The Engagement Initiative of EU Citizens and Digital Platforms for Open Policy Making in Finland, the United Kingdom and the Republic of Macedonia

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Abstract
This chapter evaluates the digital platform for the engagement of citizens in the process of open policy making in the Republic of Macedonia, in comparison with digital platforms in Finland and the United Kingdom, based on the EU initiative for citizens’ engagement. The methodological approach in this research relies on an analysis of government policies on the open policymaking process, as well as the digital platforms and digital tools used for this purpose. The open policy-making process was analyzed in all three counties from the following aspects: the legal basis, reforms in the public sector, and tools that enable the engagement of citizens and the reflections of civil society. For this purpose, we have analyzed the findings from the civil society organizations that monitor government performance in open policy-making. It should be emphasized that in this study the issue of open policy-making was analyzed from the perspective of the highest political level, that is a national level. As the findings of the study suggest, all of the three countries involved have a strong commitment to an open policy-making process and have established this process by certain legal instruments. The research revealed that in the UK and Macedonia the process of developing capacities to carry out consultations was attributed to reforms in the public sector. Unlike these two examples, in the case of Finland no major public sector reforms were implemented, consequently the leadership of open policy-making has remained in the hands of civil society. Also, the findings showed that in all three cases legitimacy has been given to civil society organizations and the feedback they provide has had a strong impact on open policy-making. Yet, in some of cases there are still persistent obstacles to be overcome in order to empower the impact of citizens on the final outcome of the process of open policy-making.

Keywords: open policy-making, citizens’ engagement, digital platform, governments’ politics, civil society organizations.
Introduction

The use of digital technology among citizens, civil society organizations and public institutions offer new possibilities within democratic processes. Engaging your “own” citizens or constituents through digital media includes enhancing active participation in law-making, policy-making, and the legislative process, all of which are influenced by a variety of forces - public opinion, debate, lobbyists, special interest groups, consultation with constituents, committee hearings, and expert testimony (Caldow, 2004). In other words, digital tools enable the citizens and civil organizations and provide new space and new ways of communication with public officials, thus increasing the access of citizens to information, strengthening their voice and participations in politics and governance, and promoting increased government accountability. This modern concept, called Open Policy Making, assumes that governments in the 21st Century should not have a monopoly in the process of policy making. In this sense, citizens and civil society should be equally involved in policy-making thereby establishing a partnership with stakeholders. So, open policy-making is about being open to new ideas. Yet, openness is not just a case of simply doing things more transparently, or releasing large numbers of government datasets. It also requires government to identify and involve organizations, individuals and citizens with expertise and knowledge, which government does not have in all areas of its work (Burall, Hughes and Stilgoe, 2013, p. 1).

While new information and communication technologies (ICTs) offer significant opportunities for greater citizen engagement in policy-making, they also raise a host of new questions for governments. For example, how are the rights of access of citizens to information to be ensured in the online era? What aspects of the current structures of government, their organization, resource allocations and available skills need to be changed to respond to new standards in their interactions with citizens? What is the status of online responses from civil servants to queries from citizens, or their submissions to an electronic discussion forum (OECD, 2003).

In this sense, one of the key elements in this process is Civil Service reform. Yet, as stated in NDI study on Citizen Participation and Technology (2013), despite the exuberance for technologies, there is little data available on the impact they have had on the political processes and the institutions they are intended to influence in emerging democracies. Additionally, the organizations
adopting them require new kinds of technical assistance, which has also been only partially studied.

Recognizing the importance of the use of digital technologies and the engagement of citizens in policy making, the European Union launched the so-called European citizens' initiative – Get involved in European policy making. A European citizens' initiative is an invitation to the European Commission to propose legislation on matters where the EU has competence to legislate. A citizens' initiative has to be backed by at least one million EU citizens, coming from at least 7 out of the 28 member states. A minimum number of signatories is required in each of those 7 member states. The European citizens' initiative allows one million EU citizens to participate directly in the development of EU policies, by calling on the European Commission to make legislative proposals. The rules and procedures governing the citizens' initiative are set out in an EU Regulation adopted by the European Parliament and the Council of the European Union in February 2011. A citizens' initiative is possible in any field where the Commission has the power to propose legislation, for example in the environment, agriculture, transport or public health.

