

# The Role of Nongovernmental Organizations in the Public Decision Making Process

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## *Abstract*

*The purpose of this paper is to analyse the role of NGOs in the public decision-making process in European countries as well as Romania and the extent to which their involvement passes beyond the formal stage.*

*The first part of the paper describes the current relationship between NGOs and government and how it influences the public decision-making process in Romania. The second part of the paper comparatively analyzes the experience of some European countries regarding NGOs involvement in the public decision making process and identifies the theoretical and practical aspects that can be implemented in Romania. The end of the paper presents the final conclusions on the subject under discussion.*

**Keywords:** *civic participation, NGOs involvement, public consultation, the decision making process, mandatory codes for public consultations*

**JEL classification:** L30, L31, L38.

## 1. Introduction

The interest in promoting citizen participation in the public decision-making process is relatively new to governments. This growing interest has emerged during the crisis of political institutions, the deficit of consensus among political parties and political leaders, the weakening of state capacity to solve all the problems of society.

In addition, the issue of the famous "democratic deficit", caused by the growing distrust of citizens in the political system and its institutions, was strong. In the last decade, we could see an explosion of deliberative processes all over the world. The recent revival of deliberative democracy could be explained by the changes that have occurred in the political and cultural level as well as in the communications technology field (Lambriu and Vameșu, 2010, p.110). Moreover, it has led to an increased dialogue between various social actors outside the traditional political institutions. Taking into account the decline of trust in political parties, governments and parliaments, the development of new opportunities for participation in nonpartisan activities is more obvious.

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Currently, non-governmental organizations (NGOs) are considered an essential component of participation in the decision making process, contributing to the realization of democracy in an open and democratic society (Lang, 2013). They represent the diversity of profiles, interests and aspirations of citizens making them visible in society. Moreover, they identify complementary solutions to economic and social problems at national, regional or local level (Anheier, 2005). The knowledge and expertise as well as the society members' confidence led governments to look for NGOs' competence and experience in the public policy making process (Bryce, 2012). Therefore, the influence of these organizations on the development process of the entire society has greatly increased in recent years (Doh & Teegen, 2003) due to an attitude of responsibility of the two actors, governments and NGOs, for solving community problems. This paved the way for a systematic and consistent cooperation and contributed to exceeding the declarative level and the cyclical action.

The attitude of responsibility shown by governments is a consequence of legal rules, while NGOs' responsibility stems from their own desire, oriented towards the public good in all important areas of society.

At European level, the cooperation between the state bodies and nongovernmental sector is recognized and promoted both by the European Union and the Council of Europe (Vedder, 2007). Thus, the Europe 2020 Strategy specifies that NGOs are key actors who should be involved in the public policy making process. Furthermore, setting priorities for 2014-2020 has required extensive consultations with the third sector organizations. The Council of Europe has also developed a Code of good practice for civil participation in the decision-making process that has given citizens an alternative way of bringing together various opinions and providing different interests in this process, in addition to political parties and lobby.

Despite these measures and initiatives, there is a weak involvement of the state in terms of institutional mechanisms for cooperation with NGOs in the former communist countries of Central and Eastern Europe. In this part of Europe NGOs are perceived as a threat to state power (Vedder, 2007). In most cases, the initiative to solve the problems of public interest belongs to NGOs which require cooperation with public administration depending on priorities, willingness to work in partnership and the public image of the organization.

## **2. Objective and research methodology**

The research has the following objectives:

- To review the current status of knowledge in the field
- To present the main characteristics of NGOs' involvement in the public decision making process in Romania
- To conduct a comparative analysis regarding the experience of European countries on NGO involvement in the public decision making process
- To identify theoretical and practical aspects of European countries' experience in order to implement them in Romania.

Conducting this research requires the use of qualitative research methods: the document analysis method and the comparative method. The instrument used to collect information in the document analysis method is the qualitative and quantitative content analysis depending on the document and the information studied. In this regard, the paper examines a range of publications providing theoretical and practical researches on the Romanian nongovernmental sector as well as on the *legal framework* that covers *NGO* activities in Great Britain, Hungary, Croatia and Estonia. The comparison method uses the comparative research focused on the study of a moderate number of structurally and functionally similar cases.

The value of this paper consists in the comparative analysis regarding the experience of European countries on *NGO* involvement in the decision making process as well as in the identification of theoretical and practical aspects of European countries' experience that could be implemented in Romania.

