorities, the **Committee of the Ministers of the Council of Europe has adopted Recommendation 19** to member states on the participation of citizens in local public life in 2001 (hereinafter: “*Recommendation*”).¹¹

The Committee of Ministers recommends that the government of member states:

1. frame a policy, involving local and – where applicable – regional authorities, designed to promote citizens’ participation in local public life, drawing on the principles of the European Charter as well as on the principles contained in the Recommendation;
2. adopt the measures within their power, in particular with a view to improving the legal framework for participation and ensuring that national legislation and regulations enable local and regional authorities to employ a wide range of participation instruments;
3. invite, in an appropriate way, local and regional authorities:
 - to subscribe to the principles of the Recommendation and to undertake the effective implementation of the policy of promoting citizens’ participation in local public life;
 - to improve local regulations and practical arrangements concerning citizens’ participation in local public life, and to take any other measures within their power to promote citizens’ participation, with due regard for the measures listed in the Recommendation;
4. ensure that the Recommendation is translated into the official language or languages of their respective countries and, in ways they consider appropriate, is published and brought to the attention of local and regional authorities;

The Committee of Ministers highlights the following 13 basic principles of a local democratic participation policy:

- ✓ guarantee the right of citizens to have access to clear, comprehensive information;
- ✓ seek for new ways to enhance civic-mindedness;
- ✓ develop the awareness of belonging to a community;
- ✓ encourage local leaders to give emphasis to citizens’ participation;
- ✓ adopt a comprehensive approach to the issue of citizens’ participation;
- ✓ provide for a wide range of participation instruments;
 - start from an in-depth assessment of the situation and introduce a monitoring system;
 - enable the exchange of information and mutual learning about the effectiveness of the various participation methods;
- ✓ pay particular attention to those who remain on the sideline of local public life;
- ✓ recognize the importance of the fair representation of woman in local politics;
- ✓ emphasize the role of the children and young people;
- ✓ recognize and enhance the role played by associations and groups of citizens; and
- ✓ enlist the joint effort of the authorities at every territorial level.

¹¹ <https://wcd.coe.int/wcd/com.instranet.InstraServlet?command= com.instranet.CmdBlobGet&InstranetImage=871861&SecMode=1&DocId=1268766&Usage=2>

In the light of the above principles the Recommendation identifies specific steps and measures to encourage and reinforce citizens' participation in local public life.

The **2007 Recommendations of the Committee of Ministers to the Council of Europe member states on the legal status of CSOs** provides that *“Governmental and quasi-governmental mechanisms at all levels should ensure the effective participation of CSOs without discrimination in dialogue and consultation on public policy objectives and decisions. Such participation should ensure the free expression of the diversity of people's opinions as to the functioning of society. This participation and co-operation should be facilitated by ensuring appropriate disclosure or access to official information. CSOs should be consulted during the drafting of primary and secondary legislation which affects their status, financing or spheres of operation.”*¹²

The Strategy for Innovation and Good Governance at the Local Level was devised as a practical instrument to generate synergies between all stakeholders and ensure improvement of local governance. The Strategy is based on 12 principles, which compile a comprehensive definition of good quality democratic governance and can serve as a benchmark for local authority performance. The First Principle deals with fair conduct of elections, representation and participation. Among others, it states that *“All men and women can have a voice in decision-making, either directly or through legitimate intermediate bodies that represent their interests. Such broad participation is built on freedoms of expression, assembly and association.”*

The Strategy introduces a mechanism for implementation based on four pillars:

- ✓ Commitment of individual local authorities to improve their performance in terms of 12 principles;
- ✓ National programs of action;
- ✓ The Label for Good Democratic Governance¹³; and
- ✓ Stakeholder's Platform.

The Strategy was further supported by an implementation document **Towards Implementation**¹⁴ which unfolds the above pillars.

Although it does not have a mandatory character it is also worth to mention the **Code of Good Practice for Civil Participation in the Decision-making Process** which was adopted by the Conference of INGOs on the 1st of October 2009 (hereinafter: *“Code of Good Practice”*).¹⁵ The Code of Good Practice defines the set of general principles, guidelines, tools and mechanisms for civil participation in the political decision-making mechanism with the intention that it will be implemented at local, regional and national level.

2.3. OTHER DOCUMENTS

There are numerous other international conventions which highlight the importance of the access to information and the public participation in decision-making processes. The United Nations Economic Commission for Europe adopted a **Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters** on the 25th June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the ‘Environment for Europe’ process (hereinafter: *“Aarhus Convention”*).¹⁶ The Convention is not only an environmental agreement but it is also a Convention about government accountability, transparency and respon-

¹² Council of Europe, Recommendation CM/Rec (2007) 14 of the Committee of Ministers to member states on the Legal Status of Non-Governmental Organizations in Europe

¹³ European Label of Governance Excellence:

http://www.coe.int/t/dgap/localdemocracy/Strategy_Innovation/ELoGE_en.asp

¹⁴ Strategy for Innovation and Good Governance at the Local Level - Towards Implementation:

<https://wcd.coe.int/wcd/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1766578&SecMode=1&DocId=1696278&Usage=2>

¹⁵ You may find the text of the Code of Good Practice on the following website:

http://www.coe.int/t/ngo/Source/Code_English_final.pdf

¹⁶ You may find the text of the European Charter on the following website: <http://www.unece.org/env/pp/documents/cep43e.pdf>

siveness. The Aarhus Convention grants the public rights and imposes on Parties and public authorities obligations regarding access to information and public participation and access to justice.¹⁷ The Aarhus Convention does not differentiate between the governmental levels; the states are required to implement the regulations for public authorities at national, regional and local level as well.¹⁸

3. COUNTRY REPORTS

The following section provides an overview of the situation in the countries researched for the purposes of the paper. Each country is presented from the perspective of the legal framework for cooperation and participation and the most common models used to foster such partnership and involvement.

3.1. HUNGARY

3.1.1. General overview of the local governments in Hungary

The decentralization of power to local governments took place in the early 1990s. The Act on Local Governments was adopted in 1990¹⁹.

Local government exists at two levels: the municipality and the county. Municipalities are the basic units of the system and are organized by settlements including villages, cities, and cities with county rights. The middle-tier of local government consists of nineteen counties. Budapest as the capital city of Hungary has a special legal status.

There are no hierarchical relations between the municipalities and the counties. According to the Constitution²⁰, the fundamental rights of all local governments are equal. County local governments are not superior and do not have supervisory authority over the municipalities. The difference between these two lies in the administrative tasks delegated to each of them: counties provide public services that settlements are not capable of performing.²¹

3.1.2. Legal regulations

3.1.2.1. Regulations on a national level

The **Constitution** in force stipulates the requirement to cooperate with the concerned CSOs, however, it refers only to the government. Unfortunately, the recently adopted Constitution called “Basic Law” which will enter into force on the 1st of January 2012 does not even include such an obligation.

The recently adopted **Law on social participation in the preparation of the legal regulations**²² does also not apply for the local governments; it only regulates the rules of participation on a national level. According to the Law,

¹⁷ <http://www.unece.org/env/pp/welcome.html>

¹⁸ Additional resources: Local and regional democracy – CoE Website: http://www.coe.int/t/dgap/localdemocracy/default_en.asp,

CoE Toolkit of Local Government Capacity-Building Programs, Section on Community Participation:

http://www.coe.int/t/dgap/localdemocracy/Centre_Expertise/Tools/Toolkit1.pdf

OECD, Evaluating Public Participation in Policy Making (2005):

http://www.oecd.org/document/2/0,3746,en_2649_34135_40758338_1_1_1_1,00.html

¹⁹ Act no. LXV of 1990 on local governments

²⁰ Section 43 of Act XX of 1949

²¹ http://lgi.osi.hu/country_datasheet.php

²² Act CXXXI of 2010, entered into force on the 1st of January 2011

the reason for excluding the regulations for local governments from the scope of the Law is partly that the technical conditions of the general consultation are not available in all the villages. Above all, the reason is that the main element of the autonomy of the local government is the independent framing of the local regulations which should not be intervened in such a detailed way by national law. For this reason the municipal councils are able to determine the rules of the social participation in the preparation of the local government decrees based on their local circumstances and peculiarities.

Based on this Law and the reasoning explained here, the **Act on Local Governments**²³ will be amended as of July 1, 2011 to incorporate a provision that the local government will be able to regulate the rules of social participation in the preparation of the local regulations in the form of a decree. Specifically, according to the amendment, the Act on local governments (section 18) will include the following regulations concerning the civil participation: *“The municipal council shall determine the detailed rules of its operation in the decree on the organizational and operational regulations. The municipal council shall determine the order of such forums (village and city policy forums, city part consultation, village meeting etc.) which serve the direct information of the people, non-governmental organizations and their involvement in the preparation of the more relevant decisions. The municipal council shall be informed of their standpoint and the revealed minority opinions.”*

Furthermore, the **Act on Legislation**²⁴ adopted simultaneously with the Act on social participation does also not include regulations concerning the civil participation on a local level. Although it has a separate section (number 19) on the rules of consulting draft legal regulations, it only includes the following general stipulation: *“So far as an act expressly ensures the right for a state, local government or other organization to opine the draft of the legal regulations affecting its legal status or scope of activity, the preparator of the legal regulation shall look after that the affected body can exercise its right.”*

The right to accurate and prompt information of the public is enshrined in the **Law of Freedom of Electronic Information**.²⁵ The local governments are required to publish organizational and personnel data, and data concerning their activities, operation and management (the required data are listed in the annex of the Act) on their own website or - in absence of their own - on a central website.

In conclusion, the civil participation on a local level is poorly regulated by the national legislation.

3.1.2.2. Regulations on a local level

A good example for the regulation of the civil participation on a local level is the Budapest City Council's adoption of a separate **Decree on the Matters of the Relationship between the CSOs and the Municipality of Budapest and the Tender Procedure**.²⁶

The Decree ensures the right of CSOs to express their opinion and stipulates the rules for the participation in the decision-making process. Some of the specific forms for the cooperation indicated in the Decree are: i) civil organizations are invited to the meetings of the City Council; ii) CSOs can comment on those drafts which are affecting civilians and cover conceptual questions; iii) consultation bodies are set up on specific issues with the involvement of CSOs; iv) holding civil forums for the sake of information and consultation; v) setting up a professional advisory and conciliatory board.

One of the models which was introduced with an annex 1 of the Decree are the consultation boards, or so called **consultation boards or civil-workshops**, a model of cooperation and partnership which is slowly becoming adopted in other communities.

²³ Act LXV of 1990

²⁴ Act CXXX of 2010

²⁵ Act XC of 2005

²⁶ 61/2008. (XI.21.) Local government decree. You may find the Hungarian text on the following link: http://www.budapest.hu/engine.aspx?page=civil_deklaracio

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

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

- 1) *The Civil Consultation Council and the sectoral-professional civil workshops (hereinafter: civil bodies) are the institutional forums of the connection between the Municipality and self-organizing public sector in Budapest, on the basis of the democratic principles of citizen participation, partnership and publicity.*
- 2) *The civil bodies ensure an organized framework for participation in the public affairs for the communities and the citizens and the consideration of their opinion in the decisions of the Municipality of Budapest.*

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

- 3) *By the establishment of the civil body system the Mayor's Office issues an invitation to the self-organizing communities of Budapest and an application form in order to set up professional civil workshops engaged in elderly, disabled, drug, homeless, social, healthcare, environmental protection, city development, city operation, educational, cultural and sports issues.*
- 4) *The civil organizations submit their application within the provided timeframe, by indicating the professional workshop they want to participate in; furthermore, the exact person who will represent the organization on the basis of the decision of its board.*
- 5) *On the basis of the submitted applications the Mayor's Office conducts an accreditation procedure according to the following:*
 - *The applicant civil organization is registered by the court and has legal personality;*
 - *The legal form of the civil organization is an association (alliance) or foundation;*
 - *The civil organization is working primarily in Budapest for the sake of the interest of the metropolitan people;*
 - *Those civil organizations which were established to support the activity and the operation of the institutions of the local government may become members of the system only in case they provide service to the residents besides supporting the institutions.*
- 6) *The possibility to submit missing documents shall be ensured for the applicants in the course of the accreditation procedure. The application shall be rejected in case the applicant does not correct the deficiencies within the provided timeframe. This, however, does not exclude the possibility to apply again – by complying with the accreditation requirements- later on. The application to the workshops is continuous and open.*
- 7) *The given professional workshop may be established in the event that at least 5 organizations apply to participate in its work. The professional workshop shall cease in the event that the number of organizations de facto participating in its work falls under 5.*
- 8) *The first meeting of the professional workshop is summoned by the Mayor's Office. It informs the committee having professional jurisdiction in the given issues about the establishment of the workshop. The Mayor's Office publishes the list of those civil organizations which are entitled to participate in the professional workshop.*
- 9) *On its first meeting, the professional workshop creates its own operational rules in conformity with the regulations of the decree and elects the president from its members for one year.*
- 10) *The presidents of the professional workshops form the Civil Consultation Council. The first meeting of the Council is summoned by the Mayor's Office. On its first meeting the Council creates its own operational rules in conformity with the regulations of the Decree and elects the president from its members for one year. The co-president of the Council is the person appointed by the Metropolitan General Assembly and responsible for the civil relationship.*
- 11) *After the development of the civil body system the Civil Consultation Council decides to establish further professional workshops or ceases and even merges existing ones. Before its decision the Civil Consultation Council shall negotiate with the affected general assembly committees.*

► **The rights and competence of the civil bodies**

- 12) *The sectoral-professional workshops can express their opinion about the documents provided by the general assembly and the general assembly committees for opinionating.*

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

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

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

In several municipalities, however, there is no separate local decree regulating the civil participation, but rather a focus on the practice.²⁷ This situation will most likely change as soon as the new regulations of the Act on local governments enters into force.

