

PUBLIC DECISION-MAKING IN THE CIVIL SOCIETY CONSTRAINTS CONTEXT

Theoretical
article

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Abstract

The frequency with which individuals are assessed as having competences to influence decisions taken by the authorities is an indicator of the extent to which they consider their own society as being democratic. This paper is outlined from the 2013 Euro barometer survey in which Romania "emphasize" through the lowest level of organizations membership, only 3-4% of respondents declaring themselves members of NGOs, although 66% of Romanians state that they share values and interests of the organizations and they have confidence that they act right in order to influence public decisions.

In this paper we tried to observe which are the most effective ways to influence policy making for Romanians. It can be noticed that there is a proportion of over 75% in terms of voting in local and national elections, respectively a proportion of over 65% in the degree of attachment of Romanians towards the NGOs. However, the contradictions are obvious because turnout fell in the last 10 years below 50% in terms of parliamentary elections.

Introduction

In a functional society, a basic democratic process means the voluntary freedom of speech of the citizens regarding the state decisions, aspects which bring on multiple controversies and opinion about the public actions. The institutional expression of citizens' participation in public life is the civil society which implies the necessity of providing contexts and practices which allow the civic information, consultation and participation.

Thus, the public participation, the permanent involvement of civil society increases the transparency of decisions making process and governance efficiency; therefore, these must be continuously and responsibly manifested. But, paradoxically, like most of the concepts characterizing the politics sphere, civil society seems to be a social construction which is unassimilable for most of the Romanians.

The present study aims to clarify a series of controversies conceptually in the interpretation of civil society types of manifestations, by the awareness of the common interests and mutual benefits of any type of association with the purpose of supporting a decisional participatory democracy.

Literature review

From the beginning, in our attempt of identifying a functional and legitimate sense for the concept of "civil society", we remark a large legislative area being outlined both at European and national levels. Thus, a correct approach of civil society requires the consideration of a field of social life being governed by a whole system of structures consisting of citizens who are voluntarily associated under different forms, but having the same interests and dedicating their time, knowledge and experience in order to promote and defend these rights and interests.

Citizens' rights and freedoms to participate in decisions making are expressly stipulated in the following documents of an international importance: The Universal Declaration of Human Rights proclaimed by the United Nations General Assembly on 10th January 1948 (United Nations General Assembly, 1948); the European Charter: the autonomous exercise of the local power adopted by the European Council on 15th October 1985 in Strasbourg (European Council, 1985); the Convention for the Protection of Human Rights and Fundamental Freedoms (amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13) of 1st November 1998 (European Court of Human Rights Council of Europe, 2010).

Fortunately, a characteristic of our country is the special legislative framework dedicated to public consultation, encouraging the civil society participation in decision making process: Law no. 52/2003 regarding the decisional transparency in public administration (Law no. 52, 2003); Law no. 544/2001 regarding the free access to information of public interest (Law no. 544, 2001); Government Resolution 561/2009 approving the Regulation on the procedures, at Government level, for the elaboration, approval and submission of public policy document projects, legislation projects and other documents for enactment/approval (Government Resolution no. 561, 2009); Government Resolution no. 1361/2006 regarding the content of the instrument presenting and motivating the legislation projects submitted to government approval (Government Resolution no. 1361, 2006).

Of course, the legal framework dedicated to consultation and/or transparency of the decisional process is also found in other pieces of legislation, such as: Law no. 273/2006 regarding the local public finances (Law no. 273, 2006); Government Resolution no. 750/2005 introducing the proposal of public policies (Government Resolution no. 750, 2005)

In all their levels of manifestation, the civil society organizations proposing a wide range of objectives, whether conformist, reformist or radical, but dependent on the organization profile and its mission of attenuating or accentuating the effects of certain action undertaken in society.

Currently, the political and legislative context is favourable to civil society manifestation at all levels – local, national, regional and international, through a wide variety of institutional forms: non-governmental organizations, community organizations, professional associations, political organizations, civic clubs, trade unions, philanthropic organizations, social and sportive clubs, cultural institutions, religious organizations, environmental movements and media.

