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CIVIL SOCIETY AND POLICY MAKING IN THE VISEGRAD GROUP COUNTRIES

Lessons for the Western Balkans

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Lessons for the Western Balkans

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The Fund is an international donor organization, established in 2000 by the governments of the Visegrad Group countries—Czechia, Hungary, Poland and Slovakia to promote regional cooperation in the Visegrad region (V4) as well as between the V4 region and other countries, especially in the Western Balkan and Eastern Partnership regions.

The views expressed in this study are those of the authors and do not necessarily represent opinions of the Visegrad Fund, the Think for Europe Network or its member organisations.

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Foreword

Civil society in Visegrad and Western Balkans regions – A chance to learn from each other

Dear readers,

It is our immense pleasure to share with you a collection of articles produced within the project ***Raising capacities and advocacy potential towards more substantive involvement of CSOs of V4 and WB6***. This collection provides insights into challenges of civil society participation in policymaking in three countries of the Visegrad Group (Czech Republic, Hungary and Poland), in the intention to share valuable lessons for the Western Balkan countries. Articles are a result of experience exchanging events that took place in spring and summer of 2017, gathering representatives of TEN Network and partner organisations from Visegrad countries: namely, a two-day workshop addressing experiences from Poland and Hungary was held in Budva (Montenegro) on 12-13 May, while on June 26-30, representatives of each of the TEN member organisations, together with civil servants from each of the Western Balkan countries, participated in a study tour to Slovak Republic and Czech Republic.¹

Civil society organisations (CSOs) of the Western Balkans (WB6) are relatively young compared to their counterparts from Visegrad countries (V4). This could be seen as a natural consequence related to political and historical circumstances in both regions over the past 20 years: the early transition to democracy in the V4 countries paved the way for growth of civil society sector and accelerated its development, while simultaneously the WB6 region experienced a severe social, economic and political downfall. Indeed, the post-communist era in the V4 served for the civil sector growth, as organisations could provide assistance in terms of expertise and resources in certain areas where, still fragile and recovering states, could not manage to do so. The development of civil society sector in V4 was therefore to a great extent impacted by democratic reforms, along with early public administration reform and Europeanisation processes, while the WB countries were still recovering from the fierce conflict period at that time.

As a result, V4 countries have had solid legal frameworks and established practices which have enabled CSO involvement, while civil society in the WB6 remains operating in unfavourable legal environments.² For example, in Poland there are various forms of government–CSO cooperation, starting from informing, through consultations to co-decision making and participatory budgeting, while CSOs are also engaged through obligatory Boards for Public Benefit Activities, Senior Councils, and Youth Councils.³ This is also the case in the Czech Republic, where “CSOs participate in various government advisory boards and committees, [... and are also] involved in the programming, implementation, and monitoring of EU funds”.⁴ Apart from that, in some V4

¹ For more information, please visit: <http://ten.europeanpolicy.org/visegrad/> (1.3.2018)

² TEN, *Policymaking in the Western Balkans: Creating Demand for Evidence beyond EU Conditionality*, 2016, p.8, http://ten.europeanpolicy.org/wp-content/uploads/2016/12/policymaking_in_the_western_balkans_final.pdf (1.3.2018)

³ For a detailed explanation on the forms, including their frequency and popularity, see chapter related to Polish experience: *The Role of CSOs in the Policymaking Process – The Case of Poland*.

⁴ USAID, *2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, 20th Edition - July 2017, p.85 https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf (1.3.2018)

countries institutions in charge of communicating and facilitating cooperation already have an established tradition: as a comparison, the Government Council for Non-Governmental Non-Profit Organisations in the Czech Republic was established 1992, while similar WB6 institutions are on average less than 10 years old.

Several characteristics of Visegrad CSOs particularly stand out. As the Pontis foundation from Slovakia has shown,⁵ they understand and use the power of CSO coalitions, sharing not only common goals but also common tactics and methods, which proved to be a fruitful approach leading to policy changes. Another illustration to this could be a large coalition in the Czech Republic that managed to impact the adoption of 5 anti-corruption related laws over a 5-year period.⁶ Furthermore, 2016 in Poland was marked by an increased number of collective actions, CSO coalitions, participation in and creation of networks, particularly in a response to negative campaigns directed towards this sector.⁷ Looking at the Western Balkans, powerful coalitions of CSOs have only recently started to become very active and impactful, predominantly in the context of the EU accession negotiations. Therefore, the approach of the V4 could serve as a useful example to this region.

Another common denominator of successful Visegrad CSOs include determination of socially relevant issues that have a great potential of aggregating public interest, vast application of social media and PR campaigns, and development of advanced advocacy strategies. As another good example, progress in CSO advocacy endeavours was noted in the Czech Republic, where cooperation between the government and CSO networks has increased due to the new NGO policy 2015-2020 of the Czech government.⁸

Although the European integration process and later membership surely contributed to expansion and development of civil society sector in V4, recent negative developments in e.g. Hungary and Poland, related to the rule of law issues, show that there is no linearity in this respect, but an everlasting possibility of backsliding. This could be a valuable lesson in the context of Western Balkan accession to the EU, pointing to the risk of impairing European values even at later stages of accession or even future membership, despite the current insistence of the EU on implementation and providing track record within rule of law chapters (23 and 24). In other words, while the EU accession helps fuel the progress in creating an enabling environment for CSOs, Western Balkan countries should bear in mind that we as a society need to internalise democratic values that allow for civil society development, independently of external incentives.

Moreover, although there have been positive cases of CSO impact on policy change, quantitative indicators reveal some rather unfavourable conditions in which V4 CSOs operate today, compared to 10 years ago. Looking at the Freedom House Nations in Transit scoring, all V4 countries have been backsliding within the civil society rating over a nine-year assessment period, predominantly due to rising media campaigns against CSOs, growing support to far-right groups and ideas, risk of deteriorating liberal values, and at times even physical

⁵ See: <http://www.nadaciapontis.sk/history-en> (1.3.2018)

⁶ For more information on this case, see chapter related to the Czech Republic: *Strengthening of civil society in the Czech Republic – lessons learned*, p. 6

⁷ USAID, *2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, p. 186.

⁸ *Ibid.*, p. 85.

violence against civil society representatives.⁹ In Hungary, for example, CSOs are under risk of being portrayed in the media as partisan or untrustworthy.¹⁰ These findings could be complemented by the results of the *CSO Sustainability Index for Central and Eastern Europe and Eurasia*, where V4 countries overall lack positive tendencies within the assessed aspects,¹¹ while, interestingly, the same scoring shows either stable or positive trend in the WB countries.

Therefore, Western Balkan and Visegrad regions can *learn from each other*, as each country has specific cases of success that can serve as good practice examples and inspire, stimulate, and motivate future actions, and eventually instigate positive spill-over effects. A number of common issues could be identified between the two regions:

- Policymaking can take place in a time-constrained atmosphere in both regions, where there is no time for a broad consultative process, let alone more advanced approach to CSO involvement. In such cases, **urgent law adoption procedures** dominate parliaments' activity, which leaves the CSOs on the margin of decision-making.
- **Data availability and access** has remained an issue and obstacle for monitoring reform implementation, as think tanks largely depend on the freedom of information legislation and the institution protecting it, while on the other hand the authorities at occasions tend to circumvent freedom of information requests.
- CSOs in both regions suffer from **limited organisational capacities, particularly on the local level**, i.e. lack of collaborative experiences, (legal) competences or financial resources of local-level CSOs makes them often financially dependent on the local authorities, thus limiting their role as independent scrutinisers.
- **Lack of a culture of cooperation between the state and civil society**, where CSOs are negatively perceived as being influenced by foreign donors.
- **Simulation of cooperation**, where administrations fulfil the form, but the quality of cooperation is not satisfactory since the input provided by civil society is often not considered and feedback is lacking.

Moreover, sustainable and effective CSO participation in policymaking based on evidence is a long-term challenge and objective for both regions. The following sections will address the mentioned issues and provide more in-depth analysis of the state of play in the civil society sphere in three V4 countries – Czech Republic, Hungary and Poland.

We sincerely hope you will enjoy the reading!

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www.ten.europeanpolicy.org



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⁹ Freedom House, *Nations in Transit 2017*, <https://freedomhouse.org/report/nations-transit/nations-transit-2017>

¹⁰ For a detailed overview, see chapter related to Hungarian experience: *Civil society and the policy process in Hungary*, p. 12.

¹¹ Legal environment, organisational capacity, financial viability, advocacy, service provision, infrastructure, public image, CSO sustainability.

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01

Strengthening of civil society in the Czech Republic – lessons learned*Michal Vit, EUROPEUM Institute for European Policy*

The past development of the role of civil society in the Czech Republic, when it comes to aggregating public demand, shows an interesting trend. It is the role of civil society as a so-called game changer of political development. The article will focus on a case study of a successful NGO coalition in the Czech Republic, whose activity contributed to policy changes within the anti-corruption area. In the article I will first explain relevant political and social context that formed an anti-corruption alliance composed of local and transnational NGOs. Using this good practice example, I will also pay attention to a consequence of this development both in social and political terms.

The article is based on the study trip that took place in June 2017 in Prague. It is not meant to summarise development of civil society in the Czech Republic in past 28 years. The purpose is to show the most significant development that civil society underwent and that has had also relevant impact on political environment in the Czech Republic.

I. Background: Civil society engagement in the Czech Republic

According to data provided by the Ministry of Interior of the Czech Republic, there is around 80,000 NGOs registered. On the top level, communication between state authorities and individual NGOs is coordinated by the Office of Government of the Czech Republic. The government office of the Czech Republic channels the structured communication using the platform of Council of the government of non-governmental organisations (Rada vlády pro nevládní a nestátní organizace) RVNNO which members representing different types of NGO chambers – such as youth organisations, social service, or sport organisations. The council has 32 members and is composed of representatives of NGO sector and representatives of public administration. The Council is divided into different working groups according the substance of legislation. The added value of the council is consultation and of drafted legislation with professionals from both NGO sector and public administration and practitioners – representatives of civil society. This cooperation is by both sides evaluated as very effective tool that aims to avoid passing legislation that might be very little corresponding with reality of NGOs. This was the case for example of new civil code where the council played important role in moderation of demand of NGO.

This structure has been developed early after fall of communism in the Czechoslovakia. The main asset of this reform was transfer of significant share of property owned previously by the Union of Socialistic Youth (Svaz socialistické mládeže, SSM) that enabled effective functionality of the NGO sector during transformation period. This was the case mainly of NGOs substituting the role of state in social policy (such as services for seniors, drug addicts), sport organisation (for example local football clubs), or organisation working with the youth (organised by Czech Council of Youth/Česká rada dětí a mládeže). As a result of administration reform implemented between 1999 and 2002 when sub national units (districts/kraje) have been founded, it was expected that NGOs will have gain more regionally relevant funding structure. Said that, the role of NGOs has been meant from early transformation period as assisting and supplementing the role of the state in areas where NGOs can make the job better and cheaper. In addition to that, a creation of subnational division contributed to decentralisation of both needs (what is relevant on the regional level) and funding (better control).

II. EU funds – source of corruption, source of activism

Thanks to the regional division and functioning exchange of information, Czech NGOs have responded on a rising demand of public to tackle corruption on the political level, both national and regional one. After a significant boost of Czech economy between 2004 and 2008 and influx of financial resources from the EU, NGOs have been the first to raise the question about the so called “white collar corruption”. This process accelerated in time of economic crisis and stagnation between 2009 and 2012, in connection with questionable added value of the EU funds. Beside often ineffective management and evaluation system on both regional and national level, one of the main reasons for ineffective use of EU funds in the 2007 – 2013 period was the corruption.¹² This has led to postponing of certification of finances already used and even to interruption of funding of a selected regional operational program (ROP) as such. Decentralised system contributed to raise of regional oligarchs seeing the funds as a source for financial profit and (regional) power, while basic element of development of any funding structure has to be strict split of decision making level with monitoring and controlling.¹³

As a consequence, the main focus was given on crisis management to secure existing funding structure instead strategic thinking about effective implementation of resources. Having on mind that decision making process of EU funds is executed on regional level, representatives of civil society – among others - have been well informed about corruption mechanisms. Hand in hand with a rising number of publicly discussed evidence of corruption,¹⁴ the demand of civil society for investigation was rising. It is important to add that since 2001 there has been legally regulated right to free public access to information based on law no. 106/2001. This legal way enabled civil society to access documents indicating violation of law focusing mainly on corruption cases connected with EU funds. It should be added that there were only limited cases when public authorities refused to fulfil the request that had been the case of court ruling.

