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POLICY BRIEF

PRACTICE THE MECHANISMS FOR CONSULTATIONS WITH THE CITIZENS IN PUBLIC POLICY MAKING ON LOCAL LEVEL

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Introduction

Involving the citizens in the decision making processes on local level is closely connected with the decentralization. Successful decentralization demands high level of participation of the local community in these processes. Local authorities oriented towards effective communication with the citizens are in a position to better serve the needs of the citizens and focus on "real" priorities thus effectively utilizing municipal budgets. This is why the communication between the local authorities and the citizens must be practiced through institutional mechanisms which can be changed and improved. For the citizens it is an opportunity to get involved and influence issues which directly impact their everyday life, and for the authorities, opportunity for building support for their ideas and gaining new innovative ways of problem solving.

Any attempt to bring the topic of citizen participation to the forefront of public policies that aim to improve existing participation mechanisms or to propose new one in general must have as its foundation a solid framework of both quantitative and qualitative data. With this in mind, the policy brief (based on the analysis of the current situation regarding the practices of local governments in consulting citizens and recommendations from the regional working groups) has the goal to inform the design of future interventions for improving these mechanisms and increase participatory democracy in Macedonia. The analysis provided an insight into the use of the existing tools by both citizens and local authorities and the effects of their use providing data which can contribute to a wider public debate on the issue and legal changes. It can also serve as a tool for lobbying the municipalities for introducing new and different tools for consultations.

The specific objectives of the policy brief are the following:

1. To present the results of the analysis of the situation regarding the current mechanisms for consultation with citizens in the process of public policy making on local level;
2. To facilitate discussion among local stakeholders (LGUs, CSOs, BS);
3. To stimulate sharing and replication of good practices for mechanisms for consultations among LGUs;
4. To lobby at LGUs for institutionalization of the proposed mechanisms.

These objectives are in line with the EU commitment to support and promote democracy and human rights by enhancing participatory and representative democracy, strengthening the overall democratic cycle, in particular by reinforcing an active role for civil society within this cycle, and the rule of law. This topic is closely linked to the European Union enlargement process, in terms of its membership, as well as its expansion in terms of its competences.

Executive Summary

Consultation with citizens is main prerequisite for practicing participatory and transparent good governance. It is based on the idea of citizens improving their own life by means of own ideas and participation and the administration developing accountable local governance that can be trusted.

Basic forms of consultation with citizens are elaborated in legal documents adopted in the country at both national and local level. Yet, there is no restriction on the methods that local governments can use to solicit citizens input for all issues within their competences.

The analysis looked at the extent and different dimensions of the mechanism for citizen participation focusing primarily on local government representatives' and citizens' perceptions on the issue as well on their experiences and what strategies they have at their disposal to deal with the process of consultations. It also looked at the effects of these tools.

The findings are based on the results from 412 interviews with citizens from different regions of the country, 32 structured interviews with relevant stakeholders (Mayors and municipal Councilors) from all 8 regions in Macedonia and 8 regional focus groups (CSOs, journalists, businesses, etc.) with 105 participants.

The analysis shows that there is a general perception among the citizens that the local governments are making efforts to consult citizens. This effort is stronger and more effective when it comes to informing the public about the work of the municipality. In that regard municipalities use all means available to them to spread information about the (usually positive aspects of the) work of the Mayors and most citizens have a general picture of what their local government is doing.

When it comes to including citizens as equal partners in decision-making process the situation is somewhat challenging. Both citizens and local governments have at their disposal tools and mechanisms laid out in the legal documents yet they refrain from using them. Again both sides see these mechanisms difficult to utilize due to the legally binding procedures which they need to include. As a consequence, citizens rarely initiate them while local governments use them selectively and devoid of their legally binding features meaning that they use them in a simplified and adapted mode. Thus referendum, civil initiative and citizens gathering are almost never used as tools for consultation in the prescribed format.