### **3. Participation of nongovernmental sector in the decision making-process in Romania**

In Romania, the development of policy makers' interest to the issue of public participation in the decision-making process has started in 2000, largely as a result of external pressure made through financial and technical assistance international programs. For example, USAID pressure regarding the transparency laws or the pressure of the European Commission on the development of social dialogue and civil dialogue represents a direct result of the changes to the legal framework. Very often, in light of this international funding, nongovernmental organizations put pressure on political and bureaucratic decision makers in order to orient the decision making process towards citizen's satisfaction. Thus, a number of mechanisms have been reinforced since 2000 by adopting the transparency legislation, Law 544/2001 and Law 52/2003.

Moreover, a number of strategic decisions regarding the relationship between government and nongovernmental sector have been adopted, such as the Prime Minister's decision 142/1997 for achieving the first department of relations with nongovernmental sector; the creation of the civil society relations department within the Parliament in 1997; the setting up of councilor's position for the relationship with civil society within the presidential institution (Lambru and Vameşu, 2010, p.97).

Information is a key step for participation; therefore, the free access to information of public interest enshrined in Law 544/2001 is fundamental. Promoted and supported by NGOs, Law 544/2001 has generated beneficial and long-term sustainable effects in the Romanian society as regards the development of the model of participatory democracy. It also increased the quality of public debates on the allocation of resources and the level of citizen control on the politico-bureaucratic decision makers.

Law 52/2003 on transparency in decision-making has also been promoted and supported by NGOs. The main objectives of the law aiming precisely to improve

NGO participation are:

- Increasing public administration responsibility to the citizens;
- Fostering active participation of citizens in the decision-making process and drafting legislation;
- Increasing transparency in public administration.

The principles underlying legal procedures required for an efficient and effective participation are:

- Prior notification to citizens on matters of public interest;
- Consultation of citizens in the legislative drafting process;
- Active participation of citizens in the decision-making process and in the preparation of draft laws.

It should be noted that Law 52/2003 was an internal initiative without international correspondent. The elaboration of this law started from dissatisfaction generated by Law 544/2001 as regards the speed of its effects and the need to put additional pressure on the government regarding openness to public participation. Moreover, the public consultation in Romania would be much lower in the absence of this law.

Romanian NGOs know very well these laws provisions. NGO Leaders' Barometer (Fundăția pentru Dezvoltarea Societății Civile, 2010) mentions that 31.7% of surveyed NGOs have submitted public information requests in 2009, while 33.4% of them have submitted comments/suggestions on normative acts that made the object of the public debates.

In Romania, various types of mechanisms allowing public participation have been created and used in the last 20 years: *public hearings, public meetings, citizens' forums, advisory groups, various types of surveys, focus groups, electronic means, public administration publications*, etc. Many of them are implemented on nongovernmental organizations' initiatives (Lambriu and Vameșu, 2010, p. 110).

According to NGO Leaders' Barometer (Fundăția pentru Dezvoltarea Societății Civile, 2010), NGO leaders are distrustful of Romanian politicians' "democratic instincts". Thus, they consider the media an important ally in promoting public debate and civic dialogue. Furthermore, most of them consider that organizations showing their disagreement with public policy initiatives at central and local level have a greater risk of exclusion from public funding.

After 2000, NGOs have shown a growing interest on participation in the decision making process by taking part in public consultations and submitting comments to the normative acts under public debate. According to official statistics, the number of comments submitted by NGOs has increased 5 times from 2003 (2058 comments) to 2007 (11761 comments). A decline in NGO participation in this type of debates has been recorded since 2008 (Lambriu and Vameșu, 2010, p. 112).

In 2006, a research project aimed at public consultation in Romania, developed by the Resource Center for Public Participation, analyzed each stage of the public policy making process. The respondents, representatives of NGOs and public administration, highlighted the limited and formal nature of public consultation in Romania (Lambriu, 2006). Thus, the public consultation focuses on

discussing alternatives proposed by (central or local) public administration, not on setting goals and possible strategies, much less on NGOs' involvement in implementation (although, NGOs are considered responsible for implementation in many government strategies).

This could be due to the *following reasons*:

- The administrative tradition in Romania does not give importance to the citizens' possible contribution in the decision of public resources allocation;
- The administrative decision starts from an excessive legal logic, neglecting managerial logic elements and requiring the interested parties' involvement in as many as possible stages of the process;
- The slow pace of administrative reform and the early stage of public consultation.