III. Case study: Reconstruction of State initiative

The EU funds contributed significantly to rising corruption in the Czech Republic.¹⁵ Therefore, the natural response of functioning civil society is a demand for correcting this negative development. For success response, the most important step is to identify the issue and to develop the strategy how to collectively request policy change and be able to push decision makers to execute the change.

¹² Transparency International, Evropské fondy: jak předcházet rizikům podvodů a zneužívání [European funds: how to prevent the risks of fraud and abuse], available at: <https://www.transparency.cz/evropske-fondy-jak-predchazet-rizikum-podvodu-a-zneuzivani/>

¹³ Fazekas, M. et al, “Are EU funds a corruption risk? The impact of of EU funds on grand corruption in Central and Eastern Europe”, Corruption Research Center Budapest, 2013, available at: http://www.crcb.eu/wp-content/uploads/2013/12/Fazekas-et-al_EU-funds-and-grand-corruption-in-CEE_v2_2013.pdf

¹⁴ Transparency International, Systémové problémy a disfunkce čerpání dotací z EU 2007-2013 v České republice [Systemic problems and dysfunctions drawing of EU subsidies 2007-2013 Czech republic], 2013, available at: http://www.transparency.cz/wp-content/uploads/Evropske_fondy_2013_Jiri_Fiala_TI.pdf

¹⁵ Transparency International, Fraud and Corruption Risks Related to EU Funds Implementation - Bad and good practice in prevention of fraud and corruption, 2013, available at: http://www.transparency.cz/wp-content/uploads/EU-funds-watch_Report_Czech-Republic.pdf

This was the case of *Reconstruction of State* initiative that was formed in the 2012 as a platform of anti-corruption NGOs in the Czech Republic with financial support of international donors and local entrepreneurs.¹⁶ The main founders have been following: Oživení, Ekologický právní servis, and Transparency International (withdraw from the support in the 2015).¹⁷ The initiative set up 5 most important bills in order to be passed by the Parliament in the period of 2013 to 2017. The common denominator of these bills was the need of rising transparency of public administration and financing of political parties. The bills have focused on following areas:¹⁸

- Introducing code of conduct for civil servants requested by the EU already during the accession period before the 2004 aiming to de-politicise public administration
- Introducing regulations of political parties financing structures and limits for campaign spending¹⁹ Implementing recommendations of Group of States against Corruption (GRECO)²⁰ – among others founding independent institution overseeing political parties' finances introducing register of assets of elected representatives of the Parliament as well as representatives of regions and mayors
- Abolition of anonymous shares as a form of regular form of assets ownership

The most important part of the initiative was the massive PR campaign supporting those candidates that signed for support of above mentioned bills. The campaign targeted candidates on a very personal level. Their publicly promised support to the bills have been disseminated to every household across the Czech Republic during the election campaign for the 2013 general election, published online as well as less formally pushed by initiative's supporters. The most important element of the campaign was the constant communication with political parties and their representatives and monitoring of their activity in regard to above mentioned bills. In addition to this, the initiative developed a lobbying system aiming to target influential members of parliament to win support for the bills.

The most important elements of the initiative can be defined as follows:

1. **Relevant topic** corresponding with the quest of society to cope with the corruption
2. **Rising disillusion** in regard to corruption in the society mainly connected to EU funds
3. Well developed and implemented **advocacy strategy and PR campaign**
4. **Effective lobbying** in the parliament undertaken by trained members of the initiative

¹⁶ Reconstruction of State, 5 anti-corruption bills in 3 years? Here is how we did it..., available at: www.rekonstrukcestatu.cz/en

¹⁷ Transparency International, TI se již nebude podílet na projektu Rekonstrukce státu, v jejím vedení ji nahradí další členské organizace, [TI will no longer participate in the State Reconstruction project, and will be replaced by other member organizations], available at: <https://www.transparency.cz/ti-se-jiz-nebude-podilet-na-projektu-rekonstrukce-stat-u-v-jejim-vedeni-ji-nahradi-dalsi-clenske-organizace/>

¹⁸ Frank Bold, Reconstruction of the State, available at: <http://en.frankbold.org/our-work/campaign/reconstruction-state>

¹⁹ See details about functioning of the institution here: <https://udhphsh.cz/>

²⁰ More details about functioning structure of GRECO here <https://www.coe.int/en/web/greco/about-greco/what-is-greco>

5. **Cooperation with entrepreneurs** in order to win their support both towards public opinion and financial
6. Rising **social and political activism on local level** and ability to upload this engagement also on national level

However, there are also negative aspects that have to be mentioned as well. The most sensitive question is the impact of such social and political pressure on representatives of political parties. Since there is only limited distance between passing these bills and their implementation, it is early to assess the real impact of these changes. Nevertheless, there can be observed a few potential threats to the fruitful outcome of the initiative:

- Possible negative impact of public discourse on anti-corruption NGOs and misusing their role in political competition
- Problematic enforcement of the new regulations mainly connected to professionalisation of public administration, being still under strong influence of political representatives
- Still questionable law enforcement of anti-corruption bills

Going back to initial context of rising perception of corruption in the past decade, one has to admit also indirect effect of the *Reconstruction of State* initiative. It is rising demand for strong and reliable leaders on local level, very often represented within very local – and successful – political formations or strongly decentralised movement of independent mayors (Mayors and Independence/Starostové a nezávislí, STAN). This contributed to natural change on various places in the Czech Republic when it comes to disconnection of local corrupt networks or not effective local self-governance. There are a few examples of following cities: Kolín (mayor Vít Rakušan, STAN),²¹ Mariánské Lázně (mayor Petr Třešňák, Pirates/Piráti),²² Mnichovo Hradiště (mayor Ondřej Lochman).²³ However, the impact on national level is a bit blurred. The main reason is related to the difficulties to manage identification of corruption networks on national level with local movements can do effectively in local or regional context, but with limited impact on national one. Despite still hard to foreseen results of the initiative from long term perspective, the initiative as such is very good example of effective elaboration of socially relevant topic. In addition to this, it also shows the very basic function of civil society aggregating

²¹ Details about independent mayor of city Kolín here:

Aktualne, Kandidátku STAN ve Středočeském kraji povede kolínský starosta Vít Rakušan [The candidate for the STAN in the Central Bohemian Region will be led by the Cologne Mayor Vít Rakušan], 2017, available here: [https://zpravvy.aktualne.cz/regiony/stredocesky/kandidat-](https://zpravvy.aktualne.cz/regiony/stredocesky/kandidat-ku-stan-ve-stredoceskem-kraji-povede-kolinsky-staros/r~830d5c4877a111e7b1e2002590604f2e/)

[ku-stan-ve-stredoceskem-kraji-povede-kolinsky-staros/r~830d5c4877a111e7b1e2002590604f2e/](https://zpravvy.aktualne.cz/regiony/stredoceskem-kraji-povede-kolinsky-staros/r~830d5c4877a111e7b1e2002590604f2e/)

²² See more details about anti-corruption movement political movement here:

PiratskeListy, Rozhovor: Jak se starostuje v Mariánských Lázních [Interview: How is Mariánské Lázně worrying?], 2017, available at:

<https://www.piratskelisty.cz/clanek-1688-rozhovor-jak-se-starostuje-v-marianskych-laznich>

²³ Story about Ondřej Lochman here:

CZRegion, Mgr. Ondřej Lochman, Ph.D. - starosta města MNICHOVO HRADIŠTĚ [Mgr. Ondřej Lochman, Ph.D. - Mayor of MNICHOVO HRADIŠTĚ], 2016, available at: <http://www.czregion.cz/mgr-ondrej-lochman-phd-starosta-mesta-mnichovo-hradiste>

interest of public using structural approach towards decision makers. From a macro perspective, the initiative managed to raise awareness about transparency and trustworthy political skills of local political leaders. Nevertheless, it is a question of if and how this *modus operandi* can be uploaded on national level where different patterns of political competition are applied.

The most relevant element in the story about the Reconstruction of State was the readiness of civil society to determine problem, propose solution, engage various stakeholders, and monitor implementation of individual steps. If there should be any take away or lesson learned it is than the initial motivation for change and ability to cooperate on the common goal.

IV. Conclusion: Motivation as key element for success

The above described case shows how the structural approach towards the civil society can actually contribute to substantial change of political system. It means that in the Czech Republic exist long term praxis of consulting legislation on the one hand, and the ability to co-ordinately identify and execute the public pressure on decision makers. Said that, it shows that the coordinated approach of public administration towards civil society can actually act against political representatives as the case of Reconstruction of State shows. The second significant element is the ability to team up also with private companies to identify the same problem of lacking transparency and corruption. The most relevant element in the story about the *Reconstruction of State* was the readiness of civil society to determine problem, propose solution, engage various stakeholders, and monitor implementation of individual steps. If there should be any take away or lesson learned it is than the initial motivation for change and ability to cooperate on the common goal that is shared by both civil society and wider public opinion. Nevertheless, the results of the initiative are very hard to evaluate. It is not clear if tools used for pressing the stakeholders will bring demanded results and how it will be evaluated by society at the end. There is a serious threat that meaning of legislation passed will be also fulfilled *de facto*.

Bibliography

Aktualne, Kandidátku STAN ve Středočeském kraji povede kolínský starosta Vít Rakušan [The candidate for the STAN in the Central Bohemian Region will be led by the Cologne Mayor Vít Rakušan], 2017, available here: <https://zpravy.aktualne.cz/regiony/stredocesky/kandidatku-stan-ve-stredoceskem-kraji-povede-kolinsky-staros/r~830d5c4877a111e7b1e2002590604f2e/>

CZRegion, Mgr. Ondřej Lochman, Ph.D. - starosta města MNICHOVO HRADIŠTĚ [Mgr. Ondřej Lochman, Ph.D. - Mayor of MNICHOVO HRADIŠTĚ], 2016, available at: <http://www.czregion.cz/mgr-ondrej-lochman-phd-starosta-mesta-mnichovo-hradiste>

Fazekas, M. et al, "Are EU funds a corruption risk? The impact of of EU funds on grand corruption in Central and Eastern Europe", Corruption Research Center Budapest, 2013, available at: http://www.crcb.eu/wp-content/uploads/2013/12/Fazekas-et-al_EU-funds-and-grand-corruption-in-CEE_v2_2013.pdf

Frank Bold, Reconstruction of the State, available at: <http://en.frankbold.org/our-work/campaign/reconstruction-state>

PiratskeListy, Rozhovor: Jak se starostuje v Mariánských Lázních [Interview: How is Mariánské Lázně worrying?], 2017, available at: <https://www.piratskelisty.cz/clanek-1688-rozhovor-jak-se-starostuje-v-marianskych-laznich>

Reconstruction of State, 5 anti-corruption bills in 3 years? Here is how we did it..., available at: www.rekonstrukcestatu.cz/en

Transparency International, Evropské fondy: jak předcházet rizikům podvodů a zneužívání [European funds: how to prevent the risks of fraud and abuse], available at: <https://www.transparency.cz/evropske-fondy-jak-predchazet-rizikum-podvodu-a-zneuzivani/>

Systémové problémy a disfunkce čerpání dotací z EU 2007-2013 v České republice [Systemic problems and dysfunctions drawing of EU subsidies 2007-2013 Czech republic], 2013, available at: http://www.transparency.cz/wp-content/uploads/Evropske_fondy_2013_Jiri_Fiala_TI.pdf

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02

Civil society and the policy process in Hungary

Andrew Cartwright, Center for Policy Studies, Central European University

This paper shows different ways that civil society organisations are involved in policy making in Hungary. Although it is aimed towards think tanks and policy institutions, the review incorporates other elements of the civic sector that can be relevant in policy discussions, partly to highlight the composition of civil society but also, from a strategic point of view, to highlight the potential for different collaborations. The main contextual issue is the difficult environment that many think tanks and non-governmental groups find themselves in. Short of funds, facing partisan coverage by both officials and media, they can struggle to have a meaningful impact on public debates. My argument will be that, we should try to understand the current situation of how policy is made in Hungary, but also look hard to see the different opportunities there are for participation. The paper begins with a typology of policy relevant civic groups followed by an assessment of the barriers and opportunities for civic participation in the current policy process.

