

The question of “representativeness” of citizens’ organizations: between official and hidden criteria

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Abstract

The issue of criteria of “representativeness” of citizens’ organizations to be involved in participatory processes by public institutions is one of the most important and concerning nowadays, though it is often overlapped by the one of accountability. To shed light on this issue, a recent research of Active Citizenship Network has gathered and analyzed the criteria defined and those actually used by public institutions at national, European and international level, as well as the comments and proposals of 30 citizens’ organizations involved in the project. A general typology of these criteria and a tentative new framework to identify the relevance of citizens’ organizations are the main results of the project.

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1. “Civic NGOs” and the crisis of representation

1.1. Representation in question

There is no doubt that representation is one of the most important issues in contemporary democracies. All over the world, the two meanings of this concept – to “act for” and to “stand for” someone else – raise important and unsolved questions.

Assumptions about “acting for” have been called into question by many phenomena, for example: the dramatic decrease in electoral participation; the weakening of national representative institutions; the strengthening of institutions which are neither appointed by the citizenry nor accountable for their actions; and the emergence of private and social actors which have a profound influence on public life without having any formal legitimization.

Assumptions about representation as a “standing for” have been similarly challenged. It is common knowledge that political institutions have lost or are losing their ability to “make visible” society as a whole, to know and portray the conditions and needs of relevant parts of population, to comprehend the multi-cultural, multi-ethnic and multi-religious identity of their constituent societies. Citizens’ well-documented distrust towards their political leaders is surely related to this break down of “standing for”.

Various attempts to redefine governments’ views of reality and operational patterns depart precisely from this crisis of representation. Such approaches as Governance, Reinventing government and the New public management all emerge out of the belief that representative bodies must be opened up to other actors, not only to improve their legitimacy, but also to make the whole citizenry more visible and better enable it to assert its rights.¹

Citizens’ organizations – of many different natures, sizes and operational fields – are deeply concerned by the crisis of representation. Their worldwide development during the last thirty years has indeed a significance, which touches upon the core of this problem. This can be highlighted considering that:

- Citizens’ organizations advocate – often successfully – the needs, rights and demands of people who are not recognized by the states and their public programs;
- In this way, they put a number of issues, both of general interest and reflecting the needs of target groups, onto the public agenda;
- They exercise an effective role, which is, in theory, the rightful monopoly of representative institutions, political parties and “social partners” (trade unions and business associations).

Summarizing, it can be maintained that civic organizations – that is, those forms of citizens’ self-organization that not only act in the framework of freedom of association, but are very actors in the public arena – are at the same time an indicator of the wider crisis of representation and one of the answers in contemporary societies’ political dynamics. To deal with crisis of representation focusing on civic activism, can therefore be a source of information of general scope.

¹ Cf. for example Guy Peters B., *The Future of Governing*, University Press of Kansas, Lawrence 2001; see also Moro G., “The Citizen Side of Governance”, in *The Journal of Corporate Citizenship*, Issue 7, Autumn 2002, pp. 18-30.

1.2. Citizens' organizations and representativeness: an unsolved problem

However, there is also a more precise reason to deal with this issue: the fact that citizens' organizations, in light of the crisis affecting traditional democratic institutions, are helping to fill the representation gap between the citizenry and public powers, in order to give voice and visibility to otherwise unrepresented people and interests, gives place to specific situations and problems that are of the utmost importance in the framework of the shift from government to governance. They are unexpected phenomena, that concerned actors address with difficulty and uncertainty.

I results clear if one looks at the attitude often shown by institutional and political actors to citizens' organizations. On one hand, these actors seem to trust civic organizations with the task of bringing society closer to the state and making government more effective. On the other hand, they express fear and suspicion towards these organizations, insofar as they claim to represent people and problems that would be taken care of by public actors. This contradictory attitude towards citizens' organizations can be considered as a case of the "Dr. Jekyll – Mr. Hyde" syndrome².

Citizens' organizations sometimes seem to confirm this assumption by their own behavior. For example, they often take the floor in the name of people they have never actually consulted; or they do not have a clear, continuous and public communication process with their constituencies; or they claim to take part in the decision making process on the mere basis of their self-appointment as representatives of this or that social group. In other words, citizens' organizations often fail to exercise the accountability demanded by their growing power and influence, thus making democratic governance even more difficult.

The general impression that emerges from the above-mentioned situations is that the issue of the representativeness of citizens' organizations is vitally important, but is also underestimated, or dealt with using obsolete and unsuitable tools.

A good example of this is the attitude of the European Union. The text of the EU Constitutional Treaty (no matter in this case that it was rejected) demonstrated the openness of the European Union to civic NGOs and civil society organizations in general: Article 46 of the draft Treaty affirms the Union's willingness to make citizens' organizations partners in the policy making (specifically decision making) processes. This article twice mentions "representative associations," though it does not clarify what the word "representative" is supposed to mean.

Generally speaking, while there is common agreement on the need to involve citizens' groups and organizations in policy making, from the local to the global levels, there is also uncertainty and confusion surrounding which criteria would need to be fulfilled by citizens' organizations in order for them to be recognized as legitimate actors.

This problem is moreover deeply rooted in reality. Citizens' organizations can indeed have very different positions on the issue of representativeness and can be representative in very different ways. Consumer, advocacy and environmental organizations do not in principle "represent" just their members, but also wide sectors of society or society "as a whole". In contrast, a small community group caring for

² Active Citizenship Network, "Public Institutions Interacting with Citizens' Organizations. A Survey on Public Policies on Civic Activism in Europe", paper, March 2004.

people with HIV or the homeless also represents something more than its members, but in a very different sense: in working to protect weak minorities and target groups whose rights and interests are the public concern. In the case of citizens' organizations, the verb "to represent" can thus be referred to many different objects: for example, an actor, a target, a problem, or a special condition affecting some people. These are serious issues, and they demonstrate that the usual, merely quantitative criteria ("How many are you?"), traditionally used to weigh the importance of political parties and trade unions, are not suitable for citizens' organizations.

It must be added that the scientific community in general has tended to ignore the issue of the representativeness of citizens' organizations. And when scholars do deal with this issue³, they tend to conclude that citizens' organizations are, by definition, not representative, at least not in the common meaning of the term. Policy makers and practitioners, by contrast, regard the representativeness of citizens' organizations as one of the most relevant concerns. They have to face the expanding phenomenon of civic activism in the public arena, apparently without resources to deal with it.

It can be finally added that the focus on accountability, that is presently involving citizens' organizations too, is not equivalent with representativeness, since at the moment it is maintained that citizens' organizations must be accountable towards their constituencies, the issue of representativeness comes back as the crucial one.⁴

The debate on a so crucial issue, then, seems to be carried out in a pretty generic way and without the support of information coming from empirical research. To start again from what happens in reality, therefore, can be of the utmost support both for scientific community and policy makers. To this end the results of a research and debate project summarized in this paper could be worthwhile.

