

Chapter 11

THE NON-GOVERNMENTAL SECTOR AND THE GOVERNMENT: A DIALOGUE FOR EUROPE

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ABSTRACT

This paper discusses the opportunities for and obstacles in the way of a dialogue between the Croatian government and the non-governmental sector within the context of the European integration process. Although the development of civil society, the building of institutional and administrative capacities and the strengthening of cross-sectoral dialogue are fundamental preconditions for the implementation of the overall adjustment to the EU, there is no clear list of priorities and demands on the basis of which it might be possible to monitor the progress made in this area by candidate and potential applicant countries for membership. Because of the lack of any clearly defined *acquis*, several strategic documents of the European institutions and the existing literature about the advances made by applicant states will be used as a point of departure for the analysis. The main guidelines for and obstacles to reform in this area in Croatia will be picked out in the light of the European criteria of good governance and the relevant experience of applicant countries.

Key words:

civil dialogue, non-governmental organisations (NGOs), the third sector, the government, Croatia, the EU, SAA

INTRODUCTION

Civil dialogue, that is, a dialogue with non-governmental organisations (NGOs)ⁱ has in the last few years become a very important EU topic. The non-governmental sector has grown into an identifiable social, political and increasingly an economic factor in the whole of the EU. One of the reasons for the increasing importance of a dialogue with the NGOs in the Union should be sought in part in the worrying results of public opinion polls which show a low level of understanding on the part of citizens of EU member states of the complex structures and mechanisms in which the European institutions work. This lack of understanding is directly manifested, for example, in the increasingly poor turn-out of voters at elections for MEPs, while not long ago this was reflected in the Irish voters at a recent referendum turning down support for ratification of the Treaty of Nice, thus bringing into question the future enlargement of the Union.

The purpose of this paper is to evaluate the quality of the dialogue between the Croatian government and the non-governmental sectorⁱⁱ in the light of the standards of good governance that have been developed, or are still being developed, at the EU level, and in the light of the experience of chosen applicant countries for Union membership. The process of the implementation of the Stabilisation and Association Agreement (SAA) between Croatia and the EU will be analysed as a potential catalyst for the strengthening of the culture of dialogue and consultation, first of all at a national and then at regional and local levels.ⁱⁱⁱ

EU POLICY TOWARDS THE NON-GOVERNMENTAL SECTOR

In official EU documents the non-governmental sector started being mentioned no earlier than the eighties. During the almost thirty years from the signing of the Treaties of Rome, collaboration with the NGOs was looked at exclusively as part of the sphere of competence of the member states, and the only European initiatives in the area were related to the work of EU agencies for aid to developing countries (Kendal, Anheier, 1999). At the beginning of the nineties, thanks

mainly to the new institutional and symbolic framework given by the Treaty of Maastricht and the concept of a Europe of citizens, there was a sudden rise in the number of NGO networks actively involved in lobbying and in a dialogue with European institutions, and a move to a gradual explicit acknowledgement of their role in EU strategic documents.

The development of EU policy vis-à-vis the third sector is linked with a number of difficulties. Firstly, though most member states of the EU have a very long tradition of civil society and democratic culture, there are considerable differences among them in the modalities of relations with non-governmental associations and the circumstances accompanying the development of this sector. Secondly, the activities of the European NGOs were mostly concentrated in areas that were traditionally in the sphere of competence of the member states, and not the EU (Kendall, 2001). Thirdly, the non-governmental sector within each one of the member states is highly heterogeneous and composed of organisations of very different aims and structures, which makes it much more difficult to construct a common and all-encompassing policy. The next difficulty is related to the absence of a common definition of the scope and significance of the concept of a non-governmental association, and the consequence of this is quite often an uneven employment of the vocabulary inside EU documents. Finally, because of the so-called horizontal^{iv} nature of policy towards the NGOs, which does not fit into a single one of the traditional vertical sectors or interests related to them, it is hard to provide appropriate institutional and financial capacities for the development of such a policy, which is, after all, a problem that the member states have to face at their national levels as well. These difficulties have been manifested in recent years, particularly in the context of the frequent unsuccessful attempts at adopting the so-called charter of European associations in the Council of Ministers, the acceptance of which would make it much easier for NGOs to work across borders.

Although it is not codified in the Amsterdam Treaty, nor is it a part of the *acquis*, the legal patrimony of the EU, EU policy with respect to the third sector has in time gained in importance in a number of strategic EU documents. This is the consequence of active NGO lobbying at European institutions via powerful cross-border sectoral networks (Preston, 1998; Weisbein, 2001), as well as the increasingly marked economic roles of the associations, particularly

because of the contribution they have made to increased employment^v. In addition, a cause can be sought in the increasingly large role given to the NGOs in the context of reform of institutions and of the future enlargement of the Union, as they are seen as potential factors of the Europeanisation of civil society and catalysts of transnational solidarity among present and future EU member states (Warleigh, 2001).