Therefore, any analysis of civil society, as plenipotentiary partner in public decisional process must be realized taking into account the specific framework of civil society structuring, its objectives, its quality and number of members, dependent on the type of organization of the human society, the level of economic development, traditions, civic education and political culture.

In Romania, the role of civil society is still less significant in influencing the political, economic or/and public interest decisions. But, even more serious is the issue of the double standards of the Romanian civil society, the individualism and atomization of any type of influencing and the weakness of opposing to all types of power.

Methodology and data

An important attribute of civil society, being recognized at the European Union level, is its decisive involvement, both for the expertise mobilization and for the dissemination of knowledge which is needed for the development of public debates and the responsabilization during policy elaboration process.

The sociological analysis of civil society highlights a series of consequences of its development emergence: the interest groups, the pressure, lobby, advocacy groups which generate a series of controversies and terminological ambiguities.

The frequency with which individuals are assessed as having competences to influence decisions taken by the authorities represents an indicator of the extent to which they consider their own society as being democratic. The combination between political activity and organizational affiliation leads to the same result: people being members of a voluntary organization have a wider range of their political views and take part more frequently in discussions of political nature than people who are not affiliated to any organization.

According to the Flash Eurobarometer 373 (2013) dedicated to Europeans commitment to participatory democracy using representative samples for each of the 28 European member states, the Romanians "emphasize" through the lowest level of organizations membership, only 3-4% of respondents declaring themselves members of NGOs, trade unions, trade associations, trade or agricultural unions, patronal unions, although 66% of Romanians state that they share values and interests of organizations and they have confidence that they act right in order to influence political decisions. In comparison with it, found appropriate proportions are 35-46% in Sweden, 33-37% in Finland and 29% in Denmark. We notice that the Nordic countries tend to have a high level of participation towards NGOs and similar associations and therefore the Romanians need to learn from their experience to re-educate the Romanian mentality dominated by the aversion towards the NGOs government policy involving.

With the intention of observing which of the four ways to influence policy making, is considered most effective by

respondents to the Euro barometer survey, one can notice that there is a proportion of over 75% in terms of voting in local and national elections, respectively a proportion of over 65% in the degree of attachment of Romanians towards the NGOs. However, the contradictions are obvious because turnout fell in the last 10 years below 50% in terms of parliamentary elections (39.20% in 2008 and 41.76% in 2012) and under 30% in terms of European elections (29.47% in 2007 and 27, 67% in 2009).

Therefore, it becomes more and more evident that the Romanian civil society passes through a severe identity crisis. For example, The Centre of Support for Non-Governmental Organizations (CENTRAS) and the Romanian Institute for Assessment and Strategy (IRES) effectuated the research called *Perceptions regarding the NGO activity in Romania* on a sample of 1.000 individuals with the minimum age of 18 years (Al Treilea Sector, 2013). Over 25% of the respondents didn't know what civil society means and 82% of the respondents couldn't name even a single non-governmental organization. However, over 50% of the respondents guess the location of civil society at the intersection of the public and private sector, with deep implications in the area of social, economic, political organization as well as in the design and elaboration of governance policies and strategies at the local, regional, national and even international level.

In the specialized literature, we find the *third sector*, designed as “non-profit sector”, “social sector”, “independent sector”, “non-governmental sector”, “voluntary sector”, “charitable sector”, “social economy”, “sector of civil society”, etc. All these phrases refer to institutional entities in the civil society and seem to create ambiguities in their understanding.

Notwithstanding, a number of international organizations try to

operationalize a series of indicators for the analysis of civil society, but in reality, these researches seem to be mainly an attribute of the academic area and advocacy organizations. We aim to select from the specialized literature and to present a series of indicators used to measure civil society, without challenging or explaining the statistical techniques used in their construction.

Of course, we are interested in how various measurements of civil society capture (or fail to reflect) empirically the reality, but, this paper considers that those indicators are already validated by a number of measurements of civil society using “interim association” (Johnson et al 2001) type of validity check.