The study conducted by the Resource Centre for Public Participation (Lambru, 2006), analyzed the practice of public consultation in Romania, paying particular attention to the way in which public consultation process management is achieved. The decision makers and NGO representatives surveyed in this study mentioned that the legislation governing public consultation in Romania does not represent a problem. The way of putting into practice this legislation is defective, in other words, the public consultation process management.

In this regard, the public participation process should be seen as part of the public policy decision making process and not as a fringe element. The participants in deliberative processes should be aware that their participation is not formal, and therefore they do not take part in discussions about decisions already adopted. If there is such a situation, deliberative processes risk becoming counterproductive and producing frustration and mistrust.

The consultation with different categories of stakeholders does not diminish the government's responsibility as regards the decisions adopted. NGOs do not capture the public policy agenda and do not change the political agenda; they only ensure citizens' input in punctual problems where consultation is required by law. Conversely, citizens' participation leads to strengthening the democratic system, increasing the stability of the political system, as well as the representativeness and transparency.

### ***Policy influencing and public policy advocacy in Romania***

In the past 20 years, the advocacy activities of NGOs in Romania increased, being more and more included on the organizations' agenda. This increase comes amid government's reform processes and state modernization efforts. These created political space for new ideas expressed by various social groups, including vulnerable and marginal groups.

33.4% of NGOs that answered the online survey NGO Leaders Barometer (Fundăția pentru Dezvoltarea Societății Civile, 2010) are interested in advocacy activities, despite the lack of support as well as the difficulties encountered by

practicing these activities. The interest in advocacy is manifested both at the local level and the central level. The least interesting level for NGOs is the county one, although it has an essential role in allocating public resources in key NGO fields, such as social inclusion, education, environmental protection, etc.

Certainly, these results are influenced by the concentration of NGOs in cities, which have sufficient financial resources in order to determine NGOs to carry on the activities in their territory.

Most NGOs are largely oriented towards influencing the decision-making process at central level, which shows the importance of this level for many areas, or that it could be more easily influenced than the local one.

Although there is a feeling of disbelief in the political environment, perceived as bureaucratic and lacking in understanding the advocacy approaches, Romanian NGOs have performed and perform successful advocacy activities (many of them managed to influence the public policy decision-making process) in various fields.

#### **4. Comparative analysis of the experience of European countries on NGO involvement in the decision making process**

##### ***Great Britain***

Great Britain is one of the countries with a long tradition and a well-developed system of consultation with citizens and civil society organizations. An important role in the society is held by so-called voluntary organizations.

This role is highlighted by *The Compact on Relations between Government and the Voluntary and Community Sector adopted in 1998* as well as by an annual report regarding its implementation. In addition, a meeting is organized annually between government and citizen representatives. According to the Compact, the civil society should be consulted in almost all situations or policy documents affecting it. A code on consultation and assessment of legislation was elaborated in 2000 - *A Code of Good Practice in Policy Appraisal and Development* (U.K. Government, 2000). This document does not produce legal effects, but it is part of the Compact and its application is annually evaluated in meetings about Compact revision. Many rules of this code were subsequently included in the Code of Good Practice on written consultation adopted by the government in November 2000, developed and finalized in 2004 under the name of *Code on the Practices of Consultations* (U.k. Government, 2004).

According to the Code, the interested parties should send a notice followed by their registration in order to participate in the consultations (Hadzi-Miceva-Evans, 2010). Another recommendation refers to the involvement of civil society organizations in the discussion of proposals before the public consultation, during the public consultation and subsequently in assessing the impact of a public policy.

Government policy on the participation of citizens and civil society organizations in the decision making process is best regulated in the Code on the

Practices of Consultation adopted by the Government. Although it is not legally binding, it is considered binding except in exceptional circumstances where its use is not recommended. The situations in which the Code is not applied must be explained and justified.

The code consists of the following major criteria to be applied in the consultation process (U.K. Government 2004):

- Organizing the most extensive consultation using *consultation mechanisms most* likely to be preferred by both state and citizens. It is also required to have at least a written consultation with a minimum of 12 weeks for citizens in order to express their opinions. In order to have maximum effect, it is preferable that the consultation process should begin as early as possible.
- Indicating clearly the purpose of the consultation, the questions to be asked and the response time. The text to be discussed should be clear, concise, beginning with a two-page summary containing key issues.
- Provide feedback at the end of the consultation process: the proposals accepted as well as their influence on the policies and the next steps. It is recommended that feedback should be given within 3 months after consultation.
- Monitoring the efficiency of the consultation process by appointing a coordinator.
- Ensuring that the consultation process follows the principles of good regulation, including a regulatory impact assessment for each issue (where it is possible).