I. Background: The third sector and the policy process

According to the Central Statistical Office, there are currently over 61,000 non-profit organisations in the country.²⁴ The sector is divided into grant-making foundations, which account for a third of the total, while the rest is made up of membership societies. Civil society reflects the country, and in Hungary, capital-based groups account for a disproportionate number of voluntary associations. There are more foundations in the capital than in all the villages in the country and there are almost as many membership organisations. Whilst there has been a steady increase in the number of membership associations in the country, there has also been a corresponding decrease in the number of profession and trade-based organisations. According to the 2016 Civil Society Sustainability Index, the legal environment for establishing and operating civil society organisations has become more restricted in recent years, for example, changes in legislation have led to a reduction of the number of organisations granted public benefit status, a pre-condition for them to be beneficiaries of income tax donations from the public.²⁵

One characteristic of current discourse surrounding civil society is the tendency to describe it from single vantage points, discounting both the variety and changes within the sector. Here, we offer some select statistics and a schematic classification that can support the following analysis. The second point to make is that most Hungarian civil groups would describe themselves as apolitical, with very limited, if any, involvement in public policy. Indeed, there are plenty of examples of civic action where the participants go to great lengths to say that they are not interested in politics and do not consider their actions to be in any way political²⁶. Even in controversial areas such as providing assistance to migrants and asylum seekers, many volunteers

²⁴ For a good overview of the sector see: Szalai, J. Svensson, S. and Vince, D. "Contested forms of solidarity: An overview of civil society organisations in Hungary and their impact on policy and the social economy", Center for Policy Studies Working Paper Series 2017/10.

²⁵ The 2016 Civil Society Sustainability Index for Central and Eastern Europe and Eurasia, USAID, 2017, available at: https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf

²⁶ This might also be reflected in people's unwillingness to declare political allegiances in opinion polls. By far the largest category in most electoral preference polls is the group "don't know".

claimed that they had no political agenda and were motivated entirely by humanitarian concerns.²⁷

My argument is that even when its participants describe their actions otherwise, civil organisations play important roles in policy discussions. They articulate local concerns, they show strength of feeling over issues, they help prioritise actions and provide feedback on policy impact.²⁸ In the context of increased EU style policy planning, they are necessary interlocutors at all stages in the policy cycle and, in this respect, we need to understand what counts as organised civil society at the local level, who takes part and why and what opportunities are there for members to articulate issues outside their locality. Voluntary, organised activities are critically important, especially in places where the local authorities are weak and where there is a limited private sector. One suggestion for think tanks considering their real impact, is to look hard at the contribution that this other civil society makes to public life.

Revenue for civic associations registered in the capital is over ten times that of corresponding village associations and the gap between the two is only growing. Whereas in 2006, the total revenue of a capital NGO was 38.5m HUF (around 125,000 euros), at the same time, their rural counterpart could count on around 4.2m HUF (around 13,600 euros). Ten years later, the average foundation in Budapest had increased its revenue to 68.8m HUF (around 222,000 euros), whilst the average village foundation had only reached 5.75m HUF (around 18,600).

In terms of main activities and according to the Central Statistical Office, culture, sport, and recreation account for almost half of the total. However, in terms of revenue, the wealthiest part of the civic sector is, by far, those groups pursuing what is called community and economic development. As in other parts of Europe, this social economy sector is growing in size and often in conjunction with local authorities and drawing upon public, and often European Union, funds. At present, the 230 civic groups pursuing economic development in Hungary have an average budget of 84m HUF (just over 270,000 euros).

Given these introductions, we identify the following civic groups as being policy significant in Hungary: 1) local interest groups, 2) professional associations and trade unions, 3) monitoring and advocacy groups, 4) GONGOs, 5) Christian religious organisations, and 6) unregistered groups. The following subsections explain each of them.

I. 1 Local interest groups

These organisations often have roots going long back into the socialist period, when they were in charge of organising cultural or sporting events. Many others have appeared more recently, being almost an adjunct to the local authority, and set up with the explicit aim of accessing public funds. As mentioned, they are numerous and can be relatively wealthy. Often managed by a combination of local activists and elected officials, they support local kindergartens and

²⁷ Cartwright, A. Balogh, P. and Svensson, S. "Solidarity at the border: The organization of spontaneous support for transiting refugees in two Hungarian towns in the summer of 2015", Center for Policy Studies, Working Paper Series Number: 2017/1.

²⁸ For the Prime Minister's view of the role of 'real civil society', see his speech from 2014: The Budapest Beacon, Full text of Viktor Orbán's speech at Băile Tușnad (Tusnádfürdő) of 26 July 2014, available at: <http://budapestbeacon.com/public-policy/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/10592>

schools, run sporting clubs and facilities, organise cultural festivals in many villages and volunteer public services such as fire brigades. They are important for local development and as Kovacs points out in her portrait of the rescue of a struggling rural school, the social capital within these groups and networks can be critical. Where villages can call on a variety of civic groups, they have more chance to mobilise valuable connections in pursuit of local goals, in this case, a successful counter to the threatened closure of the village school²⁹.

I. 2 Professional associations and trade unions

Although they are losing numbers and their revenues are not increasing anywhere near as much as other in civic groups, these groups still remain important policy interlocutors, especially as connections between town, region and capital. The Hungarian public administration has been reorganised on a number of levels, with new intermediary tiers and with changing responsibilities between the various administrative levels. In some instance, these new bodies cut across traditional county and municipal lines and they can split old networks without necessarily replacing them with new ones. In this environment, many professional associations and trade bodies have managed to maintain their position in consultative fora, especially those connected to the spending of EU development funds. As structural funds are very much based on a plan and project model, there are many opportunities for expert assessment and review. In this regard, these groups combine professional with representational functions, and in terms of policy debates, are consulted as a matter of law or through invitation on fora such as Monitoring Committees. Again though, one suggestion would be that think tanks interesting taking part in the broad spectrum of policy formation could co-operate with these associations.

I. 3 Monitoring and Advocacy groups

In terms of numbers, these groups are not many but, in recent years, they have assumed a much higher profile and controversial position. They tend to be capital based, with a younger, more multi-lingual membership that frequently sees itself in opposition to the government. They are also quite distinct from other civic groups in their sources of funding. Unlike most civic groups who rely on a combination of state grants, selling services and membership fees, campaign groups are often heavily dependent on project-based funding, with not insignificant amounts being secured from non-Hungarian sources. The question of what this means for professional autonomy has become acute in recent years. There has been a large academic literature on the role of external actors in developing civil society in central and eastern Europe. Sampson, for example, described an obsession with projects, leading to the creation of a project class and a project ideology³⁰.

This view tallies with a growing suspicion and outright opposition to civic groups that seek to change laws, policies and public opinion through media campaigns, lobbying and litigation. As with the debates about the influence of the Soros network in Hungary and other countries in the region, the main accusation from government spokesmen, is that it is primarily for elected

²⁹ Kovács, K. "Rescuing a small village school in the context of rural change in Hungary", *Journal of Rural Studies*, Volume 28, Issue 2, 2012, p. 108-117

³⁰ See for example, Sampson, S., "Beyond Transition: rethinking elite configuration in the Balkans", in Hann, C. (ed.) *Postsocialism; Ideals, ideologies and practices in Eurasia*, Routledge, London 2002 and Kovach, I. and Kucerova, E., "The project class in Central Europe: The Czech and Hungarian Cases", *Sociologia Ruralis*, Vol 46, Number 1, 2006

representatives to hold the state to account. The continuing criticism of Hungarian policy in domestic and international fora is simply doing the bidding of liberal opponents who, as government spokesmen often point out, enjoy very little popular support in the country. This view is echoed in certain parts of the media; however, it clearly resonates with large parts of the public and is reflected in numerous public opinion surveys measuring social trust. The practical consequence is that the sources of income are increasingly limited to those governments and foundations willing to absorb allegations of domestic interference. Without funding from the European Union, the Norwegian Fund or the Open Society Foundations, several civic groups have simply gone out of business³¹. Others dealing with human rights, anti-corruption or minority issues find themselves almost entirely dependent on foreign funds, which of course, only increases the potency of the allegation that they are foreign agents.³²

I. 4 GONGOs

In the context of impugning motives because of funding, it might appear partisan to argue that GONGOs, or government organised NGOs, are becoming a significant feature of Hungarian civil society.³³ However, the point is not so much to focus on the source of income, but more the willingness to pursue actions that have a clear benefit for the governing party. If we take one of the most well-known government supporting civic group, the Civil Union Forum, its activities have included mobilising hundreds of thousands of people to converge on Budapest to take part in peace marches. These have usually coincided with large scale demonstrations against the government. In other instances, they have been used as cover for getting around the rules on political advertising, for instance, by sponsoring billboards with attacks on opposition MPs just before the official start of election campaigns.

We can also include in this category, certain think tanks and research institutes that are strongly associated with the government. These institutions are not only repeatedly successful in government tenders, they are often used to articulate new government positions, changes in policy, and making responses to foreign criticism. Although there may be operationally independent, they are seldom found to be critical of the government.

If GONGOs are an increasingly important dimension in civil society debates arguably, they were established as a deliberate counter to the externally funded campaign groups. In many cases, they receive significant proportion of their funds through state allocations. For example, they are financed from the publicly funded National Co-operation Fund which, as investigative journalists have shown, tend to make large grant allocations to those who have demonstrable

³¹ Szurovecz, I. Is there life after George Soros? Not for these Hungarian NGOs, The Budapest Beacon, 2016, available at: https://budapestbeacon.com/they-got-hooked-on-the-soros-money-tap-and-they-couldnt-wean-themselves/?_sf_s=NGO+soros+money&post_types=post&sf_paged=4

³² For more on the law concerning the need to disclose foreign sources of funding and other related changes, see: The Hungarian Helsinki Committee, Timelines of Governmental Attacks against NGOs, 2017, available at: <https://www.helsinki.hu/en/timeline-of-governmental-attacks-against-ngos/>

³³ Naim, M. "What Is a GONGO? How government-sponsored groups masquerade as civil society", Foreign Policy, 2009, available at: <http://foreignpolicy.com/2009/10/13/what-is-a-gongo/> The applicability of the term for the Hungarian case was recently pointed out by Eva Balogh, analyst of Hungarian affairs at the blog Hungarian Spectrum, see: Eva Balogh, FIDESZ's very own 'NGOs' stuffed with public money, Hungarian Spectrum, 2017, available at: <http://hungarian-spectrum.org/2017/05/13/fideszs-very-own-ngos-stuffed-with-public-money/>

links to the ruling party.

I. 5 Christian religious organisations

As several commentators have highlighted, the Church has become an increasingly important ally of the government in recent years³⁴. Indeed, it was one of the recent changes to the constitution that allowed for greater co-operation between church and state. The state portion of revenue for religious groups has grown enormously in recent years, with hundreds of new churches being built and, especially in the smaller towns and villages, religious groups have become significant providers of educational and welfare services, particularly the former, where their involvement in managing rural schools has increased dramatically in the past ten years. This makes them important political partners not only in educational matters but also when considering a range of local development issues³⁵.

I. 6 Unregistered groups

A final group to mention in this overview are the various spontaneous civic movements which have appeared in recent years. They explicitly reject legal formation claiming it will interfere with their activities and somehow bring them under state control and supervision. This can be seen, for example, in the 2015 migrant support groups that appeared in many affected areas. It also includes activist and self-help groups that have appeared in the capital in the past few years. Their lack of legal status can make it difficult to mobilise funds and to have an official voice in the policy process. However, their preference for public demonstration, social media and direct action can give them significant influence and voice.

One example is the homeless support group *A Varos Mindenki* (The city is for All), who eschew legal form and practical assistance in favour of facilitating representation by homeless people themselves. Despite being unregistered they have had not insignificant impact on the law and policy dealing with homelessness, especially in the capital³⁶. For example, they were instrumental in drawing attention to local authorities who were using law enforcement to offload statutory duties of care to neighbouring districts.