2. The "Assessing and Reviewing the Criteria of Representativeness of 'Civic NGOs'" Project

In 2003, with the support of the European Commission and some international institutions⁵, Active Citizenship Network (the European network of the Italian movement Cittadinanzattiva) promoted a research on this topic. It involved mainly the "New Europe" countries (EU + candidate countries), but had also a Latin America side. The aim of the project was to examine the existing institutional criteria for identifying

³ Cf. Fiorina M., "Extreme Voices: A Dark Side of Civic Engagement", in Skocpol T., Fiorina M. P. (eds.), *Civic Engagement in American Democracy*, Brookings Institution Press, Washington D.C. 1999, pp. 395-426; Verba S., Lehman Schlozman K., Brady H. E., *Voice and Equality. Civic Voluntarism in American Politics*, Harvard University Press, Cambridge 1995; Warren M., Castiglione D., "The Transformation of Democratic Representation", in *Democracy and Society*, Center for Democracy and the Third Sector, Georgetown University, n. 2/2004; Magnette P., *Le régime politique de l'Union européenne*, Science Po Les Presses, Paris 2006; Fabry E., *Qui a peur de la citoyenneté européenne? La démocratie à l'heure de la Constitution*, Presses Universitaires de France, Paris 2005. See also Moro G., (2005), "Citizens' Evaluation of Public Participation", in Joanne Caddy (ed.), *Evaluating Public Participation in Policy Making*, OECD, Paris, pp. 109-126.

⁴ Cf. Jordan L., Van Tuijl P., *Ngo Accountability. Politics, Principles and Innovations*, Earthscan Publishing, London 2006.

⁵ They are the Inter-American Development Bank (IADB), the United Nations Development Programme (UNDP), the European Economic and Social Committee, the World Bank and the Secretaría de Cooperación Iberoamericana (SECIB). The project was implemented between September 2003 and October 2004.

“representative” civic organizations to participate in the public policy process and to bring together civic organizations’ proposals for fair and workable criteria.

The final report of the project – entitled “Participation in policy making: criteria for the involvement of Civic NGOs”. In this paper the development and main results of the project are reported and discussed.⁶

2.1. From representativeness to standard for participation in policy making, and vice versa

In order to make the issue of representativeness operational, the Active Citizenship Network team decided to translate it into the question of the definition of standards for the involvement of civic NGOs in the policy making process. In other words, the issue of the representativeness of citizens’ organizations was reduced to the identification and analysis of the criteria institutions use to identify representative citizens’ organizations as partners in policy making.

The rationale for this choice was the assumption that those citizens’ organizations, which are invited or allowed to interact and cooperate with governments, are those considered as representative. The criteria for their admission can thus be viewed as the actual standards of representativeness fixed and practiced by public authorities.

Of course, since citizens’ active role in policy making is a matter of fact and not a decision of institutions, there can be – and there in fact are – citizens’ associations which are representative, but do not participate in dialogue and cooperation with the governments. Nevertheless, it can be assumed that all citizens’ organizations⁷ that interact with governments are considered representative, either because they “act for” or “stand for” someone or something else. This means that when public institutions involve civic NGOs in policy making, they do so on the assumption that these organizations – because of such factors as their experience, competence, background and widespread presence – are able to do one or both of the following:

- To speak on behalf of individuals and communities involved in these issues (to act for),
- To give visibility to issues of public importance (to stand for).

In other words, it was supposed that gathering and analyzing governments’ standards for the identification of citizens’ organizations, and checking their real implementation and related problems, implies collecting useful information on the criteria of representativeness of civic NGOs in the realm of public policy making.

These were the purposes and the expected outcomes of the Active Citizenship Network project in terms of research. The practical goal, on the other side, was to put forward shared guidelines, which may provide a better and more effective framework for the involvement of representative citizens’ organizations, overcoming the problems affecting some of the existing criteria. This objective was conceived as furthering the interests not only of civic organizations, but of public institutions as well. To develop

⁶ The Active Citizenship Network team that planned and implemented the project was composed, besides the author of this paper, by Cecília Fonseca, Pamela Harris, Charlotte Roffiaen and Melody Ross. The final report can be downloaded by the ACN web page: www.activecitizenship.net.

⁷ Excluding cases of political agendas and association with political parties and governments, which was not the focus of the survey.

adequate standards and criteria for the evaluation of the representativeness of citizens' organizations could indeed enable public institutions to make good use of civic energy, while ensuring that civic NGOs exercise their significant power with full responsibility.

2.2. Conceptual and methodological framework

On the basis of the above-mentioned rationale, some key concepts were used in order to define the field of research, that formed the framework of this study. The key concepts were three: civic organization (or citizens' organization or civic NGO), public policy, and identification criteria.

The *first* is *civic organization* or civic NGO. It refers to a non-governmental and non-profit organization – whatever its scope, size, legal status, objectives and membership – which is autonomously organized by citizens in order to protect rights, care for common goods and empower citizens. This definition includes voluntary organizations, advocacy movements (in the areas, for example, of human rights, consumer issues, the environment, equal opportunities), advice services, social enterprises, grassroots and community organizations, self-help groups and international cooperation NGOs.⁸

The concept of civic organization allowed to define a set of civil society organizations which not only pursue legitimate private aims (in accordance with the principle of freedom of association), but also act in the public arena dealing with general interest issues, therefore playing a role interfering with those of public authorities and traditional political actors.

The second key concept is *public policy*. It refers to the sum of actions that public authorities take in the face of a public problem⁹. These actions are usually broken down into:

- setting the agenda of public issues,
- planning strategies and programs,
- making decisions on a plan of action in forms such as laws, regulations and operational decisions,
- implementing the plan through actions, structures, or resources,
- evaluating the outcomes and impact of the implemented plan.

The realm of public policy making is distinct from that of politics, the rules of which legitimate the privileged treatment of groups and interests, based on considerations of power and ideology, and are shaped by the logic of the electoral process. Thanks to the approach of public policy it was possible to focus the process of managing public problems on a daily basis, something different from (though obviously interrelated with) the political process. Public policy is relevant, because policy making has become a new arena of citizens' participation in public life, where the issue of representation takes on a particular importance and that is autonomous from dynamics of traditional democratic system.¹⁰

⁸ Cf. Moro G., *Azione civica. Conoscere e gestire le organizzazioni di cittadinanza attiva*, Carocci, Roma 2005.

⁹ Cf. Meny Y., Thoenig J.C., *Le politiche pubbliche*, Il Mulino, Bologna 1996; Howlett M., Ramesh M., *Come studiare le politiche pubbliche*, Il Mulino, Bologna 2003.

¹⁰ This "divorce" between politics and policies is one of the factors that characterizes the European Union and its relation with national states, as it has been recently highlighted by Vivien Schmidt in *Democracy in Europe. The EU and National Politics*, Oxford University Press, Oxford 2006.

This concept is also useful in avoiding a common misunderstanding, which would see public participation only in the phase of decision-making. It was assumed that participating in policy making means not only discussing laws and programs, but also acting in the implementation of policies.

The third key concept is *identification criteria*, which refers to norms and standards influencing or determining civic NGOs' ability to be involved in the formulation, implementation and/or evaluation of public policy. Identification criteria do so by constraining or regulating public institutions' discretion in involving partners and/or interlocutors from the range of non-governmental actors. They may be set forth in a legal framework, take the form of general or sectoral policies or simply describe the way that institutions actually function. Criteria have the quality of applying equally to all similarly-situated entities. Criteria are the practical and operational side of general paradigms defining the value, relevance and pertinence of civic NGOs as "acting for" and/or "standing for" others. The point is that these paradigms or basic assumptions are usually not expressed as such, but are directly translated into those operational norms and standards, which were defined as identification criteria.

