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Fostering active citizenship by building partnerships with civil society

Current Affairs Committee
Rapporteur:¹ Raymond SVENSSON, Sweden (L, ILDG)

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Summary

The report examines the implementation of the Code of Good Practice for civil participation in the decision-making process and explores the ways and means to make it more accessible to local and regional authorities. The Code, adopted in 2009 by the Conference of INGOs, was intended to build a bridge between participatory practices in civil society and representative democracy at local and regional levels of government and is considered to be an important tool not sufficiently used by local authorities.

The Congress calls on the local and regional authorities of the Council of Europe member States to acknowledge the Code as an instrument of dialogue with civil society organisations for improved and sustainable political decisions. It invites the Conference of INGOs to review the Code with a view to making it a more local-authority friendly text that represents NGO and local authority responsibilities in a more balanced manner. The Congress also encourages local and regional authorities to lobby their governments which have not yet done so, to sign and ratify in the near future the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

Fostering active citizenship by building partnerships with civil society

RESOLUTION 385 (2015)²

1. Non-governmental organisations (NGOs) are voluntary self-governing bodies established to pursue non-profit-making objectives through means that are consistent with the requirements of a democratic society.

2. The Council of Europe has a long history of interacting with civil society organisations and working together with international non-governmental organisations (INGOs) who contribute their specialised expertise to its work. Since 1952, INGOs have had a “consultative status” at the Council of Europe and, currently, over 300 INGOs have “participatory status”, i.e. they are particular representatives in the field(s) of their competences, they are active at the European level and share the Council of Europe’s aims and contribute actively to its work. They form the Conference of INGOs (hereafter “the Conference”), their main decision-making body.

3. The Conference sets policy lines, defines the programme of activities and also organises its participation in the so-called “quadrilogue”, which is the working frame for four bodies of the Council of Europe: the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities (hereafter “the Congress”), and the Conference.

4. The Congress and the Conference have been in co-operation since 2003 to develop the relations between NGOs and local and regional authorities in Council of Europe member States. A significant step in this co-operation was the adoption of Resolution 165 (2003)³ and Recommendation 139 (2003)⁴ on NGOs and local and regional authorities, which called on local and regional authorities to build and foster partnerships with NGOs.

5. Fostering citizen participation has also been on the agenda of the Congress frequently during the last two decades. Several reports, resolutions and recommendations were adopted on this topic with regard to different social groups and different aspects of the issue, including resolutions on women’s and youth participation, on responsible citizenship and on intergenerational co-operation.

6. It is against this background that the Conference of INGOs was invited to prepare a Code of Good Practice for Civil Participation in the Decision-Making Process (hereafter “the Code”) which was adopted by the Conference on 1 October 2009. The Parliamentary Assembly and the Congress supported it and the Committee of Ministers recognised its importance as a reference document for the Council of Europe.

7. The Code is a tool for dialogue and collaboration between public authorities and civil society. Its principal objective is the definition of a set of principles and guidelines for NGO participation in decision-making processes that are to be implemented at local, regional and national level in Council of Europe member States. It provides practitioners with a “Matrix of Civil Participation” which sets out clearly the steps of the political decision-making process and their connection with levels of participation, illustrating the representative decision-making structure and facilitating its comprehension.

8. The rapporteur set up a Reflection Group in 2013 consisting of representatives of the Congress, the INGO Conference and experts, to review and assess the experiences from the countries where the Code and related operating systems, processes and tools have been used since 2009, and to discuss how the implementation of the Code could be improved, its visibility and accessibility increased and made more local government-friendly.

9. Taking note of the rapporteur’s explanatory memorandum which reflects the discussions of the reflection group and the assessment of the experts, the Congress notes that the Code:

a. has the potential to serve as a tool for building a bridge between participatory practices in civil society and representative democracy at local and regional levels of government;

b. requires the support and encouragement of all local and regional authorities for partnerships to be built at the local and regional levels;

² Debated and adopted by the Congress on 20 October 2015, 1st sitting (see Document CG/2015(29)6FINAL, explanatory memorandum), rapporteur: Raymond SVENSSON, Sweden (L, ILDG).

³ Resolution 165 (2003) on NGOs and local and regional democracy.

⁴ Recommendation 139 (2003) on NGOs and local and regional democracy.

c. would benefit from some minor modifications even if it is too early for a revision of the text in light of the fact that only five years have gone by since its adoption.