A second example of unregistered groups having an impact on public policy was the recent Olympic debate. Under Hungarian law, if they can gather enough signatories, citizens can propose questions that can then be the subject of nationwide referenda. In the past, this has been only carried out with the explicit involvement of mainstream political parties, as in when opposition parties successfully lobbied for two public votes on paying for health care and student tuition fees. Although the logistics might appear daunting, there has been one successful

³⁴ Messing, V. "Apart or Together: Motivations behind Ethnic Segregation in Education across Europe", in: J. Szalai and C. Schiff (eds.): *Migrant, Roma and Post-Colonial Youth in Education across Europe: Being 'Visibly Different'*. Houndmills, Basingstoke: Palgrave Macmillan, 2014, p. 17-33.

³⁵ There are even allegations that some Pastors are using their pulpit to urge the congregation which way to vote in the upcoming elections. See the articles on the election campaign in Hodmezovasarhely in the blog Hungarian Spectrum.

³⁶ For more on this group see: Cartwright, A. Balogh, P. and Svensson, S. "Solidarity in the housing sector: Civic responses to homelessness and housing poverty in Hungary", Center for Policy Studies Working Paper Series Number: 2017/2

example in recent times, when opposition to hosting the 2024 Olympic games was organised by an unregistered body called Momentum³⁷. Tasked with collecting over 120,000 signatories in a relatively short time, the group managed to raise twice the required number in a matter of weeks, causing the government and the city authorities to withdraw the Budapest bid for the 2024 Olympics.

II. Select features of the policy process

There have been several books on modern Hungarian politics in recent years³⁸. Many of them have been critical of the manner in which the FIDESZ government has reformed the legal system, the administration as well as its efforts to reorganised independent sectors such as the media, the churches and civil society. Here, I want to highlight certain features of the policy making process that might be relevant for think tanks: strong centralisation of policy formulation, questionable quality of policymaking and outsourcing.

II. 1 Strong centralisation of policy formation

Recent legislative and policy making have been characterised by a high number of initiatives and the speed by which they have been enacted. Even though the government has held a large Parliamentary majority in its last two terms, it has frequently used accelerated procedures to push through controversial measures³⁹. Obviously, this makes it difficult for interested parties to provide meaningful input on the proposed changes. Coupled with this was the fact that many of the major changes brought in its first term were not foreshadowed in the manifesto, thereby taking many people by surprise.

A second feature is the degree to which the Cabinet and the Prime Minister's Office has assumed a primary role in advancing new policies and legislation, with a corresponding huge increase in the number of personnel working in these two offices. This weakened the ability of individual line ministries to pursue their own policy agendas, which has had certain consequence for state/civil society relations. Ministries that were relatively willing to engage with civil society, such as the Ministry of Foreign Affairs, have become more reluctant to co-operate.

The centralisation of policy initiative is not solely the creation of the current government. The introduction of large scale European Union funding and the institutional framework that came with it, ironically led to more central control, albeit driven by a concern with low administrative capacity in the regional and local administration. The weakness of the county authorities, for example, was reflected in the early education reforms, when operation over many struggling village schools was taken off county hands and budgets and transferred to new central educational bodies. Again, these jurisdictional changes have important consequences for policy debate and development. Local development groups might end up with far less chance of influencing the conditions of local schooling now that so many decisions, including head teacher recruitment, are taken at national level.

³⁷ Eventually the group did transform itself into a political party, although without anywhere near the success anticipated in its earlier actions.

³⁸ For a recent example, see: Lendvai, P. Victor Orban: Europe's new strongman, Hurst and Co. London, 2017

³⁹ Alberti, E. et al., Impact Assessments Public Consultation and Legislation in Hungary 2011-2014, Corruption Research Center, 2015.

II. 2 Quality of policy making questioned

Inevitably, the speed and number of initiatives can mean that there are times when a new policy initiative is announced only for it to be withdrawn soon after. In some cases, this reflects a lack of thorough preparation. For example, a proposed tax on internet use which could not establish comprehensive thresholds and corresponding tax rates, or mandatory drug testing on MPs, journalists and school children which could not withstand allegations that, compared to other public health problems, it was a completely disproportionate response. The preference for short or, in some cases, no consultation procedures runs the risk that mistakes will go undetected or the strength of opposition under-estimated. It also reflects a broad mistrust towards external expertise as playing a useful role in policy making. This can be illustrated by the example of access to information, where there are increasing numbers of examples of data on public matters, such as structural funds allocations, that is withheld or made difficult to locate or use. The more tenacious journalists or groups have found themselves been sent huge electronic files in formats which make it virtually impossible to machine read⁴⁰. Recently, there have been signs that the courts are prepared to intervene to prevent authorities acting in this way.⁴¹ Civil actors on Monitoring Committees have also complained that their oversight function is undermined by the late release of information and the overwhelming size of documents.

One consequence of this method of policy and legislative development is the need for frequent recourse to amendments which can be introduced at a very rapid pace and with little publicity. Indeed, it has become a common complaint that it is very difficult to know the exact state of the current statute book, because of the fragmented nature of much legislation, both in time and place.

II. 3 Outsourcing

One final feature worth reiterating is the recourse to preferred expert groups which can occupy a relative monopoly position when it comes to organising the technology of policy making⁴². They can establish themselves as special advisors throughout the process, meeting all kinds of consultation requirements, providing evidential support for intervention, drawing up detailed action plans and establishing benchmark indicators. They are also to be found in the evaluation phases. Again, this is not only a feature of the current government. The previous administration made use of preferred consultancy groups at both national and local level. However, even though these works are often EU requirements, there have been repeated allegations that they are of poor quality and not worth the money paid for them. There are many examples of reports with limited data, showing signs of plagiarism and puffed out by way of huge data dumping annexes. Efforts to demand the publication of these documents have often been rebuffed on the grounds of commercial confidentiality.

⁴⁰ See for example, the efforts by the investigative website *Atlatszo* to find out information on recent sales of state owned farmland.

⁴¹ *TASZ* 2017. A bíróságok szerint sem szabad pénzt kérni a közérdekű adatokért

⁴² The law on civil society engagement in legislation allows for 'strategic partnerships' to be formed and be maintained for consultation.

III. Policy windows for civic groups

Given the ways in which policy making has changed in recent years, the following sections will explain how civic groups can still find meaningful opportunities to participate.

III. 1 Policy Transfers

Although it is probably less significant now than in recent times, policy making via transfer still takes place and, especially in the context of EU accession still offers several useful points of entry for think tanks and policy centres⁴³. The Council of Europe, the OECD, the World Bank and to some extent, the UN all operate as policy entrepreneurs selling and promoting their policy ideas. For many of them, it is important from both an evidential and a legitimacy point of view to have local independent partners. Such groups can offer important domestic insight into the local context, they can comment on the feasibility of proposals and advise on the complexities of the local political landscape. Policy studies have shown how real-life case examples play an important persuasive role, but that often politicians and policy makers are more swayed by the familiar rather than the far away⁴⁴.

In this respect, there does still seem a good opportunity for better collaboration between local think tanks and international organisations. Despite the huge increase in domestic policy expertise, the latter still rely heavily on external consultants to help formulate policy recommendations. Although the working cultures are quite distinct, and, in some ways, there is little overlap in professional networks, there can be a certain complementarity that could be mutually beneficial, especially in the context of governmental selectivity of policy interlocutors. Technical assistance offers a perfect chance to collaborate, whether this is widening the scope of data gathering and analysis, enhancing stakeholder consultation or simply offering critical reviews. In a similar vein, it would be worth taking into account the different levers of policy compliance. During EU accession, for example, there are annual progress reports by the EC which become potentially weak points for government, offering a chance to publicise alternatives and to make the news by comparing results with peers and neighbours.

One final suggestion is that think tanks can play an invaluable role in making publicly funded research policy relevant or, in other words, doing the work universities would rather not. Although the main EU research programmes are insistent that applicants demonstrate impact and European value added, many university-based researchers have proved uninterested and unwilling to commit seriously to working out the policy implications of their research. Often, notions of their multiple policy choices, or the need to distil complex information into concise summaries dissuades academics from taking seriously the impact and dissemination stages of their work. In this regard, think tank partners have a good chance to make their case for their inclusion throughout the research phases, but especially when considering the implications of the findings.

⁴³ The literature on policy transfer is vast and takes in all kinds of variations on the theme, for example, the idea of policy diffusion or transplant, of policy adaption and interpretation. Deciding whether or not the transfer was a success has also become a cottage industry with increasingly elaborate methods of assessment. See Batory, Cartwright and Stone for a recent review.

⁴⁴ See for example Adascalitei, D. and Domonkos, S. "Learn from thy neighbour: Emulation and Learning in Eastern European Mandatory Private Pensions reform", in Batory et al., 2018.

III. 2 Making institutional opportunities work

National consultation exercises are becoming notorious as legitimisation works with very little real opportunity for open or critical discussion.⁴⁵ However, if they are used at different regional levels, they can still be a springboard for organising valuable public events to present well thought out policy alternatives. Similarly, despite some of the reservations, Monitoring Committees which provide oversight on the implementation of EU funded development plans can offer privileged access to information and the chance to cultivate new networks and foster reputations. They are also a place to develop demand for expertise, particularly in policy topic areas where the government might find itself in unfamiliar territory.

There is some suggestion that Monitoring Committees tend to be better handled by civil servants rather than politicians who prefer to see matters concluded rather than engage in substantive discussions.⁴⁶ For civic participants, there can be risks, and not simply in the amount of work they need to do to effectively participate. Their contributions may be devalued if they are tainted by association if, for instance, there are participating civic groups who have not understood their role nor the ‘rules of the game’.⁴⁷

One final institutional role is for think tanks to take part in so-called shadow reporting. This can require them to work alongside other civic organisations, especially grass roots groups who are often better positioned to report on local policy impacts. Combined with the judicious use of scoring to rank government performance, shadow reports can be an effective method for raising the profile of issues. They can also help establish or widen the range of media contacts, although it is important to ensure that scorecards are not simply dismissed as furthering political agendas. In this sense, the methodology of the report has to be able to stand up to critical scrutiny. Accessing relevant data has become a challenge in Hungary and this can require both creative alternatives as well as more muscular action such as having to recourse to freedom of information legislation.

IV. How to Thrive in difficult environments

Despite the problems that some think tanks and civic groups face, there remain opportunities to remain visible and active. The following section offers some practical suggestions.

⁴⁵ For example, consider the wording of two questions from the recent National Consultation. “In recent times, terror attack after terror attack has taken place in Europe. Despite this fact, Brussels wants to force Hungary to allow illegal immigrants into the country. What do you think Hungary should do? (a) For the sake of the safety of Hungarians these people should be placed under supervision (felügyelet) while the authorities decide their fate. (b) Allow the illegal immigrants to move freely in Hungary”. II) “More and more foreign-supported organizations operate in Hungary with the aim of interfering in the internal affairs of our country in an opaque manner. These organizations could jeopardise our independence. What do you think Hungary should do? (a) Require them to register, revealing the objectives of their activities and the sources of their finances. (b) Allow them to continue their risky activities without any supervision?”

⁴⁶ See for example, Batory, A. and Cartwright, A., “Re-visiting the Partnership Principle in cohesion policy: The role of civil society organisations in Structural Funds monitoring”, *Journal of Common Market Studies*, 49(4), 2011, p. 1-21.

⁴⁷ For a good account of effective organized civic participation in overseeing structural funds spending, see: Friends of the Earth Hungary, *The Key to Partnership for Successful EU Funds*, available at: https://mtvsz.hu/dynamic/sfteam_the_key_of_partnership_2012.pdf

Gathering partners with different backgrounds. One recurring criticism of policy centres is that they tend to work with people like themselves, people who share similar values, come from similar backgrounds and largely see the world in a similar way. Although the point might be sometimes overdone, it remains a common perception and one that is easily exploited by those unwilling to engage with the substance of policy discussions. Working closely with individuals or groups with different backgrounds, such as professional bodies and local development groups can raise public profile, ensure potential greater representation and legitimacy. It can also be difficult where there are weak or even non-existent ties. However, it can be the case that think tanks and policy centres may have an important sociological function to perform.