3.1.3. Instruments for cooperation on a local level

There are different types of instruments used in Hungary to enhance cross-sectoral cooperation on a local level. In 2003, the Government adopted a Civil Strategy for cooperation, and on the basis of the Strategy several local governments adopted their own policy paper including both general observations and local peculiarities. Civil society related issues are often delegated to an official usually working in the cultural department of the municipality, however, due to the limited capacity it is often combined with other tasks (such as youth issues). The Municipality of Budapest is a unique example where a separate Civil Office is operating. The CSOs may voice their opinion in civil councils or thematic civil workshop – as introduced in case of Budapest above- operating with the administrative and infrastructural background provided by the local government. The local governments also support the civil society organizations with different types of grants; however, there is a huge difference between the amounts distributed by each local government.

3.1.3.1. Policy documents and local strategies

Policy documents on state level

The **Civil Strategy of the Hungarian Government** was adopted in 2003 and even though it includes general statements of the status of the civil sector and focuses on the governmental endeavors to enhance effective operation of the civil organizations it also has a few references to the necessity of civil participation on the local level. For instance, the Strategy states that the operation of CSOs is served by such a government policy according to which the civil control of government and local authorities, the division of work between the government/local authorities, business sector and civil society organizations and their co-operation is indispensable.

In the Civil Strategy, the government emphasized that they expect all institutions of the administration to identify themselves with the principles included in the Strategy, furthermore, it made an example to be followed by the local governments.

In conformity with this endeavor several local governments have adopted their own civil strategy in the last 8 years, and especially between the year 2003 and 2005²⁸. Even in the past year new civil strategies were introduced by local governments.²⁹

²⁷ As one of the official in charge of civil issues noted: “We either put everything on paper or expend time to materialize cooperation in practice”.

²⁸ For example Civil Strategy of Szentes (January 2005), Civil Strategy of Szolnok (November 2003), Civil Conception of Nyíregyháza (January 2004)

²⁹ For example Civil Strategy of the XVth District of Budapest (March 2009), Civil Strategy of Visegrád (April 2010), Civil Strategy of Debrecen (November 2010)

Four years later, the former government has adopted a **Resolution on the Measures Serving the Development of the Government-Civil Relations**³⁰ in order to further enhance the cooperation between the government and the CSOs.

On the basis of the legally binding Resolution, each ministry³¹ has prepared its own action plan. As opposed to the Strategy the Resolution introduced the new approach of decentralizing the implementation and fostering the cooperation between the ministries and the CSOs. From these it is important to mention the Civil Action Plan of the former Ministry of Local Government and Regional Development which affects local cooperation.

The Civil Action Plan of the former Ministry of Local Government and Regional Development (2007-2008) specified the following tasks which go beyond the national level and directly affect the CSO-local government cooperation:

- ✓ The cooperation system of the social dialogue shall be established on a regional level;
- ✓ Professional toolkit including the good practices in Hungary and in the EU Member States shall be prepared for the local governments and their partnerships in order to promote the contracting out of the local governmental duties and the voluntary activity of public interest;
- ✓ The alliances and representative CSOs shall be involved in the preparation of such draft laws (organization, operation of local governments, supervision of duties, financing etc.) which may facilitate the broadening of the CSO-local government relations;
- ✓ Recommendation shall be prepared for the involvement of the CSOs in the performance of the state and local government duties;
- ✓ In the course of the communication with the municipalities they shall be encouraged to involve the CSOs in the performance of local government duties.
- ✓ In the course of the communication with the municipalities, the different cooperation methods shall be encouraged and the existing shall be enhanced.³²

Policy documents on a local level

The examined Civil Strategies include the argumentation on its own goal and reason for its adoption, the importance and the local situation of the civil sector, the list and small introduction of the local CSOs, the strategic and concrete goals, the communication channels, the rules for involving the CSOs in the decision-making procedure, the forms of support and the funding rules.

The structure of **Visegrád Civil Strategy** adopted in 2010 nicely demonstrates the topics which ought to be regulated in a local policy document:

³⁰ 1065/2007. (VIII.23.) Governmental Resolution

³¹ For example:

Ministry of Social and Labor Relations:

<http://www.szmm.gov.hu/main.php?folderID=16437&articleID=32285&ctag=articlelist&iid=1>

Ministry of Agriculture and Rural Development: <http://www.vm.gov.hu/main.php?folderID=2044&articleID=13722&ctag=articlelist&iid=1>

³² The entire text of the action plan may be found on the following website:

[http://www.otm.gov.hu/web/bmtvtev.nsf/0/4D94EABBE4FA4881C12575E4004596A5/\\$FILE/7_2008_OTM-ut.pdf?OpenElement](http://www.otm.gov.hu/web/bmtvtev.nsf/0/4D94EABBE4FA4881C12575E4004596A5/$FILE/7_2008_OTM-ut.pdf?OpenElement)

- ✓ Introduction
- ✓ Evaluation of the current situation
- ✓ The characterization of the CSOs operating in Visegrád
- ✓ The role and importance of the CSOs
- ✓ The introduction of the cooperation between the local government and the CSOs
- ✓ The common goals of the local government and the civil sphere
- ✓ The overall goals
- ✓ The concrete goals
- ✓ The toolkit of the implementation
- ✓ The monitoring of the implementation
- ✓ Summary

Szentes is also worth to be cited as a good example since the **civil strategy adopted by the Szentes municipal council** focuses on the local peculiarities (includes a general survey of Szentes) besides highlighting the importance of the CSOs and their cooperation with the local government. On the basis of the civil strategy the **Szentes Municipal Civil Council** was set up by CSOs and is considered as the civil partner of the local government and represents the interests of the CSOs. The civil strategy is reviewed by the municipality once in two years and the new strategic policies for the next two years are included in a separate action plan.

On the basis of such an action plan the current endeavor of the local government is to establish a so-called **“Civil House”**.³³ The idea is that the Civil House is going to serve the following functions: i) assist the cooperation between the civil organizations and the regional, city and minority local governments and the participation of the CSOs in the decision-making through regular coordinating forums, roundtables; ii) regularly contact the wide range of formal civil organizations and informal local initiatives personally and by e-mail; iii) provide community development activities; iv) organize trainings on those issues affecting the local CSOs and communities most of all; v) implement a professional consultancy system with standing order on topics such as law, public benefit status, accounting, tax, funding, community development issues; vi) continuously provide information, build and refresh database on the local CSOs, the grant opportunities, the umbrella organizations and the experts on the county level; vii) cooperate with similar CSOs in the region, the county civil supplier centre etc. With the cooperation of the City Library they wish to set up a civil library (collect books, supporting documents, and audiovisual materials) as well.

3.1.3.2. Bodies for cooperation

On a local level the civil issues may be delegated to a separate civil office as in case of Budapest or handled by an official in charge (e.g. working in the Cultural Department) as in case of Debrecen and Szentes.

The **Metropolitan Civil Office** - operated as part of the Customer Service Department- has two employees and undertakes several tasks related to the civil participation. During their work they cooperate with the civil officials working at the districts of Budapest- if any³⁴. It operates a separate **Civil Database** since 2005 which includes more than 1500 CSOs. The registration to this database is a condition to participate on the tender published by the Municipality of Budapest. The administrative advantage of the registration is that the organization does not need to submit repeatedly the obligatory annexes since they are deposited at the Civil Office during the registration. The database is also used to send the newsletter on a regular basis and assist CSOs in finding their proper partner in the city.

Furthermore, the Civil Office coordinates the work of the civil professional workshops which are set up on different fields such as social, healthcare, environment protection, education and other issues. The civil organizations can join the workshops after an accreditation procedure. The Civil Office provides information about the current

³³ The information was provided by Olga Virág, official in charge of youth and civil issues.

³⁴ Around 75% of the of the district municipalities have officials responsible for civil issues and most of them at the same time undertake other tasks as well. The information was provided by the Civil Office.

tenders and for the sake of proper information it maintains and updates the **Civil Page** on the website of the Municipality of Budapest.

The Budapest Municipality Decree (mentioned above) describes the procedure for submitting comments through the Civil Page in article 4(1). A draft document of the General Assembly which affects the citizens is posted on the web page by giving CSOs 15 day to submit opinions. CSOs can send opinions and send suggestions through the web site, and the person responsible for preparation of the draft should analyze the incoming opinion and make a summary which should be published within 21 days. The person does not need to answer specifically to each submission.

The screenshot shows the Budapestportál website interface. At the top left is the Budapest coat of arms and the text "Budapestportál". To the right is a search bar labeled "Keresés". Below this is a navigation menu with categories like "Hírek", "Város", "Önkormányzat", "Kisebbségi oldal", "Szolgáltatás", "Programok", "Civil Oldal", "E-ügymintézés", "E-infószabadság - Közérdekű adatok", "Választás", and "A Főváros sportja". A central banner image shows a modern building with large circular windows. To the right of the banner is a list of links: "Ügyfélszolgálat", "Fórum", "Regisztráció", "Keresés", "Sitemap", "Linkgyűjtemény", "English", "Deutsch", and "Français". Below the banner is the "Civil Oldal : Civil Szakmai Műhelyek" section. It features a sidebar with a list of links, a main content area titled "Civil Szakmai Műhelyek" containing text about a Budapest City Council decision (61/2008. XI.21.) regarding civil organizations, and a "Legfrissebb hírek:" section with several news items.

The Civil Page includes the latest news and information on the following main topics:

- ✓ Civil Professional Workshops
- ✓ Civil news
- ✓ Metropolitan Civil Database
- ✓ The Civil Statement of the Local Government of Budapest and the Civil Decree
- ✓ The text of the Act on the National Civil Fund³⁵
- ✓ Surveys and essays about the nonprofit sector (on topics of 1%, donation, statistics, activity of the CSOs, international and EU researches, partnership, volunteerism, tenders, legal issues, management)
- ✓ Relevant legal regulations
- ✓ Links to other portals useful for civil organizations
- ✓ Tenders for civil society organizations (including the tender of the National Civil Fund, public foundation and private organizations as well)
- ✓ Civil EU link (including the connection points between the EU and civil society organizations and the relative websites)

In case of smaller cities and villages the information provided on the website is usually less detailed and rather limited to the listing of the local CSOs. However, they use other forms to reach out to the civil society; for example in case of Szentes, those CSOs registered at the database of the local government are regularly informed of the funding opportunities, conferences and other relevant issues through e-mail, and all CSOs receive letters by post related to issues affecting everyone.³⁶

3.1.3.3. Funding

According to the Civil Strategy the Hungarian civil sector was under-financed by the government and local authorities in 2003; furthermore, the distribution of the budgetary funds was unbalanced. The proportion of the income from state funding has significantly increased in the last 10 years. While the state funding (including the support coming from the central budget, and the local government, the 1%, the income from the VAT refund) was 28% in year 2000, it raised to 44% until year 2008. However, in case of the so-called classical CSOs (foundations and associations) this rate is only 35%.³⁷ Altogether HUF 30,507,400,000³⁸ was local governmental support in 2008 which is equal to the 7,4% of the total income of CSOs.

The Municipality provides funding for the implementation of obligatory tasks and indicates it in the annual budget broken down to organizations and amounts. Besides this, the Municipality provides grants to different projects from so-called council budgets. The Municipality has a separate council budget for equal opportunities and civil issues which included altogether 75 million HUF in 2010. Out this amount 35 million HUF was dedicated to the goal of equal opportunities and 50 million HUF served the civil issues. There are other council budgets (culture, sport, environmental protection etc.) which have tenders available for CSOs.