10. In the light of the above the Congress:

a. calls on the local and regional authorities of the Council of Europe member States to communicate the Code by spreading information on its background, its content and how it can be used in interaction between civil society and local and regional authorities, and to establish trust and mutual relationships with NGOs, acknowledging the Code as an instrument of dialogue with civil society organisations for improved and sustainable political decisions;

b. encourages local and regional authorities to lobby their governments which have not yet done so, to sign and ratify in the near future the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);

c. invites the Conference of INGOs to review the Code with a view to giving it a more accessible character for the use of local and regional authorities.

11. The Congress particularly draws the attention of the Conference of INGOs to the need to:

a. to set up a follow-up committee with a mandate limited to the review of the Code, including members representing the Congress and the Conference of INGOs with two co-chairs; one representing civil society organisations and the other representing the Congress;

b. review the title, the language and presentation of the Code to make it not only more comprehensible from a local authority point of view and easier to read but also to provide balance between the contributions and responsibilities of the NGOs and local and regional authorities;

c. create incentives for the development of increased participation and co-creation to stimulate local and regional examples of positive collaboration with NGOs through events such as a participatory model of meeting that can serve as an inspiration to implement the Code;

d. replace the term “partnership” used in the appended Matrix with “co-creation” in order to make it clear and to emphasise that partnership underlies the entire process;

e. include newer forms of collaborative relations in the list of NGO definitions, complementing the Code with descriptions and facts of how active citizenship is strongly influenced by a vibrant civil society;

f. draft tutorials that explain and complement the current Code to make it accessible for users in decision making and public management;

g. review the current Promotion and Implementation Plan for the Code in order to update it, to facilitate the assessment of future action needs and to consider investing in collecting examples that can be used by others for a more effective implementation of the Code;

h. ensure that the work on the translation of the current Code into the languages of all member States and the development of a version for the visually impaired continues.

Fostering active citizenship by building partnerships with civil society

EXPLANATORY MEMORANDUM⁵

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I. BACKGROUND

1.1 Council of Europe and International Non-Governmental organisations (INGOs)

1. The Council of Europe has a long history of interacting with civil society organisations and working together with INGOs which contribute their specialised expertise to its work. Since 1952, INGOs have had a “consultative status” at the Council of Europe, which was promoted to “participatory status” in November 2003 by Resolution (2003)8⁶ of the Committee of Ministers. Since then, INGOs have been actively taking part in the decision-making process and implementation of programmes within the Council of Europe.

2. The Committee of Ministers defined NGOs in its Recommendation CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe in 2007. NGOs are voluntary self-governing bodies or organisations established to pursue non-profit-making objectives through means that are consistent with the requirements of a democratic society. INGOs that have participatory status at the Council of Europe have met certain criteria: they are particular representatives in the field(s) of their competences, they are active at the European level and share the Council of Europe’s aims and contribute actively to its work.

3. Currently, over 300 INGOs have participatory status with the Council of Europe. They form the Conference of INGOs (hereafter “the Conference”), their main decision-making body. The Conference has a Bureau (its executive body) which is responsible for the implementation of the decisions of the Conference and of its Standing Committees which work on thematic activities of interest to the Conference.⁷ The Conference sets policy lines, defines the programme of activities and also organises its participation in the “quadrilogue”, which is the working frame for four bodies of the Council of Europe: the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities (hereafter “the Congress”), and the Conference.

⁵ This explanatory memorandum is based on the contribution of Council of Europe consultants Anna-Karin Berglund (Sweden), Senior adviser and Project manager at the Swedish Association of Local Authorities and Regions (SALAR) and Chuck Hirst, USA, expert of the Central and Eastern European Citizens Network (CEEEN).

⁶ Resolution (2003)8 Participatory status for international non-governmental organisations with the Council of Europe

⁷ Totsi, Lamvi: The Conference of International Non-Governmental Organisations of the Council of Europe – History Structures, Projects, www.coe.int/t/ngo/Source/Presentation_Conf_Totsi_en.pdf

1.2. Co-operation between the Congress of Local and Regional Authorities and INGOs

4. The launching event for the co-operation between the Congress and the Conference took place in 2003 when they met at a conference in Budapest to discuss the relations between NGOs and local and regional authorities in Council of Europe member States.⁸

5. Other significant steps in this co-operation were the adoption of Resolution 165 (2003)⁹ and Recommendation 139 (2003)¹⁰ on NGOs and local and regional authorities, which called on local and regional authorities to build and foster partnerships with NGOs. The co-operation was strengthened by the adoption of Resolution 260 (2008)¹¹ which established a partnership between local and regional authorities and NGOs that are active in the member States of the Council of Europe.