### ***Hungary***

Hungarian NGOs' involvement in the public policy making process is a delicate matter, taking into account that the public institutions have not always been interested in increasing citizens' participation in this process. After the political changes that took place in the early 90s, the basic principles of civic participation were adopted. At the same time, the participation of NGOs in the decision-making process is not regulated by an independent regulatory instrument, but it is included in various local and national regulations.

The Law on Normative Acts (1987) contains provisions offering great opportunities for NGOs' participation in the decision-making process as well as in the regulatory process. Although the Law on Normative Acts has some specific rules regarding NGOs' involvement, they have not been used for a long time due to lack of instruments for their application. The adoption of the Law on Electronic Freedom of Information in 2005 was a great achievement and a step towards real civic participation (Hadzi-Miceva-Evans, 2010). This is the main law governing access to information and participation in the consultation process.

This law requires local and central authorities to publish information on the internet. The public information refers to policy documents, strategies, concepts, etc.

There are also different forms of NGOs' participation, such as advisory boards, committees, working groups, specified in the ministerial regulations; each ministry has its own procedures for the NGOs' involvement in the decision-making process.

### **Institutional forms of NGOs' involvement**

In the early '90s there was a special parliamentary Commission for supporting civil society organizations in the Hungarian Parliament. Initially, the Commission allocated budget subsidies for the nationally representative NGOs. In recent years, this Commission has been working to create a legal framework in order to ensure a better functioning of the associative sector (Bulgarian Center for Not-for-Profit Law, n.d., p. 15).

In addition, there is a special unit within the Parliament providing information on the functioning of non-governmental sector. This department is also responsible for answering questions from NGOs and organizing their participation in various debates in the Commission.

An independent body called the Department for Civil Relations has been set up within the Hungarian Prime Minister's Office in 1998. This department had expertise in developing and coordinating the policies relating to the third sector. It also developed the *Government Strategy on Civil Society* (2002) - an overall policy document regarding the development of the third sector and the relationship between public institutions and NGOs. In 2004 the department became part of the Ministry for Equal Opportunities and later was integrated into the Ministry of Labor and Social Affairs (Bullain and Toftisova, 2005). The department has been set up at the government's initiative without the direct involvement of civil society organizations. Moreover, the department has tried to meet the needs of NGO sector by initiating the development of a legal framework for the third sector. The involvement of a government department in supporting cooperation between public institutions and NGOs was closely related to the accession to the EU which took place in 2004. Setting up a special department of cooperation with NGOs aimed at compliance with EU requirements and ensured the application of the consultation principle by ministries.

### **Measures regarding cooperation between government and NGOs**

In 2002 the *Department for Civil Relations* within the government initiated the *Government's Strategy on Civil Society* - a political document regarding the development of the third sector and the relationship between public institutions and NGOs. The strategy was launched as a major government program regarding cooperation with NGOs. The document was developed with the active participation of civil society representatives. In accordance with the objectives set in the strategy, the government created the National Civil Fund and initiated the adoption of important laws for the third sector, such as the Volunteer Law.



In 2007 the government recommended that ministries should develop their own strategies for cooperation with NGOs in order to ensure greater interaction between the two actors. In 2007 the government adopted a new policy document on interaction with NGOs.

### *Croatia*

Initially, the institutionalization of cooperation between NGOs and Government in Croatia has been achieved through setting up the *Government Office for NGO*. Later the *Council for Civil Society Development* has been created performing closely related to the Government Office.

In recent years, cooperation between the state and NGOs has involved several structures: the Government Office, the Council for Civil Society Development, the National Foundation for Civil Society Development (Bulgarian Center for Not-for-Profit Law, n.d.).

A *Croatian National Strategy for Creating and Enabling Environment for Civil Society Development* (2008) has been adopted and measures regarding government funding of NGOs have been taken. The new model of relations between NGOs and the state contributes to improving cooperation between ministries and NGOs, as well as setting up special departments within the public administration in order to support cooperation and dialogue with NGOs.