It is worth mentioning that the National Civil Fund is also supporting local dialogue by providing support to building capacities of CSOs and promoting their cooperation. For example, the Fund published a call for tender in the beginning of this year with the aim of strengthening the local communities and the professional unions by supporting the civil participation and citizens' actions. The distribution of the available funding⁴⁰ stands for the incentive of the territorial and professional cooperation and the support of other activity forms promoting the mutual activity of the CSOs.⁴¹ The applicant shall cooperate with at least two organizations which are registered by the court and shall attach the cooperative agreement concluded between them. The expected results shall be evaluated on the basis of the following factors: number of i) cooperating partners ii) organizations affected in the civil cooperation iii) new cooperation iv) events serving the cooperation v) participants on the programs (conferences, seminars) vi) experts supported from the program vii) products enhancing cooperation produced in the course of the project.

3.1.3.4. Other model

The so-called **Telehouse movement** is also a perfect example for the cross-sectoral cooperation on a local level in which both local governments and CSOs are involved. It aims to develop and shape the community, furthermore, enhance the life quality of the residents by providing a space for organizing community programs, assets and assistance for the everyday administration (eg. internet access).

³⁵ National Civil Fund aims the strengthening of the operation of CSOs and the development of the third sector through grant supports. The grants are distributed by the Boards composed of the representatives of civil society organisations. The principles of the grant-support system are laid down by the Council that has a majority of delegates from CSOs, too.

³⁶ The information was provided by Olga Virág, official in charge of youth and civil issues.

³⁷ Hungarian Central Statistical Office (2010): Nonprofit Organizations in Hungary 2008. Hungarian Central Statistical Office, Budapest.

³⁸ Which is equal to EUR 115.470 according to the central bank base rate on the 6th of June 2011.

³⁹ 61/2008. (XI.21.) Local government decree of Budapest

⁴⁰ Around HUF 60 million, which is equal to EUR 226,031 according to the central bank base rate on the 6th of June 2011

The world-wide recognized movement has grown out from a civil initiative in 1995 when 15 private people established the Hungarian Telehouse Alliance in Hungary. The first telehouses were set up in 1994 and at present there are no fewer than 606 telehouses registered across the country. In the first 5 years the movement was supported by USAID, the former Ministry of Telecommunication and the Ministry of Agriculture and Rural Development. Although telehouses partially undertake public duties they do not receive state financing.

At first, the communities of the small villages have set up telehouses as they recognized that it is a great background and tool to solve the problems of the local community (e.g.: drafting tenders, organizing events, preparing development plans, organizing trainings). Every single month 2-3 new telehouses are set up and can now reach around 2.5 million socially disadvantaged people across the country.

Today most of the telehouses are operated by civil organizations but there are plenty of others which are owned by the local governments, local governmental institutions or local enterprises. The success of the telehouses, however, depends in each and every case on the cooperation of the local government, the CSOs and the business sector.

The Hungarian Telehouse Alliance has put down the minimum condition precedents of using the name "Telehouse". There is a service minimum (internet, e-mail address, computer and fax usage, assistance for administration, grant monitoring, organizing trainings, service for CSOs, providing information of public utility, local advertising center, carrying out works with computer etc.), a technical minimum (internet access, phone, computer network, CD writer/reader, scanner, printer etc.) and an operational minimum (civil control, 1 employee, 2 rooms, restroom, furniture, published price list, at least 20 hours opening/week, insurance, postal address, operational rules etc.).⁴²

⁴¹ <http://www.wekerle.gov.hu/?kinek=1844&cikkid=616>

⁴² You may find further information about the Telehouse movement on the following website: <http://www.telehaz.hu/>

3.2. BOSNIA AND HERZEGOVINA (BiH)

3.2.1. General overview of the local governments in Bosnia and Herzegovina

Bosnia and Herzegovina is divided into two entities: Republika Srpska and the Federation of Bosnia and Herzegovina. The third level of Bosnia and Herzegovina's political subdivision is cantons and the Federation of Bosnia and Herzegovina entity has ten of them. All cantons have their own government which is under the law of the Federation as a whole. The fourth level of political division in Bosnia and Herzegovina is the municipalities. The Federation of Bosnia and Herzegovina is divided in 74 municipalities and Republika Srpska in 63. Municipalities also have their own local government, and are typically based around the most significant city or place in their territory. Local governance is generally more effective than other levels of government, however, it is constrained in terms of competencies and finances by the cantons in the Bosniak/Croat Federation of Bosnia and Herzegovina and the centralized structure of government in the Republika Srpska.⁴³

3.2.2. Legal regulations

The roots of civil participation cannot be found in the **Constitution of Bosnia and Herzegovina**.⁴⁴ However, several agreements have been developed in BiH between the authorities and the third sector, as well as a set of rules on public consultation at the state level.

The **Regulations on Consultations in Legislative Drafting** adopted in 2006⁴⁵ resulted in the participation of several successful CSOs in legislative drafting. The Regulation introduces minimum consultation obligations which shall be met even in exceptional circumstances. According to Article 1 of the Regulation, the included procedures for consultation shall be followed by all ministries and other institutions of Bosnia and Herzegovina when drafting. Notwithstanding, the content of the Regulation makes it clear that the Regulation does apply for only such draft legislation which is submitted to the Council of Ministers and adopted by the Parliamentary Assembly, therefore the legislation on a local level is excluded.

The **Law on the Principles of Local Self-government of the Federation of Bosnia and Herzegovina** of 2006 provides that sessions of the council can be attended by citizens in a manner and under conditions prescribed in the Terms of Reference in accordance with the law. Notifications and information on the work of bodies of a local unit of self-government can be issued by representatives of the head of the unit and representatives of the council. In order to keep the public informed, bodies of a local unit of self-government shall submit annual public reports in which the results will be compared with the intended program objectives. Section IX of the Law contains provisions concerning direct participation in decision-making processes. According to article 43 citizens can decide directly on issues within the competencies of the local governments through referendum, local assembly of citizens and other forms of direct declaration of will. The process and procedures for direct decision-making should be regulated by the law and statute. *"Citizens shall submit their proposals through civic initiatives, associations of citizens, nongovernmental organizations, or in any other way as may be provided by the statute. Local units of self-government may introduce any other mechanisms of participatory democracy, as long as they are not prohibited by the law."*

The **Law on Local Self-government of Republika Srpska** from 2004 contains a special chapter on citizen participation. The law enumerates the following forms of participation: referendum, citizens' assemblies, citizens' initiatives, citizens' panels, citizens' hours. Article 100 of the Law stipulates that the citizens have a right to launch initiatives for enactment or amendment of regulations within the competence of the local government.

⁴³ http://lgi.osi.hu/country_datasheet.php?id=22

⁴⁴ The text of the Constitution may be found at the below link:

http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERZEGOVINE_engl.pdf

⁴⁵ The text of the Regulation may be found at the below link: http://www.mpr.gov.ba/userfiles/file/Javne%20konsultacije/BiH_Regulations_Consultations_LegislativeDrafting_2006%5B1%5D.pdf

Furthermore, a rulebook was also adopted for its implementation:

<http://www.mpr.gov.ba/userfiles/file/Javne%20konsultacije/EJ%20Pravilnik%20za%20konsultacije.pdf>

⁴⁶ TACSO, Bosnia and Herzegovina, Needs Assessment Report, 2010

3.2.3. Instruments for cooperation on a local level

3.2.3.1. Policy documents and local strategies

In 2007, the Council of Ministers of Bosnia and Herzegovina (BiH) adopted an **Agreement on Cooperation between the Council of Ministers of BiH and the Non Governmental Sector** in Bosnia and Herzegovina, which was followed by the election of 31 members to the Civil Society Board in October. The adoption of this document is a result of intensive initiative by a country wide CSO coalition called “To Work and Succeed Together,” which is coordinated by the Civil Society Promotion Centre (CSPC). The initiative started in 2004 with the aim to create mechanisms for cooperation on a local and national level. The work on the national agreement was conducted parallel to the efforts to adopt such documents on a local level. As a result, 67 municipalities signed such agreements by 2009.⁴⁶ The CSO coalition develops a model agreement which can be used as a base by the municipalities. There are no agreements on level of entity.

An example of a local level policy document is the **Agreement of Cooperation with the Sarajevo Canton Government** adopted in 2010 as a result of initiative from the CSO network Agreement Plus. The main purpose of the Agreement is to promote public interests, and a stronger development of local resources through dialogue and collaboration with the CSOs which will improve the overall quality of life for all inhabitants of Sarajevo Canton.

(1) Canton Government and CSOs in Canton are expressing their willingness and readiness to work together towards achieving the following main objectives:

- Promotion of mutual dialogue and cooperation in planning and providing basic services for the citizens of Sarajevo;*
- Increasing the degree of mutual respect and appreciation of the specific roles and responsibilities that the cantonal government and the CSO sector have for the development of Canton and the benefit of all its citizens;*
- Increased participation of citizens and CSOs in decision-making and public policy from the scope of the responsibilities and powers of the Sarajevo Canton;*
- Planning grants and financing sustainable development of the CSO sector in the Canton of Sarajevo;*
- Promoting and supporting the free association of citizens to protect their rights and interests, and developing active citizenship;*
- Supporting the development of voluntary (voluntary) work, individual and corporate philanthropy, social solidarity and social capital;*
- Ensuring a synergy between the cantonal government and the CSO sector in the process of European integration; The joint advocacy and lobbying by the higher authorities at entity and state levels to solve civic problems.*

(2) These objectives will be realized through the preparation and adoption of the Code of Good Practice (Rules), which will, after its adoption, be considered an integral part of this agreement.

The Agreement lists the principles of cooperation, the rights and obligations of the local government but also those of the CSOs, as well as the agreed steps to ensure implementation of the Agreement in practice. In addition, it establishes a cross-sector body responsible to monitor the implementation (see below). The Agreement is expected to be evaluated once a year through an annual meeting with CSOs. The conclusions and report from that meeting is a base for developing the action plan for the upcoming year.

3.2.3.2. Bodies for cooperation

Thirty-one (31) municipalities have established joint bodies consisting of governmental and CSO representatives, which are mainly intended with identifying priorities for local CSOs to be supported by local government funds.⁴⁷

For example, the Agreement with the Sarajevo Canton provided for the establishment of a cross-sector **Cooperation Council**.

Purpose and functioning of the Council:

Developing and adopting an annual action plan for implementation of agreement, together with a plan for monitoring and evaluation;

Establishing recommendations for strategic directions for the development of civil society in Canton;

Coordinating activities within and between the cantonal government and CSOs on the implementation of the Agreement;

Resolving disagreements and disputes that may arise among the representatives of the Parties in the process of implementing the Agreement;

Planning and organizing of the annual meeting (Forum) of representatives of the cantonal government and nongovernmental organizations to assess the results achieved in implementing the Agreement and establish the framework for an action plan for the coming year;

Establishing recommendations for amendments to the Agreement;

Producing annual reports on its activities and the implementation of the Agreement, and their submission for approval to the Government and Parliament of the Canton and the CSO Network "Agreement plus" - Sarajevo Canton...

The Council is composed of 26 members, 13 of whom are representatives of the cantonal government and 13 from CSOs (representatives of the network Agreement plus). One person from the cantonal government assigned for relations with CSOs is envisioned to provide technical support to the work of the Council. Recently the CSO network Agreement plus issued a Decision on the manner and procedure for proposing candidates for members of the Council.⁴⁸

3.2.3.3. Funding

According to the 2009 Sustainability Index published by the USAID, the local support mechanisms still leave much to be desired and the new EU funding instruments are a challenge for CSOs given their relative inexperience and lack of skills compared to large regional and international organizations. Only politically nonthreatening organizations receive local government support.⁴⁹

The foreign state support has played an important role in funding CSOs during the past few years. For instance the U.S. Government awarded 68 small grants to Bosnian CSOs to implement advocacy campaigns to promote active participation in the democratic process.

⁴⁷ TACSO, Bosnia and Herzegovina, Needs Assessment Report, 2010

⁴⁸ <http://www.sporazum.ba/>

⁴⁹ USAID: 2009 NGO Sustainability Index. Page 74. However, the signing of the national Agreement on Cooperation with the CSO Sector deemed to result only a little progress in the legal environment of the CSOs in BiH. According to the 2009 NGO Sustainability Index the participation in decision-making processes is still insufficient and ad hoc, furthermore, both the government and the CSO sector lack sufficient knowledge about the existing mechanisms for CSO participation.

3.3. CROATIA

3.3.1. General overview of the local government in Croatia

There are two levels of sub-national government: cities and municipalities on the level of local self-government, and counties as the units of regional self-government. There are 20 units of regional self-government and the city of Zagreb, 126 cities and 429 municipalities.