1.3 Congress activities related to citizen participation

6. Citizen participation has been on the agenda of the Congress frequently during the last two decades. Several reports, resolutions and recommendations were adopted on this topic with regard to different social groups and different aspects of the issue, starting with Resolution 85 (1999) and Recommendation 68 (1999) on “Women’s participation in political life in the regions of Europe” and Resolution 78 (1999) and Recommendation 59 (1999) on “Europe 2000 youth participation: the role of young people as citizens”, Resolution 91 (2000) on “Responsible citizenship and participation in public life”, and Resolution 228 (2007) and Recommendation 209 (2007) on “Intergenerational co-operation and participatory democracy”.

7. The Congress continued its examination of participation issues by producing documents such as Resolution 346 (2012) and Recommendation 327 (2012) on “Youth and democracy: the changing face of youth political engagement”, and Resolution 326 (2011) and Recommendation 307 (2011) on “Citizen participation at local and regional level in Europe”.

II. THE CODE OF GOOD PRACTICE FOR CIVIL PARTICIPATION IN THE DECISION-MAKING PROCESS

8. It is against the background outlined above that the Conference of INGOs was invited to prepare a Code of Good Practice for Civil Participation in the Decision-Making Process (hereafter “the Code”) at the meeting of the Council of Europe’s Forum for the Future of Democracy held in Sweden in June 2007. The Code was adopted by the Conference on 1 October 2009. The Parliamentary Assembly and the Congress supported it and the Committee of Ministers recognised its importance as a reference document for the Council of Europe.¹²

9. The Code is a tool for dialogue and collaboration between public authorities and civil society. It was elaborated using a multi-stakeholder approach and was based on the common understanding of the need to reinforce active citizenship and civic participation as essential ingredients for developing social capital in local communities, for strengthening human rights¹³ and for being a vital part of a sound and sustainable local and regional democracy and self-government.¹⁴ Its principal objective is the definition of a set of principles and guidelines for NGO participation in decision-making processes that are to be implemented at local and national level in Council of Europe member States.

10. The Code builds on a series of documents, charters, resolutions and reports on the subject of active citizenship and participation. It takes note, in particular, of the “Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority” which outlines, in Articles

8 Final Declaration of the Conference on NGOs and Local and Regional Democracy, Budapest (Hungary), 28 February-1 March 2003

9 Resolution 165 (2003) on NGOs and local and regional democracy.

10 Recommendation 139 (2003) on NGOs and local and regional democracy.

11 Resolution 260 (2008) on a partnership between local and regional authorities and non-governmental organisations in Council of Europe member States.

12 Totsi, Iamvi: The Conference of International Non-Governmental Organisations of the Council of Europe – History Structures, Projects, see: http://www.coe.int/t/ngo/Source/Presentation_Conf_Totsi_en.pdf

13 The Universal Declaration of Human Rights, Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 20: Everyone has the right to freedom of peaceful assembly and association. Article 21: Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

14 Resolution 260 (2008) Partnership between local and regional authorities and non-governmental organizations in Council of Europe member states.

1 and 2 respectively, the rights related to participation in the affairs of a local authority and the measures needed to give effect to this right.¹⁵

11. In this context, participation should not be seen as an alternative to representative democracy but as an important addition to support and strengthen democracy. Active citizenship through the use of the Code is expected to provide the means by which citizens can better connect to local and regional authorities and become involved in community-building issues.

12. In recent years, the importance of active citizenship has become increasingly prominent, as the development of participatory methods indicates. It is seen as a driving force in the strengthening of local communities by self-organised processes (i.e. through spontaneous, undirected local interaction between partners) and in the production of welfare, where partnership based on co-creative processes and co-production involves both organised civil society groups and ordinary citizens.

13. This report aims to review the concepts behind the Code and the experience of implementing both the Code and the related processes and tools for dialogue and partnership. The review will look at what was accomplished and learnt and will assess the experiences from the countries where the Code and related operating systems, processes and tools have been used. The report reflects the discussions of the Reflection Group¹⁶ set up in 2013 and includes recommendations that the Rapporteur wishes to make in order to improve the implementation of the Code, increase its visibility and accessibility and make it more local government-friendly.