Among the first rather important documents to lay down the principles on which the European institutions should work with the NGOs was the European Commission communication of 1997 entitled *Promotion of the Role of Volunteer Organisations and Foundations in Europe* (COM/1997/241 final). This document defines the reason for setting up a powerful civil dialogue at the European level, alongside the existing political dialogue with the national state bodies and the dialogue with the social partners. The aim of this document is to illustrate the increasingly large importance of third-sector organisations within the EU, to draw attention to the problems and challenges these organisations have to face, and to improve their ability to make an even more active contribution to European integrative processes.

Not three years after this announcement came a European Commission discussion paper called *The Commission and NGOs: Building a Stronger Partnership* (COM/2000/11 final). This document proposes measures to beef up the relations between the Commission and NGOs; the common features of NGOs are defined and concrete proposals formulated for an improvement of the existing dialogue with the associations. The impact of this document has been underlined by the particularly large number of reactions to it which have arrived from both member states and candidate states.^{vi}

As answer to the results of public opinion surveys in member states that show a very low level of citizen support for and informedness about the work of European institutions, in mid-2001 the European Commission published a white paper about European governance (COM/2001/428 final). The white paper lays down the ground for a reform of the system of governance at all levels, from European to national and local levels, and defines the principles and guidelines for the strengthening of relations between European institutions and the non-governmental sector, and for bringing the NGOs more actively into the process of defining and implementing EU policy^{vii} via numerous consultative mechanisms.

CONSULTATIVE MECHANISMS WITH THE NON-GOVERNMENTAL SECTOR AT THE EU LEVEL

The difference in the level of development of dialogue among some of the EU institutions and the non-governmental sector is linked directly with the degree of supra-nationality in their work. In other words, institutions in which disparate national interests are represented, such as the Council of Ministers, the European Council, or the *Committee of Permanent Representatives of Member States* – COREPER, because coordination among the member states is more difficult, are in a much less propitious position for the development of dialogue with associations than, for example, the European Commission, the European Parliament and the Economic and Social Committee of the EU. Of all the institutions, the European Commission has made the most progress in formalising and institutionalising consultation and dialogue with the non-governmental associations.

The European Commission has over time developed two kinds of consultative mechanisms with the NGOs: the open and the so-called focused consultative mechanism. Open consultative activities are carried out via a number of official documents calling for public debate about individual proposals of new Union policies. Since such documents give rise to a large number of reactions not easy to process in a reasonable time, in 2001 the European Commission launched its so-called *Interactive Policy-Making Initiative* – IAPM), in which, via the Internet, the reactions of the very general public to the process of making decisions and policies at the level of the EU can be collected and analysed (C/2001/1014).

Focused consultations are done via formal consultative forums and committees that the Commission founds formally, and also via the work of various *ad hoc* consultative bodies with invited representatives of relevant sectoral interest groups. For the sake of greater transparency in the work of the said consultative bodies, the Commission has founded a database on the Internet entitled CONECCS (*Consultation, European Commission and Civil Society*) which contains information about the composition and working methods of the consultative forums and other bodies via which the Commission consults with NGOs and, in general, with the organisations of civil society in a formal and structured manner, as well as a directory of such organisations at the EU level.^{viii}

Prompted by the need to strengthen the culture of consultation and dialogue at the EU level, and at the national levels of current and future member states, in June 2002 the Commission published a communication with the title *Towards a reinforced culture of consultation and dialogue* (COM/2002/277 final) which contains a code with general principles and minimum standards for Commission consultation with NGOs.^{ix} The adoption of such a code was envisaged in the White Paper on European governance, and was prompted by a broadly accepted view that the culture of consultation can hardly be reinforced by legal regulations, which could lead to excessive rigidity and hold up the adoption of some policies.

The general principles for consultation with NGOs are taken from the White Paper on European governance, and they are: participation, openness, accountability, effectiveness and coherence. By promoting the principle of participation the Commission binds itself to enable as many NGOs as possible to take part in the development and implementation of EU policies. The principles of openness and accountability are there to ensure transparency of consultation, primarily through a precise explanation of the topics and mechanisms of consultation and the availability of information about the participants in the consultative process and the reasons for their choice, as well as factors that affect the final shaping of policies. In line with the principle of openness and accountability, associations that through consultation endeavour to contribute to the development of EU policies should be able to explain whose interests they represent and just how comprehensively they do represent them.

Effectiveness of consultation implies involving the non-governmental sector in the development of policies, right from the stage in which it is still possible to have an effect on the definition of the principal objectives, the methods, performance indicators and initial drafts of policies. Here it is important to pay attention to proportionality, that is, the need for the methods selected and the dimension of the consultation to be proportional to the influence and importance of the policies proposed.

Finally, the Commission binds itself to ensure the coherence of the work of its departments in the consultative processes, and to include *feedback*, evaluation and review mechanisms in the consultative process. Just the same, the NGOs are expected to provide mechanisms for keeping up with the consultation process and to contribute to the creation of a more transparent, open and accountable system.