The *Office for Cooperation with NGOs* was set up through a government's act in October 1998. Its main functions consist of contribution to the building of trust and cooperation between NGOs and state by using funds, consultations and training initiatives as well as dissemination of information. This Office also coordinates the working groups for various legislative initiatives regarding the third sector such as Law on partnership, Law on volunteering, etc. One of the most important achievements of the *Office for Cooperation with NGOs* consists of creating and implementing a transparent mechanism for public financing of NGOs. Working groups of independent experts have been set up in order to monitor the use of public funds by NGOs. The Performance of the Office has contributed to the improvement of cooperation between NGOs and government of Croatia (Toftisova, n.d.).

In 2002, the creation of a *Council for Civil Society Development* was the next step towards improving interaction between NGOs and the state. The Council is composed of 10 different ministries' representatives working together with 14 civil sector's representatives nominated by NGOs (The European Center for Not-for-Profit Law, 2012, p. 18).

The Council focused on the implementation of *Croatian National Strategy for Creating and Enabling Environment for Civil Society Development*, as well as on the control of public expenditure for NGOs programs and projects. The Council plays a consultative role. It provides recommendations to the Government regarding NGOs policy and development as well as support for achieving the strategic objectives set out in various documents about the third sector. The Council does not have the power to veto government decisions, but may initiate important discussions

for civil society and could control the implementation of various policies and strategies regarding the third sector.

### **Measures regarding cooperation between government and NGOs**

In addition to the specific institutional forms of cooperation between NGOs and the Government, Croatia has also adopted different strategic documents establishing the basic principles of performance and defining common values and goals of this interaction. Such documents are mainly political and programmatic and are not regarded as legally binding.

These documents are developed with the active participation of civil society in an open process of consultation and cooperation. The *Croatian National Strategy for Creating and Enabling Environment for Civil Society Development* emphasizes the need to establish common standards and mechanisms at national and local level in order to ensure the direct involvement of NGOs in the decision-making process as well as in the processes of initiation, implementation and evaluation of public policies and regulations.

Moreover, the Council for Civil Society Development and the Government Office have set up various working groups in order to involve NGOs and to come up with viable mechanisms regulating the process of consultation between the government and NGOs. As a result of this process, a special Code of practice on consultation with the interested public in procedures of adopting laws, other regulations and acts has been adopted in 2009. Taking into account that NGOs involvement in the decision-making process was the result of public pressure and media in most cases, the adoption of this document was an important step. (Bulgarian Center for Not-for-Profit Law, n.d., p. 18).

The main problems of such an ad hoc approach are caused by limited access to information regarding the proposals and insufficient time for a detailed response including various analysis and statements, data analysis and participation in public discussions.

### ***Estonia***

There are various institutionalized mechanisms for collaboration with NGOs in Estonia, such as working groups and committees. Moreover, a special group aimed at supporting civil society operates within the parliament. More than one third of all the Members of Parliament are part of this group that aims to participate in debates about civil society and initiates legislation for supporting the development of the third sector.

According to the Estonian model, the Minister for Regional Affairs is responsible for developing civil society policies. The other ministries also cooperate with NGOs, but the level and intensity of such cooperation may differ considerably between structures (Estonian Ministry of the Interior, n.d.). The Public Relations Service to the Secretariat General of the Government also provides support and helps

create a culture of civic participation in public administration. In 2007, each ministry has appointed a person responsible for the organization of civic participation in the law making process.

### **Measures regarding cooperation between government and NGOs**

Estonia has established rules for interaction between NGOs and government authorities since 2002. They are included in the *Civil Society Development Concept* (Kubar, 2008, p. 2), which is a strategic policy document reflecting the agreement between NGOs and the state as regards the situations in which the interaction between them is needed. In fact, the document includes rules regarding the implementation of civil initiatives, the financing of organizations, the civil sector participation in the decision making process, etc. The purpose of these actions consists in supporting the creation of a "civil society" and a "social economy" in Estonia, with the active participation of civil society organizations.

The document was developed in collaboration with NGOs and state representatives. It sets priorities for both parties: sustainability, responsibility and transparency. The public debate and the vote in Parliament, as the legislative body of the state was an important aspect of this document's adoption. This document appears to be the only one of its kind in Central and Eastern European Countries.