2.1. The drafting and final version of the Code

14. As mentioned above, at the meeting of the Council of Europe's Forum for the Future of Democracy held in Sweden in June 2007, participants had called on the Conference of INGOs of the Council of Europe to prepare a Code of Good Practice for Civil Participation which would cover subjects such as mechanisms for NGO participation in decision-making processes and civil society involvement in public policy. A draft was prepared by experienced civil society representatives, elaborated in a pan-European consultation process, tested and commented on by members of national and international NGOs. The final version of the Code is used by activists and representatives of authorities in many countries.

15. It must be underlined that the Conference has produced a structured and pragmatic instrument aimed at decision makers and organised civil society, including the NGOs. It offers a repertoire of good practices. It does not have a mandatory character; nor does it prescribe rules or require enforcement mechanisms. It offers all the actors in the democratic process guidelines stemming from the concrete practical experience of dialogue and co-operation between NGOs and public authorities. The final aim is to facilitate their interaction and to enhance citizen empowerment and participation in the democratic process at local, regional and national levels.

16. In developing the Code, the Conference sought advice and input from other Council of Europe bodies. Both the Congress and the Parliamentary Assembly of the Council of Europe welcomed the Code. The Congress continues to stand ready to contribute to its promotion and to use it in its work, and the Parliamentary Assembly, for its part, highlighted the particular importance of e-tools in participation. This instrument is expected to give impetus to local, regional and national authorities to consult and co-operate more with civil society through introducing modern tools into democratic governance and at the same time intensifying citizen participation in public life.

2.2. Dialogue and partnerships between civil society and local and regional authorities

17. This report is based upon the concepts of participatory democracy, active citizenship, partnership and co-creation between local authorities and regions; it underlines that civil society should be part of the core business of local and regional government and that partnership could occur in a variety of contexts.

18. Active citizenship means people getting involved in their local communities and democracy at all levels, from towns to cities to nationwide activity. "Active citizenship can be as small as a campaign to clean up your street or as big as educating young people about democratic values, skills and participation. Active

15 Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority. Adopted in Utrecht 16 November, 2009.

16 The Reflection Group which met four times in 2013 and 2014 consisted of representatives of the Congress, the INGO Conference and experts.

citizenship is one of the most important steps towards healthy societies.”¹⁷ A notion on the political agenda all around Europe, it involves action by organised civil society, network structures and ordinary citizens as well as numerous initiatives by local and regional authorities and their associations, to build a sustainable democracy in a time when (in many European countries) citizens’ trust in representative democracy, bureaucratic structures and public management is decreasing.

19. New and more mutual relations as well as co-creative collaboration through partnership between the public sector and civil society is necessary in order to foster active citizenship. Social business¹⁸ has increasingly become an important part of the new EU strategy 2020. Citizen’s involvement, user’s involvement and user-driven-innovation are key concepts that constitute an innovative force in public welfare.

20. The fact is that, rule-driven, bureaucratically-controlled and top-down strategies used by the “old” system of public administration, discourages citizen participation. By contrast, the approach adopted by the “New Public Management”, which views citizens primarily as customers, is definitely an improvement but still responds poorly to participatory oriented initiatives. A further step has to be taken to tackle the issue and the solution can be found in new forms of government, such as “Collaborative Governance”¹⁹ (depicting a public administration driven by the need to solve complex issues by social innovation in cooperation with a multitude of actors and stakeholders in the community) and “New Public Governance” (developed to modernise and render public administration more efficient) which create more opportunities to contextualize and better understand the times we live in; they respond better to the ambition of promoting active citizenship through partnership between local authorities, regions and civil society. These new forms of governing “evolve around participatory and inter-organisational forms of governance based on interdependency, collaboration and trust”.²⁰

21. In this broader context, there is a need to develop new practices and capacity within municipalities and regions to enter into mutual dialogue, partnership and co-creation with those civil society organisations who wish to advocate and serve as co-creators and partners for welfare, prosperity, sustainable territorial and social development. These practices and capacity need to be developed in an atmosphere of inspiration and encouragement rather than by directing and prescribing. Such collaborative relationships should imply not only mutual rights but also mutual obligations for the partners. It should be recognised that there must be a conscious investment of both money and effort in order for this to occur.