Alongside these general principles, the Commission has set up minimum standards for the process of consultation with the NGOs. For open consultation, meant for the general public, these standards refer to clarity of the contents of the consultation, the publication of any documents that are the subject of the consultation in a format adapted to the broadest possible circle of target groups, to time limits for participation in consultation and the establishment of mechanisms to confirm the receipt of reactions to the proposed new legislative measures and proposals for new Union policies. In connection with focused consultations within the context of the consultative forums and committees, standards and criteria have been set up that the Commission is supposed to respect while determining the NGOs that are relevant for inclusion into the consultation process.^x The following factors will also be taken into consideration: the potential impact of the proposed policies on other areas, the need for particular experience, expertise or technical know-how, previous participation in consultations and the need for balance where it is crucial, i.e., among representatives of large and small organisations, social and economic figures, broader and narrower target groups and organisations from the EU and non-member states.

Although it does not have any legally binding force, it is expected that this code will prove its real value in practice and that in time it will become a foundation upon which a dialogue between NGOs and European institutions will be built, as well as a stimulus for the adjustment of policies to the non-governmental sector at national levels of current and future member states.

THE EU ENLARGEMENT, THE NON-GOVERNMENTAL SECTOR AND CIVIL SOCIETY

In order to meet the so-called Copenhagen political criteria for membership in the EU (defined at a meeting of the European Council in Copenhagen in 1993), it is not mere lip service to the principles of the rule of law, human rights and protection of minority rights that is expected, rather the everyday application of them and the introduction of the necessary institutional background as warrant for their sustainability. The stability of democratic institutions is tightly linked to the

level of open, civil society, and for the development of organisations of the non-governmental sector that supplement the activities of the state and the market economy.

The development of civil society, the construction of a civil dialogue, and the development of institutional and administrative capacities and reforms of the civil service are not codified by the Treaty of Amsterdam, and for these areas there is no list of legally binding norms to facilitate the process of adaptation to the EU for future members. Still, meeting the said requirements is a precondition for joining the Union, and for full success in the process of European integration. A dialogue with the non-governmental sector has been for decades a component part of political, social and economic culture in EU member states, and it cannot be instilled by mere decree or directive into countries or societies that because of their political past have not been able to develop this kind of culture. Because of the absence of clearly defined standards in the area of the working of the government with the non-governmental sector and in general for the construction of civil society it is crucially important to have an exchange of experiences and know-how among current and future member states.

In order to help the candidate states to meet the political criteria for membership in the EU, the Union has launched a series of initiatives meant to reinforce civil society in these countries. In several countries, via PHARE programme resources, foundations have been set up for the development of civil society. The role of these trusts is to strengthen the organisations of the non-governmental sector so that they should become capable of developing a high-quality dialogue and partnership with the government administration at all levels. Special programmes were set up with PHARE resources, called Lien and Partnership, and they worked between 1993 and 1999. While the Lien programme was founded in order to encourage ideas and fortify the abilities of associations working with groups in the applicant countries that were disenfranchised or at risk, the Partnership programme was meant mainly for the support of local economic development and collaboration among the private sector, local government and the non-governmental sector. In 2000, the ACCESS programme replaced these two previous programmes.^{xi} This is an endeavour to bolster the development of democratic processes in CEE countries through the strengthening of the institutional and operational capacities of NGOs in sectors that are relevant for the installation of the *acquis*, and to encourage the involvement of groups that are socially, politically and economically

marginalized. One of the main aims of the programme is the involvement of the NGOs of the candidate states in activities of the networks and platforms of NGOs at work at the level of the EU.

EXPERIENCES OF CANDIDATE STATES

In the CEE states that have the status of candidates for membership in the EU there is no lasting tradition of government cooperation with NGOs. Nevertheless, as a result of EU pressure, and encouraged by the need to obtain the support of members of the public for reforms that are required by adjustment to the Union, most of the applicant countries have developed certain formal and informal mechanisms for consultation with the non-governmental sector.

Via its Office of European Integration, the Slovene government, at the beginning of negotiations with the EU, sent a public invitation to NGOs to get involved in the process of preparing the country to join the Union.^{xiii} Consultation with the NGOs is conceived in the form of public conferences to precede the drafting of negotiation positions for given topic areas of the *acquis* in the various ministries. Only after the debate with the NGOs would the negotiating position be sent to the government, the Parliament, and then after all to Brussels. Research carried out in the Slovene ministries has shown a very low level of response on the part of associations to this form of informal consultation, and brought out a number of fundamental obstacles in the way of setting up a structured civil dialogue. Among the main problems are an inadequate level of knowledge and information about European integration among Slovene NGOs, the lack of coherence and coordination within the non-governmental sector and the absence of any mutual trust in relations between government and associations. During 2001, the Slovene government passed decrees aimed at a better structuring of its dialogue with the associations, primarily the foundation of a Commission for Collaboration with the Organisations of Civil Society, a horizontal body of the government composed of governmental officials from various ministries, through the work of which a common government strategy for the development of civil society would gradually be produced. Also passed was a decision about the establishment of a more formal form of consultation with NGOs by the foundation of expert committees for various areas in which the representatives of the societies for a given sector would be appointed by the associations

themselves, and not by the government. The process of appointing representatives turned out to be a great challenge for the non-governmental sector and drew attention to the very low level of internal democracy in the associations.