An analysis of the multiple approaches to measuring civil society reveals us two clear directions: *i) “proxy measures”* for comparative analysis of civil society such are membership in voluntary associations (Bernhard and Karakoc, 2007; Howard 2003), doing voluntary work (Pichler and Wallace, 2007), and economic indicators, for instance expenditures of the third sector (Salamon et al., 2003) and *ii) “expert assessment”* based on a set of criteria that civil society as a whole receives a score that is supposed to reflect its level of development.

In order to measure different dimensions of civil society, the indices, graphically represented in the form of a Civil Society Diamond (as indicated in figure no. 1) developed by Anheier (2004), uses a multi-level, multi-method approach, based on a variety of data sources, such are information on individuals, collected through a Population Survey and the national situation and context, assessed by an External Perceptions Survey of experts:

1. The database Indices of Social Development (International Institute of Social Science, 2014) is a set of coherent, broad based indices of civil society for a large number of countries, launched in 2011 by the Institute of Social Studies. In

the construction of this index are included around 200 variables covering all the relevant dimensions of civil society for five years, with five years in between, calculated as averages around each of these years (1990-2010).

The 200 indicators are synthesized into a usable set of measures to track how different societies perform along six dimensions of social development:

- ↪ Civic Activism, measuring the use of media and protest behaviour;
- ↪ Clubs and Associations, defined as membership in local voluntary associations;
- ↪ Intergroup Cohesion, which measures ethnic and sectarian tensions, and discrimination;
- ↪ Interpersonal Safety and Trust, focusing on perceptions and incidences of crime and personal transgressions;
- ↪ Gender Equality, reflecting gender discrimination in home, work and public life;
- ↪ Inclusion of Minorities, measures levels of discrimination against vulnerable groups such as indigenous peoples, migrants, refugees, or lower caste groups.

2. The CIVICUS Civil Society Index (CIVICUS, 2014a) is a participatory necessary assessment and action planning tool for civil society around the world, with the aim of creating a knowledge base and momentum for civil society strengthening initiatives. The CSI is initiated and implemented by, and for, civil society organizations at the country level, and actively involves and disseminates its findings to a broad range of stakeholders including: government, donors, academics and the public at large.

The Civil Society Index described in figure 1 uses 74 indicators for its civil society assessment, each of them measures an important aspect of the state of civil society. These indicators are grouped together into 25 subdimensions, which are

grouped into four dimensions (CIVICUS, 2014b):

- ↪ structure dimension which include strength and depth of citizen participation, diversity and resources;
- ↪ environment dimension including political context, basic freedoms and state-civil society relations;
- ↪ values dimension measures the extent of commitment and practice of certain values within civil society organizations and its subdivisions include democracy, transparency, gender equity and poverty eradication;
- ↪ impact dimension measures the level of civil society influencing on public policy, responsiveness to social needs and empowering of citizens

3. Civil Society Organization Sustainability Index (United States Agency for International Development, 2013) determined by Civil society organizations (CSOs) in Central and Eastern Europe and Eurasia reports on the strength and overall viability of CSO sectors in each of the twenty- nine countries of the region, from the Baltics to Central Asia.

The Civil Society Organization Sustainability Index analyzes and assigns scores to seven interrelated dimensions, for the 1997-2012 period: legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure, and public image.

4. Global Civil Society Index (Salamon & Sokolowski, 2004) or Johns Hopkins Global Civil Society Index captures the multiple dimensions of the civil society sector in 34 countries around the world in a readily understood and compared format for 1995-2002 period.

It justified this by noting that while ‘disputes rage about the outer boundaries of the civil society concept there was ‘reasonable consensus’ about its central core: ‘the basic private associational life of a society.