Each local and regional government has its own statute stipulating the rights and responsibilities of local and regional public authorities *inter alia* the forms of consulting the citizens and the forms of cooperation. Citizens are involved in the decision-making process through public debates, consultation, and locally- or regionally-organized referenda.⁵⁰ Importantly, most of the local and regional governments have substantive funding practices. From the countries in the Balkans, Croatia can be considered as the country with the longest and most developed cooperation on a national and local level.

3.3.2. Legal regulations

The **Constitution of the Republic of Croatia**⁵¹ establishes the grounds of the civil participation on a local level.

Article 133

“Citizens shall be guaranteed the right to local and regional self-government.

The right to local and regional self-government shall be exercised through local and/or regional representative bodies, composed of members elected in free elections by secret ballot on the grounds of direct, equal and general suffrage.

Citizens may directly participate in the administration of local affairs, through meetings, referenda and other forms of direct decision-making, in compliance with law and local ordinances.

*The rights specified in this Article shall be exercised by European Union nationals in compliance with law and EU *acquis communautaire*.”*

The **Law on Local and Regional Self-government** devotes a separate chapter (IV) on the rules of direct citizens’ participation in decision-making. It includes detailed regulations on i) the procedure of carrying out a referendum, ii) the citizens’ proposal to pass a certain by-law or to address a certain issue from its scope, furthermore, iii) the rules of presenting objections and complaints to the work of the bodies of local and regional self-government.⁵² However, the law does include specific rules for neither the consultation during the legislation procedure nor other forms of civil participation. Rather it leaves this to be regulated with the statutes of the regional and local governments.

Right to Access Information Act lays down the rules of the first level of the public participation: the access to information. The bodies of units of local and regional self-governments are also obliged to comply with the regulations and allow access to the requested information or deny in specific cases. The Act stipulates 5 manners of providing information: i) regular disclosure of certain information ii) providing information directly to the person who requested iii) allowing access to documents iv) delivering the documents including the requested information di-

⁵⁰ http://lgi.osi.hu/country_datasheet.php?id=42

⁵¹ You may find the Constitution on the following website: <http://www.sabor.hr/Default.aspx?art=2405>

⁵² The Law on Local and Regional Self-Government was adopted in 2001 and was amended several times since then. http://udruga-opcina.hr/universalis/889/pdf/zakonolokalnojjipodrucnoj_regionalnoj_samoupravi-prociscenitekst_1952956072.pdf

rectly to the person who requested v) in other manners. The bodies of units of local and regional self-governments shall also ensure direct access to their activities, meetings or sessions, and the agenda, application procedure and number of people that may be present shall be published in advance. Furthermore, they are obliged to nominate a responsible person to provide information, process the requests of applicants and administer a catalogue of information.

The Code of Practice on Consultation with the Interested Public in Procedures of Adopting laws, other regulations and acts (Code)⁵³ It establishes general principles, standards and measures for conducting consultations with the interested public, in the procedures of adopting laws and other regulations and acts of state bodies which regulate matters and take positions of interest for public benefit. Article IX of the Code stipulates that the provisions “shall be appropriately applied by the bodies of local and regional self-government units and legal entities vested with public authority in the procedures of adoption of general acts regulating matters within their scope of work which directly meet the needs of citizens, or other matters of interest for the public benefit of citizens and legal entities within their territory or within the field of their activity”. After the adoption of the Code, the Government Office for Cooperation with Association developed Guidelines in order to further explain the provisions of the document, increase understanding and also ensure harmonized implementation by different bodies responsible for its application. The Code applies to the interested public, which is defined broadly as: “citizens, CSOs (informal civic groups or initiatives, associations, foundations, funds, private institutions, trade unions, associations of employers), representatives of the academic community, chambers, public institutions and other legal entities performing a public service or who might be affected by the law, other regulation or act which is being adopted, or who are to be included in its implementation.”

3.3.3. Instruments for participation and cooperation on local level

According to the evaluation of the National Strategy⁵⁴ “there is no comprehensive, strategically-determined and operative system to enable civil society organizations to participate as equal partners and to contribute to the development of their local environments and regions. This applies equally to the system of financing and to the system of decision-making and development management. There is still room to harmonize the practices of local and regional self-government with the aim of ensuring the unified and transparent procedure of financing associations.... Other issues, such as follow-up to the needs of civil society organizations, inclusion in development planning, the implementation of programs, and, particularly, the planning of public budgets, still do not have an adequate institutional framework”.⁵⁵

According to the 2009 USAID Sustainability Index national and local governments continued to cooperate, however, the government-CSO consultation process is still a priority issue for the sector. According to the evaluation, the main obstacles to establish a stronger partnership are the weak influence of the CSOs on the decision-making process, lack of capacity and interest in the local authorities, the uncertain sustainability of CSOs, and the lack of trained staff both in the CSOs and the government.⁵⁶

⁵³ The Code was adopted by the Government on 21 November 2009 as a result of a broad consultation process that the Office for Cooperation with Associations and the Council for Civil Society Development conducted with numerous CSOs.

⁵⁴ National Strategy for the Creation of an enabling environment for civil society development from 2006 and 2011 adopted at the session of the Government of the Republic of Croatia. It provides basic guidelines for the goals the government seeks to achieve by 2011 in order to improve the existing and create a new legal, financial and institutional framework of support for civil society development, and to create an enabling environment for the further development of civil society in Republic of Croatia.

⁵⁵ National Strategy page 42-43

⁵⁶ USAID: 2009 NGO Sustainability Index. Page 90

3.3.3.1. Policy documents and local strategies

Regional and local self-government units have also participated in the preparation of the **National Strategy for the Creation of an Enabling Environment for Civil Society Development (from 2006 to 2011)** which analyzes the development of the civil society in Croatia and articulates objectives on state and local level. The National Strategy dedicates a separate section for the topic of citizens' participation in the creation of public policy and highlights the following objectives:

- ✓ *To stimulate the more regular implementation of the existing mechanisms and the adoption of new measures for the publicity of the work of both representative and executive bodies of public authority at **all levels including county assemblies, local councils and local governments of towns and municipalities**;*
- ✓ *To improve mechanisms for informing citizens by amending existing and adopting new laws, conventions and other regulations which determine the right of access to information and public participation in deciding upon public benefit issues;*
- ✓ *To define counseling models for citizens, civic initiatives, and civil society organizations, as well as means of participation in the adoption, implementation and assessment of public policies (Code of Good Practice for counseling);*
- ✓ *To strengthen the rule of law and citizens' confidence in the justice system through the consistent implementation of laws and the provision of information to the public about the work and performance of public services and duties;*
- ✓ *To achieve social dialogue with civil society organizations through the existing bodies or through the establishment of new bodies and forums, drawing together representatives of the public, profit and non-profit, non-governmental sector;*
- ✓ *To promote and improve the legal provisions pertaining to the basic constitutional right to freedom of association and the right to the public, peaceful gathering of citizens;*
- ✓ *To reconsider the possibility of financing programs and projects which promote participative democracy;*
- ✓ *To introduce into Croatia's education system educational contents directed towards the adoption of values, views, knowledge and skills necessary for the active participation of citizens in democratic political processes;*
- ✓ *To introduce educational contents related to participative democracy into the programs of professional training of civil servants at local and national levels.*

On the basis of the objectives *inter alia* the following specific measures were formulated in the **Operational Implementation Plan** which was planned to be implemented by the Government until 2011 and affects the public participation on a local level:

- ✓ *Drawing up a Code of Good Practice for Consultations*
- ✓ *Make the necessary amendments on the Access to Information Act*
- ✓ *Proposing the establishment of the Economic and Social Forum*
- ✓ *Introducing contents related to the participative democracy into governmental programmes and trainings*
- ✓ *Promote the establishment of partnership relations between local self-government and CSOs (cooperation agreements)*
- ✓ *Encouraging the establishment of bodies responsible for the promotion of partnership between non-governmental, NPOs and local governments*
- ✓ *Drawing up a proposal of a Code of good practice, standards and benchmarks for the allocation of funding for programs and projects of CSOs in order to realize financial support to CSO programs and projects at national and local level+ preparing a training program for the implementation*
- ✓ *Drawing up and implementing a program*
 - *for the promotion and visibility of good practice of county and other development partnerships at local and regional levels;*
 - *for the implementation of public tenders and invitations for cooperation in support of capacity building of CSOs at local and regional level*
 - *of decentralized financing of projects of CSOs at local and regional levels*
- ✓ *Drawing up a program of technical support for local and regional self-government units – preparation and management of projects- to be implemented by CSOs*
- ✓ *Designing, organizing and supporting projects of civil society organizations for training in the area of inter-sectoral cooperation for local and regional self-government units*
- ✓ *Preparing an analysis of the inclusion of CSOs in EU programs and projects of cross border and defining priorities for local self-government units in the area.*

According to Igor Vidacak, Head of the Office for Cooperation with CSOs there has also been an increasing number of local charters of cooperation between CSOs and local governments.⁵⁷ Charters for Cooperation have been adopted in Rijeka, Šibenik, Sisak, Županja, Beli Manastir, Belišće among other places.

The first charter regulating the cooperation between the municipality and the local CSOs was adopted by the City Council of Rijeka in November 2004. The process was initiated in 2001 by 5 CSOs active in Rijeka with the support of the USAID and the International Center for Not-for-Profit Law (ICNL). The Charter sets city policy toward CSOs, emphasizing transparency in financing CSO activities and three pillars of cooperation – development and consultations, information and financing. It provides for the creation of a Coordination Committee, consisting of CSO representatives and city government representatives, which sets standards for city departments that finance CSO activities, providing them with templates, procedures, and objective criteria for evaluating grant proposals.⁵⁸

In 2008 the Assembly of the city of Sisak also adopted a **Charter for Cooperation of the City of Sisak and Associations**⁵⁹ expressing a willingness and desire to develop an equal partnership with the citizens' associations. In addition to the Charter for Cooperation, Sisak has adopted additional documents that contain provisions on cooperation with civil society organizations such as the needs of public programs and the Municipal Action for Youth.⁶⁰ The Charter was developed in cooperation with associations from the city and every association can join the Charter at any time.⁶¹ The City actively cooperates with organizations in implementation of projects.⁶²

⁵⁷ Neva Nahtigal (2010): *Institutionalizing civil dialogue- overview of existing policy measures*. CNVOS, Slovenia.
⁵⁸ Radost Toftisova, *Implementation of NGO-Government Cooperation Policy Documents: Lessons Learned*. ICNL Volume 8, Issue 1, November 2005, USA.

⁵⁹ <http://www.sisak.hr/uploads/documents/povelja-o-suradnji-gradna-siska-i-udruga-gradana.pdf>

⁶⁰ As described in the Research Report LOTUS, developed by GONG and the Association of Cities of Croatia, 2009

⁶¹ The list of organizations that have joined the charter can be found on

www.sisak.hr/uploads/documents/Udruge-koje-su-pristupile-Povelji-o-suradnji-Grada-Siska-i-udruga-graana1.pdf

⁶² www.sisak.hr/clanak_/7062/kvalitetno-partnerstvo-između-gradna-siska-i-sisackog-ald-a

The Charter is based on the following principles:

1. principle of partnership of the City of Sisak and civic associations;
2. principle of subsidiarity as the basis of a partnership;
3. principle of pluralism of value and interest orientations;
4. the principle of transparency in the work and activities;
5. principle of autonomy and independence in their work;
6. principle of responsibility of the individual and society.

Chapter III. FORMS OF COOPERATION

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

Consultation will take place through:

- Developing effective mechanisms that will enable the active participation of citizens, civic organizations and informal civic initiatives in the decision making process and meeting community needs;
- Considering proposals and suggestions from citizens' associations in preparing development strategies and programs, as well as the prioritization of public need;
- Involving representatives of civic organizations in the working bodies to prepare and review proposals for significant development of the community and civil society;

Information is achieved through:

- Strengthening of dialogue and two-way communication between city government and citizens;
- Exchanging information that is important to the development of local communities and civil society;
- Building information systems and related systems that enable and facilitate the realization of the rights of citizens to access information;
- Update links of civic associations on the website of the City of Sisak.

Financing as a form of cooperation includes the following:

- Funding and financing programs and projects of civic associations that are of general interest, or of interest in the City of Sisak; for this purpose the City of Sisak, through consultation with the Council for the Development of Civil Society will adopt a Decision on the criteria for determining civil organizations whose activities are of interest to the City of Sisak; this act shall prescribe the standards and criteria for determining the associations that are of general interest to the City of Sisak and conditions to be met by the association to exercise the right to financing from the city budget;
- The City of Sisak will negotiate with the civil societies the provision of public services for which estimates cannot (fully or sufficiently) be undertaken through its own bodies.