In other words, the concept of identification criteria is important because the issue of representativeness can be operationally translated into defining the effective criteria for choosing those organizations allowed to participate in policy making. This means that, thanks to the identification and analysis of criteria it was possible to empirically study the issue of representativeness of civic NGOs in the public policy making arena.

It was decided moreover that the 30 European national-based citizens' organizations that partnered in the project would act as a "citizens' jury" in order to evaluate the results of the survey and make proposals on a new framework of criteria and procedures on representativeness of civic NGOs. In this sense, the project has been also an experiment of deliberative democracy involving a sample of citizens' organizations – i.e., of the target directly affected by the problem.¹¹

2.3. Tools and development of the research

The research was carried out both in Europe and in Latin America. In this paper, however, we will refer only to the results coming from the European side of the project, with the addition of information coming from international or multilateral institutions¹², as well as from non-European countries used as comparison tools¹³.

The project was structured into four operations and related tools, aimed at gathering different kinds of data and information on the topic of representativeness of civic NGOs:

- government questionnaires (receiving 35 substantive responses, 28 coming from national governments in Europe, 3 from non-European national governments, 1 from the European Union and 3 from international or multilateral institutions,

¹¹ Cf. Jefferson Centre for New Democratic Process, *The Citizens' Jury Process*, Minneapolis 2002, downloadable from www.jefferson-center.org/citizens_jury.htm.

¹² They are OECD, UNICEF, World Bank, UN ECOSOC, IADB, The United Nations, UN Environmental Program and 4 EU institutions (Commission, Parliament, Economic and Social Committee, Committee of Regions).

¹³ Australia, Canada, Tunisia, the United States.

- partner organizations internet research (in 26 European countries the internet sites of 8 governmental bodies were visited and 10 websites of EU institutions were visited as well),
- case studies (6 interviews with civic organizations' leaders and government representatives were made in Poland, the UK, Italy and the EU),
- position papers of partner organizations (a 3-page position paper on the results of the research was written by each of the 30 citizens' organizations operating at national level in the enlarged EU).¹⁴

The results of these operations were presented and discussed in a Brussels conference, held on 16 and 17 September 2004. On the basis of the outcomes of the discussion the final report of the project was then produced and diffused.

3. Main findings

The main findings of the research come from the above mentioned four focuses and regard:

- A general typology of criteria
- The analysis of the existing criteria
- Information coming from the case studies
- Civic partners' evaluation of existing criteria

3.1. The general typology of criteria

In order to build a general view of the existing criteria of representativeness used by public institutions, a general typology of them was set up. This typology, based on the official sources, was also a guiding tool for further analysis.

The items used for the set up of the typology (see below, table 1) are the following.

Positive criteria may be official, written standards. *Written* criteria are set forth in such instruments as laws, regulations, governmental or departmental policy statements, and as such might be legally binding, or expressions of political or institutional commitment. They may also be unwritten standards (evolving out of custom, institutional practice or implicit policy). *Unwritten* criteria refer to regular and consistent practices that make identification procedures sufficiently foreseeable, as

¹⁴ Citizens' organizations participating in the project are the following: The World of NGOs, Austria; Foundation for Future Generations, Belgium; NGO Development Centre Bourgas, Bulgaria; Cyprus Consumers Association, Cyprus; Consumer Defence Association, Czech Republic; Danmarks Aktive Forbrugere, Denmark; Peipsi Centre for Transboundary Cooperation, Estonia; European Confederation of Workers' Co-operatives, Social Cooperatives and Participative Enterprises (CECOP), European Union; European Liaison Committee on Services of General Interest (CELSIG), European Union; European Citizen Action Service (ECAS), European Union; International Federation for Human Rights (FIDH), European Union; The Consumers, Finland; Reseaux Services Public, France; Maecenata Institut, Germany; European Expression, Greece; Consumer Protection Center (KEPKA), Greece; Nosza Projekt, Hungary; Age Action, Ireland; Associazione Nazionale delle Cooperative di Servizi e Turismo (ANCST), Italy; Consumers Association, Malta; Center for European Studies and Training (CESO), The Netherlands; European Centre of Sustainable Development (CEZR), Poland; Oikos, Portugal; Romanian Association for Consumers Protection (APC Romania), Romania; Association of Slovak Consumers, Slovak Republic; Legal Information Center for NGOs (PIC), Slovenia; Confederación de Consumidores y Usuarios (CECU), Spain; Kvinnoforum, Sweden; The Human Resources Development Foundation (HRDF), Turkey; Rutland Citizens' Advice Bureau, United Kingdom.

when they are regulated by written criteria. Like written criteria, they operate in a knowable and predictable way to regulate civic NGOs' access to participation in the public policy-making process.

The affirmative existence of identification criteria can be distinguished from three other kinds of situations, in which *no positive* criteria are to be found:

- *Open procedure*, a situation characterized by the formal openness of institutions to the participation of any organization that may so desire. Participation is not determined by institutions applying, and organizations satisfying, criteria.
- *Flexible, ad hoc identification process*. Institutional representatives declare that they are not regulated by fixed criteria, but rather follow a flexible, ad hoc (but not necessarily arbitrary or unprincipled) identification process.
- *Arbitrary procedures* describes the situation in which public institutions' identification of civic interlocutors is not constrained or regulated by norms and standards. An example of such arbitrary treatment would be when identification depends on personal or partisan considerations, such as the exclusive awareness or affinities of the official in charge.

As far as the scope of the criteria are concerned, it was distinguished between criteria that (are meant to) apply in many different offices, ministries and policy areas from those that just apply specific sectors. *General criteria* refer to written or informal criteria that apply across different government offices and different procedures, participation mechanisms and policy areas. *Sectoral criteria* apply to particular sectors, offices or policy fields.

Objective criteria are standards that are measurable, like a requirement that an organization have at least 20 members to participate. While they are supposed to apply "automatically," they may also depend on the administration's commitment and ability to verify whether such objective requirements have been met.

Those *pertaining to the organization* are:

- *Size*: number of members, number of volunteers.
- *Territorial scope*: membership or activities in a determinate local, regional, national or multinational area (ex. European networks must have member organizations in several EU Member States).
- *Degree/level of organization*: first-degree organizations with individual members, second-degree organizations like networks or federations, the members of which are other associations.
- *Stability*: minimum years of existence.
- *Resources*: may be human, financial and technical.
- *Transparent accounting*: verifiable financial records.

As for the objective criteria *pertaining to organization's activity* the following was identified:

- *Field of operation*: the subject matter or policy area in which the organization is engaged. This might be determined by the organization's self-definition, its interests and its activities.

Evaluative criteria, on the contrary, set forth a framework within which institutional officials must exercise their judgment in determining whether the criteria have been or can be fulfilled. They call for a certain discretion, choice and thus responsibility on the part of the administration.