The participation of both parties, not only in development but also in the implementation of this document is guaranteed by a Joint Committee consisting of representatives of the civil sector and the state. (Lepp, 2004, p. 43). The Commission's task is to monitor and control the extent to which the parties have fulfilled their commitments and to develop an implementation plan. The plan contains not only the objectives and activities to be performed, but the indicators to determine whether the expected results have been provided or not. The plan highlights another positive aspect of the document - the mechanism of implementation is the result of two parties' efforts, ideas and points of view of, due to their participation in the Joint Committee (Bulgarian Center for Not-for-Profit Law, n.d., p. 22).

Subsequently, a *Civic Initiative Support Development Plan (KATA)* has been adopted in 2006. This document aimed to align practices based on the interaction between the civil sector and the state on the one hand, and to replace the implementation plan of the Concept after 2007, on the other hand (Network of Estonian Nonprofit Organizations, 2006).

Taking into account the civil society need for developing and participating, a *Code on Good Practice of Involvement* was elaborated by the civil sector and the public one in 2005. This was in force till 2011. The code covered the basic principles for supporting pro-active and beneficial participation of civil society organizations in the decision-making process. The Code should be used by public administration in conjunction with NGOs, taking into account the interaction mechanisms identified in the Concept for the adoption of laws and amendments thereto, normative acts, programs and strategies as well as EU institutions legislation, etc. (Hea Kodanik, 2012).

## *Conclusions*

NGOs' participation in the public decision-making process at different institutional levels is a common trend in EU countries. Supporting this participation is not an easy task, involving rethinking government agencies' activities and changing organizational culture as well as resource allocation. The most important thing is that national governments and parliaments are open for consultation with NGOs in the decision making process and for adoption of various laws. Participation in various workshops, public debates, advisory bodies, transforms NGOs into a valuable partner of the state and leads to the adoption of a quality legislation. The four national models presented above provide very useful examples regarding the variability of approaches. The comparative analysis of the four countries' experience regarding NGO involvement in the public decision-making process reveals the following aspects:

✓ Setting up committees or departments within Parliament to deal with the problems raised by the civil society: a special unit providing information on the functioning of NGOs in Hungary, a joint committee consisting of civil sector's and state's representatives in Estonia.

NGOs' involvement in various governmental or parliamentary courts' decision shows that the use of consultation and public participation mechanisms is promoted and encouraged in these countries.

✓ Setting up government services and Councils in order to coordinate NGOs' involvement in the public decision-making process and in consultation.

This highlights that governments are concerned not only about ensuring an appropriate legislative framework regarding NGOs' involvement, but also about conducting efficient public participation processes by creating mechanisms for supporting the decision makers' actions.

✓ Adopting strategic documents in all countries analyzed in order to involve NGOs in the public decision making process and in consultations: the Code of Good Practice in Policy Appraisal and Development as well as the Code on the Practices of Consultations in Great Britain, the Government's Strategy on Civil Society in Hungary, the National Strategy for Creating and Enabling Environment for Civil Society Development as well as a special Code of practice on consultation with the interested public in procedures of adopting laws in Croatia, the Civil Society Development Concept in Estonia.

This shows that the countries analyzed are constantly concerned with improving relations between the NGO sector and the state as well as with increasing public sector representatives' capacity for organizing the consultation and involving NGOs in the decision making process.

✓ Adopting a Code for consultation with NGOs which requires public institutions to provide information and inclusion of civil society representatives in the consultation regarding the adoption of laws (including working groups, public debates, etc.): the Code on the Practices of Consultations in Great Britain, the Code on Good Practice of Involvement in Estonia.

This measure helps create a supportive framework on the exercise of the right to freedom of association and facilitates access to information on public policy.

In addition, the NGO sector enjoys strong recognition from the citizens, cooperation and consultation with them being a priority of the state agenda. The institutional authorities are also heavily involved in the implementation of legal provisions ensuring cooperation between NGOs and state structures.

### **5. Theoretical and practical experience of European countries which can be implemented in Romania**

Cooperation with NGOs and their involvement in the public decision-making process should be a priority for the Romanian public authorities. The promotion and support of an active civil society is a vital component of society and an important element of democracy. The Romanian public authorities should understand that NGOs play a vital role in democracy, enhancing the active participation of all citizens in the administration of public affairs.

Based upon the evidence presented in the four countries regarding NGO involvement in the public decision-making process, Romania should take into account some specific elements of these countries' process in order to improve the relationship between the two key actors in public participation: state and citizens.