3.3.3.2. Bodies for cooperation

The Governmental Office for Cooperation with Associations is not only engaged on a national level but it also coordinates the work of the administrative bodies at a local and regional level in connection with monitoring and improving the cooperation with the non-governmental, non-profit sector in the Republic of Croatia.⁶³

On the local level, the institutional mechanisms for engaging civil society need further improvement. Around 40% of the local government units (towns and municipalities) have some kind of advisory boards including civil

⁶³ The Government Office for Cooperation with Associations was founded by the Regulation on Government Office for Cooperation with Associations in 1998 with the aim of performing expert work in the domain of the Croatian Government with regards to creating conditions for cooperation and partnership with non-governmental, non-profit sector, especially with associations in the Republic of Croatia. You may find further information of the Office on the following website: <http://www.uzuvrh.hr/defaulteng.aspx>

society representatives. For example, the city of Rijeka established the Council for Development of Civil Society, which is composed of representatives of local government and CSOs and is responsible for supporting the implementation of the Charter for cooperation.

Similarly, the Charter for Cooperation of the city of Sisak established the Council for the Development of Civil Society as a working body of the City of Sisak and associations, which coordinates the activities necessary to implement the provisions of the Charter. The Council is a body composed of representatives of members of the City of Sisak and civic associations.

Chapter IV. COUNCIL FOR DEVELOPMENT OF CIVIL SOCIETY

The Council for the Development of Civil Society is a joint working body of the City of Sisak and civic associations, which will coordinate all activities necessary to implement the provisions of the Charter.

The Council is a body composed of seven members, two of which are representatives of the City of Sisak, and five members are representatives of civic associations.

The members are appointed by the City Council in a way that representatives of the City of Sisak propose competent authorities of the City of Sisak and representatives of civic associations suggest associations that operate in the city of Sisak.

The tasks of the Council:

- Coordinating all activities necessary to implement the provisions of the Charter and to encourage the signatories to apply it;
- Continuing the cooperation with civic associations and departments of the city government;
- Submitting an annual report on its work to the City Council of the City of Sisak.

Council members are elected for a term of two years.

The Council president is elected by the Council from among its members.

The Council shall meet at least four times annually or as needed.

The Council shall decide by majority vote of its members.

Council members perform their duties honorably and do not receive compensation.

3.3.3.3. Funding

Funding from regional and local self-governments is very much present in Croatia. In 2009, 358.625.779,60 kuna were distributed and this is 9.9% less than in 2008. The majority of the funding is given by the city of Zagreb. 60% of the funding is distributed to sport, the second most funded field is culture and technical culture. Only 2% is distributed to democracy, volunteering and human rights. Recipients can be associations, networks of associations, religious organizations and informal (unregistered) citizens' associations.

On a local level, 170.378.869,79 kn were distributed in 2009 which is 22% less than in 2008. Most of the funding is distributed by the city of Rijeka. There is a similar trend to fund predominantly sport and culture, versus other types of activities.⁶⁴

The National Strategy emphasized that the National Foundation for Civil Society Development, through the commenced pilot program for decentralization of funding for civil society development at local and regional levels, will strengthen the further capacity building of civil society organizations at local and regional levels, taking into

account the existing, and encouraging the establishment and development of a new program for support. As a result the National Foundation distributes funding through regional foundations.



One such example of regional distribution of public funding is the **Foundation for Partnership and Civil Society Development** established by the Istrian Region.⁶⁵ The Istrian Foundation has a strategic partnership with the National Foundation.⁶⁶ According to the Decentralized model of assigning financial support for CSOs, the Foundation distributes funding for community initiatives from the Istrian Region, Primorsko-goranska County and Ličko-senjska County.

The Foundation was established in 2006 with the purpose of developing partnership and civil society in the Istrian region. The Foundation is dedicated to citizens, CSOs, bodies and units of local authorities in the county and offers international, professional and financial support for various programs which promote *inter alia* sustainability, cooperation, volunteering and philanthropy. A specific goal of the Foundation is to enhance active citizen participation in the decision making process.

From the very beginning of its operation the stakeholders were involved in the determination of the priorities. After its establishment the representatives of the Foundation visited 10 cities in Istrian Region in order to present its areas of development to CSOs and to make an effective base for further successful cooperation. The specific aim of the visits was to introduce the invitation for tenders and to stimulate CSOs to participate in the Foundation's work. All participants filled out a Questionnaire for estimation of needs and priorities of CSOs in Istrian Region so that the Foundation could determine its activities according to the current needs. The foundation also introduced an action of "Open Doors for Citizens" in the course of which everyone could express their problems and needs and/or suggest the solutions.

The Foundation has three main functions:

1. Financial - it entails publishing Tenders and support for various organizations
2. Informative - offers basic information about civil society and its function
3. Educational - organization of various workshops, lectures and seminars.

The Foundation runs its own newsletter, maintains a database of CSOs working in the region and is active also on a regional, national and international level. Its activities are defined each year in the program for work which is based on the multi-annual strategic plans.

⁶⁴For more details see: Office for Cooperation with Associations, Report on the Financial Support of Programs and Projects of Civil Society Organizations, 2009

⁶⁵The description of this model is taken from the website of the Istrian Foundation. For more information about the work of the foundation its tenders, statute and management see: www.civilnodrustvo-istra.hr/index.php?id=182.

⁶⁶www.civilnodrustvo-istra.hr/fileadmin/datoteke/Korisni_dokumenti/Strategija_partnerstva_.pdf

The areas of Development of the Foundation are:

1. Environmental Protection and Sustainable Development

The process of increasing consciousness and education about the responsible management of the environment and sustainable development

Protection of the environment with an emphasis on biodiversity, and the encouragement of Civil Society organizations for the protection of biodiversity

2. Democracy and Human Rights

Mobilization of the local community and CSOs for:

- Solving local societal issues, especially marginalized groups
- Encouragement of dialogue and peaceful conflict resolution

Anti-corruption measurement

Protection of Children's Rights

Promotion of human rights

Minorities

Projects of non-profit media and non-profit media projects

3. Youth

Development of politics towards the youth

Active participation of the youth in defining developmental politics on all levels

Support for non-formal education

Culture, and Management of free time

4. Capacity building

Developed capacity of the Foundation

Support for the capacity building measurements for civil society organizations

5. Promotion of social entrepreneurships

The Foundation is managed by a president and the Management Board composed of four representatives of different sectors. The Foundation funds projects and programs of citizens, citizen associations in the Istrian Region, bodies of local authorities in the Istrian Region as well as units of local authorities in the Istrian Region. Funding from the programs comes from the National Foundation, budgets from the regional government, budgets from local self-government bodies in the Istrian region, private (foreign) donors, and the corporate sector.

The funds of the Foundation are distributed based on annual budgets which are approved by the Board on the basis of the annual program. The funds are approved in the following way:

The Board announces an annual public tender for financing

Applications are evaluated by the Board, which determines priorities

The criteria and methods of allocation are defined by the Rulebook on criteria and method of funding allocation,

Contract on funding allocations are signed with the person who received the funding.

3.4. REPUBLIC OF SERBIA⁶⁷

3.4.1. General overview of the local governments in Serbia

Local self-government units in Serbia are the municipalities (150), towns (23) and the City of Belgrade.⁶⁸ Under the Law on Local Self-Government municipal bodies are defined as municipal assembly, president of the municipality, municipal council and municipal administration. They may have different names in different cities.

3.4.2. Legal regulations

The right of civil participation in the procedure of passing laws and other regulations is not guaranteed explicitly in the **Constitution of the Republic of Serbia**.⁶⁹ However, it derives from other rights guaranteed by the Constitution such as the freedom of thought and expression, the right to information, the freedom of association, the right to petition, the right to propose laws and the right to referendum⁷⁰.

The methods of exercising the above rights are regulated by separate laws. For example, the right to information is regulated by the **Law on Unrestricted Access to Information of Public Concern** which was passed in 2004. Pursuant to the Law, information of public concern is any information held by a public authority body, created during work or related to the work of the public authority body, contained in a document, and related to everything that the public has a justified interest to know.⁷¹

The **Law on Local Self-Government (2007)**⁷² obliges bodies and services of a local self-government units to: (1) inform the public of their activities through public media and in another appropriate manner and (2) provide necessary data, explanations and information to citizens, when exercising their rights and obligations. Article 13 (5) provides for non-obligatory provision for cooperation with civil organizations: *"Bodies of local self-government units may cooperate with nongovernmental organizations, humanitarian and other organizations in the interest of the local self-government unit and its residents."*

According to the Law there are three main methods of direct participation in the work of the local government: civic initiative, citizens' assembly and referendum. Of those, we will highlight the civic initiatives and citizens' assembly.

✓ **Civic initiative.** Civic initiative is a form of petition that grants the right to citizens to propose to the assembly of local self-government unit to pass an act that will regulate a specific issue under the jurisdiction of the local self-government unit, change the Statute or other general acts, or call for referendum. The law prescribes the minimum number of signatures of citizens necessary for valid initiation of a civic initiative, which may not be less than 5% of voters (in Indzija is 15%, Chachak 5%, in Belgrade 30.000). However, the statutes of the units may prescribe a higher number. The Assembly holds a discussion about the proposal of the civil initiative and submits a response supported by arguments to the citizens within 60 days from the day of the receipt of the proposal.

⁶⁷ Information for this section has been compiled from the following publications: Dragan Golubovic and Dubravka Velat (2009): Citizens' participation in the process of preparation and implementation of laws and other public policy instrument; Oliver Nikolic et al., Review on Local Self-Government Law Implementation in Serbia, 2009; Direct Participation Of Citizens In Local Public Life, Standing Conference of Towns and Municipalities, 2006

⁶⁸ Prof. Mr. Bogoljub Milosavljevid, Ph.D., and Ms. Jelena Jerinid, M.A., Analysis of Competences of Local Self-Government Units in Serbia, 2010, www.drzavnauprava.gov.rs/view_file.php?file_id=642

⁶⁹ The Constitution: http://www.srbija.gov.rs/cinjenice_o_srbiji/ustav_odredbe.php?id=218

⁷⁰ Article 46, 51, 55, 56, 107 and 108 of the Constitution

⁷¹ The project "Monitoring implementation of the Law on Unrestricted Access to Information of Public Concern" of the Open Society Fund which encompassed more than 30 municipalities and several Republic bodies identified numerous problems concerning the implementation of the Law. Further material may be found on the following website: www.fosserbia.org

⁷² www.dils.gov.rs/documents/files/maj2010/Zakon%20o%20lokalnim%20samoupravama.pdf

✓ **Citizens' assembly.** These consultative meetings allow citizens to express their opinions on certain issues of local significance, discuss their needs and interests and make proposals on local issues which fall under competence of the local government. They can be called for part of the territory of municipality or town provided for by the statute of the unit. The requests and proposals are adopted by a majority of votes and are sent to the Assembly or other bodies and departments of units of local self-government. The units of local self-government should consider the requests/proposal, take a position on such requests and proposals, enact the proper decision or measure and notify the citizens hereof within 60 days of the citizens' assembly.

Some statutes of local government units also provide for the possibility of **public hearings**.

The public hearings are a consultative method which is organized in a form of roundtables, delivering drafts to professional, scientific and other organizations and services, discussions at citizens' assemblies, publishing draft statute or other by-law of the units in the mass media or on the website, conducting a poll. There is no legal obligation for the local government to adopt the views and implement the suggestions.

The Standing Conference of Towns and Municipalities assessed the implementation of the law and in 2006 adopted a **Recommendation Regarding Support to Increased Citizen Participation on the Local Level**. The Recommendation highlights the necessity of supporting the civil participation on a local level more directly in the Constitution and introducing more forms of direct participation in the Law on Local Self-government. The Recommendation outlines that municipal statutes and regulations should also contain a better developed framework for civil participation.⁷³

3.4.3. Instruments for participation and cooperation on a local level

According to the Recommendation, several municipalities have made their first step towards cooperation with the CSOs and their involvement in the decision-making process (access to information and conditions provided to citizen participation). The following circumstances were identified as the objections of effective CSO-local government cooperation (*inter alia* the insufficient legal background mentioned above):

- ✓ Domination of a political culture that is not affirmative towards the citizen participation, and a low level of knowledge and awareness among citizens as to their rights and freedoms, and of the competencies of particular levels of government;
- ✓ Lack of citizen interest in public life caused by poor living conditions, lack of time, information and knowledge;
- ✓ Undeveloped and ineffective practice of direct citizen participation;
- ✓ Insufficiently developed legal and political framework for a larger citizen participation, and, in particular, the lack of a clear national strategy regarding the participation of citizens at the local level, and concrete obligations of local authorities towards citizens;
- ✓ Insufficient decentralization of power, and low financial capacity of local governments, and their large dependence on the bodies of the Republic;
- ✓ Inadequate local electoral system, having adverse effects on the representation of the whole population in the local assemblies;
- ✓ The size of a significant number of municipalities (in geographical terms and by the number of their citizens), which are, on average, among the largest in Europe.