Building the honest broker reputation. Think tanks are very well placed to work across normal territorial and sectorial boundaries. The EU driven rural and regional development programs, for example, require public, private and civic groups to co-operate in order to design and implement rural development policies. These multi-level governance networks contain new unfamiliar, partnership-based entities such as the Local Action Groups of the EU's LEADER program⁴⁸. Playing the role of the honest broker, the bridge builder as well as the comparative analyst can put think tanks in a good reputational position and help them find good and potentially long-lasting partners for policy work.

Working with academia. As already mentioned, there are good advantages in collaborating with universities. They can be a means for building up a policy centre's bonding capital to create new bridging and linking capital ties. This can be easier to do in smaller societies where this a proliferation of weak network ties, but the exercise still can be very valuable.

Sharing workload. Where coalitions and new working arrangements are entered into, it is important to establish incentives for sharing workloads; a common vision might not be enough, care needs to be given to the consensual identification and allocation of tasks and benefits with particular care being necessary for questions of publicity and due recognition.

V. Conclusion

The current political climate in Hungary undoubtedly makes it difficult to have open and broad ranging discussions over public policy. The tactics for dealing with opposition are increasingly polarising society and sometimes threatening, involving straightforward misrepresentation of positions to attempts at outright destruction. Media plurality does exist, but there is still the danger of reporting bias and think tanks and civic organisations being side-lined as partisan or untrustworthy. In such an environment, it is important to take seriously the very real dangers that think tanks face. For instance, think tanks need to be very careful that they do not starve for lack of funds. They would do well to consider the importance of selling their services, something that is all the more important considering the continuing lack of domestic sources, limited private sector involvement and the increasing complications of securing external funding. Providing and charging for expert services is a proven alternative, especially if tied in to

⁴⁸ Marquadt and colleagues describes the relative failure of NGOs to establish lasting Local Action Groups in Romania. Requiring a range of skills and resources that they did not possess, the NGO led groups frequently ended in failure. On the other hand, with their wide range of contacts and previous experience in deal making and negotiation, LAGs that were led by mayors were often successful. See: Marquardt, D. Mollers, J. and Buchenrieder, G. "Social Networks and Rural Development: LEADER in Romania", *Sociologia Ruralis*, Vol.52 No 4, 2012.

separately funded policy research and campaigns.

There is also the need to reconsider some previously tried and tested actions. For example, it is important to be aware of the dangers of alienating potential supporters by continually running to Europe for safety. Many advocacy groups understandably see the European Parliament or the Commission as their natural supporters. However, this can turn out to be both complicated and unpredictable in practice. EU delegations might be reluctant to take sides in domestic affairs and making formal allegations can end up getting mired in accusations of bias and political meddling.

For think tanks and policy centres, perhaps a longer-term approach would be to pursue the highest professional standards, whereby the centre enjoys a widely held reputation for being an honest broker, a reliable and trustworthy witness, and one that can be guaranteed to provide a fair hearing. In this way, they will endure and continue to play an important social function.

Bibliography

Adascalitei, D. and Domonkos, S. "Learn from thy neighbour: Emulation and Learning in Eastern European Mandatory Private Pensions reform", in Batory et al., 2018.

Alberti, E. et al., *Impact Assessments Public Consultation and Legislation in Hungary 2011-2014*, Corruption Research Center, 2015.

Batory, A. and Cartwright, A. "Re-visiting the Partnership Principle in cohesion policy: The role of civil society organisations in Structural Funds monitoring", *Journal of Common Market Studies*, 49(4), 2011.

Budapest Beacon, *Full text of Viktor Orbán's speech at Băile Tuşnad (Tusnádfürdő) of 26 July 2014*, available at: <http://budapestbeacon.com/public-policy/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/10592>

Cartwright, A. Balogh, P. and Svensson, S. "Solidarity at the border: The organization of spontaneous support for transiting refugees in two Hungarian towns in the summer of 2015", Center for Policy Studies, Working Paper Series Number: 2017/1.

Cartwright, A. Balogh, P. and Svensson, S. "Solidarity in the housing sector: Civic responses to homelessness and housing poverty in Hungary", Center for Policy Studies Working Paper Series Number: 2017/2

Eva Balogh, FIDESZ's very own 'NGOs' stuffed with public money, *Hungarian Spectrum*, 2017, available at: <http://hungarianspectrum.org/2017/05/13/fideszs-very-own-ngos-stuffed-with-public-money/>

Friends of the Earth Hungary, *The Key to Partnership for Successful EU Funds*, available at: https://mtvsz.hu/dynamic/sfteam_the_key_of_partnership_2012.pdf

Illes Szurovecz, Is there life after George Soros? Not for these Hungarian NGOs, The Budapest Beacon, 2016, available at: https://budapestbeacon.com/they-got-hooked-on-the-soros-money-tap-and-they-couldnt-wean-themselves/?_sf_s=NGO+soros+money&post_types=post&sf_page=4

Kovach, I. and Kucerova, E., "The project class in Central Europe: The Czech and Hungarian Cases", *Sociologia Ruralis*, Vol 46, Number 1, 2006

Kovács, K. "Rescuing a small village school in the context of rural change in Hungary", *Journal of Rural Studies*, Volume 28, Issue 2, 2012, p. 108-117

Lendvai, P. *Victor Orban: Europe's new strongman*, Hurst and Co. London, 2017.

Marquardt, D. Mollers, J. and Buchenrieder, G. "Social Networks and Rural Development: LEADER in Romania", *Sociologia Ruralis*, Vol.52 No 4, 2012.

Messing, V. "Apart or Together: Motivations behind Ethnic Segregation in Education across Europe", in: J. Szalai and C. Schiff (eds.): *Migrant, Roma and Post-Colonial Youth in Education across Europe: Being 'Visibly Different'*. Houndmills, Basingstoke: Palgrave Macmillan, 2014, p. 17-33.

Naim, M. "What Is a GONGO? How government-sponsored groups masquerade as civil society", *Foreign Policy*, 2009, available at: <http://foreignpolicy.com/2009/10/13/what-is-a-gongo/>

Sampson, S. "Beyond Transition: rethinking elite configuration in the Balkans", in Hann, C. (ed.) *Postsocialism; Ideals, ideologies and practices in Eurasia*, Routledge, London, 2002.

Szalai, J. Svensson, S. and Vince, D. "Contested forms of solidarity: An overview of civil society organisations in Hungary and their impact on policy and the social economy", *Center for Policy Studies Working Paper Series 2017/10*.

The 2016 Civil Society Sustainability Index for Central and Eastern Europe and Eurasia, USAID, 2017, available at: https://www.usaid.gov/sites/default/files/documents/1866/C-SOSI_Report_7-28-17.pdf

The Hungarian Helsinki Committee, *Timelines of Governmental Attacks against NGOs*, 2017, available at: <https://www.helsinki.hu/en/timeline-of-governmental-attacks-against-ngos/>

Civil society organisations (CSO) have always been in close connection with a democratic state under the rule of law. Their rising importance in public activity is a natural consequence of a mature democracy, which allows the citizens to actively participate in decision making. In the Polish case, the process of development of civic involvement is not yet finished but certainly, a huge progress can be observed since 2004 due to the accession to the EU, since our country had to adapt European standards. Polish organisations are taking more and more responsibilities from the public administration. Can we say that they have bigger influence in shaping public policies? The catalogue of forms of cooperation of CSO and public sector is broad and open. But does it allow greater involvement of organisations in the sphere traditionally reserved for public administration? In this article we will learn about selected mechanisms of cooperation which allow CSO to have their say in shaping policies on national and regional level, including those which still remain unknown for most organisations. The article starts with a short introduction to forms of cooperation of CSO and administration and how can they be involved in public consultations. Another section focuses on practical experiences of CSO involvement, such as participatory budgeting in Poland and forms of representation of society in legislative bodies at different levels of decision-making processes. Last but not the least, the article introduces evaluation, as a process for increasing evidence-based involvement of CSO in policy making. The article starts with a short introduction to CSO and what are the legal basis.

I. Background: Polish CSOs and forms of their cooperation with the administration

In Polish conditions, there are several options of cooperation between CSO and public administration that allow the former to influence the work of the latter. In general, the forms of cooperation can be divided into three basic groups. The first of them is the **non-financial cooperation**, including participation in planning activities. It might be limited to informing each other about the directions of activities.

The next level of involvement are **public consultations on documents**, prepared by the administration together with organisations, while the most advanced stage is the **co-decision making**, which envisages full participation in the work of various bodies, where both representatives of civil society and authorities are active. This three-level model of involvement of society in the participatory processes is also described in the literature on public participation⁴⁹. At the local level informing about the course of public affairs is still the most common practice, while the most popular method of participation, which involves other stakeholders in decision making processes are consultations.⁵⁰

Apart from these, there is also a possibility of **financial cooperation**, within which public authorities may delegate public service tasks to the CSO (together with financial resources to finance them).

⁴⁹ Chrzanowski, O. Partycypacja krok po kroku. Wybór tekstów. [Participation step by step. Selection of texts], FISE, Warsaw, 2014.

⁵⁰ Biała Księga wsparcia partycypacji publicznej w Polsce [White book on public participation support in Poland], Fundacja Instytut Spraw Publicznych, Warsaw 2014.

The role of administration is then limited to that of a supervisor. All these forms of financial cooperation were introduced by the Act of 24 April 2003 on public benefit activity and volunteerism.

Additionally, there are intermediate levels of participation in which administration not only informs the society about its decisions but also explains the rationale behind them. Even more advanced participation level is called *self-governing* and assumes that citizens can make decisions regarding public affairs by themselves and authorities are those who help them implement it. The example of a self-governing instrument, known as participatory budget will be briefly described in this article. Another form known in Polish conditions are referenda.

In this article however, we would like to focus on the examples of non-financial cooperation (mainly consultations) and other possible areas of involvement of CSO representatives in shaping public policies (such as citizens' budgets), as they are still the most common forms of cooperation and might be more relevant for future use.

II. CSO in public consultations

Looking at possible forms of cooperation, consultations can be placed somewhere between the co-decision and informing. To briefly explain, co-decision-making entails that public administration makes decisions regarding given issues, together with the representatives of society, where jointly developed solutions are binding for everyone. This type of participation might serve for diagnosis of a problem, preparation of possible solutions or working-out of the most sensible way of dealing with a given issue. On the other hand, informing is the most passive form, in which public authorities only provide information on their activities, in order to raise the awareness and build understanding for their decisions. Information is the basic level of participation, without which more advanced forms of participation are not possible to be introduced.

This section will therefore focus on public consultations, which are one of the most common forms of engaging the civil society in public decision-making.

Let's start with a basic question. What are the benefits for decision-makers, of sharing their influence on public policies with others? Participation (consultations) is a form in which public authorities invite citizens to present their views on already proposed solutions (be it strategy or programme or any other decision which affects the society). By expressing their views, the citizens show their preferences regarding how a given problem should be or shouldn't dealt with. The authorities can take these opinions into account when designing public policies but they are not obliged to do so, which makes this relation a little bit asymmetric.⁵¹ Here it has to be noted that it is the government (or self-government) who bears the political responsibility for decisions⁵², which might sometimes help to understand, why certain proposals are not taken under consideration – very often the political context has a priority. Consultations, providing

⁵¹ On the other hand, one can easily imagine a political future of those who ignore the opinion of the people for no particular reason.

⁵² Wytyczne do przeprowadzania oceny skutków regulacji i konsultacji publicznych w ramach rządowego procesu legislacyjnego [Guidelines for conducting regulatory impact assessment and public consultation within the government legislative process], 2015.

they are treated seriously, might help understand the needs and preferences of the society in a given sphere. Hence, the chosen solution might both fulfil the objectives they set for organisation and at the same time be accepted by the larger part of the population.

What is the importance of CSO in these processes? As stated at the beginning, civil society organisations are characterised by greater involvement in public affairs due to introduction and consolidation of democratic standards. Very often they also possess greater knowledge in the area of their activities. Organisations are also quite diverse in terms of their interests, in terms of membership, activity and territorial impact (national, regional and local organisations) which allows them to address different issues on different administration levels. In case of consultations organised at the central level, the entities invited for consultations are more often national organisations or network organisations associating other organisations representing the given environment. However, consultations are sometimes treated by the government and self-government entities as a necessity, without particular attention to their results, not to mention providing feedback.