22. It is true that in some countries, public authorities in general, and local and regional authorities in particular, may see NGOs as a subversive force and feel threatened by their activities. This has an impact on the legal and administrative framework in which NGOs operate as such labelling may subject them to administrative hurdles and, in some extreme cases, to raids on their offices or detention of their staff. Congress monitoring reveals that in such cases, freedom of expression, association or assembly can be very limited and civil society as such may be non-existent.

23. In some countries, citizens themselves reject cooperation with both local and regional authorities and organised civil society due to a cultural legacy whereby citizens do not trust established structures and prefer to come together in groups of individuals engaged for their community. These differences in perception and in the operational environment for NGOs need to be addressed, stressing the need to build trust between local and regional authorities and civil society. It is important that their different but complementary roles are made clear and presented in a positive light. It is also important to emphasise that a certain level of trust is needed on both sides for participation to work well.

24. At the same time, it must also be acknowledged that there can be tensions on specific issues between local and regional authorities and NGOs. Thought must be given to how to resolve or even use such tensions, providing practical advice and examples of good practices. It must not be forgotten that projects or policies can be substantially improved by initial opposition.

17 “Active Citizenship Can Change Your Country For the Better “, [Andrej Nosko](#) and Katalin Széger, discussion published by Open Society Foundations, 2013, see <http://www.opensocietyfoundations.org/voices/active-citizenship-can-change-your-country-better>

18 A social business/social enterprise is an undertaking whose primary objective is to achieve social impact rather than generating profit for owners and shareholders, which uses its surpluses mainly to achieve these social goals, and which is managed by social entrepreneurs in an accountable, transparent and innovative way, in particular by involving workers, customers and stakeholders affected by its business activity: see link http://ec.europa.eu/internal_market/publications/docs/sbi-brochure/sbi-brochure-web_en.pdf.

19 Brandsen, T., W. Trommel, B. Verschuere, *Manufactured Civil Society: Practices, Principles and Effects*, Palgrave, 2014. ; Brandsen, T., Cattacin, S., Evers, A. Zimmer, A., *Social Innovations in the Urban Context*, Springer, forthcoming in 2015.

20 Jacob Torfing and Peter Triantafyllou: What’s in a Name? Grasping New Public Governance as a Political-Administrative System, Paper Presented at the ECPR General Conference in Bordeaux, 4-7 September 2013.

25. While there are differences in history, traditions and practices between the various geographical regions of Europe, the basic principle of partnership between municipalities and civil society remains constant. This is an essential premise for all parts of the continent with their different cultures, experiences, political development and economic situations. It is essential that local and regional authorities as well as civil society commit to learning how to make these partnerships work more effectively in their local and regional contexts. No country can claim to have the best practice. It requires continual efforts to improve and openness to experience from beyond national borders is vital.

2.3. New tools, practices and capacity building for participatory processes

26. Within the framework of representative democracy, dialogue with citizens and civil society organisations provides a basis for better policy making. Over the years, a multitude of methods and tools for citizen participation have been developed such as citizens' panels, youth councils, participatory budgeting, wisdom councils²¹ and others. The Code represents, in this respect, a framework for dialogue with civil society communities and organisations.

27. Some countries have developed the so-called "Compacts"/Agreements, which are voluntary, non-legally binding agreements for partnerships between sectors – in this case between the government and civil society organisations. Such agreements serve as a platform and contain principles and commitments that are shared across sectors. They have been developed at national, regional and local levels. The agreement also lays the foundation for respect and recognition of each partner's indispensable role, in order to achieve a more horizontal relationship between government and the nonprofit sector. This has been seen by academics as marking the transition from a contract culture to a culture of partnership between civil society and government.

28. Various new participatory practices and tools are continuously being developed in cities and regions across Europe and beyond. With growing experience of participatory processes, there is an emerging realisation that trust/social capital is essential and serves as the platform for good relationships, cooperation and joint responsibility with civil society organisations and citizens. In fact, establishing such trust is easier if municipalities and regions make substantial efforts to build the capacity of the municipal organisation to create what is called a "quality conversation", i.e. to organise meetings on issues that matter to the citizens, where commitments are made (and kept) and which involves genuine interest in their wants, interests and needs. An example of new practices that involve building trust/social capital and high quality in participatory processes is the approach called the "Participatory Leadership", "Art of Hosting" and "Harvesting Conversations that Matter" (AoH)²² based on the principles of self-organisation, collective wisdom and co-ownership realised in participatory processes.

