

The Public Policies towards Organized Citizens
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Among the few undisputed elements that European Union countries and the EU itself share there is the recognition of the crucial importance of organized citizens in voluntary groups, movements and associations engaged in various policy arenas. Public institutions are used to declare that civic organizations' role is to cooperate with them for a better governance and to put the people closer to them. The involvement of these organizations in policy process, both in the phase of definition and of implementation of policies, is considered a priority. As for the European Union, the Constitutional Treaty has established (art. 46) the principle of participation of non-governmental organizations in the EU life and a decision of the European Council (26 January 2004) has started up an action program aimed at promoting an "Active European Citizenship".

But, what happens in reality? Are these attitudes, statements and decisions implemented? And how? To answer these questions some results of a recent Active Citizenship Network's survey on the public policies regarding citizens' organizations in Europe (28 "New Europe" countries + European Union), can be worthwhile. ACN is the European policy program of the Italian movement Cittadinanzattiva. The full text of the report can be downloaded from the website http://www.activecitizenship.net/projects/project_new_europe.htm.

Fear and suspect of active citizens

Legal status of citizens' organizations are defined pretty in all countries, though in very different ways, from the Constitutions to sectoral laws. About the criteria of recognition, the *formal and bureaucratic requirements* clearly prevail on criteria linked to operational ability of citizens' organizations. The most involved institutions in charge of the recognition are *the Ministry of Interior and the Ministry of Justice*. This does suggest that the traditional state's "*fear of organized citizens*" still exists. Moreover, *about 40% of all the forms of control regard financial and administrative matters*. This confirms that *institutions tend to suspect citizens' organizations of mismanagement or frauds*. Financial misbehaviors and threat to public security are indeed the two main *causes of loss of legitimacy* by citizens' organizations.

Administrative, not political interaction

Only in 7 countries there is a specific institution (usually *ad hoc* commissions or agencies) dedicated to interact with citizens' organizations. In general, *the administrative institutions are almost four times more involved than the political institutions are*. This matter could imply the risk that citizens' organizations tend to be recognized only as a technical supporter of public administration, rather than a political interlocutor. As for the *actions developed* by the engaged institutions towards citizens' organizations, they can be divided in three main categories: *consultation* in definition and planning of policies; *involvement in implementation*; *support to the development* of citizens' organizations.

Prerogatives and forms of support rarely implemented

Prerogatives of citizens' organizations are those powers that are independent of the goodwill of public authorities and must be granted according to specific procedures. It resulted that many of them have been provided by national laws and regulations. They regard: *a political dimension* (for example, appointment of representatives to public

bodies, right to petition), an *administrative dimension* (for example, mandatory opinion on certain issues, participation in public procurement), a *juridical dimension* (for example, start collective civil actions, sue for damages in criminal trials). Though the list of prerogatives is definitely positive, their actual level of implementation is often very low. About the *forms of support*, three of them were identified: *direct* (donations and legacies free of taxes, grants, etc.); *indirect* (individuals and companies' donations are tax deductible, welfare and job facilities for volunteers, etc.); *in kind* (awards and prizes, educational credits, etc.). Again, in reality the situation is not so positive.

A divergent agenda

In the survey a *comparison between citizens' actions and institutions' views* with regard to five roles of citizens' organizations (consultation, dialogue between stakeholders; advocacy and representation; monitoring and assessment; information, education and advice; implementation activities, delivery of services) was made. This in order to check if there is a consistency between what citizens' organizations really do and what institutions think they would do. The result (represented in the **graph**) is a clear divergent agenda between citizens' actions and institutions' views at least on two points:

- consultation is at the top for institutions and at the bottom for citizens;
- information and education is at the top for citizens and at the bottom for institutions.

The EU situation

At the EU level that there is no official and shared definition of citizens' organization, neither legal status for European associations. They can only register in a European Commission database with no official value and that does not imply any special rights or prerogatives. With regard to institutions involved, the Commission interacts with citizens' organizations either through consultation or through co-funding of projects; the Parliament involves NGOs in consultation and public hearings and receives petitions; the Economic and Social Committee interacts with citizens' organizations mainly in public events and debates, but also through hearings related to the draft of ESC opinions; the Ombudsman receives complaints about misadministration. Citizens' organizations do not have any special right or privilege in addition to those recognized to each citizen. Moreover, all privileges granted by the European directives and case-law exclusively refer to the national level and not to European one: citizens' organizations have no specific access to the Court of Justice. The economic support – which is estimated at over 1 billion € a year in 1997 – has two forms: core-funding for the running costs of Brussels-based associations, and project funding, open also to national NGOs. In both cases the EC covers only part of the financing. The European institutions contribute directly to the activities of citizens' organizations through in kind support and other two forms of support are provided as well: the European Voluntary Service and the training programs for citizens' organizations' members on different topics.

Things are not as they appear

Both in the case of national and of EU policies, through interviews with experts and civic leaders information on problems, obstacles and implementation gaps were gathered. In the **table 1** the “top ten” problems at national level are reported, while in the **table 2** those regarding the European Union are reported as well. From the tables it can be easily viewed that a relevant implementation gap between the provisions and the behavior of institutions interacting with citizens' organizations exists.

Risks, opportunities

On the basis of the findings of the survey, a definition of the main features of the European public policy on civic activism was defined. To summarize them, it can be said that in order to deal with their double crisis of resources and trust, public institutions want to involve active citizenship organizations in the management of public issues, both in the phase of policy design and in implementation. This is done through laws and regulations; financial and fiscal tools; symbolic and material tools.

No doubt that such a policy has achieved some very important *results*. For example, it placed citizens' organizations in the realm of policy making, overcoming the traditional approach of freedom of association and the corresponding division of labor (the public affairs to the state, the private interests to civil society associations); it enhanced the awareness of citizens' organizations regarding their powers and responsibilities in managing public affairs; it pushed institutions into being more accountable on a daily basis.

On the other hand, a number of *implementation gaps* emerged which seriously question the achievement of the expected results. Beside the difference between what is established in theory and what happens in practice, other relevant gaps are between the visions of citizens' organizations as a resource and as a threat (something like a "Dr. Jekyll – Mr. Hyde Syndrome"), between the activities of civic NGOs and the agenda of institutions, between the reality of citizens' organizations and the provisions of laws and regulations.

Such a situation can have *negative effects*, such as *uncertainty* (citizens' organizations are asked and expected to cooperate in the management of public affairs, but at the same time they do not seem to be put in a position to do it), *latent conflict* (instead of creating a sense of mutual confidence, the implementation of this policy seems to increase distrust and fall short of citizens' expectations to be taken seriously by institutions), *risk of reducing citizens' organizations to quasi-administrative bodies* (they are indeed involved in the implementation of policies but with scant political dialogue with institutions).

The *European Union institutions* do not show relevant differences in respect with national institutions' behaviors towards civic organizations. They seem in addition to have an odd attitude: they tend to consider them in turn as either mere suppliers of services or "representatives" of the whole "civil society", in the same way that trade unions and employers associations represent social forces.

All people concerned with the EU "democratic deficit" should carefully consider this situation, at the same time full of risks and opportunities.