Citizens mostly prefer direct contact with decision-makers. Local government representatives also acknowledge this approach and see it as most useful and hence public gatherings, usually within neighborhood units, are by far the most frequent forms of consultation with citizens as well as direct meetings with local authorities at open days or public hearings. In addition to the legally offered tools and mechanisms both citizens and local government utilize other forms of consultation such as community forums, social media (Facebook, Twitter) and websites (forums) usually initiated by donors and CSOs.

The budget, the development of urban plans as well as capital investments are the topics which citizens are most interested to know about as well as communal issues and local infrastructure. Local government representatives acknowledge this yet very often their consultation with citizens on these topics is superficial and serving as alibi for authorities that they are performing and achieving results. CSOs feel that local authorities mostly involve citizens in cases where they have direct benefit such as applying for donor funding or capitalizing on CSO expertise when developing various thematic strategies (for LED, environment, gender equality etc.)

Citizens on the other hand show a very low level of participation. Majority of citizens have not approached their local government for any issues of their concern as was pointed out by both the poll results and by the Mayors and Councilors. This can be directly linked to the effects of the participation and decision to take action. It is worrisome that pressure from citizens groups and CSOs very rarely yields results which are favored by citizens. It happens frequently that the results are completely opposite of what has been agreed by citizens and decision-makers. This in turns demotivates people to be active and to initiate change.

Mayors and CSOs consider the legally offered tools and mechanisms for consulting citizens as not sufficiently adapted to reality, such as conditions for organizing referendum for example, and appeal for overcoming weaknesses and loopholes in the system.

In order to operationalize the preferred mechanisms for citizens consultation in public policy making on local level, 8 regional working groups were established (one per planning region). Representatives from LSGUs, CSOs and interested citizens discussed on concrete ideas how to improve the contribution by the citizens to community development. The discussion among key stakeholders secured different opinions to be taken into account while preparing concrete recommendations that will be implementable and useful for both, the citizens and the municipality. The conclusions from the work of the regional working groups and included further into recommendations.

Due to the fact that citizen participation is multifaceted, the approach in dealing with this complex issue requires a variety of actions. This includes refining existing legislation, defining additional tools, educating citizens on their rights and available tools as well as motivating their use.

Conclusions and Recommendations

Citizen participation is one of the key prerequisites for direct democracy and for ensuring transparency and accountability in a society. It can have various forms and norms but the main aim remains the same and that is by offering different platforms for citizens to get involved to hear their problems and needs as well as possible new ideas and solutions for existing problems in order to secure development of communities.

Conclusions

This analysis of the extent and existing policy approaches to the issue of practices for consulting citizens when taking decisions at local level, many shortcomings have been detected that need immediate attention on part of the national and local institutions.

The main conclusions are the following:

- Current legislation and policies fail to provide user-friendly mechanisms for citizen participation which will also take into account needs of different groups of citizens.
- Gender, class, ethnicity, disability are social divisions intermixed with each other, resulting in certain social relations which make members of the underprivileged groups along these lines more excluded from voicing their concerns. In order to hear the needs of specific groups of citizens is it necessary to utilize specific tailored approaches in order to understand their concerns. In that context, Roma population and rural women in Macedonia are most concerned as well as persons with disabilities.
- Citizen participation is seen more as a process of informing citizens of the work of the local government and participation in decision-making is minimized as individual behavior and not a larger societal issue.
- Each municipality is not limited by law and can develop its own mechanisms for involving citizens according to the circumstances in the community.
- CSOs are not powerful to make a larger impact on issues of well-being of citizens.
- Citizens are demotivated to be active citizens as they are often manipulated and their initiatives are sidestepped.

