

REPORT FROM CONSULTATIONS WITH CSOs

On amending the Decision for the Establishment of a Council for Cooperation between the Government and Civil Society

November 2024

I. Scope, format and purpose of the consultations

The Unit for cooperation with NGOs at the General Secretariat of the Government in cooperation with the projects financed by the European Union "*Technical support for improving the enabling environment for civil society organisations in the Republic of North Macedonia*" and "*EU support for the Civic Resource Center - phase 2*" in October 2024 conducted a cycle of consultations with CSOs. This report contains a concise overview of the key remarks and recommendations from the representatives of CSOs who participated in the consultation process.

The purpose of the consultations was to identify and discuss the shortcomings found in the *Decision for the Establishment of a Council for Cooperation between the Government and Civil Society* (the Decision), that have negatively impacted its work and function as a mechanism for structured dialogue between the Government and the Civil society. The objective of the consultations was to propose specific amendments for improving the text of the Decision.

The consultation process started by publishing a call for recommendations on the text of the Decision by the Unit for cooperation with NGOs at the General Secretariat on 05.09.2024. Based upon the input received, the Unit prepared draft amendments and additions to the Decision. This draft text was presented and discussed at the consultations.

The consultations were conducted with around 90 CSOs' representatives through:

- Online consultations (15.10.2024);
- Two consultative meetings with local CSOs in Gostivar (24.10.2024) and Bitola (25.10.2024); and
- Workshop for discussing and finalising the amendments to the Decision (01.11.2024).

Each of the consultation events began with a presentation of the process, the reasons for which the procedure for amending the Decision was initiated, the importance of an efficient Council, and a detailed presentation of the prepared draft amendments to the Decision. All participants of the events had the opportunity to present their views and comments regarding the proposed changes.

II. Key novelties proposed with the draft amendments

The draft amendments to the Decision that were subject to consultation proposed the following key novelties:

- Introducing obligation for Council's members from the CSOs to inform, consult and engage key stakeholders in their areas of work about the work of the Council. Each member from the CSOs will have to prepare annual plan for consultation and report for its implementation;

- The Council holds its session as a rule on quarterly basis;
- Reconfiguration of the composition of the Council that include reducing the number of members, reviewing the list of members from the ministries (in light with the new reorganisation of the state administration) as well as the areas of work of the CSOs;
- Introducing deputies to the Council members;
- Requiring support by at least two organisations to submit candidature for membership in the Council;
- Providing opportunity for each organisation to vote for different candidates within their respective areas of work;
- Setting up a mandatory minimum of votes so that the elections can be considered successful;
- Introducing the failure to convene a session in a period of a six month as a ground for termination of the mandate for all Council members;

Some proposed novelties were accepted within the consultations, and some were not. Below is an overview of the key points around which the discussion took place.

III. Overview of the key discussion points

1. On the function and mandate of the Council

- The scope of work of the Council is sufficiently detailed. A key problem that needs to be addressed is to ensure that the Government consults the Council and takes into consideration its opinions and recommendations. Especially, before making key decisions, policies and regulations that affect or are relevant for the enabling environment for civil society;
- For the purpose of realising its function as an **advisory body** to the Government, an explicit duty should be introduced in the Decision for the Governments to take in consideration the Council's opinions and recommendations;
- The CSOs acknowledge that the Government cannot be bound by the positions of the Council by any way whatsoever. However, as a good practice, setting an obligation to consider Councils' recommendations and/or opinion will be a valuable contribution in nurturing a culture of enhancing structured dialogue;

2. On the role and function of the Council in preparation of the Strategy for Cooperation between the Government and the Civil society

- The Council as key mechanism for structured dialogue between civil society and Government should actively participate in the process for preparing the Strategy, by articulating the voices of the civil society;
- The Council is not an executive body but in the current institutional framework it should be active in the strategic planning that is relevant for the civil society;

3. On the proposed obligation for Council members proposed by CSOs to inform and consult the organisations from their area of work

- The essence of the Council's existence is its representativeness. Organisations should recognise that their representatives are members of the Council. It is necessary to exist and guarantee permanent two-way communication.