Those *pertaining to the organization* are:

- *Experience*: this includes range and number of years of experience.
- *Expertise*: technical skills, scientific competence, specific knowledge, know-how.
- *Reputation*: the quality of being well-known and/or well-respected, in a certain territory or policy field. It may refer more specifically to how an organization is viewed by relevant institutional actors or other organizations.
- *Independence*: from the government, business and/or industry, political parties and trade unions.
- *Trust*: good personal relationships between representatives of public institutions and the organization, a good working relationship, a history of cooperation, good will between the institution and the organization.
- *Networking capacity*: links and connections with other organizations, the ability to develop networks at the local, national, European or international level.
- *Internal organization*: adequate organizational structure, budget control and financial management.
- *Capacity to give visibility/voice to specific interests*: these might be specified as members' interests, minority interests, interests relevant to a specific group or issue.
- *Capacity to give visibility/voice to general interests*: expression of general concerns or of a large number of people.

Evaluative criteria *pertaining to organization's activity* are:

- *Past results*: outcomes of projects, consultations, and activities already carried out, evidenced by an organization's track record.
- *Quality of the proposed project*: design, relevance, efficient pursuit of goal or use of resources.

This typology, which was assessed and integrated with further remarks and proposals by the partner organizations, can be considered a first, relevant result of the survey. Since now such a map lacked and, consequently, every discourse on representativeness of civic NGOs used to turn out in generic either sometimes naïve statements.

The typology is then the following.

Tab. 1 - Typology and number of references in official sources of existing criteria

Criteria	Policy Formation, No. of References	Policy Implementation, No. of References
• STATUS		
- POSITIVE		
* Written, in laws	10	5
* Written, in policy documents	13	14
* Unwritten	8	3
Total Positive	31	22
- NON-POSITIVE		
* Open procedure	17	0
* Flexible, ad hoc	11	0
* Arbitrary	2	0
Total Non-Positive	30	0
• SCOPE		
- GENERAL	7	2
- SECTORAL	23	21
• KINDS OF CRITERIA		

- OBJECTIVE		
* <i>Related to the organization</i>	25	19
- Size	5	0
- Territorial scope	7	1
- Degree	8	0
- Stability	3	3
- Resources	1	7
- Transparent accounting	1	8
* <i>Related to the activity</i>	5	5
- Field of operation	5	5
Total objective	30	24
- EVALUATIVE		
* <i>Related to the organization</i>	63	35
- Experience	5	9
- Expertise	12	8
- Reputation	4	2
- Independence	3	2
- Trust	5	2
- Networking	2	4
- Internal organization	6	7
- Specific interests	20	1
- General interests	6	0
* <i>Related to the activity</i>	4	18
- Past results	4	2
- Project	0	16
Total evaluative	67	53
• APPLICATION OF CRITERIA		
* <i>Formal prerequisites</i>	15	13
* <i>Actors in the identification process</i>		
- Institutional assessment	20	15
- Org. self-appointment	7	0
- Peer review	6	2
- Hybrid	1	0
* <i>Tools and procedures for the publicity</i>		
- Internet	15	16
- Official journals etc.	4	2
- Direct invitation	1	0
- Network organizations	3	0

Active Citizenship Network 2004

3.2. Analysis of the existing criteria

As already mentioned, the research included a survey on the existing criteria for the identification of representative citizens' organizations as actors in policy making, based on the governments' and institutions' answers to questionnaires and official websites. This information was gathered distinguishing the phase of policy formation from the one of implementation. The results are summarized in the table 1 and can be analyzed as follows.

Status and scope of criteria

With regard to the dimension of *policy formation* positive criteria are reported in 31 cases, just as often as non-positive criteria are. They are most frequently set forth in policy documents, rather than in laws and in unwritten form. In any case, written criteria largely prevail over unwritten criteria. As for the non-positive criteria, open procedures

appear most frequently, and flexible criteria are mentioned by a relevant number of institutions as well. About the scope of the criteria, they are in most cases sectoral. This could indicate the lack of a general policy regarding citizens' organizations, already noted in other research projects of Active Citizenship Network¹⁵.

As for *implementation phase*, there are very few reports of implementation criteria written in laws, while the frequency of reports of criteria written in policy documents are more or less the same. This fact could be explained by the circumstance that implementation is considered a typical administrative activity, while formation of policies is commonly regarded as a more "political" activity – and thus lends itself better to being governed by laws. Non-positive criteria, on the other hand, have not been reported for the implementation phase. The open procedure, which came in first place in the policy formation stage, was not reported at all in the implementation phase. This suggests that when relevant resources and activities are at stake (as they are in the implementation of policies), institutions have a greater incentive to fix positive criteria. While open and flexible criteria seem to be considered more appropriate for consultation, identification criteria is much more rigorous for such activities as providing social services.

Kinds of criteria

With regard to the *policy formation* phase, criteria linked to the soundness of the organization, both objective and evaluative, are much more frequent than criteria linked to the organization's activity. This could mean that, in the formation of policies, the concrete activities of citizens' organizations are not a source for the assessment of their ability to be a part of the government process. A second observation is that evaluative criteria appear twice as often as objective criteria do, according to the official sources. This result, probably unexpected for many civic NGOs facing bureaucratic requirements, could be an example of divergence between provisions and views of institutions and reality on the citizens' organizations' side.

As for the *implementation phase*, we see a similar gap between criteria regarding the organization and criteria regarding its activity: criteria related to the organization appear more than twice as frequently as criteria related to activity. The gap, though, is less than in the policy formation phase. The reason for this difference is that, in the implementation phase, the policy's direct impact on reality is at stake. As a result, operational factors are much more important to implementation than they are in the case of policy formation, where discussions and decisions are in the foreground.

From the analysis of kinds of criteria a relevant difference between formation and implementation phases emerges. This is shown by an examination of the top criteria in the two dimensions, summarized in the table 2.

Tab. 2 – Top criteria in the dimension of policy formation and implementation

	Top criteria	No. of refs.
Formation	Structure and competence	27
	Advocacy	26
Implementation	Practical ability	40
	Financial situation	15

Active Citizenship Network, 2004.

¹⁵ ACTIVE CITIZENSHIP NETWORK (2004), "Public Institutions Interacting with Citizens' Organizations: A Survey on Public Policies Regarding Civic Activism in Europe", Rome: paper.

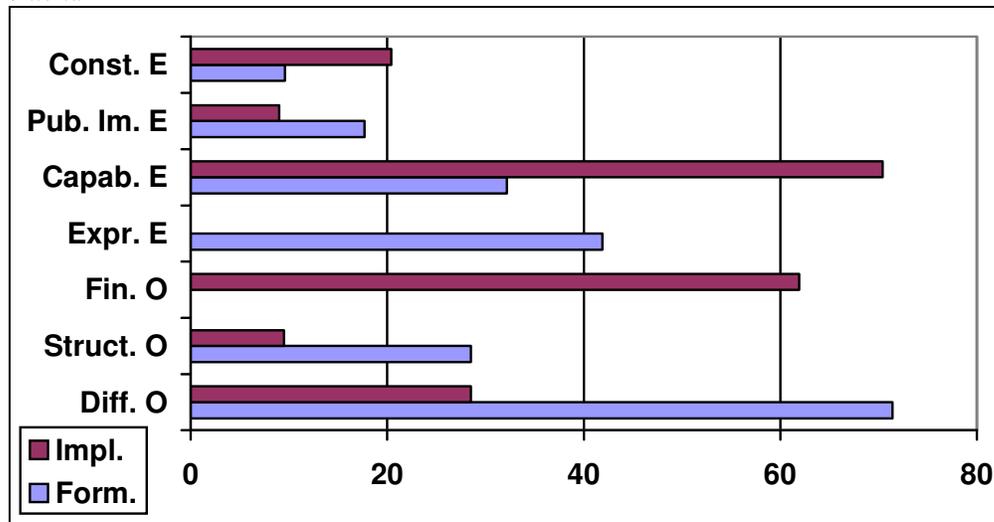
It must be noted that the only criterion which is relevant in both dimensions is expertise. On the one hand, this supports the hypothesis that standards for the identification of citizens' organizations are dealt with in completely different ways in the formation and implementation phases. On the other hand, it shows the governments' tendency to consider and use citizens' organizations just as experts, thus neglecting their particular nature and their specific know-how.