From the point of view of the third sector, it is important that the consultation process is not just a formal submission of comments to the presented document and that CSO participation is not limited to a single meeting (and often the only one organised). This, however, depends on the openness of the administration and the ability (awareness) of organisations from the given territory itself.

II. 1 Legal basis for public consultation process

Currently, the rules regarding the organisation of public consultations are formulated in various legal acts – mostly those which regulate the way government and self-government in Poland works.

One of the most important acts was adopted right before the accession to the EU. Act of 24 April 2003 on public benefit activity and volunteerism has introduced basics for functioning of the third sector, namely definition of an NGO and rules regarding delegation of public services to organisations and financing NGOs from public money. It has also been a crucial regulation when it comes to the dialogue between CSOs and public sector, which has been rather chaotic before⁵³. Below we can find the extract from selected legal acts and regulations they introduce, which refer to cooperation of administration with CSOs.

⁵³ Makowski, G. and Marček, E. Problems of Civil Dialogue in Poland and Slovakia, paper prepared for the conference „Challenges to democratic governance in new democracies in CEE and the Balkans”, Budapest 2008.

TABLE 1. CONSULTATIONS IN POLISH LEGAL ACTS (SELECTED LEGAL ACTS)

LEGAL ACT	REGULATION
Horizontal issues	
Act of 24 April 2003 on public benefit activity and volunteerism.	According to the act, consultations on draft regulations (but also documents such as programmes of administrative cooperation with NGOs) are the basic form of cooperation of public administration with CSO. The Act also introduces the possibility of consulting draft regulations
Act of 5 June 1998 on voivodeship government	The act states, that consultations with the residents of the voivodeship may be carried out in cases provided for by law and in case of matters of importance for the voivodship.
Act of 5 June 1998 on district government	The act states, that consultations with the residents of the district may be carried out in cases provided for by law and in case of matters of importance for the district.
Act of 8 March 1990 on commune local government	The act states, that consultations with the residents of the commune may be carried out in cases provided for by law and in case of matters of importance for the commune
Sectoral issues	
Act of 3 October 2008 on the Provision of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments	The act regulates the principles of public participation in environmental protection. It obliges the public administration to ensure the possibility of public participation in the decision-making process, e.g. regarding environmental conditions or in the process of development of draft planning documents, i.e. related to environmental protection programmes or waste management plans.
Act of 12 March 2004 on the social welfare	The act regulates a consultative mode of drafting and implementation of commune and district strategies for solving social problems and voivodeship strategy in the field of social policy.
Act of 20 April 2004 on employment promotion and labour market institutions	The act obliges the voivodship district self-governments to consult action plans for employment. Also, social dialogue and partnership should be implemented in cooperation with social partners.
Act of 27 March 2003 on spatial planning and management	The act requires consultations on the study of the conditions and directions of spatial development of the commune and local spatial development plans.

Source: own elaboration

II. 2 CSO roles in public consultations in Poland⁵⁴

In the process of public consultations CSO can play different roles, starting from the observer, ending as an initiator of further change. Like it was mentioned before, they (as a single organisation or a coalition) can **initiate** – raise the issue to be discussed within the consultation process and will address it. They can play a role of **co-organiser (co-host)** and support the administration in organisation of consultations and dissemination of knowledge about them. As participants, CSOs can express their opinions on a consulted matter and as **an expert**, they can provide insights on a given subject, but in more extensive way than a regular participant does. In this role they are functioning more like the „knowledge brokers” who provide participants with useful information. Last but not the least, CSOs can act as **observers**, interested in the outcomes of consultations, or can just support them, in order to use the knowledge resulting from this process in the future. These roles put organisations in one of the following positions:

TABLE 2. GATEKEEPER VS GATEWAY – POSSIBLE ROLES OF ORGANISATIONS

GATEKEEPER, RESPONSIBLE FOR:	GATEWAY, RESPONSIBLE FOR:
<ul style="list-style-type: none"> → advocacy, as the expression of interests - "expressing and reaching out to different groups"⁵⁵ → representation, as acting in someone's name. Based on a possessed mandate from those who are represented → watchdog activities, observing, on behalf of the community, the actions of authorities, monitoring of their integrity, explaining, seeking, requesting public information, informing the public about potential irregularities 	<ul style="list-style-type: none"> → informing the residents about the consultations in a way that encourages them to participate → inviting to consultations through his own channels → encouraging authorities to broadly invite residents and treat the consultation as an important mechanism of dialogue with the community → disseminating information on how the consultations should look like, what are their advantages and limitations etc.

Source: own elaboration, based on *Konsultacje społeczne lokalnie (...)*

⁵⁴ Based on *Konsultacje społeczne lokalnie. Zeszyt partycypacji* [Social consultations locally. Participation sheet], 3/2015, FISE.

⁵⁵ Herbst, J. Rozenbaum, J. and Wygnański, J.J. *Mów do rzeczy. Jak korzystać z danych w działaniach rzeczniczych?* [Speak to the point. How to use data in advocacy measures?], Fundacja Pracownia Badań i Innowacji Społecznych „Stocznia”, Warsaw, 2013.

II. 3 how to make the most out of a consultation process?

When organising consultations, administration has many different methods available. Some of them are based on a direct contact with another stakeholder and other are not. Some of them are appropriate for a broad, open participation, others are much better if the matter should be consulted, for example in a smaller group of experts.

The most popular methods of consultations in Poland include:

- Indirect consultations - in a written form,
- Direct consultations - during the meetings.

The most common form are the written consultations and the reason behind it is, that they are far easier to organise and thus do not generate such costs as direct meetings with citizens (costs-related issues are still a very important factor in relatively poor Polish administration). Opinions are usually collected in the form of comments to a document which is available at the office. These contributions can be sent by post or left at the office. On-line consultations are also becoming more and more popular.

It is a good practice to combine written consultations with other methods of consultation. For example, by inviting to a consultation meeting those who have submitted their comments in writing.

Draft documents should be placed on the website of the particular institution or could be sent in electronic form to interested parties. The form of the document should allow performing automatic searches within it.

Nevertheless, they are more time consuming than meetings, as they require time from participants to submit their contributions. As an organisation this is the first moment when we have to pay attention, whether we are given proper time to give our contribution. By that we will know if we are treated seriously by decision makers.

Another disadvantage of the written form is, that it doesn't allow exchange of views between consultations' participants, unless we have a discussion forum on the Internet, such as the government-owned portal Konsultacje.gov.pl,⁵⁶ which makes this feedback much easier or should we say, possible at all. Together with [Mamzdanie](http://Mamzdanie.org.pl), these⁵⁷ are currently the most popular websites dedicated to online consultations, although being a novelty in Poland. Consulted documents are made available on the portal and comments can be sent directly through it.

Of course, on-line consultations are not always about establishing the dedicated on-line portal. It can also mean that a separate mailbox is created for the purpose of the process. [Konsultacje](http://Konsultacje.gov.pl) portal requires registration, which means that consultations are more transparent in terms of submitted comments and opinions but also organisations involved in it – everyone who is interested can access information on who submitted what. It is also more convenient for

⁵⁶ See more: www.konsultacje.gov.pl

⁵⁷ See more: www.mamzdanie.org.pl

organisations, which due to their location cannot delegate anyone to take part in consultation process in person.

Consultation meetings can have a form of open or closed meetings or public hearings. In case of the first option, since participation in them is not limited to invited guests only, it is crucial to disseminate information about the meeting among the other organisations. During the meeting we have to remember to remain active participants, otherwise the communication will be one-sided and eventually will transform into informing rather than actual consultations. Organisations should have enough time to ask questions and to express their opinions – by this we will again know what the administration's approach to consultations and its participants is.

In the case of closed meetings, only invited organisations will participate. In that case it's worth paying attention, who are the representatives, who will participate. If we do not know them or cannot establish this information perhaps it is good to ask for a list of the invited organisations, prior to the meeting.

On one hand, this will allow monitoring of the transparency of the consultation process, on the other hand might allow us to work-out a common opinion on consulted issues with the organisation which is invited⁵⁸, prior to the meeting. One type of closed meetings is a meeting for participants of written consultations, so they could discuss the comments made during the process. In general, we should expect received comments and opinions to be briefly reported by the organisers and the most controversial issues raised. Common discussion should be organised around these issues⁵⁹.

Public hearings are introduced by the Act of 7 July 2005 on lobbying activities in the process of law making and refer to consultations of draft legal acts. As a general rule the organisers of the consultations are acting more as listeners, while it is the interested party who is the speaker. Public hearings are open to all interested people, therefore when announcing a public hearing, it is important to determine whether the meeting will be open to all individuals or randomly selected from among those who wish to participate.

III. Participatory budgets⁶⁰

Participatory budgets are getting more popular in Poland, as tools of genuine involvement of civil society in deciding, how their local community develops. With its help the residents might shape local policies by deciding how to allocate part of their local budgets.

The first city in Poland to introduce the participatory budget was Sopot, in 2011.⁶¹ After this first positive example many other cities decided to make their first attempts in constructing similar mechanisms. The initiative is becoming increasingly popular and moreover, some

⁵⁸ Regardless of that, the criteria of participation for CSOs should be transparent and understandable.

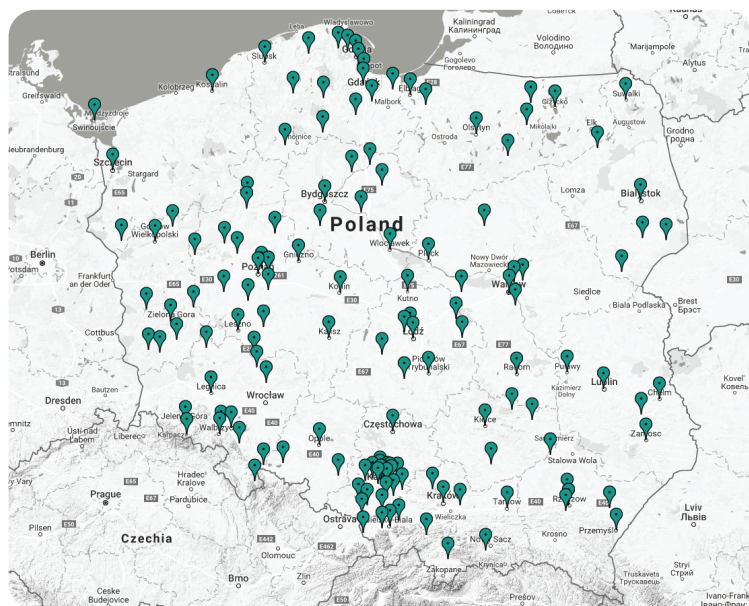
⁵⁹ We should also remember that whenever the administration organizes „closed expert meetings” they are not equal to social consultations.

⁶⁰ Also known as 'Citizens' budgets'

⁶¹ Trojmiasto, Budżet obywatelski to był pomysł z kosmosu [Citizens' budget was an idea from space], 2016, available at: <http://trojmiasto.wyborcza.pl/trojmiasto/1,35612,20032800,nie-latwe-poczatki-budzetu-obywatelskiego-w-sopocie.html> [accessed on 20.11.2017]

positive Polish examples were transferred to Ukraine and Georgia, within Polish development cooperation projects of Solidarity Fund PL, financed by the Ministry of Foreign Affairs.⁶² Here it has to be noted that Polish participatory budgets have as much fans, as critics and the aim of this article is not to support up any of these groups. The exercise we made in Polish conditions might serve as simple “do’s and don’ts” and we just encourage to seek inspiration in this respect.

Map 1. Scale of popularity of participatory budgets in Poland in 2015



SOURCE: <http://bp.partycypacjaobywatelska.pl/mapa/>

Legal basis for participatory budgets are laid down in already mentioned act on commune local government. Article 5a of this act states, that consultations with the residents of the commune may be carried out in cases provided for by law and in case of matters of importance for the commune (see Table 1. Consultations in Polish legal acts (selected legal acts)).

Since the commune budget is a financial plan of particular unit, it might be considered as a „matter of importance for the commune” and thus be the subject of consultations with the public, in the form of a participatory budget.