A year before the beginning of negotiations concerning joining the EU, the European Integration Office of the Polish government started off the process of consultation with NGOs and other organisations of civil society within the so-called partner groups, which, as expert consultative bodies, are supposed to work in parallel with the working groups set up for the sake of drawing up negotiating positions for each chapter of the *acquis*. The dialogue between a negotiating team and the partner groups is considerably hampered because of the specialised bureaucratic language in EU documents, intelligible only to a narrow circle of employees in the structures of the administration, and an additional hurdle turned out to be an inadequate understanding of foreign languages, because it was infeasible to translate hundreds of pages of EU documents for each meeting with the partner groups. These obstacles led to a gradual weakening of the links with the partner groups, and in the advanced phase of the negotiations the dialogue with representatives of the NGOs turned from consultations into the mere transmission of information about the progress of the negotiations (Hausner, Marody, 2001).

The challenges faced by the Slovene and Polish governmental and non-governmental sectors are very largely paradigmatic for the other countries of CEE. There have been attempts to solve the problem of inadequacy in the organisation and coordination that are preconditions for a sustainable and constructive dialogue with the government in several of the applicant countries by the founding of a centre, forum or network to facilitate the consultation process. This objective, for instance, led to the foundation of the NGO Centre of Slovenia (CNVOS), the National Forum of Hungarian NGOs entitled Civil Europe – Civil Hungary and the Polish Forum of Non-Governmental Initiatives (FIP).

One of the great successes of the Polish Non-Governmental Initiatives Forum, which served as a spur to NGOs in other applicant countries, was the foundation of the Polish NGO Office in Brussels^{xiii}, with the organisational and technical support of the ECAS (*European Citizens Action Service*) and the *Charities Aid Foundation* (CAF) associations. The remit of the Office was to set up links with European institutions, to contribute to the more rapid involvement of Polish asso-

ciations in the work of sectoral networks and NGO platforms at the level of the EU and give them regular information about essential novelties in the work of European institutions, the possibilities of using EU financial support, and the educational opportunities. In preparation is the foundation of such offices for Slovene and Hungarian NGOs, and the same thing is expected for NGOs in other applicant countries.

In spite of the efforts the Union is making to support the development of civil society in applicant countries, most of these countries are characterised by the marked lack of confidence and trust in the relations between the government and the non-governmental sector (EU ECS, 1999). The cause of this is the fact that civil society primarily entered the political dictionary of the lands of CEE as an opposition idea, and is still so considered to a good extent. In addition, the culture of consultation and dialogue, as basic democratic process, is not continuously rooted in the tradition of these countries (Rosenblum, Post, 2002). In the context of the preparations for EU entry, an additional cause for lack of trust is the excessively technical nature of negotiations and adaptation to the Union, which sometimes cast a shadow over the fundamental values of the European integration process. An overemphasis on the standardising and technical aspect of adopting the *acquis* and neglect of dialogue among citizens are among the main causes of the poor support of the populations of the applicant countries for entry into the EU.^{xiv}

CIVIL DIALOGUE IN CROATIA: OPPORTUNITIES AND OBSTACLES

The foundation of the government's Office for NGOs in 1998 turned out to be a key factor in the establishment of trust and the construction of a dialogue between the Croatian government and the NGOs. In the not quite four years of its work, the Office for NGOs, with very limited resources, has contributed to numerous advances in the relations of the two sectors, as well as to an improvement of the state of affairs within the non-governmental sector. Along with constant improvement in the system for financing associations from the national Budget, the most important progress has been made in the adoption of a new, much more liberal Law on Associations in October 2001 (NN 88/2001) and the acceptance of the Programme of Co-operation between Government and Non-Governmental Sector in January 2001.

The Office for NGOs made it possible for the NGOs to take part in the drawing up of both these documents. During the course of preparation for the new Associations Law, the Office, via its bulletin, called for consultation concerning the draft of the Law from 16,000 associations, and for this purpose, special round table meetings were organised at the regional level, attended by local NGOs. The result of this kind of approach was a much more liberal and flexible law, which creates the preconditions for a more powerful development of the non-governmental sector.

The government and NGO cooperation programme is the basic document for the development of civil dialogue and the establishment of consultative mechanisms between the two sectors.^{xv} The programme was drawn up subsequent to collaboration and extensive consultation with representatives of NGOs, representatives of local government and self-government, and representatives of government central administrative bodies. The programme, among other things, envisages consultations with the non-governmental sector during the making of new or modification of existing laws and the inclusion of its representatives in the working groups of the proposers of laws, consultation in the process of the drawing up of governmental national programmes and in an evaluation of national policies in all areas. Through this programme the government has bound itself to develop a code of good practice together with the non-governmental sector and to advance the quality of the work through consultations and the evaluation and implementation of policies. The purpose of the co-operation programme is to work not only at a national level, but also at the local levels where most of the associations are active and where it is possible to formulate very concrete guidelines, measures and activities for collaboration between local government and NGOs. One should stress that the process of localising the programme has already started in several Croatian cities (in Split, for example, and Rijeka) and has proved itself to be a firm foundation for a better application of the principle of subsidiarity and for the entire development of civil society in Croatia.