In order to further verify the existence and meaning of the difference between formation and implementation, a comparison between groups of criteria has been carried out. The groups were the following:

- Objective criteria
 - * *Diffusion*: Territorial scope + Field of operation + Degree of operation
 - * *Structure*: Size + Stability
 - * *Financial status*: Resources + Transparent accounting
- Evaluative criteria
 - * *Expression of interests*: Ability to give visibility and voice to specific + general interests
 - * *Capability*: Experience + Expertise + Past results + Project
 - * *Public image*: Reputation + Independence + Trust
 - * *Constituencies*: Internal organization + Networking

The result of the comparison is illustrated in the following graph. The graph is based on percentages relative to the partial totals of the two dimensions. Capital letters E and O distinguish clusters pertaining to evaluative and objective criteria.

Figure 1: Comparison between Implementation and Formation dimensions with regard to the kinds of criteria



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The table shows two main divergences between the formation and implementation dimensions. The expression of interests is of the utmost importance in formation, while it does not appear in implementation. By contrast, financial status is really important in implementation and irrelevant to the formation of policies. Another relevant divergence regards capability, at one extreme, and diffusion on the other. Capability is the most important criteria in implementation, but less relevant in formation; diffusion is the most important criteria in formation, but of low rank in implementation.

It must also be noted that evaluative criteria appear twice as frequently in the implementation phase than objective criteria do.

What is the essential difference between the formation and implementation dimensions? What is really important in policy formation is the organization's relation to the targets of policies and the relevance of its constituencies, while what seems important for implementation is the organization's reliability in operational and financial terms.

Application of criteria

As for the *formal prerequisites*, the practice of requiring the fulfillment of formal prerequisites in order to access the process is quite widespread. With regard to European Union countries, it reflects a general attitude of public institutions towards citizens' organizations. Formal prerequisites create obvious burdens upon citizens' organizations.

As for the *actors of identification process*, in the formation phase, institutional assessment comes in first place, though other procedures involving non-state actors are quite widespread. On the contrary, in the implementation phase, institutions seem to have a virtual monopoly over the identification process and non-official actors have practically disappeared. This means that while identification processes for participation in policy formation are more open, processes for inclusion in implementation appear more rigid and oriented from the top down.

As for the *tools and procedures for the publicity of criteria*, the main features of publicity procedures that emerge from these data seem to be the following:

- The Internet is by far the most recurrent tool in both phases,
- It seems there is very little practice of direct invitation to organizations to participate,
- The role of second-degree organizations (e.g. networks) appears to be marginal.

As for the *forms of facilitation*, from the information obtained, it could be affirmed that governments are not particularly concerned with facilitating citizens' organizations in fulfilling requirements for the participation in policy-making process. International institutions and the European Union seem to be relatively more sensitive to the matter than national (especially European national) governments.

3.3. Findings of the case studies

The case studies regarding European Union, Italy, Poland and United Kingdom (interviews with a total of six civic leaders and government representatives on the local situation, existing problems and divergences as well as proposals) produced both general results and results related to the process of identification of civic NGOs.

General remarks

In general terms, the main pieces of information coming from the case studies are the following.

- The practices referred to in case studies mainly regard the dimension of policy formation. This could suggest that the implementation phase is not considered as a part of policy making process in which citizens' organizations must be involved on the basis of their ability to fulfill required criteria, but rather as a contractual matter.

- Bearing in mind the distinction, made in point 3.1, between objective and evaluative criteria, it could be said that these criteria reveal themselves as mixed and overlapping in reality.
- In many cases we see a wide variety of criteria, behaviors and habits. This regards not only the application of rules and standards, but also their definition and content.
- Though a huge implementation gap was expected, and in fact emerged from the case studies, what is more surprising is that the main feature of this gap has to do with relative degrees of complexity. While the governments' provisions are rather simple and straightforward, the reality described in the case studies is far more complex.

Emerging elements of identification process

Definition of rules, standards and criteria. In all the case studies, rules define the participation in policy making not as a citizens' organizations' rights, but rather as a institutions' prerogative or privilege. Though the rules are in fact more or less binding upon institutions, participation in policy making is still not a right. In all the case studies as well, different criteria coexist. In some cases, it emerged that, in relation to the distinction between policy formation and implementation, two different sets of criteria are established and used. In two cases, politicians' and officials' high degree of discretion is explicitly reported. In one case, the criteria of past relations between officials and citizens organizations is mentioned. Only one case reports that citizens' organizations participate in the definition of criteria.

Tools and procedures. Some institutions have established guidelines or codes of conduct, which include criteria for the identification of citizens' organizations. Others have established a "distribution list" open to all citizens' organizations interested in being chosen. In one case the tool of the institution of committees is widespread, though no precise criteria for their formation seem to be in place.

"Noise" factors, hidden criteria and intervening variables. As for the implementation of citizens' organizations identification process, the existence of hidden (or "shadow") criteria, as well as of other factors hindering a right and fair implementation of criteria has emerged. Most important elements are the following.

- diversity in the application of criteria according to the individuals or departments in charge;
- arbitrariness and lack of transparency in the choice of organizations allowed to participate in policy making;
- informal relations giving an advantage to well-established organizations;
- identification based on partisan criteria;
- priority given to organizations' lobbying ability rather than to the real expression of people's interests and rights;
- public officials' reliance on institutional traditions and habits rather than the content of rules and laws.

It was noticed also the existence of intervening variables, able to cause the result of the identification process. Among them the following can be reported.

- the huge influence of political and institutional culture, attitudes and relationships over the identification of citizens' organizations;
- the relevance of organizational and logistical matters, such as the length of notice, the time and place of the meeting, as well as the existence of forms of support to citizens' organizations to enable them to be physically present;

- civic NGOs' own lack of time, human resources and competences, as well as their power deficit in the face of public institutions;
- the existence of cognitive divergences between politicians and public officials on one side and citizens' organizations on the other.

The lack of assessment of the fulfillment of the criteria and the difficulty to make real use of the results of consultation were mentioned as well.

Among the effects of these intervening variables is the fact that participating organizations are not always the most representative ones. The exclusion of less organized or small organizations and the privileging of "capital city" organizations were also reported.