The paper evaluates the digital platform for citizens’ engagement in the process of open policy-making in the Republic of Macedonia on the one hand and digital platforms in the United Kingdom and Finland as EU Member States on the other, based on the EU initiative for citizens’ engagement. For the purposes of our research, the countries were selected based on their strong commitment to the open policy-making process.

The methodological approach in this research relies on an analysis of governmental policies on the open policy-making process, as well as the digital platforms and digital tools used for this purpose. In other words, the open policy-making process in this paper was analyzed from the following aspects: the legal basis, reforms in the public sector, tools that enable citizens’ engagement and civil society reflections. Our research was based on data from analyzing the web portals for open policy-making. In the case of Macedonia some of the data was obtained from the Ministry of Information Society and Administration officials.

**Open Policymaking in Finland**

Finland declared its independence on 6 December 1917, after being a grand duchy in the Russian empire for 108 years, and before that a part of Sweden for a period of 600 years. The current form of government is that of a democratic,
parliamentary Republic. Finland currently has a parliament with 200 members in one chamber, elected every 4 years by direct vote. The Head of State is the President of the Republic, elected every 6 years, and serving up to a maximum of two terms. Finland has been a Member of European Union since 1995.

Finland has a population of 5.4 million. The key features of its society and economy are a high standard of education, social security and healthcare, which are all financed by the state. GDP per capita is $35,900 (2013 est.). Finland is the fifth-largest country in Western Europe. The capital is Helsinki (with a population of 1.25 million inhabitants in the metropolitan area).

At the national level, the Ministry of Justice is responsible for the process of open-policy making.

I. Legal Basis

For the purpose of enabling citizens’ engagement and an open policy-making process, Finland amended its Constitution. According to the new provision in the Constitution, which entered into force at the beginning of March 2012, at least fifty thousand Finnish citizens are entitled to vote and have the right to submit an initiative for the enactment of an Act to the Parliament. The Act on citizens' initiative includes provisions on the procedures to be followed when organising a citizens' initiative.\(^3\) These provisions allow citizens to pass complete bills directly to parliament, imposing an obligation on the Parliament to process any bill that collects more than 50,000 signatures from citizens of voting age. Alternatively, citizens can make a proposal for a bill, which will then be examined and potentially drafted by a ministry.

Parallel with the amendments to the Constitution, Finland introduced the European Citizens' Initiative. The Citizen's Initiative Act includes provisions from the previously elaborated EU Regulation. The functionality of this envisaged the Finnish Communications Regulatory Authority to issue a certificate of the technical features of an online collection system to be used in Finland for collecting signatures. However this is not to be mistaken with the system for national online policy making. So, the online service maintained by the Ministry of Justice cannot be used in connection with the European citizens' initiative.

II. Tools Enabling Citizens’ Engagement

The policy-making initiative in Finland refers to drafting a new law or amending an existing one. Either way, the threshold of 50,000 signatures from citizens who are entitled to vote must be met and statements of support have to be collected within six months. The procedure can be begun online with an
electronic signature and there is a procedure for the validation of the identities of voters.

To facilitate the process, a volunteer group in Helsinki has created the *Avoin ministeriö* (Open Ministry) website, an online tool for drafting bills and proposals and gathering signatures. (See Picture 1)

“The Open Ministry is an idea that Joonas Pekkanen came up with last December. Pekkanen, who has been involved in launching Internet-based start-up companies, saw a newspaper article about the citizens’ initiative. He began to recruit volunteer workers for the project from his circle of friends, and the group was formed quickly. The entire operation has started from the grass-roots level. No money from the government or any interest group is involved. Openness and involving everybody in the operation of the ministry has been the central principle behind the activity” (Beadon, 2012).4

This association is politically and ideologically independent.