A first issue refers to setting up departments regarding cooperation and consultation with NGOs within each institution of central and local public administration. It would be also recommended that each public institution should designate a representative for the relationship with the civil society in order to support the development of forums for social dialogue. Providing the means for public participation and the opportunity to influence the public decision-making process, an essential element of good governance, allow the state to prevent potential dissatisfaction and unrest in society.

Another issue refers to the relationship between civil society and the Parliament. Although a Department for the relation with civil society operates within the Romanian Parliament, like in the countries studied (Hungary and Estonia), currently, the partnership between parliamentarians and NGOs is far from normal. NGOs are not aware of the legislative agenda or they are not skillful enough to support the cause on time. Therefore, taking into account the Hungarian model, it is recommended that the department should be actively involved in supporting the third sector in order to create a favorable framework for its development.

Finally, it is recommended that the Romanian government structures adopt a mandatory code governing consultation with NGOs. This code should facilitate interaction between the two actors and enhance citizens' capacity and participation in the democratic process at all levels of organizational decision making. It could be an effective tool for NGOs in their dialogue with public authorities, helping to create an enabling environment for NGOs.

Currently in Romania there are two codes regarding the relationship between NGOs and the public sector: the Code of conduct for NGO consultation by public

institutions and the Code of conduct on financing NGOs from public funds. These documents have been made by two nongovernmental organizations (AID-ONG and CENTRAS) and have promoted good practice models regarding the conduct of public institutions in relation to NGO sector. However, the documents mentioned do not have legal effects.

## 6. Conclusions

*The role of NGOs in the public decision-making process* was investigated in this paper by studying different researches in the field: Anheier (2005), Lang (2013), Bryce (2012), Doh & Teegen (2003), Vedder (2007), etc.

This paper attempted a qualitative research in order to present the main characteristics of NGO involvement in the public decision making process in Romania, to conduct a comparative analysis regarding the experience of European countries on NGO involvement in the public decision making process and to identify theoretical and practical aspects that can be implemented in Romania.

The present research points out the following aspects regarding the nongovernmental sector in Romania:

- State authorities should collaborate with NGOs, trying to have an open dialogue with them and seeking ways to solve the society problems. NGOs enjoy greater freedom of movement and action, working as a community barometer. They should perform more in informing the public and organizing educational campaigns for different target groups.

- Citizens should know that their involvement is necessary and democratic institutions could not develop without their active and voluntary participation. Therefore, they have to be aware of what happens around them. In this regard, a change in mentality at individual and collective level is necessary which require not only adopting coercive legal provisions, but also organizing public debates, radio and TV broadcasts, symposiums for educating citizens in order to change the environment in which they live.

- Partnerships between authorities and NGOs could raise public awareness about government's policies and activities and may involve a greater number of citizens in the decision-making process, as well as in projects' implementation. NGOs often enjoy a high degree of public confidence and they are perceived as being much closer to the citizens' values and interests. The effort that goes into *forming partnerships with NGOs could help* authorities to gain public confidence and to strengthen citizens' confidence in public institutions.

## References

1. Anheier H., 2005. *Nonprofit organizations. Theory, management, policy*. New York: Routledge Taylor and Francis Group.
2. Bryce H.J., 2012. *Players in the Public policy process. Nonprofits as social capital and agents, second edition*. New York: Palgrave Macmillan.