At the level of the legal act these two mechanisms (budget and consultations) are treated equally, although we believe it should not be that way. The difference is perhaps not quite clear, yet significant, even though it is based only on the social contract between the authorities and

⁶² It is a foundation of the State Treasury which supports pro-democratic transformations in societies which cannot under the incumbent regimes co-decide about their future and provide support in countries undergoing systemic transformation. It operates primarily through supporting projects carried out by Polish NGOs in cooperation with local partners from countries to which Polish development aid is contributed. For more see: <http://solidarity-fund.pl/en/>

the citizens. Consultations as such are not binding for the authorities but in case of the budget, the citizens should have a guarantee that their choice will be respected and that their projects obtain financing in the next financial year. It was therefore assumed that in the case of the participatory budget the authorities declare that the decisions of the society will be considered as binding for them⁶³.

As for detailed rules for establishing participatory budgets in Poland, there is no common procedure⁶⁴. This is the responsibility of individual local self-government units, which regulate these issues by themselves, by issuing resolutions.

Like any eligible citizen, CSOs can participate in participatory budgets by contributing to organised discussions, proposing their own projects and voting for the best projects during the selection procedure. But one has to remember, that the role of the citizen's budget is not to meet the needs of CSOs as such. In the participatory budgets it is all about the inhabitants and they should play a central role in budget planning and thus contributing to policy making on a local level. The role of the representatives of CSOs is, however, equally important. They can be appointed members of the participatory budget teams, which are established by the executive bodies of the local government. Within performed tasks those teams have the overall responsibility for elaborating the rules of operation of participatory budget in a given commune. They are also responsible for supervising its implementation, and promoting activities undertaken within the process.

The composition of the team varies and includes representatives of different stakeholders from the local community, including local authorities, NGOs, urban movements, youth councils, residents, etc. Thus, this way or the other, CSOs have an influence on the creation of policies at the level where particular budget is introduced.

IV. Not only consultations and budgets

Apart from the previously mentioned forms of CSO involvement in policy making processes, other forms were introduced by legal acts some time ago but only recently gained actual importance. We believe that what helped here, was the introduction of the element of obligation. The following sections will briefly explain the work of some of them: Boards for Public Benefit Activities, Senior Councils, and Youth Councils.

IV. 1 Boards for Public Benefit Activities

One of them are the **Boards for Public Benefit Activities**, which operate both at national level and at all levels of self-government, on a basis of the Act on public benefit activity and volunteerism. They are advisory bodies, involved in providing opinions and consulting the documents issued by entities in which they were appointed. The minimum scope of their tasks is defined in the Act, but with a great deal of CSO involvement and their particular institutional capacity and cooperation with administration it can be much broader. Irrespective of the level at which it

⁶³ Kraszewski, D. Mojkowski, K. Budżet obywatelski w Polsce [Citizens' Budget in Poland], Fundacja im. Stefana Batorego, 2014.

⁶⁴ Sześciło, D. Konceptje ustawowego uregulowania budżetów obywatelskich (partycypacyjnych) [Concepts of statutory settlement of citizens' (participatory) budgets], Fundacja im. Stefana Batorego 2014.

operates (national, regional or local) the Boards is appointed by the executive body.

Until 2015, formation of the local level Boards (within districts and communes) was a right of a given self-government unit, but amendments to the Act introduced obligation. The executive body at a respective local government unit has to establish the Board upon a joint request of CSOs operating on a given area, while failing to do so can be appealed to the administrative court.

National level Boards

The Board at national level is appointed by the minister responsible for social security. It consists of representatives of the government and self-government units, and representatives of CSOs (at least ½ of the Board).

They are selected from candidates earlier proposed by the CSOs sector itself. Each candidate requires support of at least 20 organisations. The term of office of the Board is 3 years. The most important tasks described in the act include:

- expressing opinions in matters concerning the application of regulations and programmes related to the functioning of CSOs as well as public benefit activities and volunteering,
- providing assistance and expressing opinions in case of disputes between public administration bodies and CSOs,
- expressing opinions on public tasks, on their commissioning for implementation by CSOs and on recommended standards of the implementation of public tasks,
- organising the elections of representatives of the third sector in monitoring committees of EU funded programmes.

Regional level Boards

They are appointed by the voivodeship marshals⁶⁵ in response to a joint request of at least 50 NGOs operating in a given region (art. 41a). Like in case of the national Board, CSO representatives must constitute at least ½ of all Board members. The difference is, that rules regarding the way they are appointed are formulated by the regional executive board. The term of office of the Board is also 3 years. The most important tasks described in the act include:

- expressing opinions on the development strategy of the voivodship,
- expressing opinions on issues related to the functioning of NGOs,
- providing assistance and expressing opinions in case of disputes between organisations and public administrations,
- expressing opinions on the commissioning of public tasks to organisations - both by the

⁶⁵ In Poland it is a head of executive body in regional self-government.

voivodeship self-government and by the voivode,

- organising the elections of representatives of NGOs in regional monitoring committee.

The Board has 30 days to issue opinion on draft documents pointed out in first two points.

Local level Boards

They are appointed by the executive body of a respective self-government for a period of 3 years, at the joint request of at least 5 organisations from the area.

The minimum composition of Board at district or commune level is 8 people: 2 representatives of the constituting body, 2 representatives of the executive body, and 4 representatives of non-governmental organisations. Boards at this level are responsible for:

- giving opinions on the draft strategies of districts and communes, draft resolutions and acts of local law concerning public benefit spheres and other issues concerning the functioning of the CSO at local level,
- providing assistance and expressing opinions in case of disputes between organisations and public administration,
- expressing opinions on commissioning public tasks to organisations, including commissioning itself.

As in case of other levels, this scope might be extended.

Pursuant to article 41h, Boards from all three self-government tiers cooperate with each other on the basis of partnership and sovereignty of the parties, in particular by mutual informing on directions of measures. In fact, by covering almost all aspects of public benefit Boards are a perfect link between different bodies.

The actual impact of Boards on the work of administration of course varies, depending on several factors. If decision makers develop a culture of participation, if they learn how to manage the activity of residents, the Board can be a great platform, where points of views of different stakeholder meet. What can hinder their effectiveness is, when Boards become a place of dealing with particular interests of individuals. Regardless of that, in times when people are still not very keen on involving in matters of the local community, functioning of bodies such as Boards are actually a good sign.

IV. 2 Senior Councils

Senior Councils are collective bodies of an advisory nature (although they do not only advise but also consult and initiate actions). They support the commune in the implementation of policies dedicated to elderly people. Councils are an attempt to respond to demographic challenges related to the growing number of seniors in Poland and at the same time accumulate the expected increase in their social involvement.

One of the oldest Senior Councils in Poland was appointed in Poznań in 2007. Current shape and condition of these bodies are a result of an amendment of the Local Government Act of 2013. This amendment tidied up the legislation and legitimised the functioning of the existing councils⁶⁶. Article 5c states that the municipality "fosters intergenerational solidarity and creates conditions to stimulate older people's active participation in the local community." Since this amendment to the Local Government Act, the number of senior councils in Poland has increased significantly.

The tasks of Senior Councils might vary, depending on tasks which a given Council perceives as crucial for the community. Here we will just present the example of tasks selected by the Senior Council from municipality of Serock with which one of us had a pleasure to cooperate when drafting their development strategy.⁶⁷

TABLE 3. SENIOR COUNCIL IN SEROCK – EXTRACT FROM THE STATUTE

TASKS OF THE SENIOR COUNCIL - EXAMPLE OF SEROCK MUNICIPALITY:

- close cooperation with the municipality on issues which are important to elderly people
- proposing priorities for short-term and long-term measures for the elderly,
- disseminating knowledge about the opportunities of the elderly, their social potential, needs and expectations in the context of real impact on decisions made by local authorities in terms of services for the elderly,
- ongoing monitoring of the needs of the elderly people,
- undertaking activities aimed at the effective use of knowledge and time of the elderly,
- promoting prevention of health, culture and education in this social group,
- informing the community about the directions of measures undertaken by the municipality and CSO working for the elderly people,
- consultations of municipality's budget in terms of measures dedicated to elderly people.

Source: own elaboration

These tasks were later translated in the strategy into specific actions, which Seniors intended to implement in the upcoming years. Below we will find few examples from the area Health and

⁶⁶ Starzyk, K. Co gminom po radach seniorów, co seniorom po radach? [What can Senior councils offer to communes, what can communes offer to seniors], in: Instytut Idei, 7/2014.

⁶⁷ Uchwała Nr 438/XLVIII/2014 Rady Miejskiej w Serocku z dnia 31 marca 2014r. w sprawie powołania Rady Seniorów Miasta i Gminy Serock oraz nadania jej Statutu [Resolution No. 438 / XLVIII /2014 of the City Council of Serock issued on 31 March 2014, on the appointment of the Seniors' Council of the Town and Commune of Serock and its Statute].

recreation:

- Organise preventive examinations in the field of degenerative diseases
- Organise two-shift rehabilitation
- Organise Nordic Walking competition
- Opening of the Social Activity Club
- Abolition of architectural barriers

As we see from the set of tasks presented above, social councils make decision-makers (and the rest of community) familiar with problems of elderly people and at the same time, they allow them to remain active. They create possibilities to express their views e.g. on how public spaces could be designed to be elderly-friendly, present the needs of this group, take initiatives by organising various events and provide advisory. Involving elderly people in local community's life also means, that decision-makers can benefit from their rich life experience and knowledge. Until recently, Senior Councils were a niche phenomenon, but for the reasons given above, they are slowly becoming an important element of local self-government communities.

IV.3 Local youth councils

The last and probably least visible form of CSO involvement in policy-making are the local youth councils. Although the first youth council was established in Częstochowa already in 1990, it was only in 2001 when formal basis of their functioning was created. Article 5b of the law on commune local government stated that "the council of the municipality may, at the request of interested parties, give consent to the creation of a local youth council of a consultative character". Local youth councils initiate measures which activate young people and give opinions on the ideas and decisions of the authorities in matters related to this group. Young people involved in the councils' work also learn what self-government is, how it works in practice, and that young people can influence their community. Assuming that a particular self-government is really open to cooperation, youth councils can act as a mutual inspiration for decision makers and youth. Good example of youth council can be found in Poznań. Members of the council engage in organising events dedicated to youth, issue opinions in the subject of works of "adult" Council or other issues which somehow concern the young citizens of Poznań. And even if sometimes these attempts are not 100% successful,⁶⁸ the awareness of youth's voice has increased.

As we see from this example, local authorities were again obliged to create a body if there were people interested in getting involved in its work. And it was only then when these bodies actually became more visible.

V. Case study: Evaluation in policy-making

The OECD describes evaluation as:⁶⁹

'The systematic and objective assessment of an on-going or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment

⁶⁸ That was the case with council's amendments to draft resolution on the principles and procedures for conducting public consultations in Poznań which were not taken under consideration.

⁶⁹ OECD, Glossary of Key Terms in Evaluation and Results Based Management, 2010.

of objectives, development efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors'

Evaluation in Poland is mainly a domain of the European Cohesion Policy, under which studies on the results of this policy are being carried out. It is slowly becoming a matter of interest of non-EU related policies, although still in marginal scale (when comparing to Cohesion Policy experiences of more than 1000 studies performed since 2004-2006 period). Policy evaluation could be a perfect process for increasing CSO involvement in policy making, but which CSOs probably do not use sufficiently. In fact, we can hardly hear about CSOs using evaluation as a tool in a discussion about policies (some of them do however perform evaluation studies commissioned by administration). Examples from Polish administration show that evaluation might provide knowledge which fuel decision making processes. The question is, why not use this tool also for the benefits of CSO? In this article we would like to recall a case when an NGO used the knowledge from evaluation in dialogue with administration of both levels – national and regional.

This is a case of two projects implemented by Foundation Idea of Development in 2014-2015 and in 2016.

V. 1 Use of knowledge in administration - mechanisms of civic supervision

The main objective of the project was to answer the following question: *Does evaluation inspire Polish administration?* To answer that question the team of experts from IDEA Foundation analysed 176 evaluation reports commissioned by Polish administration in 2007-2013 period. Reports were dedicated to various aspects of EU Funds' implementation in Poland, but the attention of experts was focused on reducing administrative burdens for beneficiaries (this is a very broad group, in which there were entrepreneurs, CSO, educational institutions etc.). In these reports researchers were looking for recommendations which would make beneficiaries' lives less complicated, providing they were used in the next round of EU funding (which was supposed to start in 2014 and will last until 2020).

