

PRINCIPLES OF “GOOD GOVERNANCE” AND THE REPUBLIC OF CROATIA

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GOVERNANCE

- Definition: a set of **rules**, **processes** and **behaviors** that (in)formally organize and shape the way in which powers are exercised
- every society has one !
- WHAT KIND OF GOVERNANCE we need?



Purpose of every legal order:

- to organize a stabile and peaceful coexistence of human beings in any given socio-political community by honoring certain fundamental material and formal values.

OUR CIVILIZATION:

- “life, liberty and pursuit of happiness”
- a complete and free development of every single person

Present answer



- **“liberal democracy”**
- **“constitutional democracy”**
or simply
- **“good (decent) governance”**

DEMOCRACY



- a set of practices and principles that institutionalize and ultimately protect **freedom**.

HOW TO MEASURE IT???

- ***Freedom House organization***: “electoral democracy” only.
- ***Economist Intelligence Unit’s Index of Democracy***:
 - 1) electoral process and pluralism; 2) civil liberties; 3) the functioning of government; 4) political participation and 5) political culture.

EIUID REPORTS 2010 & 2011



4 categories:

- full democracies
 - flawed democracies
 - hybrid regimes
 - authoritarian regimes
-
- 165 surveyed countries
 - **One-half of the world's population** lives in a democracy of some sort

GENERAL TRENDS as of 2008:



- “**democratic recession**” – democracy in retreat

Reasons world-wide:

- delegitimation of much of the democracy-promotion agenda (US led wars to “bringing democracy”)
- economic crisis
- rampant crime in some countries (Latina America)

Eastern Europe - region with the large decline:



- Only one country FULL DEMOCRACY – Czech Republic
- Largest drop – Slovenia
- Disturbing processes – Hungary
- **democratic forms** are in place BUT much of the **substance of democracy**, including **a political culture** based on trust, is absent

Where are we?



- Hungary 43rd place, dropped to **49th** in 2011
- Croatia **53rd** place

Electoral process and pluralism

- Hungary **9.58**
- Croatia **9.17**



Civil liberties

- **Hungary 8.53 (dropped to 8.24 in 2011)**
- **Croatia 8.24**

Functioning of government

- **Hungary 6.07**
- **Croatia 6.07 (dropped to 5.71 in 2011)**



Political participation

- **Hungary 5.00 (dropped to 4.44 in 2011)**
- **Croatia 5.56**
- measures, i. a., literacy, interest for politics, openness of political process to civil society organizations and readiness of citizens to engage in political process outside the mere voting procedure

Political culture

- **Hungary 6.88**
- **Croatia 5.00**
- includes citizens' views on value and content of democracy, including state – church relationship

The EU perspective

2001 - *White Paper on European Governance*

- “how things could and should be done” on European, national, regional and local level, but also applicable on international EU engagement level

PRINCIPLES OF GOOD/DECENT GOVERNANCE (5 + 2):

openness, participation, accountability, effectiveness and coherence
+ proportionality and subsidiarity

- a more inclusive and participatory model of governance
- importance of the **CIVIL SOCIETY ORGANIZATIONS**

UN Public Administration Network standards of **transparency**:

- ◎ application of laws on access to information,
- ◎ transparency of normative procedures,
- ◎ broadcasting of parliamentary sessions,
- ◎ publishing of auditing reports on parliament's and government's activities.

REPUBLIC OF CROATIA – WEAK SPOTS

GONG reports on Government of the Republic (as of 2008):

- ◎ Closed sessions – **46-51%**
- ◎ No clear criteria for closing the session to the public (i.a., when discussing **negotiation standards** in pre-EU accession period)
- ◎ Refuses to publish even **orders of the day** of closed sessions

◎ Full sessions held **over the phone NOT ALLOWED** - in 2008 **10**, in 2009 **9** and in 2010 **4**

◎ Budgetary reserve usage - 180.490.489,52 kn (**cca 24 millions EUR**) distributed in closed sessions (e.g., to local units or sponsorships)

© In mid-January 2012 Croatian Journalists' Association requested more transparent operation of the government

- Timely information on the orders of the day, possibility to ask questions and in general emphasized “the need **to follow good democratic practices of transparency**”

PARTICIPATION

- a higher level of two-way process
- citizens are **actively involved in public policies creation** (e.g., membership in law-drafting working groups), while a **government remains responsible** for the final decision on policy choices and their efficient implementation.

COUNCIL OF EUROPE 2009

Code of Good Practice for Civil Participation in the Decision-Making Process

- applicable on both **national and local
level of power**

Republic of Croatia

- ◉ *National strategy for the creation of an enabling environment for civil society development 2006-2011*
- ◉ *Rules of Procedure of the Government of the Republic of Croatia*
- ◉ *Rules of Procedure of the Croatian Parliament*

Republic of Croatia

- ◉ *Law on the right of access to information (2003)*
- ◉ *Code on practice of consultation with the interested public in procedures of adopting laws, other regulations and acts (2009)*

Practice!!!

- Government: - web pages of ministries unorganized and difficult to find information
- Parliament: - expert members!!!