3.4.3.1. Policy documents and local strategies

Public discussions and consultations are currently taking place in Belgrade concerning the Draft Strategy for Civil Society Development. This document was initiated by the Agency for European Integration and Cooperation with Association. To support the development of the Strategy the Mayor of Belgrade established a cross-sector com-

⁷³ The Recommendation may be downloaded from the following website: www.skgo.org

mission which works on the draft text and will be responsible to follow its implementation. The strategy aims to establish wider cooperation and strengthen communication between the local authorities and CSOs. Comments to the draft text are collected through public discussions, email and a facebook page. However, other than this example, it seems that it is not a common practice that the municipalities sign agreements of collaboration with CSOs.

3.4.3.2. Bodies for cooperation

Few municipalities have a body or a person designated for collaboration with CSOs. Numerous municipalities have established a PR Department with the task to work on the improvement of information and communication with the public, including CSOs, in line with the Recommendation. While there is no one model or body that deals exclusively with the development of the sector as a whole, different models have been established to promote cooperation and participation between the local government and CSOs in specific fields and activities (e.g., poverty reduction, disabilities, youth). Most of them were established as part of general projects and there is little information about the success of their implementation and functioning. Nevertheless, these models may be considered in deliberations of a particular approach in another country.

✓ Center for Civil Society, Novi Beograd

The municipality Novi Beograd has established a Center for Civil Society last year⁷⁴. Its aim is to offer institutional support to CSOs, by providing space for work, as well as office, administrative and technical support. The Center offers the space for a fee which is used to support its operations in supporting the work of CSOs. CSOs can utilize the offers of the Center based on a submitted request for partnership with the Center. The Council of the center is a body which decides on each request.

✓ Council for Issues Related to Persons with Disabilities in the City of Kragujevac⁷⁵

The Council for issues related to persons with disabilities was formed in Kragujevac on the 13th of March 2009, at the initiative of the Forum of Young People with Disabilities. The need for establishing the Council was based on insufficient inclusion of persons with disabilities in resolution of issues important for their status, as well as the absence of an institutional mechanism of cooperation between representatives of local self-government institutions and organizations of persons with disabilities. The Council is a working body of the Municipal Assembly. It is composed of 12 persons representing different sectors (local government, CSOs, institutions, experts). The tasks of the Council are:

- Maintaining continual cooperation with institutions and associations of people with disabilities to identify priority needs and solve current problems of disability;
- Contributing to improving the quality of life of persons with disabilities through active inter-sectoral cooperation in resolving social, health, educational, cultural and other issues;
- Seeking to contribute to raising the level of sensitivity to community needs and concerns of persons with disabilities;
- Establishing cooperation with relevant institutions in other cities and municipalities in order to form parallel views on the situation of people with disabilities in the field of social protection;
- Performing other duties and tasks in accordance with the strategy for development of social protection of the city.

In the first session held on March 4, 2011, the Council adopted the Rules of Procedure and strategic plan.

⁷⁴ <http://www.novibeograd.rs/?jez=&p=51&v=4643>

⁷⁵ <http://www.kragujevac.rs/274-1-l>

✓ Council and Office for Development of the Community, Loznica

The Council for Development of the Community in Loznica, is one of the councils established as part of the program “Support to Strengthening Civil Participation in Serbia”, jointly implemented by the local government, Standing Conference of Towns and Municipalities and the Swiss Agency for Cooperation and Development⁷⁶. In addition, the local government established an Office and provided the office space and funding for one employee, while the donors provided funding for another employee and equipment for the office. The Office provides support to the council and is envisioned to be the “institutionalized window towards the civil society” within the local government which is responsible to promote dialogue and cooperation. The program aimed to build the capacity of the office and its staff to implement projects relevant to the community, and to engage and consult citizens in the process. As part of the program and the capacity building component, the role of the Council was to choose a theme for a specific project. The Council was responsible for consulting citizens over the theme and the implementation of the project, providing micro grants to other organizations and supervision of those grants.

✓ Municipal Coordination Committee for Social Policy (OKOSP)⁷⁷

OKOSP emerged as one of the components of the project “Social Policy Reform” and were established in several municipalities across Serbia. The Committee is an advisory body of the President of the Municipality, which is formed in compliance with the Law on Local Self-Government. The Committee cooperates with the social activities service in the local self-government and the Municipality Assembly. The Committee consists of representatives of all relevant institutions of local self-government, schools, social institutions, and representatives of CSOs. The main criteria for selecting the Committee membership are: readiness and motivation for participation in the social protection reform process; expertise; knowledge of problems related to the needs of vulnerable groups; respectability in the municipality; readiness for teamwork. The Committee is in charge of the following activities: formulating a strategic plan that would solve problems of the most vulnerable groups in the municipality (preceded by designing action plans, analysis of situation, needs and existing resources); partnership promotion; proposing prevention measures in the areas of health care, social protection, employment and education; considering modalities for financing activities in the social policy domain and monitoring of the method of use of these funds; presentation of OKOSP activities and results; preparation of initiatives and proposals with reference to the process of decentralization in social policy, conditions permitting; organization of thematic conferences and other professional gatherings. The Committee members conduct activities on a voluntary basis.

3.4.3.3. Funding

According to a valuation of the 2009 USAID Sustainability Index the resources provided by local government agencies are usually minimal.

⁷⁵ http://www.loznica.rs/OPSTINA-LOZNICA-Kancelarija-za-razvoj-zajednice_256___lat

⁷⁶ Other similar councils were established in Valjevo, Sremski Karlovci, Krupanj, Osečina i Čoka.

⁷⁷ As described in Dragan Golubovic and Dubravka Velat (2009): Citizens’ participation in the process of preparation and implementation of laws and other public policy instrument

3.5. ENGLAND

3.5.1. General overview of the local governments in England

England is subdivided into nine regions. Under the regional level and excluding London, England has two different types of local government. In some areas there is a county council responsible for services such as education, waste management and strategic planning within a county, with several district councils responsible for services such as housing, waste collection and local planning. Some areas have only one level of local government, and these are dubbed unitary authorities.

3.5.2. Legal regulations

Provisions for the disclosure of information held by public authorities- including local governments- or by persons providing services for them is laid down in the **Freedom of Information Act 2000**⁷⁸. It highlights the general rights to access information held by public authorities according to which any person making a request for information to a public authority is entitled:

- ✓ to be informed in writing by the public authority whether it holds by public information of the description specified in the request, and authorities.
- ✓ if that is the case, to have that information communicated to him.

The public authority shall comply with these promptly but not later than the 12th day following the date of the receipt unless the request is vexatious. The public authority may notify the applicant in writing about the amount of fee to be paid for providing the information. In case of refusing the request the public authority shall also give the applicant a notice which states the fact, specifies the exemption in question and states why the exemption applies.

The public authorities shall set up a publication scheme which needs to be approved by the Data Protection Commissioner. The public authorities shall publish information in accordance with its publication scheme.

The State Secretary shall issue a code of practice including guidance to public authorities as to the practice which it would, in his opinion, be desirable for them to follow.

If it appears to the Commissioner that the practice of the public authority does not conform with the code of practice he may give recommendation to the authority and specify the steps which ought to be taken for promoting such conformity.

The **Local Democracy, Economic Development and Construction Act 2009** includes provisions for the purposes of promoting public involvement in relation to local authorities and other public authorities.⁷⁹

According to the Act, principal local authorities – including the county or district councils in England, a London borough council and the Common Council of the City of London - have a duty to promote understanding of the following among local people:

- 1) the functions of the authority;
- 2) the democratic arrangements⁸⁰ of the authority;
- 3) how members of the public can take part in those democratic arrangements and what is involved in taking part (in particular how to become a member of the principal local authority, what members of the principal local authority do, what support is available for members of the principal local authority)

⁷⁸ The whole text of the Act may be found on the following website:
http://www.legislation.gov.uk/ukpga/2000/36/pdfs/ukpga_20000036_en.pdf

⁷⁹ The text of the Act may be found on the following website:
http://www.legislation.gov.uk/ukpga/2009/20/pdfs/ukpga_20090020_en.pdf

⁸⁰ Democratic arrangements mean arrangements for members of the public to participate in, or influence, the decision-making of the authorities.

The appropriate national authority may give guidance to principal local authorities to the discharge of their duties. The guidance may be given generally or to one or more particular principal local authorities, may be different for different principal local authorities and must be published.

The Act stipulates the rules of handling petitions submitted to the local authorities. A principal local authority must provide a facility for making petitions in electronic form to the authority and shall make and publish a petition scheme on its website or in such a manner as the authority considers appropriate. The authority must send written acknowledgement of the petition to the petition organizer within a specified period. The acknowledgement must give information about what the authority has done or proposes to do in response to the petition.

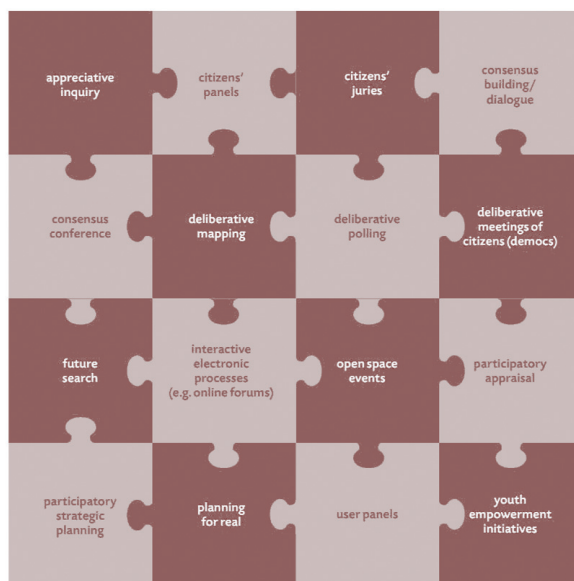
The **Local Government Act 2003** does not devote a separate section for the civil participation in the decision-making, however, it indicates at the separate topics that shall be consulted before making a decision (for example “such other persons as appear to him to be representative of interests likely to be so affected.”)⁸¹.

3.5.3. Instruments for participation and cooperation on a local level

In 2007 the Commission on Integration and Cohesion explicitly stated that residents who believe they can influence local decisions are almost 50% more likely to trust local authorities.⁸²

England has a wide range of practice and numerous tools (programs⁸³, workbooks⁸⁴, compacts, implementation plans⁸⁵ etc.) for articulating the necessity of involving the civil sector in the decision-making process both on national and local level. Above all, the local governments have an extended practice in adopting Local Compact as a means of building mutual understanding and trust.

The following specific participatory methods are used to involve communities in the local decision-making:



Source: *Participation: trends, facts and figures. NCVO Almanac, March 2011.*

⁸¹ The text of the Act may be found on the following website:

http://www.legislation.gov.uk/ukpga/2003/26/pdfs/ukpga_20030026_en.pdf

⁸² Information was cited from the following website: <http://www.peopleandparticipation.net/pages/viewpage.action?pageId=26707077>

⁸³ Improving Local Partnership Project, Partnership Improvement Programme

⁸⁴ Local Compact Implementation Workbook published by NCVO

⁸⁵ Strong and prosperous communities- The Local Government White Paper (Final Implementation Plan) published by the Department for Communities and Local Government

The internet plays an increasingly more important role in the involvement of the public in the decision-making process. Even those who cannot participate in person on the council meetings and other forums can follow the events either by playing them live or downloading them and playing them at a more suitable time. Webcasting is also interactive and users can send in comments and questions via a text tool while the webcast is running, and get an answer straight away.