Most law making efforts start with the assumption that the quality of the laws and presumably the legitimacy of their eventual implementation would benefit from more diverse participation from a wider array of non-professionals. The e-tool on Open Ministry (http://openministry.info/) uses an open source platform representing the latest effort to incorporate wider participation in the law making processes through crowdsourcing – allowing the widest range of input, viewpoints and ideas. The platform provides for: 1) proposing topics for new laws; 2) writing drafts of a law; 3) commenting on drafts; 4) and expressing support or dislike of proposed laws.5

The Open Ministry tries to help the individual proposals meet the criteria of a sufficient number of people who need to be involved in: (1) the policy drafting process, (2) the campaigning process and (3) the parliamentary defence of their proposals.

Even though the mechanism was established in 2012, it took the Finnish Parliament until 2013 to decide how these initiatives would be dealt with. Consequently, the first initiative reached Parliament in 2013. Up until the time of writing only seven initiatives achieved the required threshold. In all of them, the collected signatures were significantly over the threshold. For example in the case of the initiative for same sex marriages in Finland, it obtained more than 100,000 supporters within the first 24 hours, the Animal Welfare Act gained 70,000 signatures, and the Copy Right Act was signed up to by 51,976 names.
III. Civil Society Reflections

Parliament is obliged to take the citizens' initiative into consideration, but thereafter it is at the Parliament's discretion whether or not the initiative will be approved or if it will be amended in some way. If Parliament decides to reject the initiative, a new initiative on the same subject matter may be submitted.

“Each of the six citizen’s initiatives that have proceeded through the proper channels to reach the parliamentary floor for discussion has failed. The Finnish Parliament says it doesn’t have the time to hear them and they can’t be moved to another date. Activists say technical shortcomings are poor justification for the slowness of the process”.6

Of the 266 published initiatives, only six have reached the point where they have passed through the relevant committees and been submitted to Parliament. Civil society identifies the non-transparent manner in which these initiatives are being processed by parliament as one of the obstacles to the success of these initiatives. Only in one case, were the proposals invited into the parliamentary committee for hearing, whereas in the rest of the cases the parliamentary committees were held behind closed doors.7

Social sciences professor Jan Sundberg (2014) does not think the situation is quite so grim. He adds that: “They engender discourse on the matter. Not just among those who have supported the initiative, but also among the larger public. People remember the issue, and perhaps support it by the time the government proposes it for law.”

IV. Political Commitment and Reforms in the Public Sector

Finland made its political commitment to open policy-making when it joined the Open Government Partnership 8, which was established on 9 March 20129, and Finland subsequently joined the OGP in June 2012. The working group has active civil society representatives, and the Open Ministry is one of the most active examples of these. The leadership of Open policy-making in Finland lies in the hands of civil society, therefore no major public sector reforms were deemed necessary in Finland.

Open Policymaking in UK

The conventional name for Great Britain is The United Kingdom of Great Britain and Northern Ireland; Great Britain includes England, Scotland, Wales and Northern Ireland. The population of the United Kingdom is 64,100,000 people (2013 est.).
The type of government is that of a unitary parliamentary constitutional monarchy. The UK legislature is defined by a bicameral parliament which consists of the House of Lords (618 seats; consisting of approximately 500 life peers, 92 hereditary peers, and 26 clergy) and the House of Commons (646 seats since the 2005 elections; where members are elected by popular vote to serve five-year term).

The Gross Domestic Product (GDP) of the United Kingdom was $39,348.82/per capita (2013).

The United Kingdom has been a member of the European Union since 1973.

The Cabinet Office is responsible for the open policy-making.

I. The Legal Basis

In the United Kingdom, the notion of open policy making came along as part of The Civil Service Reform Plan adopted in 2012. The reforming approach is in the setting up of open policy making to become the default. The justification of this is that government must not have a monopoly over policy-making so it has to be “robust, open, honest and constructive”. Furthermore, the Civil Service can be highly innovative and effective in its work, the quality of policy advice is not always consistent or designed with implementation in mind. The key to success is the widening of a range of views and inputs. The ultimate goal is to design policies that reflect the real-world experiences of UK citizens and harness public engagement with the policy-making process. To enable this, the Civil Service Reform Plan suggests a variety of tools, such as a crowd-sourced wiki, wide public input by “crowd sourcing”, and ‘Policy Labs’ which draw in expertise from a range of people and organisations.