29. Examples of partnerships invented by NGOs in various member States are numerous: in Istanbul (Turkey), following the 2013 -14 Gezi protests, citizens set-up the "Istanbul Hepimizin" initiative, inviting citizens, mayors and mayoral candidates to encourage them to sign up to the Istanbul Covenant whereby all signatories commit to consulting citizens on projects that concern the administration and the strategic development plans for the city. In the Tula region of the Russian federation, NGOs and regional authorities have signed the Yasnaya Polyana Agreement, a practical and business association to promote social development (2007). In Carinthia (Austria), based on the national youth parliament initiative, student representatives forming a School Parliament take part in the work of the regional parliament and learn about the democratic process.

30. What, then, is the added value of the Code in building participatory capacity? Field experiences of using the framework of the Code together with participatory practices show promising results in constructive conflict resolution, when residents are involved in the early stages of the decision-making process and methods are used that enable all participants to have an opportunity to contribute in word, thought and deed.²³ The Code itself serves as a tool for shaping a new practice, by building a bridge between participatory processes and representative democracy. Its "Matrix of Civil Participation" is a simple, easy-to-use tool that sets out clearly the steps of the political decision-making process and their connection with levels of participation. The Code is a starting point and valuable training tool when it can be used to increase the understanding of when and how dialogue with civil society organisations can provide a basis for improved and sustainable political decisions, as well as an incentive to climb up the matrix scale.

²¹ Wisdom Councils are based on an approach to facilitate system change in large organisations by bringing together members, where everyone thinks together on the most difficult issues.

²² See: <http://www.artofhosting.org/home/>

²³ For example recent participatory processes between local authorities and civil society organizations in Chernihiv and Vinnytsya, Ukraine, November- December 2014.

III. IMPLEMENTING THE CODE AND RELATED PROCESSES AND TOOLS

31. The adoption of the Code in 2009 was accompanied by an ambitious plan to implement it over the next few years. A small committee of experts was formed to oversee this implementation. Initial work was focused on translating the Code into as many languages as possible so that different country and particularly, local activists and authorities could read the document. Many organisations volunteered to translate the document and it is now available on the Council of Europe website in over 20 languages.

32. Recently there has been an increase in the promotion of the Code within the Congress. INGO representatives have attended Congress meetings to explain and promote it. The lack of awareness of members of the Congress of the Code was one of the factors leading up to the joint effort to review the Code.

3.1. Reviewing the promotion and implementation plan

33. The Code was widely disseminated by and among civil society groups. Several European networks were very active in its promotion, providing related training and distributing the Code to their members and groups in other countries where they were active, including a number of countries in the Middle East and North Africa²⁴. There are numerous examples that are documented and many more that were not. The Code was significantly introduced in the Balkans through the work of CNVOS (*Center za informiranje, sodelovanje in razvoj nevladnih organizacij*; Center for Information Service, Cooperation and Development of NGOs) based in Slovenia, who prepared and implemented a programme to apply the Code in Slovenia and partnered related programmes in both Serbia and Montenegro. Considerable effort was put into introducing the Code in the Eastern Partnership countries through the work of networks such as the Association of Local Democracy Agencies (ALDA), Central and Eastern Europe Citizens Network (CEE CN) and European Network of National Civil Society Associations (ENNA).

34. Four countries carried out projects to implement the Code. These included Serbia, Slovenia, Sweden and Montenegro. CNVOS from Slovenia led or was a partner in three of these. One critical aspect that affected the implementation of the Code was the economic and financial crisis of 2008 which significantly reduced the requested funding to carry out the plan. The most critical impact was on the creation of a database of examples of good practice. However, despite the financial limitations, considerable progress was made to carry out the plan (see item 3.3 for details).

3.2. Surveys and reports on implementation of the Code

35. Members of the Congress representing local authorities and regions around Europe were asked to share their experiences concerning the Code and similar operating systems by answering a short survey, during the summer of 2014. The respondents were asked to highlight two examples that best reflect the dialogue and/or trustful relationships that were perceived as mutual between the local/regional authority and civil society organisations aiming for active citizenship in their own region. The second question concerned the kind of support needed to strengthen co-operation with civil society organisations (specific rules, code of conduct, leadership skills, etc.). Thirdly, the respondents were asked to assess the ways and means by which Council of Europe could contribute to enabling and strengthening collaborative initiatives for active citizenship in municipalities and regions. The fourth question concerned the lessons learnt from involving civil society in decision making at local and regional level. In the fifth question the respondents were asked to make suggestions for modifying the Code in order to make it a more helpful document for both local authorities and civil society organisations. Unfortunately, very few responses were received making it impossible to analyse the results. One explanatory factor for this lack of response may be that knowledge of the Code and related issues is limited among local authorities; it is known that such limited response in studies is often caused by the participants not being familiar with the subject matter.