- ✓ After one year of operation the site has nearly 1,000 members, representing about 5% of the target population. It is growing steadily week-by-week.
- ✓ Each day the site has over 200 hits from over 100 different people.
- ✓ The website ran a residents' priorities survey which achieved a 70% response rate. This was submitted to the local authority together with a plan to use its output as the basis for a local charter.
- ✓ The website has led campaigns around traffic issues with organizing an online petition. The petition was so successful that the local authority revised its plans.
- ✓ Site members are learning new information and new skills about how to engage directly around issues they feel are important.
- ✓ The local police is an active contributor on the site.
- ✓ The website has actively sought to build the bridging element of neighbourhood social capital and is forging new connections between heterogeneous groups in the area.
- ✓ Members report the huge benefits of the site's ability to enable members to provide one another with practical and emotional support with problems and difficulties.
- ✓ Working offline as well as online, the site has enabled the forging of many new neighbourhood friendships and connections.
- ✓ In 2008 the site coordinated members to organise the biggest neighbourhood summer fete.⁸⁶

One example is the **Harringay Online** launched in July 2007, a double-award winning citizen-led network which has 4,000 signed up users and has won two awards. In 2008 the following results were registered:

3.5.3.1. Policy documents and local strategies

National Compact

The **Compact** –an agreement between the government and the third sector- was launched in 1998 on a national level and was deemed an instrument in moving many issues from the margins of government policy to expected practice (e.g. three year funding, three month consultation periods). While addressing the national arena, the government also articulated its intention to “*encourage actively its extension.....to local government, who will be invited to adopt and adapt the Compact to suit their relationship with the volunteer and community sectors*”.

Based on the experiences a new national Compact was adopted in December 2009. According to the foreword of Simon Blake the National Compact should provide a framework to drive Local Compact action, ensuring productive relationships at all levels.

The following shared principles are identified in the Compact as a framework for Local Compacts: respect, honesty, independence, diversity, equality, citizen empowerment, volunteering⁸⁷

Local Compacts and the activities supporting the implementation

“The Compact exposed our laundry; we had to make sure it was clean”.

⁸⁶ <http://www.peopleandparticipation.net/pages/viewpage.action?pagelId=26707077> and <http://www.harringayonline.com/>

⁸⁷ The Compact on relations between Government and the Third Sector In England

100% of local areas in England are committed to better partnership working between local government, local public bodies and local voluntary and community organizations through **Local Compacts**. Local Compacts are living documents that inform the whole range of joint work at a local level, from police work with the community sector to tackling anti-social behavior to social services improving their contracting with social care organizations.

The benefits of having a local compact for the third sector are summarized as the following: (1) Community benefit (developing services based on community needs); (2) Realizing organizational objectives (furthering the cause of the organization); (3) Improving partner relationships (working closely with local authorities); (4) Using external funding more effectively; (5) Involving local groups in best value and community planning.⁸⁸

The website of the Compact was a very useful source where the Local Compacts were uploaded by regions.⁸⁹

Regardless of the popularity of the compacts, there was a need for improved implementation of these documents. To support that, the National Council for Voluntary Organizations produced a '**Local Compact Implementation Workbook**', a comprehensive and useful guide to making Local Compacts work in practice. In particular, the toolkit encourages a focus on what can be achieved through the Compact, and offers a series of 'troubleshooting tips' to help diagnose and resolve things that are not working.

The Local Compact Implementation Workbook highlights the following good Local Compact commitments on consultation:

Liverpool Council commits to consult the sector early at the developmental stage.
Barnet Compact commits groups to consult public bodies on changes which may impact on their services.
Northamptonshire: consultation equality between funded and unfunded groups.
Craven: making it easy for new groups to have a say in any consultation.
Ealing: coordination of consultation and communication exercises between departments to avoid overload on local groups.
Buckinghamshire Compact action plan includes producing a consultation calendar.
Ashford: evaluate consultations jointly with a view to developing and sharing best practice.

The **Local Compact of Buckinghamshire** has a very detailed regulation concerning the consultation procedure which is worth introducing as a whole:⁹⁰

"Consultation

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

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

⁸⁸ Nilda Bullain and Radost Toftisova (2004): *A Comparative Analysis of European Policies and Practices of NGO-Government Cooperation*. ECNL, Budapest.

⁸⁹ The Commission for the Compact has ceased to operate on the 31st of March 2011, however, the source of information is still available on the UK Government Web Archive.

⁹⁰ The whole text of the Local Compact of Buckinghamshire is available on the following website: http://webarchive.nationalarchives.gov.uk/20110314111751/http://www.thecompact.org.uk/shared_asp_files/GFSR.asp?NoDelID=100475

Consultation timescales

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

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

Government consultation

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

Consultation information

Both sectors agree to do the following.

- Explain what the consultation is about and whose views are being sought.
- Explain why they have chosen the particular consultation method being used.
- Wherever possible, provide a summary of the consultation and say where the full version is available.
- Use simple language without any unnecessary jargon or, if this is not possible, with specialised terms explained.
- Explain how and when information gathered during the consultation will be used.
- Provide information on those who took part in the consultation and the result of it.
- Make consultation documents available in a variety of formats, where appropriate.
- Make a joint response where appropriate.

The statutory sector will do the following.

- Make clear where a consultation exercise can result in change.
- State how many stages of consultation there are going to be and who is being consulted.
- Make clear why a particular voluntary or community group is being consulted on a particular issue (for example, as a service provider, as a representative of the community or volunteers, as a representative of the VCS, as a campaigning organisation and so on).

The VCS will do the following.

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

In 2008 the Institute for Voluntary Action Research has prepared a project report "**What makes a successful Local Compact**"⁹¹ identifying factors and good practices which contribute to the more effective implementation of the Local Compacts.

⁹¹You may find the text on the following website:
<http://webarchive.nationalarchives.gov.uk/20110314111751/http://thecomcompact.org.uk/files/102330/FileName/WhاتمakesasuccessfulLocalCompact-Report.pdf>

The key success factors for the Local Compacts are the following:

Critical success factor	How to achieve this?
Focusing on outcomes	Better services Practical improvements Quick wins
Establishing the rights structures and links	Links to LSP ⁹² and LAA Embedding in commissioning and procurement
Leading and championing the Compact	Senior leadership Resources and support for champions
Involving stakeholders	Multi-sector involvement Elected members Service directorates
Having effective third sector representation	Using established structures Involving the wider third sector
Resourcing the Compact	Dedicated workers Embedding the Compact in a variety of roles
Making the Compact real	Practical tools Accessible information Staff induction Logging Compact wins
Making the Compact work in two tier areas	Scrutiny mechanisms Working groups with representation from all tiers Dealing with local differences Continuous consultation and involvement

The regular review of the Local Compacts is important in order to evaluate the success of its implementation-what has worked well and what remains to be done. In East Sussex the Compact group uses a survey designed by NCVO⁹³ which is sent out to people in both the public and the civil sector. The Compact group evaluates the answers, represents the result and proposes actions to the LSP.

Other organizations such as **Compact Voice**⁹⁴ are also devoted to highlight the importance of stronger partnership between the CSOs and the authorities. It has recently published a portfolio of short case studies demonstrating the practical application of Local Compacts called "*Local Compacts at Work*"⁹⁵.

3.5.3.2. Bodies for cooperation

As recognition of the importance of the Local Compacts there is **dedicated Compact worker** in some local authorities like in the case of Islington. The local partners agreed that the dedicated Compact worker as the "recognizable face of the Compact" would have the advantage of working without any conflict of interest. Thanks to the work of the dedicated Compact worker Islington was able to organize three events with hundreds of participants from both sectors celebrating the success of the Local Compact.

⁹² Local Strategic Partnership

⁹³ National Council for Voluntary Organizations

⁹⁴ Compact Voice is a network of over 2300 members which provides advice and training on the Compact and represents the sector's interest.

⁹⁵ The text may be found here:

http://www.compactvoice.org.uk/sites/default/files/local_compacts_at_work.pdf

It is also regular that **Compact Steering Group** is set up to monitor the implementation of the Local Compacts like in case of Calderdale and Hertfordshire. These are multi-sectoral groups including the representatives of the third sector, the council, primary care trust and local Chamber of Commerce.

In some cases – line in Lewisham- both Compact representative and Compact Steering Group exist to ensure that the gap sometimes existing between the two is bridged.

There are other developed forms of representing the interest of the third sector in the decision-making process. In Birmingham, there is a **member in cabinet** who leads relationships with the third sector and ensures that the third sector has access to the council cabinet (e.g. hosting receptions for local third sector leaders).⁹⁶

The county of Devon is a great example for the representation in a two-tier authority. The county and the 9 districts have their own LSPs and each LSP delegate one-one person from the civil sector and the public sector to the **county-wide Compact Hub**. The role of participants of the Compact Hub is to bring forward strategic issues from their own areas and go back to their sub-regions as ambassadors for the Devon Compact.⁹⁷

3.5.3.3. Funding

The **Local Compact at Work** highlights the example of **Merton city** as in the present crucial economic situation the involvement of the CSOs in the decision-making procedure is extremely important.

Negotiations commenced between the sectors as early as 2008 about how to respond to the recession. In July 2010 the Council began consulting with the CSOs on how to ease the impact of the planned cuts. This conversation has helped to identify actions for both parties and the voluntary and community sector has been able to get a head start on making efficiency savings through collaborations and mergers. In this way they were able to mitigate the impact of the 10% decrease of the funding for the 2009/2010. Since then the Local Authority has decided to maintain the amount of funding at the same level as in 2010/2011 as a recognition of the fact that grants can provide excellent value for money. Despite making cuts, however, the Council has not only maintained a good relationship with the voluntary and community sector but has even earned their trust and improved the cooperation.

4. MAIN FINDINGS AND CONCLUSIONS

The importance of involvement and cooperation on a national and local level is emphasized continuously. The Agreement of the Sarajevo canton provides a nice summary of the key values of cross-sector cooperation:

“CSOs can share their knowledge and expertise to provide significant independent contribution in the decision making process. Therefore, governments at all levels, from local through regional to national and international institutions, can utilize the relevant experience and knowledge with CSOs in the development and implementation of planned policies. CSOs enjoy a special kind of trust among its members, as well as in society at large, because they allow them to express their concern, by representing their interests and allowing them to influence important issues, thus executing their participation in the development of specific policies.”

On the **European level** there are both binding and nonbinding documents that address the issue of cooperation and participation locally. There are several documents of EU and Council of Europe, which highlight that decisions should be taken as closely as possible to the citizens. Furthermore, states are expected to develop their own

⁹⁶ You may find further good examples for the cooperation in the **Local Compacts at Work**.

⁹⁷ “What makes a Successful Local Compact”

regulations which would improve the legal framework for participation and develop rules, mechanisms and measures to further enhance such participation on both national and local level.

On the EU level, the Lisbon Treaty provides the general rights of participation in democratic life and reflects the obligation of local governments to further the participatory processes. Apart from this Treaty, the European Parliament's Resolution on Developing Civil Dialogue under the treaty of Lisbon reinforces the importance of participation at all levels. Importantly, it emphasizes the commitment needed by the states to provide for financial resources to support such participation.

The Council of Europe developed several documents, in the form of charter, protocols, recommendations, strategies and codes. The most important is the European Charter of Local Self-Government which was the first international binding treaty guaranteeing the political, administrative and financial independence of local authorities. While this Charter does not directly regulate participation by citizens, the notion is implied in its Article 3 which recognizes that there may be various forms of direct participation exercised by the citizens. Significantly the Additional Protocol to the European Charter more explicitly provides that states should regulate the right to participation, and it defines it as a right to *“seek, to determine or to influence the exercise of local authority's powers and authorities”*. The Protocol lists several measures that should be undertaken to secure this right.

Another important document at the Council of Europe level is Recommendation 19 which includes principles of local democratic policy and identifies steps and measures to reach it. Among others, it recommends that states should develop policies and improve the legal framework so that local and regional authorities can introduce and utilize various measures concerning local participation. In addition, local authorities are encouraged to improve local regulation and undertake steps to promote citizens' participation.

On a **national level** (based on information from the countries surveyed in the paper), participation is implied or regulated in the constitution, laws, national strategies, codes, local government decrees or regulations and strategies adopted on a regional or local level.

Local participation is not considered as a right specifically in the constitutions but it derives from other rights (e.g., freedom of expression, freedom of association, right to referendum). However, the Croatian Constitution explicitly maintains that *“citizens may directly participate in the administration of local affairs through meetings, referenda and other forms of direct decision making in compliance with the law and local ordinances.”*

Certain aspect of citizens' participation are regulated in laws governing the local self-government, freedom and access to information, then laws regulating the legislation process and specifically laws on the decision making process. The laws on local self-government regulate participation very generally and leave it to the local level to formulate it in the decrees (e.g., in Hungary, Croatia). However, locally, there is no evident practice of cities to adopt decrees or regulations governing participation and cooperation. A notable example is the Budapest municipality which adopted such a binding document. Since there is not much practice to regulate participation locally, and in light of European recommendations, the national laws can include more detailed framework for participation which can give direction to local government and in the same time leave to the local authorities to define the specifics based on their local circumstances.