According to recently published research results (Cooper et al., 2002), most ministries (93%) are acquainted with the Co-operation Programme and are building guidelines and recommendations contained within it into their strategies^{xvi}. Although an advance in the inclusion of associations into the working groups for the drawing up of given programmes and laws can be noticed, nevertheless very few ministries consider NGOs reliable partners in the shaping of policies. According to this research, a very low percentage of associations stated that they had set up

a real partnership with government institutions, and believed that a real partnership should take for granted a much higher level of information exchange about each party through more frequent and more detailed debates and consultations.

In other recent research (Bežovan, 2001), several problems were highlighted threatening any more successful participation of the organisations of civil society in the process of giving shape to policies. These are the lack of readiness of representatives of the government to pay heed to the problems of the citizens they represent, the weakly developed skills of public advocacy and lobbying, the disinclination of associations to network and coalesce, poor coordination within subsectors, a pronounced absence of any internal democracy within the working of the associations, a low percentage of NGO participation in groups of proposers of laws and in debates about new legislation, and a generally low level of political and civil culture in Croatia.

Poor networking and feeble cohesion within the non-governmental sector is an additional hurdle in the way of the establishment of effective consultative mechanisms. In general, the third sector in the Republic of Croatia is lacking in horizontal information exchange and collaboration. According to results of recent research about cooperation within the non-governmental sector in Croatia (Karzen, Škrabalo, 2001), 80.6% of associations do work together with other associations, but more than 60% of them think that this collaboration is poor. One of the key problems from this point of view is the absence of any forums at which it would be possible to discuss various forms of cooperation and the absence of mechanisms for agreeing about joint action.

In order to encourage joint, partnership-style ways of tackling some of these problems, at the beginning of 2002 the government set up the Civil Society Development Council, an expert and consultative body of the government, composed of representatives of the line ministries, representatives of NGOs and independent experts. The task of the Council was to work on the development, application and effectiveness of the Co-operation Programme, on a strategy for the development of civil society, the development of philanthropy, social capital, relations of partnership and cross-sector collaboration in the conditions of a decentralised decision-making system (NN 26/2002).

In parallel with the establishment of this Council, the government also announced the possibility that the Office for NGOs might turn into a public Foundation for the Development of Civil Society, modelled on those in other countries in CEE. This Foundation would

have as its special role the establishment of strategic cross-sector partnerships and the prompting of a more balanced regional and local development of the non-governmental sector, networking and education. As well as receiving resources from the national Budget, the Foundation would be financed by donations and from income generated by its own activities.

New initiatives are also appearing in the area of the more active participation of NGOs in the legislative process. From the beginning of 2003, the Web pages of the Croatian Parliament should contain the proposals of laws that are in parliamentary procedure. This is the result of a long-term project called *Legislation and the Citizen*, the aim of which is a contribution to the development of a more active relationship among MPs, NGOs and citizens.^{xvii} These new communication channels between the NGOs and the legislative arm and its committees is particularly crucial if one takes into account the role that the Croatian Sabor should have in the process of Stabilisation and Association.

THE IMPLEMENTATION OF THE SAA AS POTENTIAL CATALYST FOR CIVIL DIALOGUE IN CROATIA

Evaluating the state of the development of civil society in Croatia in the first published Annual Report on the Stabilisation and Association Process, the European Commission warned of the absence of NGOs in the process of shaping policies and the legislative process, and, in general, of their limited social and political role and influence. In the same part of the report, the Commission reminded Croatia that the success of all-encompassing reforms started out within the context of the implementation of the SAA would depend on collaboration with all social actors and the degree to which civil society was included in the process of European integration (COM/2002/163 final).

As in the previously mentioned examples of candidate states, one of the most important obstacles in the way of the more active involvement of Croatian citizens and NGOs in the decision making about the European integrative processes is their inadequate knowledge of and informedness about this area.^{xviii} The Croatian government

recently adopted its Communication Strategy for giving information to the Croatian public about the Croatian approach to European integration^{xix}, which was prepared in line with similar models in some of the member and candidate states. Although the Communication Strategy cites the NGOs and other subjects in civil society as important target groups and stresses the importance of strengthening dialogues with them, the non-governmental sector is still insufficiently involved in educational and information programmes of the Ministry for European Integration (MEI). This is primarily the result of the MEI's being swamped with the task of educating government officials, and of the overall strengthening of the administrative and institutional capacities to be able to adopt the *acquis*.

From the very beginning of the implementation of the SAA the governmental administration in Croatia was faced with what must have been the most daunting task to date, for the accomplishment of which all available resources have to be mobilised and powerful cross-sector collaboration has to be established. The implementation plan envisages the adoption of more than three hundred new legislative measures compliant with EU standards by the end of 2006, most of them (80%) during the first two years of the implementation of the Agreement (by the end of 2003). Taking into account the European standards of good governance and the experience of membership candidate states, the Croatian government, in parallel with the strengthening of the administrative and institutional capacities of the administration for the implementation of the *acquis*, will have to undertake more concrete actions for the active involvement of NGOs in the process of decision making about questions related to Croatian European integration via appropriate formal and informal consultative mechanisms.

Since European integration, unlike many other areas, is still a very uncontroversial topic in Croatia^{xx}, and bearing in mind that this process will impinge on almost all parts of the political, social and economic life of the country, that it covers practically all sectors in which the associations are active, the implementation of the SAA can be used as a catalyst for the adoption of European principles of good governance, and as a handy base for the reinforcement of the culture of dialogue and the introduction of effective consultative mechanisms between the government and the non-governmental sector.