II. Tools Enabling Citizens’ Engagement

To understand the openness in policy-making we have researched the possibility for citizen’s engagement, by analysing the section on consultations on the GOV.UK portal (see Picture 2). This shows that the UK had a tradition of open consultations even before 2012. However the commitments to open policy-making significantly improved the practice after 2012 (see Figure 1).

We have looked at the consultations opened in 2014. Our general conclusion is that depending on the complexity of the issue the consultations had a variety of length. However, it can be noted that the majority of them lasted for several months. For example, consultations closed in December 2014 had usually been opened in August or September 2014. The ones opened in
December 2014 were still open in March 2015. Even in the case of a shorter consultation period, the process lasted a minimum of 4 weeks.

The portal reveals whether or not the consultation is open, whether it is in the process of feedback assessment, or if the consultation has been closed. On each consultation there is a summary of comments also reflecting how government answers to received feedback. The government departments take these responses into consideration before making decisions. In some cases there is even an impact assessment analysis of the concrete subject that was open to consultations. For the open consultations, there is an indication of when it closes.

The UK Government introduced a very modern tool – the open policy blog. The Cabinet Office keeps information up to date so people know what they are doing by introducing a blog where it says: “Open Policy Making is broadening the range of people we engage with, using the latest analytical techniques and taking an agile, iterative approach to implementation.” This tool enables direct communications with citizens, direct engagement and first hand feedback on how citizens want their government to work. The blog functions transparently with minim requirements. Citizens can post comments. The Open Policy Making team acknowledges the comments usually within 48 hours. If a comment was deemed to be irrelevant and thus not published, the person who submitted it can ask for an explanation.

III. Civil Society Reflections

When a government initiative with a strong impact on citizens is introduced, it is very likely that a civil society organization will monitor its functioning. In the case of open policy-making in the UK, we came across a profound forum hosted by the Democratic Society (Demsoc). This UK-based membership organisation says about itself that they want to make democracy work for the 21st century, by trying to build a more participatory democracy, based on good information, transparent government, and open decision making.

With a thematic division on the portal, the Demsoc forum helps in two ways: (1) it reflects on government activities thereby enabling them to reach a wider community (citizenry) and (2) it improves government performance by providing feedback on concrete subject matter in the discussion on the forum.

Involve, on the other hand, is a charitable think tank specialising in public participation with a vision towards creating a stronger, more inclusive democracy through opening up decision-making among UK citizens. Their
reflections towards openness in policy-making were submitted in writing. The report offers some recommendations where the government needs to be more attentive so as not to exclude other methodologies while going digital by default, and being aware of the level of expertise of the people in crowd sourcing.

**IV. Political Commitment and Reforms in the Public Sector**

Open policy in the UK is perceived as being a new operating model for government. The Reform plan acknowledged that to enable open policy-making, the change must start at the top. Successful reform will require firm political and corporate leadership across the Civil Service. “The UK civil service needs to change to meet the long-term challenges that all economies are facing.” The Cabinet Office is supporting cross-government consultations and drives the reforming process.

The creation of the UK National Action Plan for open government partnership was exemplary in open policy-making. The UK Open Government Civil Society Network is made up of a group of organisations and individuals committed to making government work better for people through increased transparency, participation and accountability. They want all political parties in the UK to commit to open government.

**Open Policymaking in the Republic of Macedonia**

The Republic of Macedonia is a relatively young democratic country gaining its independence in 1991, in the so-called ‘third wave of democracy’, following the dissolution of the Socialist Federal Republic of Yugoslavia.

The Republic of Macedonia is a small country located in the central Balkan Peninsula in Southeastern Europe, with a total population of around 2 million. It relies upon parliamentary democracy with an executive government elected by a unicameral parliament. The Assembly (parliament) is made up of 123 seats and the members are elected every four years. The role of the President of the Republic is mostly ceremonial and real/executive power rests in the hands of the Government which makes the prime minister the most politically powerful person in the country. The Republic of Macedonia is a candidate country for EU membership.