36. However, it must be underlined that the replies received did highlight the need to make the Code more reader-friendly, accessible and more visually attractive. It was also suggested that the Code should be translated into all languages of the Council of Europe member States. There were proposals to set up an online platform and to organise seminars in member States to facilitate an exchange of practices. The Congress was also asked to make a clear statement and adopt a resolution to increase the awareness of its members on the existence and utility of the Code.

²⁴ It has been one of the reference tools for the ongoing partnership agreements between public authorities and civil society organisations in Morocco.

37. Alongside the survey, discussions were held with various civil society leaders who have been working actively to implement the Code, which were quite positive. Everyone agreed that it was a helpful tool to describe the process of participation and that many groups had used it to train and discuss with their members and various citizen groups. In fact, the Code is now being used in the Eastern Partnership countries as well as in the Middle East and North Africa. All reported that the document had served as a helpful tool to open discussions with both civil society groups and local authorities.

38. The one consistent reservation that was raised about the Code was that it was better as a theoretical concept and analytical tool. It did not serve as a practical document for providing ideas about how to actually implement the concept. This does not come as a surprise since, as since its conception, it was meant to be accompanied by data on good practices; hence the decision to create the database.

3.3. Efforts to implement the Code at a country level

39. As mentioned above, four countries carried out projects to implement the Code: Serbia, Slovenia, Sweden and Montenegro. One of the most important results of this work in Montenegro was the drafting of a Manual for the Implementation of the Code²⁵ as part of the project “Active participation of civil society in shaping and implementation of public policies”. The manual provides an overview of the main features of the Code, further information on tools and methods to use as well as concrete cases of good practice from Austrian, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, France, Germany, Hungary, Latvia, Montenegro, Poland, Romania, Serbia, Slovenia, the Czech Republic, the Former Yugoslav Republic of Macedonia” and the United Kingdom, which illustrate the different mechanisms that support participation of NGOs in a systematic manner across Europe.

40. Both the Serbian and Swedish projects documented the conclusions that resulted from their work with civil society organisations (CSOs). The Serbia project was conducted between June 2010 and June 2011. They reported the following:

- despite all efforts to improve the skills of CSOs regarding citizen participation, CSOs have little knowledge about the existing mechanisms for citizens’ participation and participatory democracy at all;
- even when they are familiar with all these instruments, the problem is how to motivate the CSOs to involve themselves in these processes and use them;
- local leading CSOs who imposed their interests and initiatives were a problem in that they neglected the interests of smaller and underdeveloped CSOs;
- there was resistance from some CSOs to initiate local advocacy campaigns because they didn’t want to “disturb” local authorities as they fear losing privileges provided by these authorities;
- finally, the biggest problem was the lack of funds for activities of local CSOs (mobilisation of local CSOs, coordinating activities etc.).

41. Meanwhile, the Swedish report of April 2014 concluded that the Code is a living instrument that works well in different national environments as a description of interactive relations and that the Code and the Matrix it contains (although they may be considered too abstract) can be used as tools to determine the position of a collaboration relationship and serve as tools for self-reflection, although their development requires more concrete examples.

3.4. Lessons learnt

42. It is useful to recall here that there was an agreement as the time of its adoption to review the Code after three years as it was important to incorporate what had been learnt. The general impression is that the Code is relatively well recognised and utilised by the INGOs but clearly not well known by local and regional authorities. Therefore, at this point, it would not make sense to propose a major revision of the Code. Rather, work needs to focus on activities that can help increase its visibility and use by local authorities.

43. Politicians and civil society actors working/engaged in citizen participation and collaboration between local authorities and civil society testify to the need to modify the language of the Code to fit the public sector’s needs, and underline the need to establish trust/social capital and mutual relationships. Often expressed is the need for the members of the Congress to manifest stronger interest in the Code.

²⁵ The manual is located on the CoE web site at: (http://www.coe.int/t/ngo/Source/Code_Handbook_Montenegro.pdf).

