

Building Dialogue Between Government and Civil Society | Democratic Freedoms Learning Network

13 December 2022

Background

The meeting on 13th December 2022 formed part of the [Democratic Freedoms Learning Network](#) (DFLN), convened by the Open Government Partnership aimed at providing a forum for dialogue among reformers to advance efforts to protect democratic freedoms and civic space, including upholding rights of assembly, association, expression, and privacy.

This meeting was the first of a series of smaller meetings to discuss specific topics and create spaces for learning and exchange. The meeting focused on initial steps to create and facilitate dialogue between government and civil society and the steps and structures needed to support ongoing engagement. It focused on engagement with organised civil society rather than citizen engagement – including government-NGO platforms, standing consultative bodies or more informal NGO led spaces for exchange.

The meeting looked at:

- the **building blocks** for engagement with civil society;
- steps towards **creating spaces for exchanges**; and
- the **safeguards** needed to ensure spaces are and remain spaces for critical reflection.

Building Blocks

To kick off the discussion, Ott Karulin from Estonia outlined three key elements that they have put in place in Estonia to build a framework for engagement with civil society. This include:

1. A **legislative basis** for engagement requiring the government to involve those affected by decisions in the decision making process itself. It provides a [framework for participation](#) and the space to demand engagement.
2. A **conductive digital / physical environment**. In particular advanced e-governance has helped facilitate access to information. Currently the government is looking to shift the starting point of the discussion from the current entry point of a draft law/policy to the moment an issue is conceived or a problem identified. A new site will enable citizens and CSOs to co-create policies.
3. **Access to resources** to ensure funding for key initiatives, skills and capacity building. To ensure trust and independence a [National Foundation](#) was created with an independent advisory board to ensure resources are provided at arms length.

Overall engagement is seen as a strategic goal and included in the long-term 'Estonia 2034' strategy.

Others shared a number of other key building blocks:

- A **set of values and principles** that were developed in Ireland. The [document](#) was co-designed between government and civil society and then approved and adopted by parliament. It established government and civil society as equal partners and provides an important basis for further engagement.
- A **model for collaboration** developed in Sweden that built on work done by the Council of Europe. It consists of a [set of principles](#) for engagement at different phases: the identification phase; planning phase; and lessons learned phase.
- A **civil society academy** in Finland for civil servants across varied government departments (not only those regularly engaging with civil society) and aims to develop skills, attitudes and knowledge around the role of and engagement with civil society.
- The importance of a **clear value proposition**, ensuring that there is a clear understanding on both sides, a willingness to engage and the necessary skills to encourage effective participation are developed.

A cluster of questions arose during the discussion, including how to ensure diverse participation so that the government is not ‘over-engaging’ certain NGOs and failing to reach those who might be less organised or more difficult to reach; and relatedly how to ensure an understanding of the diversity of civil society, dynamics across the sector and ongoing challenges.

Creating Spaces for Exchange

The next part of the meeting looked at a number of specific examples where governments have taken action to create specific spaces for exchange.

Ireland Civic Forum - Kieran Moylan and Lisa Keveney

Ireland created a new Civic Forum in November 2022 designed to be a deliberative forum bringing together key leaders from CSOs and local/national government. The first meeting brought together around 90 civil society leaders and 30 government representatives. The event was co-designed between government and civil society and forms part of a broader strategy with the non-profit/voluntary sector.

Irish civil society organisations play a significant role across Ireland. A national social partnership had existed for over 20 years but this broke down in 2008 with the economic collapse and shift to austerity. The Civic Forum is a step towards recreating a broad space that can address issues impacting the sector as a whole and will link up to existing sector specific fora.

Finland Civil Society Advisory Board - Katju Holkeri

The Finnish Civil Society Advisory Board is set out in legislation. It is chaired on a rotating basis by civil society (currently the Red Cross) and is housed and supported administratively by the Ministry of Justice. It includes around 30 people from civil society, academia and the state who jointly decide on topics for discussion. Currently topics include the next government programme ahead of upcoming elections.

National dialogues are another space for exchange and aim to reach beyond established, organised civil society to vulnerable groups, those who are harder to reach and more informal organisations. A recent [pilot dialogue](#) was held on democracy and defence policy.

EU Agency for Fundamental Rights (FRA) - Fundamental Rights Platform - Wal Heller

The FRA's founding document sets out the need for FRA to cooperate with civil society and ensures that resources are allocated internally. The Fundamental Rights Platform is one formal channel for engagement and brings together over 800 members from civil society, trade unions, professional associations and academia. It comprises three key aspects:

- Information to the FRA: comprising advice to EU agencies through online consultations and other channels;
- Information from the FRA: around publications, advocacy messages and key priorities; and
- Connections between organisations across different countries working on similar challenges: e.g. strategic litigators, human rights communicators etc.

The platform is open to all organisations / individuals who self-identify as working on human rights. In one case FRA had to exclude a group for hate speech and subsequently defend a challenge by the group to the Ombudsman, which FRA won.

Discussion

Further examples as well as challenges were raised during the discussion. **Sweden** shared the example of their national dialogue and consultation body, [NOD](#), where national level issues can be raised by government and civil society. Civil society representatives are elected by civil society and the chair rotates between government and civil society.

Lithuania shared the experience of a co-creation process led by the ministry responsible for forestry. Unfortunately, some of the stakeholders were not fully on board with the idea of co-creation processes and continued with existing working practices.

Recurring questions centred around:

- how to engage vulnerable or less organised groups – and ensure that they have the resources to dedicate to engagement;
- a sense of ceding responsibility / accountability among civil servants, often based on a misunderstanding of the consultation process and how done well the input of civil society can improve the process and bolster the work of civil servants;
- linked to this is the underestimation of the methodology and skills needed to conduct effective consultations: how to create a safe space; engage in effective facilitation and ensure transparency.
- similarly, ensuring a shared understanding of the process and next steps is critical to ensure both sides are prepared, understand what is required of them and have the time and resources to dedicate to the process.

Safeguards

The final part of the meeting built on the discussions and suggested a number of safeguards needed to ensure that spaces for dialogue remain open, uncensored and spaces for critical reflection. Nikhil Dutta from ICNL put forward a number of suggestions including:

- the **articulation of clear principles for engagement** that are co-designed at an early stage with civil society;
- ensuring that **mechanisms are co-lead** and don't revert to civil society simply participating in government-led mechanisms. Considering an intermediary body like the Estonian Foundation can be a useful option;
- reaching out to a **diverse range of civil society organisations** is important, through open calls for participation, civil society led nominations and proactively reaching under-represented groups; and
- ensuring a **regular model of evaluation** that allows for government and civil society to assess whether the mechanisms are fulfilling their aims.

The meeting provided an opportunity to understand some of the models being implemented by different governments as well as the challenges posed in engaging with a diverse and changing civil society sector.