With a total population of around 2,000,000, most of its residents are concentrated in urban areas, in moderately sized cities with a population of 20,
000 or more. A quarter of the population (approximately 500,000) is located in the biggest city and capital, Skopje.

The Gross Domestic Product (GDP) in the Republic of Macedonia was 5,110 $/per capita (2013).25

In the Republic of Macedonia, the Ministry of Information Society and Administration is responsible for open policy-making.

I. The Legal Basis

In Macedonia, the entitled proposers of the laws are: the Government, a group of members of the Parliament and citizens with a threshold of 10,000 signatures. In 95% of cases laws are proposed by the Government. The Government Rulebook of procedure, according to its amendments of 200826, introduced the mechanism of regulatory impact assessment and the transparency of the law-making procedures by instituting an obligation on ministries to provide for the compulsory publication of draft proposals on its website and the Single National Electronic Registry on National Legislation (Bojadzievska, 2015: 133).

Also, as a feedback mechanism, the Government Rulebook of procedure, obliges ministries to draft reports for the obtained proposals,27 where they have to indicate not only the accepted comments and/or proposals, but also elaborate the reasons for the comments and proposals that were not accepted. Such reports also have to be published on the respective ministry’s website and the Single National Electronic Registry on National Legislation.

II. Tools Enabling Citizens’ Engagement

By 2009, in the Republic of Macedonia public participation was provided only in the conventional offline manner, but despite the opportunities on offer, the government was not proactive enough in engaging Macedonian citizens, nor were the citizens and CSOs fully exploiting the system. In order to address the problem, the Government introduced the Single National Electronic Registry on National Legislation (ENER), in 2009 which aimed at achieving a higher level of citizens’ and stakeholder engagement. (see Picture 3) It represents an electronic system where the drafting procedure of laws takes place. The system also represents an informative mechanism upon subscription, offering notifications to CSOs, chambers of commerce, business associations, and legal entities (Bojadzievska, 2015: 134-136).

The procedure is outlined in a Handbook on the manner of providing public consultations providing timely involvement of the stakeholders in the
law-making procedure. The minimum consultation period is 10 days from the day of publication.

Today, on ENER, all comments received from stakeholders who took part in the consultation process are published right next to the web location of the posted legislative proposal. All citizens or stakeholders taking part in the consultation process can register on ENER and leave their comments. If the administrator from the ministry does not reply, the comment is automatically published after three days.

ENER is a modern tool providing any stakeholder with the opportunity of receiving notifications by e-mail whenever a new law is being created. If the user subscribed to follow a particular legislation, s/he will be notified each time amendments are posted for the respective legal act. The weakness of the system lies in its uneven implementation by the ministries. The practical use in terms of the full respect of the procedures varies even to this day.

The Ministry of Information Society and Administration in charge of ENER, released the new version of the system optimising the consultation procedure, on 25 December 2014. The system provides for simplified modules, as requested by the end users, with a very basic registration and manual for usage. The legislation is systemised according to the publications of the Official Journal of Republic of Macedonia, representing a user-friendly tool for search.

One of the biggest advantages of ENER is that it is now directly connected to the system of e-sessions (referring to e-government sessions). This means that a draft law cannot reach a government session unless the text had previously been published on ENER and open for consultations. (see Picture 4)

III. Civil Society Reflections

Despite the established possibility for online consultations, citizens' engagement remained a challenge. There was a lack of interest from civil servants in implementing the concept and creating better content on ENER and finally, there were no open results on the uniform application of ENER, which left space for the non-accountability of certain institutions. Being aware of the existing challenges, in 2011 the Macedonian Centre for International Cooperation (MCMS), is a CSO that developed the project “Government Mirror” (www.ogledalonavladata.mk). The aim of this intervention was to establish and implement a permanent system to track the openness of institutions and the involvement of citizens and CSOs in the decision making processes. “Government mirror” contributes towards increased the transparency and accountability of state institutions.
In the course of 2014, the practice of publishing weekly and monthly reports persisted, whereby 41 weekly and 8 monthly reports were published. The reports contained information on whether or not the requirement for a minimum of 10 days per consultation was being respected, and whether or not the necessary supporting documents that accompany the draft legislative proposal were also published. The final report for Government Mirror for 2014 was published in November by MCMS. The first part of the report is based on the results from a submitted questionnaire to 12 out of 15 ministries assessing the openness of institutions in the process of the preparation of 27 legislative acts. The second part of the Report shows the results of the monitoring as to whether the minimum requirements for consultations and the minimal length of the consultation period were met on ENER. As of June 2014 these reports were simultaneously published on the ENER portal (www.ener.gov.mk).