Success factors. The case studies also pointed out some actual or potential success factors in the process of the definition and application of criteria for citizens organizations' participation in policy making. The following actual success factors were indicated:

- use of the official website in order to make the process transparent;
- cooperation of citizens' organizations in the definition of the criteria;
- use of public hearings as a tool for consultation;
- rules that are not too rigid, in order to avoid any risk of formalism;
- integration of "representative" committees with local groups;
- reduction of public officials' discretion;
- more space to networks;
- institution of a civic NGOs database.

3.4. *Findings coming from partner organizations' evaluation of existing criteria*

The Position Papers of partner organizations made it possible to give value to their critical opinions and proposals, as a "citizens' organizations jury", active in a process of deliberative democracy. As for the partners' opinions on existing criteria, two kinds of data must be mentioned.

Criteria pros & cons

The first regards the arguments that were voiced most frequently by the partners, in favor or against particular criteria. The list that follows sets forth those arguments made by at least 3 partners, starting from the most recurrent.

- Written criteria have the disadvantage of privileging limited number of better-equipped organizations, and can limit the participation of small, new, less experienced, grassroots or politically-uncomfortable ones. (7 partners)
- Unwritten criteria have the disadvantage of favoring well-established, well-known and/or well-connected organizations, and tend to exclude new and innovative organizations. (6 partners)
- The objective criterion of resources has the disadvantage of favoring large, wealthy, well-established NGOs, while excluding smaller and younger ones. (5 partners)
- Financial support has the advantage of helping NGOs and minority groups to meet the criteria in the first place or otherwise facilitating participation. (5 partners)

- The objective criterion of territorial scope has the disadvantage of wrongly excluding such organizations as: grassroots, highly specialized, small, local or regional NGOs. (4 partners)
- The objective criterion of stability has the disadvantage of functioning as a barrier to newcomers. (4 partners)
- The evaluative criterion of trust has the disadvantage of favoring established organizations. (4 partners)
- Identification on the exclusive basis of institutional assessment has the disadvantage of endangering the independence of NGOs. (4 partners)
- Written criteria have the advantage of enhancing transparency. (4 partners)
- The evaluative criterion of expertise is of the utmost importance (4 partners), but it must be grounded on or combined with practical experience. (3 partners, out of the 4 above)
- Written criteria have the advantage of increasing accountability. (3 partners)
- The objective criterion of size has the disadvantage of favoring large and wealthy NGOs, while excluding smaller, but still valuable, ones. (3 partners)
- Publicity by direct invitation has the disadvantage of excluding newcomers. (3 partners).
- Facilitation by giving organizations enough time has the advantage of enabling them to succeed in the process. (3 partners)

What is so striking about this list is that a total of 8 out of the 9 disadvantage arguments all make the same point: the factor in question tends to favor “strong” organizations, variously referred to as wealthier, bigger, national, older, better-connected, better-equipped, and to inhibit weaker ones (poorer, smaller, local, newer, more isolated, etc.). This is even more striking if just the top two arguments are considered: *both written and unwritten criteria can discriminate against the weak in favor of the strong*. Partners’ overriding concern is that both clear written criteria, and the lack thereof, can entrench the status quo, keeping out newcomers and minorities.

Consensus Index

The second piece of information comes from a “consensus index”, built using a simple algebraic summation to illustrate the level of consensus surrounding the value of individual criteria. The consensus value attaching to each criterion was calculated by taking the number of partners making one or more argument in favor, and subtracting this by the number of partners making one or more argument against. The consensus values can be interpreted as follows:

- Low consensus (positive or negative): +1 to -1
- Medium consensus (positive or negative): +3 to +2, -2 to -3
- High consensus (positive or negative): >+4, <-4

As for the Status and Scope of criteria, the result is the following:

Tab. 3 – Consensus Index of Status and Scope of criteria

Criteria	Consensus Value
- POSITIVE CRITERIA	
* Written: general	2
* Written: laws	1
* Written: policy	0
* Unwritten	-7
- NON-POSITIVE CRITERIA	

* Open procedure	-5
* Flexible process	1
* Arbitrary	-4
- SCOPE	
* General	-1
* Sectoral	3

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The partners manifest a deep ambivalence over the value of written criteria as such. 10 partners highlighted the value of written criteria, the strongest overall expression of support to emerge from this analysis. And yet 8 partners, in fact many of the same ones, also underscored the possible disadvantages of written criteria. Viewing this together with the partners' top concerns, we recall that 7 out of these 8 made substantially the same argument, namely that written criteria can privilege better-situated organizations while disadvantaging less powerful or newer ones. This result is confirmed by the very high consensus (the highest one registered here) against unwritten criteria. Only one partner spoke out in favor of unwritten criteria, for the consistent reason that they enable greater flexibility.

As for the Kinds of criteria, the value of Consensus Index is as follows:

Tab. 4 – Consensus Index for Kinds of criteria

Criteria	Consensus Value
- OBJECTIVE CRITERIA	
* Organization	
- Size	-1
- Territorial scope	0
- Degree	1
- Stability	-3
- Resources	-4
- Trans. Account.	2
* Org.'s Activity	
- Field of operation	-1
- EVALUATION CRITERIA	
* Organization	
- Experience	-2
- Expertise	3
- Reputation	-3
- Independence	-2
- Trust	-3
- Networking	-
- Internal org.	-
- Specific interests	-1
- General interests	-
* Org.s' Activity	
- Past Results	-3
- Project	-

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Objective criteria. The most common criticism, leveled against 5 out of the 7 objective criteria discussed here, is that they wrongly exclude otherwise qualified or relevant organizations, especially smaller, newer and weaker ones. This criticism befell the resource criterion most heavily (high negative consensus value of -4), then stability (-3), size (-1) and field of operation (-1). This criticism also underlies the ultimately low consensus (0) on territorial scope. Partners also provided sound arguments in favor of these objective criteria. This suggests that while there might be many good reasons to

adopt them, this should be combined with some kind of mechanism to make them more sensitive to the kinds of organizations that they would otherwise be likely to exclude.

Evaluative criteria. With respect to the evaluative criteria as well as to the objective ones, partners worried that specific criteria, especially trust (-3), but also reputation (-3) and experience (-2), might disadvantage newcomers. By the same token, past results also attracted a medium negative consensus (-3), mainly for the same reason of disadvantaging newcomers. Expertise attracted a medium positive consensus making it stand out as a particularly favored criterion overall.

Finally, the value of Consensus Index for the application of criteria has given the following results:

Tab. 5 – Consensus Index for Application of criteria

Criteria	Consensus Value
- Formal Prereq.'s	-4
- Actors	
* Institutional Asses.	-5
* Org. self-appt.	1
* Peer review	-1
* Hybrid bodies	1
- Publicity	
* Internet	0
* Official gazette	-1
* Direct invitation	-2
* Network org.	-
- Facilitation	
* Support	5
* Time	2
* Inclusion of weak	-

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Formal prerequisites. In commenting on existing criteria, partners expressed only a negative evaluation of formal prerequisites. Here too, their most pressing concern was the ultimately arbitrary discouragement or effective exclusion of less privileged organizations.

Actors in the identification process. Partners found institutional assessment to be the most problematic, giving it a high consensus value of -5. Also disfavored, though much less so, was identification by peer recommendation (-1). Self-appointment and identification by hybrid bodies received lukewarm support.