The project consisted of two phases. Within the first phase the experts examined to what extent identified recommendations from evaluation studies were used in preparation for implementation of the funds in the upcoming financial perspective.

The second phase was focused on monitoring and dissemination of project results. The experts presented their works on different fora involving both, public administration and CSO representatives. Not only was the project dedicated to serve Polish public administration but, at the same time, its aim was to inspire other organisations to use evaluation as a tool of civic supervision of public authorities.

The project was implemented thanks to the grant from the Citizens for Democracy Programme of the Stefan Batory Foundation. The aim of the Citizens for Democracy Programme is to strengthen the development of civil society and the contribution of non-governmental organizations to social justice, democracy and sustainable development. The programme is financed by the European Economic Area (EEA) Grants.

Outcomes of the project were also promoted online.

The experts participated in the consultation process on draft guidelines setting out rules of EU funding in 2014-2020, by submitting comments on the possible ways of reducing the burden for beneficiaries. The reports with the outcomes of the project were sent to two departments of the ministry responsible for the EU funds and as a result, a co-operation with civil servants responsible for preparation of the implementation system of EU Cohesion Policy in Poland for 2014-2020 was established.

The team of experts has received feedback on identified recommendations and had a possibility to discuss selected issues during the meetings with civil servants. The report from the project was also sent to Brussels, at the request of the European Parliament and the European Commission.

Finally, the Foundation proposed a discussion on identified burdens and opportunities for their reduction on one of the fora bringing together the major institutions involved in the implementation system of EU cohesion policy or during one of the working groups. That has been postponed due to a very tight calendar of people involved in the programming process.

V. 2 Use of knowledge from evaluations on regional level - mechanisms of civic supervision (WERE)

What was not fully achieved within the first project, the Foundation completed in the second attempt. The main objective was to increase the use of the results of evaluation research, in order to reduce the administrative burden on beneficiaries of EU funds. WERE project was focused on regional level and hence on identification of bottlenecks for beneficiaries of EU programmes implemented by regional self-governments (in this particular case - in mazowieckie region).

The first stage of the project was again the analysis of the results of evaluations, performed for regional programme. The aim of the analysis was to find recommendations with solutions which would be user-friendly, looking from the point of view of beneficiaries, especially CSOs.

In the next step the experts commenced monitoring activities. Since the 2014-2020 financial perspective has already launched, the analysis of draft guidelines at this stage was not possible. That is why the monitoring involved assessing the degree and manner of incorporating key recommendations in the implementation system of regional programme. This way the extent to which the knowledge contained in evaluation reports was used to improve the beneficiaries' situation was assessed. The experts also examined what kind of barriers might still be encountered in implementation of key recommendations identified earlier. Monitoring actions were also designed to identify recommendations for further possible simplifications in the system.

The conclusions of analysis and monitoring activities were included in reports, which served for the purpose of the second round of discussion on possible ways of reducing the burden for beneficiaries, this time also involving representatives of the self-government.

The third stage of the project was an evaluation study within which the beneficiaries of regional programme were asked to assess administrative burden in the new programming period. Also, particular measures taken by regional self-government to reduce the administrative burden were evaluated.

As a result of the project, previously established cooperation was strengthened and extended to

the regional level. In fact, the Foundation still contributes to the discussion on simplification of EU funds, as a member of the so-called Simplification Forum appointed by the minister responsible for regional policy. The outcomes of both projects, although some of them were prepared almost 3 years ago, were recently sent to the Forum organisers to be disseminated among other participants and serve as a food for thought in future discussion.

VI. Conclusion: Limiting factors for CSO involvement and how to tackle them

The number of positive examples of CSO involvement in Poland is probably as big as the number of obstacles these organisations face in their attempts to contribute to policy-making processes. This is visible especially now, when Polish CSOs are facing numerous problems. But for the purpose of this article we will refrain from commenting the current situation in Poland and refer to positive practices and general reflection on how to improve the CSO involvement and what the greatest bottlenecks are.

For each of presented mechanisms of CSO involvement there are different factors that might impede their practical use. In general, they can be divided in two main groups: 1) Attitude of decision-makers and 2) Capacity of CSO.

1. The attitude of decision makers should probably be perceived as a primary barrier of CSO involvement. The following related factors influence the quality of cooperation between the administration and civil sectors.

- **Lack of trust.** Among the greatest bottlenecks for cooperation one might find the lack of trust in it justified by the fact that administration might perceive the CSO representatives as „outsiders” who lack sufficient knowledge about the complexity of the matter. Such an attitude towards cooperation with organisations might often lead to „facade” cooperation, when administration organises the process even though it does not intend to take its outcomes seriously. And even if the administration wants to hear the voice of CSO and really involve them, we always have to remember, that above it all we have a higher, political level which is responsible for the final decision. Needless to say, that if this situation is a part of experience of a given organisation it might work as a disincentive for future involvement.
- **Time...or actually the lack of it.** In Poland, the development of public policies is dominated with an attitude that it has to be done as quickly as possible. And it very often works this way that public policies are created very quickly⁷⁰. When time is at stake not much of it is left for proper consultations, not to mention more advanced forms of involvement. Hence very often the quality of cooperation of public administration with CSO is not satisfactory. Organisations do not participate in all stages of public policy making and even if they do, their involvement is limited to consulting documents which are already at their final stage of preparation.
- **Lack of culture of cooperation,** despite many positive changes which could be observed in

⁷⁰ Arczewska, M. Koziarek, M. and Makowski, G. Współpraca administracji publicznej i organizacji pozarządowych w tworzeniu polityk publicznych dotyczących spraw społecznych i ochrony środowiska [Co-operation of public administration and non-governmental organizations in creating public policies in terms of social issues and environmental protection], ISP, 2011.

Polish administration throughout the years. When we add to this the lack of knowledge and experience in animating the cooperation, it might be easier to understand why Polish administration is sometimes so reluctant to cooperate.

- **The power of legal obligation.** The Polish example also shows, that sometimes it is better to write something explicit in legal acts to make various forms of cooperation actually work. We might refer to the examples of instruments which have been existing for years, but it was only the amendment of the legal act which turned these instruments into an obligatory mechanism, when their importance soared up high.

What are the possible solutions? Why not put emphasis on dissemination of knowledge about possible forms of involvement of CSO and potential benefits it might bring? It should be made both among the CSO representatives and public administration officials. In our lives we like concrete examples – why not provide best practices as a way of promoting CSO involvement in policy making?

It could also be helpful if a particular minister in the government plays a role of the liaison with the third sector, a ‘host’ in charge of animation of cooperation. Also, greater involvement of other ministries in this process and reaching to self-government administration (where applicable) could help change the attitude.

2. Regarding the **capacities of organisations themselves** as an obstacle to greater involvement, it could be said that the quality of cooperation of CSO and administration depends on whether we are analysing national, regional and local level, how large territorial units we consider, and what kind of policy this co-operation will cover.

The best situation is at the national and regional level, where CSOs have the largest resources, both in terms of financing and human factor. Naturally here experiences on both sides are richer. There is also a better awareness of the benefits this cooperation might bring.

The situation is worse at the local level. Not only can we talk about gaps in collaborative experiences but sometimes also in terms competences or financial resources. Organisations at the local level may also be concerned about greater involvement in decision-making, due to some kind of financial dependence between the CSO and the local government. Unstable financing can be perceived as a soft mean of pressure, and even discourage some organisations to deal with certain topics that could affect their perception by the administration.⁷¹

There is no easy answer on how to tackle the issue of low institutional capacity. Looking from the point of view of Polish experiences. CSO must be more open for interactions with other partners (not only administration but nowadays also business and other organisations). This also requires transparency of activities. They must put emphasis on financial stability, to avoid situation from the previous paragraph. This stability is of crucial importance for organisations to attract young, well educated people who will be eager to involve in their activities. For those who already act in the sector, let life-long learning not be an empty phrase. Constant development and being familiar

⁷¹ This problem is pictured ia.by Kobylińska, A. Makowski, G. and Solon-Lipiński, M. (eds.) in: Mechanizmy przeciwdziałania korupcji w Polsce Raport z monitoringu [Mechanisms of counteracting corruption in Poland. Monitoring report], ISP, 2012. In fact, the issue of financing of CSO in Poland could be a topic for a separate publication.

with modern technologies is a must.

In case of the third sector also dissemination of good practices might help. Bearing in mind the potential behind evaluation it is also reasonable to build their capacity in using the knowledge from studies in decision making processes and learn how to reach stakeholders with the right message.

Equally important is the education on the functioning of public institutions, the principles of consultation, lobbying, participation of CSO in networks etc. What is also crucial is ensuring financing for organisations, so trainings on fundraising could be considered useful too. Combined efforts targeted at both factors described in this part of the article might help building mutual trust which is of crucial importance in joint planning and implementation of public policies.

Bibliography

Act of 8 March 1990 on commune local government

Act of 5 June 1998 on voivodeship government

Act of 5 June 1998 on district government

Act of 24 April 2003 on public benefit activity and volunteerism.

Arczewska, M. Koziarek, M. and Makowski, G. Współpraca administracji publicznej i organizacji pozarządowych w tworzeniu polityk publicznych dotyczących spraw społecznych i ochrony środowiska [Co-operation of public administration and non-governmental organizations in creating public policies in terms of social issues and environmental protection], ISP, 2011.

Biała Księga wsparcia partycypacji publicznej w Polsce [White book on public participation support in Poland],
Fundacja Instytut Spraw Publicznych, Warsaw 2014.

Central Statistical Office, Activities of Associations And Similar Organizations, Foundations, Faith-based charities, Business and Professional Associations In 2016 - preliminary results, 2017.

Chrzanowski, O. Partycypacja krok po kroku. Wybór tekstów. [Participation step by step. Selection of texts], FISE, Warsaw, 2014.

Herbst, J. Rozenbaum, J. Wygnański, J.J. Mów do rzeczy. Jak korzystać z danych w działaniach rzeczniczych? [Speak to the point. How to use data in advocacy measures?], Fundacja Pracownia Badań i Innowacji Społecznych „Stocznia”, Warsaw, 2013.

Kobylińska, A. Makowski, G. and Solon-Lipiński, M. (eds.) in: Mechanizmy przeciwdziałania korupcji w Polsce Raport z monitoringu [Mechanisms of counteracting corruption in Poland. Monitoring report], ISP, 2012.

Konsultacje społeczne lokalnie. Zeszyt partycypacji [Social consultations locally. Participation sheet], 3/2015, FISE.

Kraszewski, D. and Mojkowski, K., Budżet obywatelski w Polsce [Citizens' Budget in Poland],- Fundacja im. Stefana Batorego, 2014.

Makowski, G. and Marček E. Problems of Civil Dialogue in Poland and Slovakia, paper prepared for the conference „Challenges to democratic governance in new democracies in CEE and the Balkans”, Budapest 2008.

Ministerstwo Administracji i Cyfryzacji, Konsultacje społeczne – jak sprawić by były lepsze. Propozycja Kodeksu Konsultacji i ścieżka wdrożenia [Public consultation - how to make it better. Draft Code of Conduct and implementation path], 2012.

OECD, Glossary of Key Terms in Evaluation and Results Based Management, 2010.

Starzyk, K. Co gminom po radach seniorów, co seniorom po radach? [What can Senior councils offer to communes, what can communes offer to seniors], in: Instytut Idei, 7/2014.

Sześciło, D. Koncepcje ustawowego uregulowania budżetów obywatelskich (partycypacyjnych) [Concepts of statutory settlement of citizens' (participatory) budgets], Fundacja im. Stefana Batorego 2014.

Wytyczne do przeprowadzania oceny skutków regulacji i konsultacji publicznych w ramach rządowego procesu legislacyjnego [Guidelines for conducting regulatory impact assessment and public consultation within the government legislative process], 2015.

Uchwała Nr 438/XLVIII/2014 Rady Miejskiej w Serocku z dnia 31 marca 2014r. w sprawie powołania Rady Seniorów Miasta i Gminy Serock oraz nadania jej Statutu [Resolution No. 438 / XLVIII /2014 of the City Council of Serock issued on 31 March 2014, on the appointment of the Seniors' Council of the Town and Commune of Serock and its Statute].



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