The publication of the results of a CSO organization on official government policymaking portal gives recognition to the CSO monitoring results that track the transparency and accountability of the state institutions.

**IV. Political Commitment and Reforms in the Public Sector**

Although Macedonian society is still regarded as a society in democratic transition, serious efforts have been made to develop and enhance the information society as a whole, striving to introduce a range of tools that can usefully be applied in democratic processes and institutions (Cvetanova, Pachovski, 2013, p. 135).

The process of opening legislation for consultations was part of the *Strategy for Reform of the Public Administration in Republic of Macedonia 2010-2015* (pp. 31-40). Similar to the UK case, the process of developing capacities to carry out the consultations was attributed to reforms in the public sector.

Open policy-making in Macedonia is a commitment under the *Open Government Partnership Action plan of 2012-2014* and *2014-2016*. Macedonia declared its intention to join OGP in 2011. As a result of the implementation of the first action plan to a commitment on participatory policy-making impacted upon the upgrading of the ENER system based on the feedback provided by the end users and civil society organisations. With the second Action plan a working group on each priority was set up, including the priority of open policy-making. Government institutions and CSOs were able to define their activities together.
Conclusion

This study has evaluated the digital platform for citizens’ engagement in the process of open policy-making in the Republic of Macedonia as an EU candidate country on the one hand, and digital platforms in the United Kingdom and Finland as EU Member States on the other, whose platforms are based on the EU initiative for citizens’ engagement. The open policy-making process was analyzed in all three counties from the following aspects: the legal basis, reforms in the public sector, tools that enable citizens’ engagement and civil society reflections on the process. It should be emphasized that in this study the issue of open policy-making was analyzed from the perspective of the highest political level, in other words on a national level.

As the findings of the study suggest, all of the three countries concerned have a strong commitment to an open policy-making process and have established this process by certain legal instruments. In the UK it was the *Strategy for Civil Service Reform*, and in Finland it was amending the Constitutions and introducing a *Citizen’s Act*. In the Republic of Macedonia the process of open policy-making was introduced with the *Strategy for Reform of the Public Administration in Republic of Macedonia 2010-2015* and resulted in amending the *Government Rules of Procedure*.

The research uncovered that in the UK and Macedonia the process of developing capacities to carry out consultations was attributed to reforms in the public sector. By contrast, in Finland no major public sector reforms were implemented, consequently the leadership of open policy-making in Finland remains in the hands of civil society.

According to our findings, all three countries embraced electronic tools to provide citizens’ engagement in the policy-making process in a manner that would also facilitate that process. Also, the findings showed that in all three cases legitimacy is given to civil society organizations and the feedback they give has a strong impact on open policy-making.

The empirical findings of this study enhance our understanding of the importance of the open policy-making process as a precondition for the development of democratic processes and democratic institutions within society. Also, these findings provide a profound understanding of the relationship between digital platforms and citizens’ engagement, as well as the Civil Service reform process, as the key elements in the open policy-making process.

However, despite the rapid rise in the use of digital technology among citizens and civil society organizations, there is little data available on the
impacts they have had on the political processes and institutions they are intended to influence in emerging democracies. Further research on this topic should be undertaken in order to investigate the use of digital technology among citizens and civil society organizations, as well as the impact they have had on the political processes and institutions in democratic societies.

Endnotes

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Figures

Picture 1: Open ministry association in Finland

Figure 1: Number of Open consultations in UK per year
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Picture 2: Open consultations in UK – overview of all publications
Picture 3: Open consultations in Republic of Macedonia (Home page of the ENER portal)
Source: https://ener.gov.mk/default.aspx?item=analysis (copied on April 1, 2015)
Picture 4: Results of citizen activities on ENER