- There were no substantial comments on establishing and regulating the obligation for the members proposed by the organisations to inform and consult the organisations in their areas. It is important to develop a uniform and predictable system for providing regular and timely consultations. The rules of procedure should regulate this issue to a greater detail.

4. On the composition of the Council and number of members

- The number of members of the Council should depend on the number of ministries whose work is relevant for the CSOs and the number of areas in which the CSOs work and operate.
- The Ministry of Local Self-Government (because of the role it has concerning local government and balanced regional development) and the Ministry of Interior due to the relevance of issues related to with the protection of freedoms should be part of the Council. Ministry of Economy and Labor should be present in the Council. The Ministry of Public Administration, if remain in charge with the regulatory impact assessment process should be considered as well.
- Regarding the areas from which members of the Council are elected from among civil society organisations security should be specified as an area, which has been of particularly high priority lately. The protection of marginalised groups as a specific area that is essentially different from social protection should be acknowledged.
- Adequate regional representation should be ensured, and modalities should be identified to ensure that a certain number of members and/or deputies are from regions outside the Skopje region. One option is to give the candidate not from Skopje an advantage in the election if they have the same number of votes.
- The areas should be further specified by specifying sub-areas under each area in order to ensure that all different CSOs can have a representative in the Council.

5. On the proposal to introduce deputy members

- The deputy members will ensure that the Council has the necessary quorum for work. It should be made clear though whether the organisation must propose a member and a deputy from its own organisation (employee, member, etc.) or a deputy from another organisation can also be proposed, which in turn will encourage mutual cooperation between the various organisations
- It is better to encourage that deputies come from different organisations. It will motivate organisations to cooperate more with each other in the process of elections.

6. On the proposal to introduce mandatory support by two organisations to be considered a candidate

- The proposal for written support from at least two organisations when running when proposing a selection threshold of at least five votes was assessed as an unnecessary burden on the process that could deter candidates. Legitimacy will be achieved through the minimum number of votes that must be won. This carries the risk of a cycle of failed calls and unnecessary complications of the procedure.

7. On setting up a minimal number of votes

- The minimum number of votes to strengthen legitimacy is positive for the members of the Council. The participants to the consultations endorsed the proposal with claims that the number five might be considered small however at this phase it is better to start low.

8. On the proposal to introduce a cool-of period

- The initial proposal, that the members have the right to two elections, but not one after the other, was rejected. Arguments regarding the risk of disinterest in the running and the loss of institutional memory justify the right to subsequent selection. It also bears the risk of loss of institutional memory

7. On the proposal to broaden the right to vote for a candidate in more than one area of work

- The proposal that the organisations can vote for one candidate in each area in which they act in principle was assessed as positive, although certain reservations were highlighted.

8. On the proposal to terminate the mandate due to failure to hold a session

- The majority of the participants in the consultations who expressed their opinion regarding the possibility of termination of the mandate due to failure to hold a session for six months were expressly against it. The arguments given included the risk of influence on the Council and the lack of individualisation of responsibility for not holding meetings.

IV. Conclusions

- The opinions and recommendations of the Council for cooperation should be taken into account by the Government during the decision and policy making processes that relate to or have an impact on the enabling environment for of civil society organisations;
- The Council should be actively involved in the process of preparing and monitoring the implementation of the Strategy for Cooperation between the Government and Civil Society;
- It is necessary to establish an obligation for the members of the Council from among the civil society organisations to inform, consult and include the stakeholders in the area they represent about the work and conclusions of the Council. It is of particular importance to monitor whether this obligation is fulfilled.
- It is important to participate in the work of the Council for all key ministries that, within the framework of their competencies, perform work that affects or relates to civil society organisations to be represented in the Council. Civil society organisations' work areas must be formulated in a manner that will ensure that the general areas are specified in sub-areas in order to prevent not allowing certain CSOs to cast their vote.
- The possibility for civil society organisations to vote for several candidates from different areas of activity will positively affect the number of votes and the success of the election process.

- Establishing a threshold of at least five votes ensures the legitimacy of the Council member to a certain extent.