44. The term of partnership used in the Matrix part of the Code to denote the highest level of political participation has come to be perceived as unnecessarily narrowing the scope of possible collaboration: in reality, collaboration involves co-creation, co-production and co-management at all stages and not only partnership at the final stage. The wording of the Code should reflect this change.

45. There are many good reasons why we should hold on to the Code. The Code forms a structure for civic participation related to formal decision-making processes and that makes it helpful as a bridge between participatory processes and formal decision-making procedures. However, it should be developed in partnership between the civil society and the public sector, in order to reflect the language of all stakeholders concerned and to create joint ownership of the Code.

46. The experiences from collaborative and participatory processes all over Europe testify to how conflicts can be avoided if citizens are involved at an early stage and expectations are managed realistically. Decisions are more sustainable and easier to implement. Experiences, especially of using the Code together with participatory methods, show promising ways to handle disagreements and conflicts constructively. It would be useful to take note of the stated policy of encouraging active citizenship and clarify and put emphasis on the connection between active citizenship and the Code.

47. There is a need to communicate the Code; to spread and deepen the knowledge of the background and the driving forces behind it, its content and how it can be used in interaction between civil society and local and regional authorities. This is particularly important for members of the Congress but should be taken on board by the Conference of INGOs as well.

IV. CONCLUSIONS

48. The rapporteur would like to underline that the Code has the potential to serve as a tool for building a bridge between participatory practices in civil society and representative democracy at local and regional level of government. It increases our understanding of when and how the dialogue with civil society organisations can provide a basis for improved and sustainable political decisions. The Code's "Matrix of Civil Participation", sets out clearly the steps of the political decision-making process and their connection with levels of participation, illustrates the representative decision-making structure and culture, and facilitates its comprehension.

49. Prepared and implemented by the Conference of INGOs and its various members, the Code requires the support and encouragement of all local and regional authorities. For partnerships to be built at the local level, it is essential that both partners enter into a fully mutual relationship. The Congress should commit to continue its fruitful co-operation with the Conference of INGOs and help implement the Code where possible. The work of the reflection group has served as a model for closer cooperation between local and regional authorities and civil society.

50. Having taken note of the discussions of the reflection group and the assessment of the experts, the Rapporteur is of the opinion that some minor modifications to the text of the Code are needed even if it is too early for a complete revision. The language and presentation of the Code should be modified to make it not only more comprehensible from a local authority point of view and easier to read (relegating the chart and the Matrix to the appendix) but also to provide balance between the contributions and responsibilities of the NGOs and local authorities. A new title that more effectively and clearly communicates its intent might be helpful. The term "partnership" in the Matrix should be changed to "co-creation" to make it clear that partnership is not limited to only the fourth and final stage but underlies the entire process. The building of mutual trust between civil society and local and regional authorities is a necessary basis both for establishing partnerships and for implementing the Code. In this context, a list of NGO definitions could be added to the Code to include both formal and informal associations as well as newer forms of collaborative relations. The code could also be complemented by descriptions and facts of how active citizenship is strongly influenced by a vibrant civil society.

51. The drafting of complementary texts that provide the current Code with a more accessible character can also be considered, such as a text that is resonant with decision making or a text that speaks to public management and to civil society in the nature of a hands-on tutorial.

52. As regards activities required to increase the accessibility and visibility of the Code for local and regional authorities, the current Promotion and Implementation Plan needs to be reviewed in order to update and assess future action. Investment needs to be made to collect examples that can be used by others to encourage a more effective implementation of the Code. The work on translation of the current Code into

the languages of all member States and the development of a version for the visually impaired should continue.

53. A monitoring or follow-up committee could be set up, including members representing the Congress and the Conference of INGOs with two designated spokespersons; one representing civil society organisations and the other representing the Congress. Alongside this monitoring body, the pertinence of recruiting actors from both local and regional authorities and civil society who will serve as the carriers and ambassadors of the Code in each country can also be considered.

54. Incentives need to be created for the development of increased participation, influence and co-creation. This could take the shape of a European prize to stimulate and pay attention to local and regional examples of positive collaboration or a major event (such as a participatory model of meeting) that can serve as an inspiration to implement the Code and further participatory methods during corresponding national conferences around Europe such as the European Local Democracy Week for stimulating local partnerships between public representatives and civil society.

55. Finally, member States which have not yet ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) should be encouraged and invited to do so.