Publicity. Some partners did insist on the general importance of the publication of criteria for improving their effectiveness and avoiding authorities' interpretation of the criteria to suit themselves. Direct invitation, which makes publicity dependent on institutional initiative, raised the most concern, and attracted a negative value (-2) for the familiar reason that it particularly risks excluding small, newer, less well-known organizations.

Facilitation. Partners spoke out strongly in favor of forms of facilitation, especially the advantages of financial support to enable organizations' participation.

4. A framework for the identification of the civic NGOs to be involved in policy making

The project lead also to an attempt to identify a new framework of principles, criteria and procedures for the involvement of citizens' organizations in policy making process. This attempt went from the gathering and discussion of partner organizations' proposals to the formalization of such a framework.

4.1. Proposals coming from partner organizations

In their position papers, 25 partner organizations out of 30 submitted their proposals either of reform of existing criteria and their implementation modalities, or of introduction of new ones.

Single proposals

The single proposals supported by at least 4 partners are:

- Transparent procedures (8 partners);
- Written criteria (5 partners);
- A general legal framework (5 partners);
- The definition of criteria according to the policy phases (5 partners);
- The accessibility and public availability of criteria (5 partners);
- The criteria of experience (4 partners);
- The flexibility of criteria (4 partners);
- To avoid a process based on personal contacts (4 partners).

The most important item for the partners is not a specific criterion, but the transparency of the procedure itself. The second and third proposals both regard the existence of written criteria, even if the third one is much more precise and restrictive than the second one. The partners' statements demonstrate that the high ranking of these proposals is linked to two main considerations: first, the request for a right to participate and the possibility to demand a court for its respect; second, the need for the transparency and accessibility of the criteria, which is better guaranteed by written than by unwritten criteria.

The preference for the definition of criteria according to the different policy phases indicates that most partners think that the criteria for participation in the definition of policies (consultation) should be different from those applying to the implementation of policies, which often imply the provision of services and/or the access to public funds. Partners often advocate broad or open access (see data on open procedures) in the first case and more selective procedures in the second one. The accessibility and public availability of criteria is an important condition for a fair process. This is very much linked to the demand for written criteria. The organization's experience is the only criterion mentioned by more than 4 partners.

All this seems to confirm that, more than the criteria themselves, what matters most is the way in which they are publicized and applied. The flexibility of criteria reveals in particular a concern for their adaptability to the diversity and the rapid evolution of civic organizations. This does not contradict the demand for written criteria, since many partners supported the existence of a general legal framework; flexibility can be guaranteed by a policy for the application of the criteria. Several partners criticized the

fact that in their countries, processes were based on personal contacts, and as a result, newcomers and organizations expressing dissenting voices were often excluded.

Clusters

Starting from those with the highest consensus, the clusters of proposals supported by at least 6 partners are those pertaining to:

- the publicity of the criteria (12 partners);
- the specific scope of the criteria (8 partners);
- the criteria of experience and its various applications (8 partners);
- the criteria of expertise and its various applications (8 partners);
- transparent procedures (8 partners);
- the legal status of criteria (6 partners);
- the criteria of transparency (6 partners);
- open procedures (6 partners).

The proposals dedicated to the best ways to publicize the criteria are far more numerous than the other ones. It seems to indicate that many organizations feel *de facto* excluded from the participation processes because they don't know about the opportunities and the criteria they must fulfill to take part in the process. The dissemination of information is thus a vital factor of success of the process. As regards the specific scope of criteria, it reflects both the preference of partners for criteria defined according to the different policy phases and for sectoral criteria, rather than general ones.

However, sectoral criteria are not incompatible with a general framework supported by many proposals, the principles of which can be specified, interpreted and adapted by every ministry or department. Experience and expertise are the first two categories of criteria mentioned by the partners. Both are qualitative criteria and it is noticeable that no quantitative criteria appears among the most quoted proposals. They are both considered as especially important in the implementation phase and expertise is mentioned as obviously necessary in the case of expert consultations involving NGOs. It is also interesting that one partner supported expertise, but only combined with practical experience in the field.

The criteria of transparency mainly refers to the organizations' accounting and it is proposed in particular with reference to the implementation of the policies, since it often involves the managing of public funds by civic organizations. Finally, 6 partners have supported the open procedures of identification but most of them limit this proposal to the consultation, considered as a democratic forum in which all organizations should be able to participate.

The ranking of these proposals confirms the main concerns of civic organizations: the risk of exclusion of small, weak and new organizations (even if open procedures do not necessarily appear as the best remedy), the fear for influence / control of the state over the civic NGOs and the distrust in the fair application of the criteria by the institutions.

On the basis of the discussion developed on the draft report during the Brussels conference, proposals for a new way to identify civic NGOs to be involved in policy making have been put forward. They have been divided in basic and operational assumptions.

4.2. Basic assumptions of the proposal

Warnings

ACN's proposal assumes some fundamental elements of democratic life, obvious but reiterated in order to avoid misinterpretations of it:

- Citizens' participation in policy making is completely different from political parties' activity in democratic institutions, however we define "participatory democracy"
- Citizens, as individuals and as organizations, have the right to participate in shaping democratic life and addressing public problems, both through elections and belonging to political parties, and by getting together and building self-organized associations and movements; and this activity does not require any institutional permission or selection
- The issue of representativeness arises with regard to a specific feature of citizens' participation in democratic life: the formation or the implementation of government programs aimed at addressing public problems.

Starting points

The proposed framework starts from an objective situation which can be summarized as follows:

- While citizens' organizations are actors in public policy making even when they are not recognized by public institutions, sometimes there is a close collaboration between these organizations and institutions.
- Often, the representativeness of citizens' organizations is made by institutions as a condition for partnership, though without any precise or shared definition of "representative" (as in the case of art. 46 of the EU draft Constitutional Treaty).
- In any case, public institutions that involve citizens' organizations in their policy making activities do identify those that consider to be more representative (in the sense of the ability to "stand for" and/or to "act for" someone or something else).
- Very often the process of identification is implicit, unconscious or even arbitrary or informal, so that the process itself risks being unfair, privileging the stronger and more well-established organizations.
- Citizens' organizations tend to claim having voice and participating in policy making, declaring their ability to "act for" and to "stand for" people, situations, denied rights, etc.
- Whenever citizens' organizations participate in the policy making process, at least one criterion for their identification is operating. Even when it is explicitly declared that no criteria is applied, some criteria are operating.
- The best thing to do, therefore, is to establish criteria and procedures able to guarantee the fairness, equity and transparency of the process itself and to avoid the perverse effect that have been noticed above.

From representativeness to relevance

In order to overcome any possible ambiguity and to give a more precise name to the fact and the problem at stake, it has been proposed a shift from the term "representativeness" to the term "relevance" of civic NGOs.

Relevance in general can be defined as the specific importance of a fact compared with its achieved or achievable effects. In the case of civic NGOs, it can mean for relevance the fact that they can make a difference in the policy making process, thanks to one or

more of their characteristics (skills, track record, territorial diffusion, experience and expertise, ability to give voice, etc.).

Thanks to the concept of relevance, the issue of the representativeness of civic NGOs can be conceived as a matter of ability rather than a matter of essence. While the concept of representativeness appears an absolute concept, relevance is a relative and pragmatic one. It means that an organization's relevance depends on particular needs and situations. Relevance is contextual; a citizens' organization cannot be relevant in itself.