CONCLUSION

Irrespective of Croatia's lagging behind the countries of CEE that have the status of applicant countries in the process of converging on the Union, the problems that the Croatian government is meeting in the area of building up an effective dialogue with civil society are very comparable with those that the applicant countries have come upon. In spite of the many challenges that can be anticipated because of the establishment of collaboration with the non-governmental sector in the process of European integration, through the work of the Office for NGOs, the Croatian government has achieved a great volte-face in its policy towards the non-governmental sector. The Croatian "Compact" that has been adopted, the Co-operation Programme between the Croatian government and the NGOs, is the kind of phenomenon that is relatively rare even among member states, and is a good springboard for the development of democratic culture and civil dialogue in Croatia. In order for the excellently worked out framework to become everyday practice in the process of adaptation to EU standards that has been started, the government and the non-governmental sector should start looking, as an urgent priority, at their relationship within the broader European context and get involved in more vigorous exchanges of experience with EU member states.

The adoption of new, European models of dialogue and collaboration between government, NGOs and, gradually, the private economic sector would lead to the creation of the preconditions for looking at civil society in the Republic of Croatia not as a separate sector, but as a set of interactive relations among all the sectors and citizens in joint work for public good.

RECOMMENDATIONS AND GUIDELINES

According to everything stated above, it is possible to formulate concrete guidelines and recommendations for the reforms that the Croatian government and NGOs should undertake for the reinforcement of a dialogue within the context of the process of stabilisation and association with the EU. The government should:

- Consider the establishment of formal and informal consultative mechanisms with the non-governmental sector in the process of stabilisation

and association with the EU. The informal model of consultation would be accomplished in the form of conferences, seminars, round tables or forums at which the representatives of both sectors would debate various aspects of the implementation of the SAA. A more formal consultative model could be carried out via working groups for harmonisation of the legislation the constitution of which started in September 2002 for the first 14 (of a total of 31) chapters of the *acquis*. In line with the objectives of the Co-operation Programme, via its Council for the Development of Civil Society, Associations Office and the MEI, the government should make sure that NGOs, experts for given areas of the *acquis*, are appropriately represented in the working groups mentioned. The special knowledge and experience of NGOs could turn out to be valuable particularly in the preparation of parallel comparative reports about the implementation of the SAA in selected areas, and for independent impact analyses of the adoption of new legislative measures.

- Via the Office for NGOs and the MEI, it should encourage the more active involvement of NGOs in information and training programmes about European integration. The experience of applicant states shows that only qualified and informed NGO representatives can play a quality role in the process of consultation about adjustments to the EU. Bearing in mind the overload on the MEI with its information and training programmes for government officials, as part of the fulfilment of priority measures for the development of institutional and administrative capacities for the implementation of the *acquis*, it is necessary to consider the possibility of more active collaboration with distinguished European associations so as to be able to develop information and education activities concerning European integration meant for Croatian NGOs.
- In collaboration with the non-governmental sector, to work out a code of good practice and improvement of the quality of action relating to consultation, evaluation and implementation of policy, in line with the Co-operation Programme. While the code is being worked out, it would be important to make sure its contents are consistent with the general principles and minimum standards for consultation of the European Commission and NGOs, as well as with similar and cognate codes developed in other European states.
- Enable a broadly based Internet access to a database for monitoring the implementation of the SAA, harmonising legislation and the technical assistance programmes via the MEI web page. The availability of the contents of the said bases via the Internet would make for

greater transparency in Croatia's process of adjustment to the EU and would provide an opportunity for a better understanding of the complex and highly technical process of taking on the *acquis*. This would gradually lead to the creation of the preconditions for launching a project to follow in the footsteps of the European Commission's *Interactive Policy-Making Initiative* that has already been mentioned.

- Consider the Web publication of basic information about existing consultative bodies and working groups of the government in which NGO representatives already are involved, modelled on the European Commission CONECCS base.

The non-governmental associations should:

- Establish more vigorous collaboration and exchange of experience and know-how with associations in the current and future members of the EU. Even before the official launch of the ACCESS programme for Croatia, Croatian associations should set up links with cognate sectoral platforms of NGOs at the level of the EU and get involved in their activities.
- Consider the foundation of an NGO Forum along the lines of those in other countries of CEE, in order to facilitate consultation between government and associations and to contribute to the solution of the problems of fragmentation, incoherence and lack of coordination, the absence of mechanisms for horizontal collaboration and, in general, an inadequate networking and coalition culture within the non-governmental sector.
- Gradually build a European dimension into their strategies and work on the development of knowledge about the processes of European integration so as to be able to grow into important government partners in the process of adjustment to the EU. The leaderships of NGOs should take care of the education of as many of its members as possible, and of the development of internal democracy. Participation in the process of European integration should not become an elitist practice reserved for a restricted group of associations that have the necessary intellectual and financial resources to be able to set up links with similar associations in the EU and to have a better access to education programmes.