The national strategies and codes play a very important role as a compass for adoption of local documents. They serve as models and inspiration for local governments to follow national trends and apply them on a local level in accordance to the needs of the community. The statements, principles, and objectives of national documents seem to be more easily interpreted and applied by local actors because they know each other and communicate better. Local negotiations and “compacts” have usually a more practical and less political (conceptual) aspect than national ones.⁹⁸ For example, the local agreements for cooperation in Croatia, Hungary and England, followed the

⁹⁸ Nilda Bullain and Radost Toftisova (2004): *A Comparative Analysis of European Policies and Practices of NGO-Government Cooperation*. ECNL, Budapest.

adoption of national strategies and programs adopted by the Governments. In Federation of Bosnia and Herzegovina, while the adoption of the national agreement preceded the local ones, they were developed parallel. Serbia is taking the first steps towards this approach.

Cooperation and participation on a local level is mainly regulated through non-binding documents, which can be found under the name of compacts, charters and agreements. Therefore, there is a need for further steps and increased commitment to ensure effective enforcement in practice. Nevertheless, such documents appear to be very popular and we can observe a proliferation of local agreements in Croatia, Hungary, England and the Federation of Bosnia and Herzegovina. In England local compacts are so developed that the current efforts focus on the implementation which is supported by work-books and best practices to share experiences and provide guidance. In the other countries, the focus is predominantly on ensuring adoption of such documents. Therefore, we could not find many examples of the effects of their implementation. The implementation of such agreements as a general practice in the Federation of Bosnia and Herzegovina, Hungary and Croatia is supported by the development of annual action plans and creation of bodies (councils, boards) to support its implementation.

It is relevant to mention that cooperation and participation is not promoted only with associations and foundations, but is also open to citizens as such as well as non-registered and informal groups. In Croatia, the Code of Practice on Consultation applies to the interested public, which includes citizens, registered and unregistered CSOs, private institutions, trade unions, etc.

We found only few examples where consultation and participation in decision-making processes is regulated locally. One is the Decree of the Municipality of Budapest, and another is the local compacts in England (e.g., Local Compact of Buckinghamshire which contains a very detailed procedure on this). In line with European recommendations, citizens should have the opportunity to become involved in decision making processes, and as early as possible through the various stages of the process (like in case of Buckinghamshire, England). It is important to keep in mind that the consultation is a two-way process where both parties have their own responsibility and can benefit from it.

The funding aspect of the cooperation can be reviewed through the prism of: (1) how much money is available for local CSOs and for supporting cooperation and participation, and (2) whether and how it is distributed. Croatia stands out as a country which has support for CSOs developed on a regional and local level, and such support is analyzed every year by the Office for Cooperation with Associations based on the input of the regional and local authorities. In other countries, the amount of funding differs among cities but in general it should be increased to correspond with the actual level of involvement of CSOs in the implementation of local public tasks.

In terms of funding distribution, in Hungary, Croatia and England the funds are allocated mainly through tenders. In Croatia, considering the predominant funding available for sports versus other types of activities (over 50% on both regional and local level), poses a question as to whether there is a need for increased involvement of the CSOs in the process of determining the policies and needs that such funding should support. In Hungary, funding is distributed based on the fields of activities, which means CSOs are not the exclusive bidders on every tender. Nevertheless, there is a special line for civil issues (e.g. in Budapest municipality). In Hungary, the use of databases as a pre-registration method simplifies the process of funding. Notably, in Croatia the existence of regional foundations such as the Istrian one, further increases available funding for CSOs on local level and ensures more transparent distribution.

Mechanisms and models used to promote participation

In addition to the models enshrined in the constitutions and basic legal acts (the referendum, citizens and petition), the countries analyzed in this paper have adopted several other mechanisms and models to facilitate cooperation and include CSOs in local processes. Those models can be grouped in the following categories:

1 Regulations: while not commonly practices, regulations are important documents because they introduce binding rules for local governments to provide access to information and involve citizens in the decision-making processes.

2 Local policies (charter, compact, agreement): this is the most common model found in the countries. Their main objective is to reflect on the current state of cooperation, to identify specific goals and assign tasks and directions in order to achieve them. Local documents generally include similar content to that covered by national documents but they tend to be more specific and practice-oriented. Local policies should be evaluated at least once a year. Some local policies propose the adoption of specific action plans to support implementation. Others also create a separate body composed of representatives of both local government and CSOs to ensure monitoring and better implementation.

3 Local offices/centers: Some local governments have established units or offices. Their roles differ. Some provide office space and equipment to support the work of local CSOs (e.g., Serbia). Others undertake tasks to further cooperation for example, maintain web sites, operate databases, send newsletters, coordinate and support the work of cross-sector bodies, inform of funding opportunities and distribute funding to CSOs, survey the civil sector and relevant regulations to improve the environment for their work.

4 Persons responsible for cooperation may exist in those cities where there is not enough funding to set up a separate office (e.g., Hungary). They normally undertake similar roles as the separate offices. They may be part of the mayors' office or assigned within the public relations department.

5 Cross-sector bodies (councils, boards, committees) are formed for different purposes. They can be set up to deal with and advise on specific community needs such as city development, sport, people with disabilities (e.g., in Serbia). They can express opinions on documents provided by the local government bodies, they can make suggestions to discuss specific issues, proposals, identify funding priorities for the local community and CSOs, and establish directions for development of civil society. In some countries they are set up with the aim to support implementation of the policy document (e.g., Croatia, Federation of Bosnia and Herzegovina). To ensure a wider scope of cooperation, steering groups (in case of Calderdale and Hertfordshire in England) may be established which ensure multi-sectoral involvement in the decision-making process (which includes local governments, CSOs, chamber of commerce etc).

6 CSO led bodies. Bodies led and composed of CSOs only are grass root initiatives whose establishment depends on the active involvement of CSOs and their commitment to set up such bodies. They are the official recognized partner of the local government. Such a model exists in Budapest in the form of civil workshops and in Szentes as a civil council. It requires a minimum amount of members below which the body cannot function effectively.

7 Local foundations. This model is found in Croatia. The Foundation in the Istria Region, is one of the foundations working on a regional level to provide funding and support specifically to the CSOs. It is a public-private foundation which receives money from the National Foundation and budgets of local governments, among other sources. It undertakes financial, education and information function.

8 Databases. Several cities set up databases of local CSOs which are used to compile information of active and interested CSOs in the community. Such databases are used to facilitate funding processes, communication and cooperation (e.g., to send newsletters, to facilitate linkages between interested parties who want to partner on specific issues).

9 The use of internet technology. Internet is used to a greater extent, as it is probably one the cheaper mechanisms which ensures easier flow of information, can reach out to a wider group in the community and can help increase transparency of the work of the local government. It is an important task of the local government to ensure that there is technical backing so that the socially disadvantaged people can also have access to the internet and benefit from its use. For this purpose, we see the establishment of Telehouses as acknowledgement of cross-sector responsibility and partnership in ensuring access to information for all. They are an "infoteque" which links isolated rural communities by bringing IT equipment and skills to small communities and thereby provides a range of engagement and development opportunities to people who are otherwise isolated in their everyday lives. In Hun-

gary and England there are examples of separate web pages which are established for the purpose of promoting cooperation and information sharing. They list information about activities of the local government, information and activities of local CSOs and list of CSOs in the community. In Budapest the web page is used to solicit opinions on draft laws. E-mail lists are also used to distribute information to interested pre-registered citizens and CSOs. Web casting is used in England, as an internet method to involve citizens who are unable to take part in in-person meetings. They enable the online participation in council meetings and other online forums, and send comments and questions through the internet.

5. RECOMMENDATIONS OR WHAT TO CONSIDER WHEN WORKING ON A MODEL FOR COOPERATION AND PARTICIPATION

The overview of the five countries in this paper shows that despite the differences they all tend to adopt similar models for cooperation. The development and execution of the models and their successful implementation relies on several factors. Such factors include existing level of cooperation, motivations and will to cooperate, the commitment of the sides in the process, understanding of the values and benefits, allocating resources and keeping the focus to ensure that the models are adopted. Some models have benefited from availability of resources (e.g., Istrian Region Foundation). Others have benefited from a matured culture and long tradition of cooperation (e.g., English Local Compacts). However, this should not mean that all factors need to be in place for a model to be adopted. Rather, it is a process and through the process the conditions for its development and implementation are shaped and changed. It is important to remain cooperative and committed, and to have trust in the potential of the model. The following is a list of key issues that should be considered when developing a model for cooperation and participation.

What is the objective?

As the paper shows there are several models that can be used to promote participation and cooperation on a local level but there are differences as to the roles it can play and the expected results. Therefore, we recommend that the local actors (authorities, CSOs, citizens, and groups) define clearly what aspects of cooperation they want to promote, what are the overall goal and purposes and what they want to achieve. While models can easily be copied they are not always applicable in all circumstances.

Therefore, when considering a model from another country or city or municipality a consideration of the local circumstances must be given, the factors that may stimulate or impede implementation, the resources necessary to introduce and maintain it. Based on this, the model can be adapted to achieve the desired results.

Who is the target group?

Participation and cooperation should not be reserved only to CSOs. Primarily it is focused on citizens and CSOs are the vehicle through which they may take part in local processes. Since the local community is connected to the citizens more easily, sometimes they may be involved even without the intermediaries. Even when speaking about CSOs, it is very important to widen the scope of those entitled to participate in the local processes. For the sake of better information of the citizens' needs and more effective management not only registered associations and foundations should be considered but also informal groups and CSOs with other legal forms (nonprofit limited liability company etc.).

When to involve the target group?

Clearly, such a model should be developed with participation of all groups. The public should be involved in the development of the model from its early stages. CSOs and other parties can also bring its own (human and financial) resources to complement local government initiatives and efforts and to support implementation.

Importantly, and most vividly on a local level, the participatory process does not only contribute to the creation of a good model, but also to establishment of stronger partnerships and linkages between those involved. The sketched plans for the models are further developed and shaped as the process evolves, ideas are exchanged and the creativity of the group flourishes. And as part of that, trust and ownership is built and a feeling of commitment to contribute to the implementation is strengthened.

How should it be regulated?

Cooperation, and specifically participation may benefit from being addressed in the Constitution but even more importantly it should have a stronger basis in the laws on local governments and other issues that affect participation (e.g., access to information, legislative process etc). While the framework and the basic requirements obligatory for all authorities should be included in national legislation, autonomy should be given to local authorities to then further elaborate the details of the cooperation in local documents.

In countries where cooperation and participation is not developed locally, perhaps it makes most sense if there is obligation to include such provisions in binding documents (decree or regulation of the local authority). This may ensure increased compliance and better enforcement.

Parallel, broader aspects or details of the cooperation may be included in local policy documents (agreement, charters) which can co-exist with the decrees and complement them.

A clear and understandable policy paper can put down the framework of the cooperation and help people working at the authorities understand how civil society can support a whole range of services.

In order to ensure better implementation it is useful to prepare and circulate publications (toolkits, case studies) about the role of civil society and underpin the theory with concrete good examples which could be followed by the implementers and perhaps other local governments which have adopted similar models.

How to ensure wider inclusion in the model?

The internet plays a more and more significant role in both the information sharing and the consultation with CSOs and it is the easiest and cheapest way of reaching out to the people. A separate link from the website of the local government can be a good surface of communicating with the public. Much useful information affecting a wide-range of people and CSOs may be uploaded (such as news, database on the local CSOs, the relevant legal regulations, the agenda and the minutes of the local council meetings, the available funding opportunities).

The activity of the local government may be even more open if webcasting is used like in Harringay (England). These are very cheap and effective tools if the proper technical background is provided.

The local government could cooperate with the CSOs and local enterprises to ensure internet availability for the socially disadvantaged people across the country. In cases where the internet cannot be utilized by the population, brochures may be printed and spread between the citizens about information which is also available on the internet.

However, the website shall not overshadow the relevance of the direct relations which can be implemented by regular electronic newsletters, post, civil days, civil workshops, public hearings, citizen meetings. It is important to ensure enough capacity for this purpose within the local government (in the form of a civil office or a staff person

liable for CSO-local government cooperation) and educate other local government officers on the merits of the civil participation (e.g. providing leaflets as part of the induction packs for the new staff members).

How should it be monitored and revised?

The work of the model should be followed and reviewed periodically. For example, implementation of the local action plans or compacts should be regularly revised in order to identify what has been done and what are the next steps to be taken. Action plans can help follow the implementation of immediate steps and shorter term priorities. Annual reports of the implementation of a policy document or a work of cross-sector body or local government office can serve as good feedback to generate greater confidence in partnership, as they can indicate more clearly the benefits and results achieved.

Funding for the model

The available funding for the development and implementation of the model is related to its success. Consideration should be given to the following general needs: how long it will take to develop it, what methods of consultation will be used, what does it take to set it up and what is needed to ensure its effective implementation. Therefore the level of financial resources should be secured before the process is officially launched to the farthest possible extent.

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