

Balkan Civil Society Development and Policy Participation

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Roundtable Discussion: The New Enlargement Strategy for the Western Balkans:
How to Enhance Civil Society Role in Anti-Corruption and Good Governance

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Background

- Monitoring mechanism developed and applied by civil society from EU Enlargement Countries. The Monitoring Matrix Methodology is recognized and presented as unique and innovative monitoring mechanism eg. CIVICUS ICSW, Black Sea NGO Forum, ICNL. The methodology serves for identification of commonalities among the countries and **highlights regional trends.**
- For the 1st time defines entire enabling environment for civil society development (CSDev); Monitoring Matrix findings reflected in EC Progress Reports.
- 151 Indicators and 24 standards for both legislation and implementation (real state of affairs);
- Basis for development of Guidelines of the EU for Support to Civil Society in Enlargement Countries (main document underpinning policies and financing of CS support in Enlargement Countries).

Methodology of the project

AREA 1: BASIC LEGAL GUARANTEES OF FREEDOMS

Freedom of Association
Related Freedoms (Assembly and Expression)

AREA 2: FRAMEWORK FOR CSOs' FINANCIAL VIABILITY & SUSTAINABILITY

Tax/Fiscal Treatment of CSOs and Donors
State Support
Human Resources

AREA 3: GOVERNMENT – CSO RELATIONSHIP

Framework and Practices for Cooperation
Involvement in Policy and Decision-Making Processes
Collaboration in Service Provision

2016 KEY FINDING ON CSOs' PARTICIPATION

CSO – state relationships are regulated by the legal and/or policy documents everywhere except Turkey. However, they continue to be inefficient, particularly due to the:

- (1) lack of political will or commitment to implementing policy documents,**
- (2) insufficient allocation of funding;**
- (3) limited number of trained human resources; and**
- (4) lack of monitoring and evaluation mechanisms.**

Many countries reported that the dialogue with public authorities has deteriorated compared to 2015 and 2014, particularly in the involvement of CSOs in the decision-making processes.

2016 Key Finding on CSOs' Participation

- CSOs continue to report **problems with their involvement** in decision and policy-making processes at both national and local level. National standards for CSO involvement exist in all countries except Turkey.
- Draft laws/policies are not always published well in advance, as it is required by the legal regulation. State authorities also oftentimes **neglect the provisions** on the publication of calls for consultations.
- Representatives of civil society in the decision-making/advisory bodies are selected **outside of clear and transparent mechanisms**. Selection procedures continue to be regarded as biased and based on personal acquaintances.

Framework and Practices for Cooperation

Partnership between CSOs and governments are still not functioning through the region

- **Albania:** National Council for Civil Society established, yet despite legal requirement of at least three meetings a year, it met once only
- **Bosnia and Herzegovina:** Specialized institutions for CSO-Gov cooperation envisaged with the 2007 Cooperation Agreement are not established, but BiH MoJ committed on Revised Agreement
- **Kosovo:** implementation mechanisms of Kosovo Gov Strategy for Cooperation with Civil Society 2013-2017 continued yet with no concrete results
- **Macedonia:** Council for Cooperation between Gov and Civil Society established however in the midst of a political crisis, without appropriate consultations, followed by boycott of leading CSOs
- **Montenegro:** CSO representatives with seats in the Council for Cooperation with NGOs froze their membership due to dissatisfaction with its President.
- **Serbia:** Acting Director of the Office for Cooperation with Civil Society finally appointed whereas National Strategy on EE for CSDev still not been approved

Involvement in Policy- and Decision- Making Processes

Standards for public participation in decision-making processes are still not respected

- **Albania:** Inputs provided by CSOs during consultations are not taken into consideration, and in violation to the Law on Notification and Public Consultations, there is lack of argumentation from public institutions on the reasons why.
- **Bosnia & Herzegovina:** Institutions actively publish draft and adopted laws and policies, but they do not answer all requests for access to public information.
- **Kosovo:** Regulation on Minimum Standards for Public Consultations approved based on CSOs' proposal, however, inclusion in decision-making and advisory bodies is possible only to CSOs that are close to the Gov
- **Macedonia:** Consultations on draft laws and policies are oftentimes neglected in the region, despite legal guarantees – 21 of 505 draft-laws were consulted
- **Montenegro:** Decree on the procedure and manner of developing cooperation between public administration bodies and NGOs, and Decree on the procedure and manner of conducting are undergoing changes in consultation with CSOs
- **Turkey:** There is a Regulation on the Procedures and Principles of Drafting Legislation in Turkey however publishing of draft laws and policies is at the discretion of authorities.

KEY RECOMMENDATIONS FOR NATIONAL INSTITUTIONS

1. Mechanisms for CSO-state cooperation need to be empowered with clear responsibilities and made functional through sufficient allocation of financial and human resources with adequate capacities.
2. CSOs should be regularly involved in decision and policy making processes at all levels, including effective access to information and inclusion in early stages of the process.

Key Recommendation

FOR EU INSTITUTIONS

- Meaningful participation of civil society in the EU accession processes to be ensured and supported.



Thank you!

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www.monitoringmatrix.net