It means that when institutions require the "representativeness" of civic NGOs, and when citizens' organizations themselves claim to be "representative", they both refer to a feature that could be better defined as relevance.

4.3. Operational assumptions

Seven basic principles

On the basis of the rich amount of data and information coming from the research, a set of statements regarding the criteria for the identification of relevant civic NGOs has been put forward.

Right, not discretion. It must be recognized that all citizens' organizations have the right to be identified as partners in the policy making process on an equal basis and without any arbitrary discrimination. Public institutions cannot consider the involvement of civic NGOs as a prerogative or a privilege, to be granted if and when they consider it timely, useful or innocuous.

Publicly stated rules and criteria. Criteria for the identification of relevant citizens' organizations must be established in a public way and in advance, and the rules for their application must be well-known to concerned actors and applied in a fully transparent way. It is natural that criteria do include some organizations and exclude others, according to the situations and policy phases and programs; but this must happen in a way that does not leave any doubt or suspicion surrounding the process of identification and the reasons behind its outcomes.

Mixed criteria. Criteria for the identification of relevant civic NGOs must be both general and specific. They must be general, since citizens' involvement in policy making is supposed to be a general policy of public institutions; sectoral, because it is necessary to take into account both the differences between the policy fields and between the phases of formation and implementation. Criteria must also be both objective and evaluative, in order to avoid bureaucratization on the one hand and arbitrariness on the other.

Flexible norms. Criteria and rules must be flexible and thus able to take into account both the different situations and the nature of the citizens' organizations involved. This implies the exercise of a high level of responsibility on the part of policy makers and public officials. "Men without rules" can cause unfair choices, but "rules without men" can cause blindness.

Priority to procedures. Concrete procedures for the application of criteria have emerged as the sore point of the present situation. No good rule or criterion can be successful

without equal attention to the definition and implementation of fair, rational, public, transparent and effective procedures.

Accompany norms with policies. The definition of criteria and procedures for the identification of relevant citizens' organizations must be accompanied by a public policy aimed at creating the conditions for the access of civic NGOs to the process. This policy should encompass measures regarding information, communication, material support and capacity building in favor of the civic partners of governments. It thus implies deep changes in the way governments work.

Involve civic NGOs in the definition of criteria. Last but not least, civic NGOs must be called upon to participate in the discussion and definition of criteria, procedures and policies. This is necessary not only to obtain their preventive consensus to limit future problems, but also to learn from their very unique experience and competence.

Guidelines

Together with these basic principles, a set of operational principles for the identification of relevant civic NGOs have been proposed:

- Criteria of relevance should be selected case by case on the basis of the concrete situation to be dealt with.
- The process of choosing the pertinent criteria should be implemented through an open and public procedure.
- Citizens' organizations should be invited to participate in the definition of the criteria.
- Chosen criteria should be communicated and publicly used to evaluate the relevance of civic NGOs in specific situations.
- The assessment of which organizations fulfill the criteria should involve citizens' organizations, for example through the use of mixed bodies.
- The conclusion of the process and the reasons for the identification of some organizations as more relevant should be formalized and publicized.
- The possibility of appealing against the result of the process to a third party should be granted to excluded organizations. The third party should act as a conflict manager rather than as a court.

5. Conclusions

The purpose of the project presented in this paper was to identify, describe and analyze the phenomenon of the existing criteria for the identification of representative civic NGOs as actors in the policy making process and to bring together citizens' organizations information, opinions and proposals for the change or better use of such criteria – thus illuminating the concrete side of the issue of representativeness of citizens' organizations.

From the development of the project resulted that *public institutions interacting with citizens' organizations* at the national, supranational and international levels generally seem to *use criteria for identifying those to be involved. These criteria can be positively stated or not, general or sectoral, objective or evaluative, focused on the organization itself or on its activity.* They may explicitly or implicitly leave a relevant space for open procedures of consultation. *Criteria differ markedly between the policy formation and policy implementation dimensions.* In the formation of policies criteria refer mainly to

organizations' concrete relationship with the targets of policies, as well as to the relevance of their membership and constituencies; the application of such criteria is not the exclusive responsibility of institutions, since a role for the organizations themselves and other actors is often established. In the implementation phase, by contrast, criteria are focused on the operational skills and financial accountability of the organizations and they are usually explicit. Criteria relating to the organizations' activity are very important, and the application of such criteria is a monopoly of institutions. In both dimensions, sectoral criteria prevail over general ones, evaluative criteria are much more frequently mentioned than objective criteria, formal prerequisites govern threshold access and Internet is the prevailing means of publicizing the criteria.

Passing from official declarations to what really happens, *a big gap* emerges. *Different identification criteria are often overlapped* and used at the same time; a significant degree of *divergence in the application of criteria*, as well as *arbitrariness* and *partisan spirit* are common. The influence of *hidden criteria* (such as previous or informal relations of an organization with public officials) and the *lack of publicity and transparency* characterize the implementation of process as well. Not even such tools as codes of conduct or distribution lists seem able to assure certainty and fairness in the identification of citizens' organizations.

This divergence between official statements and reality has a paradoxical, perverse effect: while rules would theoretically ensure equality in citizens organizations' access to the policy making process and in their treatment by institutions, what happens in reality is that these rules favor strong and well-established organizations, to the detriment of small, new, local or specialized ones. The practical implementation of criteria produces the opposite effect from the one that the definition of those criteria aims to achieve: *instead of ensuring certainty, equality and fairness, it leaves room to uncertainty, arbitrariness and partiality*. In other words, the effects of the use of criteria is the opposite of what one would like to achieve establishing them.

This situation produces a marked *syndrome of distrust* on the part of citizens' organizations interacting with institutions on public issues. Most of the partner organizations' critical remarks regard indeed the fact that *the process makes the strong stronger and the weak weaker*. It follows that *what is of crucial importance is the way that the criteria, whatever they are, are applied*. Moreover, looking at the specific critical remarks of partner organizations with regard to individual criteria, their mainstream view is that *existing criteria are hardly able to recognize the very nature and specific role of the plural and multiform phenomenon of civic activism in the public sphere*.

There is no doubt that this situation is damaging to the development of civic activism and also risky for institutions. It is *damaging for citizens' organizations* since it hinders the evolution of civic activism towards forms and operational patterns consistent with the growing responsibilities of citizens in contemporary democracies. It is *risky for institutions* because the support of citizens' organizations (or horizontal subsidiarity), both in terms of information and "social license to operate," and in terms of practical skills and operational cooperation, is a vital resource for the future of governance.

Positive elements have been highlighted as well. A general *awareness of public institutions* of the issue of criteria for the identification of representative citizens' organizations as partners in policy making clearly emerged from the research and has been considered as a basis for an enhancement. The *sensibility, commitment and*

competence shown by partner organizations in taking a position and defining precise proposals is a resource to highlight.

Last but not least, from the survey and the debate on its results a new framework to operationally address the topic of the representativeness of citizens' organizations has emerged. It is based on the shift from representativeness to relevance; on the mixed use of "objective" and "evaluative" criteria; and on a procedure able to overcome the existing distrust of citizens' organizations on the institutions' practices.