The Global Civil Society Index is formally more rigorous than other indices

because it takes into consideration three dimensions, not of civil society but of what they called “the civil society sector”:

- ↳ capacity described by four indicators, including employees of civil society organizations as a percentage of the economically active population; the volunteer employment as a percentage of the economically active population; the level of giving by individuals companies and foundations as a percentage of GDP and the degree of diversification of the civil society sector, measured as the distribution of civil society workforce in different fields of activity.
- ↳ sustainability identified through four measures: self generated income; government support; popular support reflected by numbers volunteering as percentage of adult population and legal environment
- ↳ impact contained four indicators that were thought to provide an adequate proxy of the impact of civil society organizations such are the overall value added by the civil society organizations to the economy for which they use the wages paid to employees of civil society organizations together with the imputed wages of their volunteers, as a percentage of GDP; the contribution by civil society organizations to human services, measured as the percentage of total employment in health, education, social services and culture and recreation; the contribution of civil society to advocacy and expression, measured as the number of employees and volunteers mobilized by civil society organizations primarily engaged in what it describes as expressive activities: advocacy groups, professional associations, unions, environmental protection and culture and recreation; popular commitment, measured as the percentage of the adult population claiming membership of voluntary associations.

A phenomenon as complex and multifaceted as civil society invites a variety of possibilities and attempts to capture its "conceptual essence", with its own range of dimensions and characteristics. The indices considered by this study reveal us that civil society can be measured in various ways and at different levels: as a separate variable or as a composite index that combines individual components, at local, regional, national and even international levels.

Conclusions

The four measurements of civil society considered in this paper are by and large related to each other, but the measurements are not fully compatible; but we can surely state that these methods of civil society measurement have the capacity to capture the complexities of civil society and to provide information regarding the civil society implications in the decisional process.

The methods of dimensioning the civil society implications reveal us the fact that an open and democratic society is based on the honest interaction between the civil society actors and the public authorities in the conditions of mutual transparency, consultation and responsibility. Any mapping of the civil society engagement levels in any decisional process illustrates the correlated elements of participation, but the intensity with which they make paradigm changes varies depending on the civil society dimension and interests.

References:

- [1] Anheier, H. K. (2004). *Civil Society: Measurement, Evaluation, Policy*. Routledge London, (February 3, 2004).
- [2] Al Treilea Sector. (2013). Societatea civil în România - necunoscut , dar util . [Civil Society in Romania - unknown but useful]. Retrieved from <http://www.altreileasector.ro/societatea-civila-in-romania-necunoscuta-dar-utila/>.
- [3] Bernhard, M. & Karakoc, E. (2007). Civil Society and the Legacies of Dictatorship. *World Politics*, 59, 539-567.