3. Bulgarian Center for Not-for-Profit Law., n.d.. *Participation of NGOs in the process of policy and law making*. [Online] Available at: <http://www.icnl.org/research/resources/ngogovcoop/partngo.pdf>. [Accessed 14 May 2014].
4. Bullain N. and Toftisova R., 2005. *A Comparative Analysis of European Policies and Practices of NGO-Government Cooperation*. The International Journal of Not-for-Profit Law, 7(4).
5. Communication Directorate, 1998. *Compact on Relations between Government and the Voluntary and Community Sector*. London: Home Office.
6. Croatian strategy, 2008. *Croatian National Strategy for Creating and Enabling Environment for Civil Society Development*. Zagreb: Government Office for Cooperation with NGOs, Government of the Republic of Croatia.
7. Doh J.P.& Teegen H., 2003. *Globalization and Ngos: Transforming Business, Government, and Society*. Westport: Praeger Publishers.
8. Estonian Ministry of the Interior, n.d. *Citizen participation*. [Online] Available at: <https://www.siseministerium.ee/29949/>. [Accessed 17 July 2014].
9. Fundația pentru Dezvoltarea Societății Civile, 2010. *Brometrul liderilor ONG. Sondaj național online în rândul reprezentanților ONG din România*. [Online] Available at: [http://www.fdsc.ro/library/conferinta%20vio%207%20oct/Barometrul%20liderilor%20ONG\\_rezultate.pdf](http://www.fdsc.ro/library/conferinta%20vio%207%20oct/Barometrul%20liderilor%20ONG_rezultate.pdf). [Accessed 18 July 2014].
10. Hadzi-Miceva-Evans K., 2010. *Comparative Overview of European Standards and Practices in Regulating Public Participation*. [Online] Available at: <http://www.icnl.org/research/resources/ngogovcoop/compover.pdf>. [Accessed 10 July 2014].
11. Hea Kodanik, 2012. *Code on Good Practice of Involvement*. [Online] Available at: <http://www.ngo.ee/node/4330>. [Accessed 19 July 2014].
12. Hungarian law, 1987. *The Law on Normative Acts (1987/XI)*. Budapest: Hungarian Parliament.
13. Hungarian strategy, 2002. *Strategy paper of the Government of Hungary on civil society*. Budapest: The Hungarian Government.
14. Hungarian law, 2005. *The Law on Electronic Freedom of Information, act XC of 2005*. Budapest: Hungarian Parliament.
15. Kubar U., 2008. *Estonian Civil Society Development Concept (EKAK): Framework for Cooperation Between Third and Public Sector. Brief overview and some learning points*. [Online] Available at: [http://www.ngo.ee/sites/default/files/files/EKAK\\_brussels%20%281%29.pdf](http://www.ngo.ee/sites/default/files/files/EKAK_brussels%20%281%29.pdf). [Accessed 10 July 2014].
16. Lambru M., 2006. *Există participare publică în România*. Bucharest: The Resource Center for Public Participation.
17. Lambru M. and Vameșu A., 2010. *România 2010. Sectorul neguvernamental – profil, tendințe, provocări*. București: Fundația pentru Dezvoltarea Societății Civile, pp. 97, 110, 112.
18. Lang S., 2013. *NGOs, civil society and the public sphere*. New York: Cambridge University Press.

19. Lepp U., 2004. *The roles and financial sustainability of the Estonian nonprofit organizations: cultural associations on the threshold of changes*. Tallinn: LGI Policy Fellowship, pp. 43.
20. Network of Estonian Nonprofit Organizations, 2006. *NENO newsletter*. [Online] Available at: <http://www.ngo.ee/arhiiv/www.ngo.ee/indexad22.html?class=document&action=print&section=10217>. [Accessed 10 July 2014]
21. Romanian law, 2001. *Law no. 544 of 12-10-2001 regarding the free access to the public interest information*. Bucharest: Official Gazette no. 70 of 03-02-2003.
22. Romanian law, 2003. *Law no. 52 of 21-01-2003 regarding the decisional transparency in public administration*. Bucharest: Official Gazette no. 663 of 23-10-2001.
23. The European Center for Not-for-Profit Law, 2012. *Improving Cooperation between Public Institutions and Civil Society in the Western Balkans and Turkey*. [Online] Available at: <http://www.opengovguide.com/wp-content/uploads/2013/10/Report-Keeping-up-the-Momentum.pdf>. [Accessed 04 July 2014]
24. The Government of Republic of Croatia, 2009. *Code of practice on consultation with the interested public in procedures of adopting laws, other regulations and acts*. [Online] Available at: <http://www.uzuvrh.hr/userfiles/file/code%20of%20practice%20on%20consultation-croatia.pdf>. [Accessed 03 July 2014]
25. Toftisova, n.d.. *Implementation of NGO - government cooperation policy documents*. [Online] Available at: <http://www.icnl.org/research/library/files/Transnational/Implementation%20Paper%20Final%20102705.pdf>. [Accessed 04 July 2014]
26. U.K. Government, 2000. *A Code of Good Practice in Policy Appraisal and Development*. London: Home Office.
27. U.K. Government, 2000. *A Code on the Practices of Consultations*. London: Cabinet Office.
28. Vedder A., 2007. *NGO involvement in international governance and policy. Sources of legitimacy*. Leiden: Martinus Nijhoff Publishers.