¹ *The concept of non-governmental organisation is not standardised at the EU level. This paper will use alternately the terms NGOs, associations, the non-governmental sector and the third sector as designations for non-profit-making, voluntary, formal, independ-*

ent organisations that work for the general good, not including unions and employers' associations, the traditional social partners (European Commission, COM/2000/11 final; Salamon, Anheier, 1997). In line with the terminological practice in the documents of the European institutions, the concept of civil dialogue will be used to mean the dialogue with the non-governmental sector, as distinct from the social dialogue with the social partners. Although complementary to the civil dialogue and equally important for the development of civil society, the social dialogue is in an institutional and legal sense a distinct case and is not the subject of this study.

ii The subject for analysis will be first of all the dialogue of the government and the non-governmental sector in the area of policy development and the legislative process. Other forms of collaboration like the contractual provision of public services and financial support are not covered in this paper. For a more exhaustive review of possible relations of partnership between the government and the non-governmental sector, see, e.g., Newman, C. L. (2000) or Rosenblum, N. L. and Post, R. C. (eds.) (2002).

iii The implementation of the SAA, negotiations with the EU, and most of the overall adjustments to EU standards, because of the markedly technical nature, are mostly highly centralised processes in each candidate country and each potential candidate. From this point of view, the examples quoted in this paper will largely be related to the development of civil dialogue at a national level as precondition for successful dialogue between NGOs and the European institutions after joining the Union. Of course, according to the principle of subsidiarity, the standards and general principles of cooperation and dialogue can be analogously applied at a local level as well.

iv The concept horizontal has become standard in the European Commission terminology for the policy to the third sector that impinges on traditional vertical sector politics (COM (97) 241 final).

v The share of those employed in the third sector, as against all employed in the EU, comes on average to 7.9%. This share is the highest in Ireland and Holland (16%) and lowest in Greece and Portugal (less than 5%), ECOTEC, 2001.

vi See the Web page: http://europa.eu.int/comm/secretariat_general/sgc/ong/commun/contributions.htm

vii As part of the discussion that the Commission launched about the future of Europe, the aim of which is to prepare EU institutional reform by the time of the next inter-governmental conference in 2004, there is increasing voicing of the demand for the introduction of a legal basis for civil dialogue in a new version of the EU Treaty. For more on this, see the Web page: http://europa.eu/int/futurum/index_en.htm

viii See the WWW page: http://europa.eu.int/comm/civil_society/coneccs/index_en.htm

ix The document aroused a great deal of interest among the NGOs, as well as among the governments of member states, which can be seen from the many reactions the contents of which can be seen on the Web page of the Commission: http://europa.eu.int/comm/governance/index_en.htm.

x It should be pointed out that the Economic and Social Committee of the EU has put forward a series of criteria to be met by European NGOs if they want to become active participants in civil dialogue at the level of the EU. These are: working permanently at the level of the EU; enabling direct access to the expertise of their members as precondition for rapid and constructive consultation; representation of general interests that tally with the interests of European society; active membership organisation in most of the EU member states; accountability to members; authority to represent and act at a European level; independence and not being bound by any instructions from external bodies; transparency of financing and decision making structures (Economic and Social Committee, CES 357/2002).

xi See: <http://www.europa.eu.int/comm/enlargement/pas/phare/programmes/multi->

bene/access2000.htm

^{xii} Much more detailed information about the Slovene government project is available on www.gov.si/svez/uk/mainmenu and in Vidacak, 2001, and Van Hulten, 2001.

^{xiii} For more information, see www.eu.ngo.pl and also www.ecas.org.

^{xiv} Recent Eurobarometer investigation into public support for EU membership in the applicant countries showed that in half of these countries support for EU entry was less than 50% (from 33% in Latvia to 46% in Czech R). For fuller information see: European Commission, Eurobarometer, 2002).

^{xv} This programme is a Croatian version of the so-called Compact, the agreement between the government and the non-governmental sector that was originally adopted in the UK at the end of 1998, versions of it being found today in several other countries, such as in France, Hungary and Estonia.

^{xvi} The provision of Article 27 Paragraph 5 of the Standing Orders of the Government of RC say that ministries, in the procedure for preparing proposals and opinions for the government, should obtain the opinion of associations within whose sphere of competence the questions that are the subject of these opinions and proposals fall.

^{xvii} This project is coordinated in Croatia by the Croatian Helsinki Committee for Human Rights in collaboration with the international NGO East West Parliamentary Practice Project (EWPPP) of Amsterdam that started the project. Twenty two NGOs from Croatia are included in the work of the project. For more details see www.ewppp.org/lc.

^{xviii} The results of the last, fifth, wave of research about the attitudes of Croatian citizens to the EU (published 2 August 2002) show 62.8% of Croatian citizens to be in inadequate possession of information about the EU. More about this research can be found on the Web pages of the Ministry for European Integration: www.mei.hr

^{xix} This document was adopted at a session of the government of 18 October 2002.

^{xx} According to the most recent public opinion poll in Croatia concerning the process of European integration, the standpoint of most citizens with respect to the EU was positive (78%). The proportion of citizens that supported the efforts of the Croatian government to get Croatia into the EU was very high, and almost unchanged, at 77%. See n. 17.