Recommendations

1. Legislative changes

Recommendations:

- Modify/ adapt legal obligations for implementation of all forms of citizen participation. For example accepting majority of persons casting a ballot on the referendum regardless of the number of those voting.
- Conduct a census at national level. This will assist the implementation of the legally defined tools and mechanisms for citizen participation by allowing the criteria for the participatory tools to be adequately applied. For example it will provide the exact number referring to the 10% of registered voters in a community.
- Develop and include additional forms of citizen participation in the Statutes of the local governments in order to generate obligation for their utilization and for citizens to be able to hold local officials accountable. There are no legal limitations for the municipalities to be creative in devising models to involve citizens. Such a process has already begun with the community forums.
- Regulate/revise the status of the urban/rural neighbourhood units within new legal frameworks and provide detailed updated guidelines for their work including legal obligations and consequences.
- Provide impetus for accelerating the process of decentralization and moving it from the current status quo condition.
- Create conditions and mechanisms for strong delineation between political party and municipal activity in order to limit possibility of abuse of municipal funds for political party activities.

2. Local governments

Our analysis shows that changing the organizational culture and the commitment towards real citizen participation is a challenge structurally rooted in institutions of the system, and we expect that the changes proposed here will be the hardest part to implement, since this is the area where most of the shortcomings were identified.

Recommendations:

- Initiate and apply a variety of tools for citizen participation not only those mentioned in the law. This provides the opportunity for LSGs to be creative and innovative in their consultation with citizens. Also, create tailored approaches for hearing the needs of specific groups of in order to understand their concerns. In that context, Roma population and rural women in Macedonia are most concerned as well as persons with disabilities.
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- Enable easier access and use by citizens and CSOs of existing tools for citizens participation by improving them. For example amend the practice of presenting detailed municipal urban plans in an overly mechanical manner and ensure that discussion is not very technical in order to leave space for citizens to place their concerns, and ensure that sufficient time is allocated for discussing and presenting urban plans; provide comfortable and wide locations for public gatherings, develop citizen friendly formats of key documents such as municipal budgets etc.
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- Increase the participation of citizens in the bodies of the LSG. This could be done by supplementing the existing committees such as committees for equal opportunities of men and women or the committee for relations between communities with representatives of CSOs and citizens. In addition these committees should work within their mandate to review all work plans of the municipality and its enterprises in order to incorporate the principle of gender /ethnic equality, as well as monitor their implementation. This goes in line with the adoption and application by LSGs of specific approaches to specific social groups in the community.
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- The annual work plans (their main activities) of the public communal enterprises should be presented and discussed with the public.
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- Shift focus from informing citizens to actually involving them in the whole process of decision-making from identification of problems, offering and discussing solutions, implementing jointly agreed solutions, monitoring and reporting.
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- Improve partnerships with CSOs.
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- Councilors to educate themselves on the competences of the local government and their roles and responsibilities within it.
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- Mayors and Councilors to make a strong delineation between their political party engagement and function/position within LSG.

3. CSOs


- CSOs should build their own expertise on local government competences and tools for citizen's participation. They should also educate their constituents on their rights and ways for exercising these rights.
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- CSOs should be more proactive in their communication with LSGs and take over their role as watchdogs in order to increase their influence. They need to articulate citizen's requests and transfer them to LSGs since they have advantage in advocating their interests.
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- CSOs (individually or with government) should employ awareness raising activities and carry out public awareness campaigns, which refer to mechanisms and rights of citizens to be included in decision-making processes. They need to condemn authoritarian practices in a non-partisan way and send the message that all people are free and have the right to demand better lives.

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4. Donor Agencies

- Donors' policies, should correct their preference for channeling funds through international organizations and instead redirect funds to CSOs. Otherwise, donors will contribute negatively to the sustainability of CSOs and consequently will decrease their possibilities to advocate for citizens interests and rights and to focus on their core missions.
- In addition, when funding local government initiates especially infrastructural investments, donors should require substantial proof that these actions have been prioritized by citizens. They should also incorporate assessment of the impacts of these actions on the local communities especially specific social groups.
- Donors should shift back their interest to the topic of decentralization and support projects which include both infrastructural and legal aspects of the process.

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