- [4] CIVICUS, (2014a). Civil Society Index, Assessing and strengthening civil society worldwide, Retrieved from www.civicus.org.
- [5] CIVICUS, (2014b). *CIVICUS Civil Society Index Indicator Database*, Retrieved from http://csi.civicus.org/index.php?option=com_csdat a&Itemid=27.
- [6] European Council. (1985). *European Charter of Local Self-Government*. Strasbourg, 15.X.1985. Retrieved from <http://conventions.coe.int/Treaty/en/Treaties/Html/122.htm>.
- [7] European Court of Human Rights. Council of Europe. (2010). *European Convention on Human Rights. Convention for the Protection of Human Rights and Fundamental Freedoms*. Retrieved from http://www.echr.coe.int/Documents/Convention_ENG.pdf.
- [8] Flash Eurobarometer 373. (2013). *Europeans' engagement in participatory democracy*, TNS Political & Social, the European Commission, Directorate-General for Communication). Retrieved from http://ec.europa.eu/public_opinion/flash/fl_373_en.pdf.
- [9] Government Resolution no. 561. (2009). *Government Decision regarding the approval of the Regulation about the procedures, at Govern level, for the elaboration, submission and presentation of the draft public policies documents of the draft normative acts and of some other documents for adoption/approval*, Official Journal of Romania, Part I, no. 319/14 May 2009.
- [10] Government Resolution no. 1361. (2006). *Government Decision regarding the content of the presentation and reasoning instruments of the draft normative acts subjected for the Govern approval*, Official Journal of Romania, Part I, no. 843/12 October 2006.
- [11] Government Resolution no. 750. (2005). *Government Decision regarding the establishment of the permanent inter-ministerial councils*, Official Journal of Romania, Part I, no. 676/28 July 2005.
- [12] Howard, M. M. (2003). *The Weakness of Civil Society in Post-Communist Europe*. Cambridge UK: Cambridge University Press.
- [13] International Institute of Social Science, (2014). *Indices of Social Development*. Retrieved from <http://www.indsocdev.org/home.html>.
- [14] Johnson, J. B., Joslyn, R. A. & Reynolds, H. T. (2001). *Political Science Research Methods*. 4th ed. Washington D.C.: CQ Press.
- [15] Law no. 52. (2003). *Law regarding the decisional transparency in public administration*, Official Gazette of Romania no. 70, Part I of 03-02-2003. Retrieved from <http://www.mdrap.ro/en/transparenta/prezentare-general a/-9092>.
- [16] Law no. 544. (2001). *Law regarding the free access to information of public interest*, Official Gazette of Romania No. 663 of 23 October 2001, Retrieved from <http://www.dci.ro/En/Legi/544.pdf>.
- [17] Law no. 273 (2006) *Law regarding the local public finances*, Official Journal of Romania, Part I, no. 618/18 Jul. 2006.
- [18] Pichler, Fl. & Wallace C. (2007). Patterns of Formal and Informal Social Capital in Europe. *European Sociological Review*, 23(4), 423-435.
- [19] Salamon, L. M., Sokolowski W. S. (2004), 'Measuring Civil Society: the Johns Hopkins Global Civil Society Index', in Salamon, L. M., Sokolowski W. S. & Associates (eds). *Global Civil Society: Dimensions of the Nonprofit Sector*. Volume 2. Kumarian Press. Bloomfield Conn.
- [20] Salamon, L. M., Sokolowski W. S. & List R. (2003). *Global Civil Society: An Overview*. The Johns Hopkins Comparative Nonprofit Sector Project. Retrieved from <http://www.un.mr/vnu07/docs/SC/globalciv.pdf>.
- [21] United Nations General Assembly. (1948). *The Universal Declaration of Human Rights*. Retrieved from <http://www.un.org/en/documents/udhr/>.
- [22] United States Agency for International Development, (2013). *The 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia*. 16th Edition - june 2013. Bureau for Europe and Eurasia Office of Democracy, Governance and Social Transition. Retrieved from http://www.usaid.gov/sites/default/files/documents/1863/2012CSOSI_0.pdf.

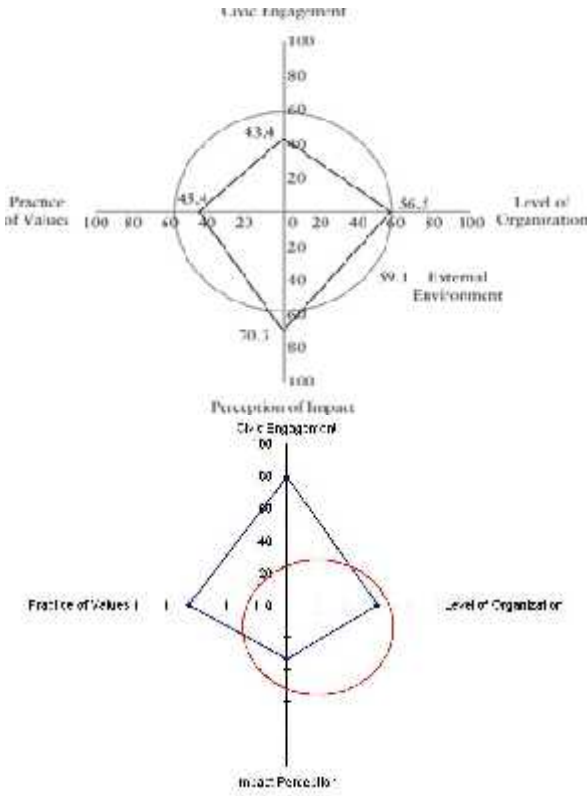


Figure no 1 Models of Civil Society Diamond