LITERATURE

- Anheier, H. and Kendall, J., 1999.** “The third sector and the EU policy process: an initial evolution”. *Journal of European Public Policy*, 6 (2), 24-32.
- Bežovan, G., 2001.** “Croatian Civil Society: On the Path to Becoming a Legitimate Public Actor, Civicus Index on Civil Society”. *Occasional papers Seires*, 1 (4), 2-29.
- Commission of the European Communities, 1997.** *Communication: Promoting the role of voluntary organisations and foundations in Europe*. Brussels, COM (97) 241 final; 6.6.1997.
- Commission of the European Communities, 1999.** *Enlargement and Civil society*, Proceedings of the Conference, 18-22 October 1999, Brussels.
- Commission of the European Communities, 2000.** Discussion Paper: *European Commission and Non Governmental Organisations: Building a Stronger Partnership*. Brussels, COM (2000) 11 final, 18.1.2000.
- Commission of the European Communities, 2001.** *White Paper on European Governance*, COM (2001) 428 final; 25.7. 2001.
- Commission of the European Communities, 2002.** *Communication: Towards a reinforced culture of consultation and dialogue*”, COM (2002) 277 final; 5.6. 2002.
- Commission of the European Communities, 2002.** *Eurobarometer - Public Opinion in the Candidate Countries*.
- Commission of the European Communities, 2002.** *Report on the Stabilisation and Association process for South East Europe*, First Annual Report, COM (2002) 163 final.
- Cooper, L. [et al.], 2002.** *Revizija programa potpora Hrvatske Vlade nevladinim organizacijama*’. Zagreb: Charities Evaluation Service International.
- Economic and Social Committee, 1999.** *The Civil Society organised at European level*, Proceedings of the First Convention, 15-16 October 1999, Brussels.
- Economic and Social Committee, 2002.** *Opinion on the White Paper on European Governance*, CES 357/2002; 20.3. 2002.
- ECOTEC Research and Consulting Ltd., 2001.** *Evaluation of the Third System and Employment Pilot Action - Final Report, August 2001*.

- Hausner, J. and Marody, M., 2001.** *The Polish Talk Show: Social Dialogue and European Integration*. Krakow: Friedrich Ebert Foundation.
- Kendall, J., 2001.** "The Third sector and the development of European public policy: Framework for analysis?". *Civil Society Working Paper 19*. London: LSE Centre for Civil Society.
- MEI, 2002a.** *Izvešće o provedbi Sporazuma o stabilizaciji i pridruživanju za razdoblje siječanj - lipanj 2002*. Zagreb: Ministarstvo za europske integracije.
- MEI, 2002b.** *Komunikacijska strategija za informiranje hrvatske javnosti o približavanju Republike Hrvatske europskim integracijama*. Zagreb: Ministarstvo za europske integracije.
- Newman, C. L., 2000.** "Comparative study of NGO/Government Partnerships". *The International Journal of Not-for-Profit Law*, 2 (3), 24-39.
- Niepokulczycka, M. and Rudka, A., 2002.** *NGO sector in Poland and Its Role in the Process of Accession into the European Union*. Working document, Fifth meeting of the EU-Poland Joint Consultative Committee, 13-14 May 2002, Brussels.
- Preston, M., 1998.** "European Commission and Special Interest Groups" in: P. H. Claeys [et. al] eds. *Lobbyisme, pluralisme et intégration européenne*. Bruxelles: Presses de l'Université Libre de Bruxelles.
- Rosenblum, N. L. and Post, R. C. (eds.), 2002.** *Civil Society and Government*. Princeton ; Oxford: Princeton University Press.
- Salamon, L. M., 2001.** *The Third Sector and Volunteering in Global Perspective*. Presentation at The 17th Annual International Association of Volunteer Effort Conference, Amsterdam.
- Salamon, L. M. and Anheier, H., 1997.** *Defining the Nonprofit Sector: A Cross-national Analysis*. Manchester: Manchester University Press.
- Škrabalo, M. i Karzen, M., 2001.** *Istraživanje o procjeni civilnog društva u Hrvatskoj*. Zagreb: World Learning.
- Van Hulten, M., 2001.** *NGO Centres and national Governments: a comparative desk research* [online]. Available from: [www.gov.si/svez/uk/mainmenu/].
- Vidačak, I. (ur.), 2001.** *NGOs and Public Administration: Perspectives of Partnership in the Process of European Integration*. Zagreb: Institut za međunarodne odnose.

- Vlada RH, 1999.** *Razvoj civilnog društva u Hrvatskoj: Modeli suradnje države i udruga.* Izvješće s međunarodnog seminara, Crikvenica, 21-22.5. 1999.
- Vlada RH, 2001.** *Program suradnje Vlade Republike Hrvatske i nevladinog, neprofitnog sektora u Republic Hrvatskoj.* Zagreb: Vlada Republike Hrvatske.
- Warleigh, A., 2001.** *Managing Difference in the European Union: Towards the Europeanisation of Civil Society?*, Civic 3/2001.
- Weisbein J., 2001.** Le militant et l'expert: Les Associations civiques face au système politique européen, Politique européenne, numéro 4, 'Mobilisations et clivages socio-politiques en Europe, l'Harmattan, Paris.