GONG reports:

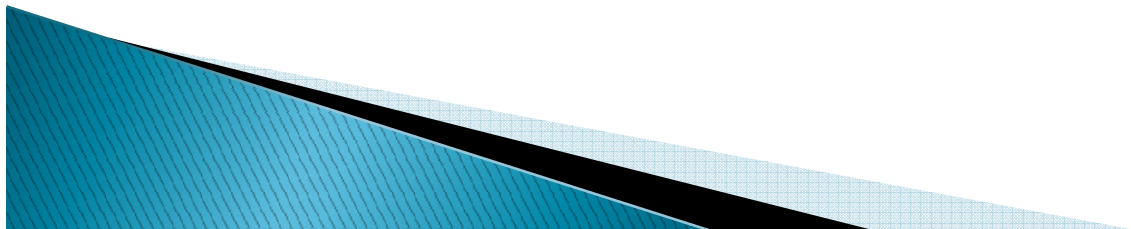
- ◎ 2009-2010 – only **8,5% of draft laws were published**
- ◎ - only **3 calls for public consultations** have been launched

Most recent cases of malpractice

- *Constitutional law on revisions of the Constitutional law on the rights of national minorities and electoral laws* (2010)
- “Scientific and higher education legislative package” (2010-2011)

Shortcomings detected

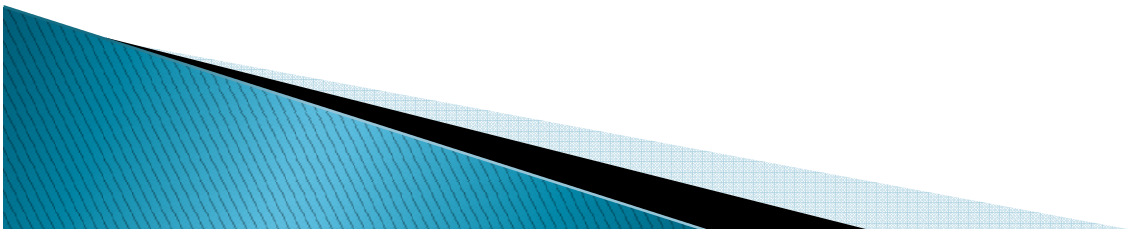
- ▶ **inexistence of complete and timely **announcement on time-table** of future law-drafting activities**
- ▶ **non publication of draft law** afore-head but only after a draft has been adopted into official proposal on the session of the Government
- ▶ **complete lack or very rare **meaningful public consultation procedure**, without clear criteria for its organization**



- ▶ **adoption of a vast number of laws in shortened, emergent legislative procedure which often allows for a non-quality legislation**

Should be partly remedied by 2012

“Law on impact estimation of legal regulations”



Slightly optimistic tone

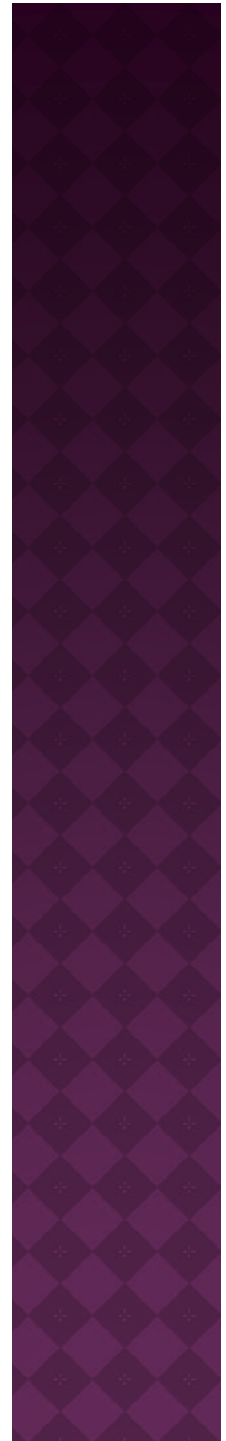
- ◎ New government as of December 2011
- ◎ Changed rhetoric – at least declaratory emphasis on TRANSPARENCY AND PARTICIPATION

(new working groups, revision of parliamentary rules of procedure,...)

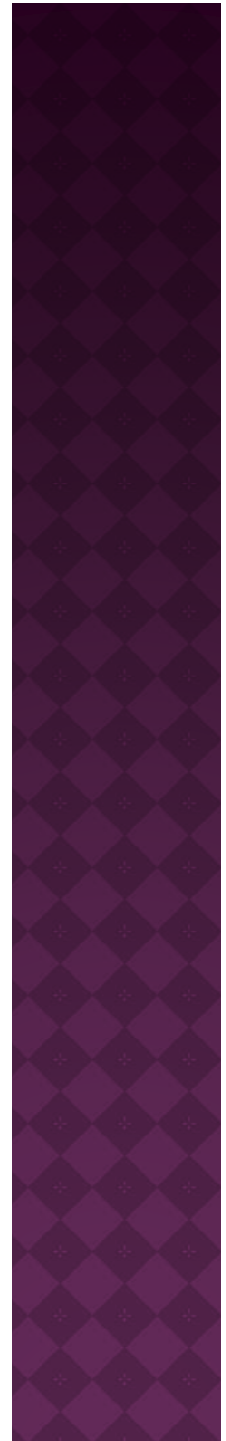
TO CONCLUDE:

- ◉ Democracy is more than the sum of its institutions
- ◉ Government is only one element in a social fabric of many and varied institutions, political organizations, and associations
- ◉ Linear model of dispensing policies from above must be replaced by a virtuous circle, based on feedback, networks and involvement from policy creation to implementation at all levels

- ◉ Accountable governments are inclined to further their transparency in order to improve citizen's confidence in their work, confidence in operation of all public bodies and in relation to public expenditures
- ◉ A culture of passivity and apathy, an obedient and docile citizenry, are not consistent with democracy



- ◉ Importance of good regulation of procedures themselves, however, it can never be emphasized enough that the final result is mainly dependant on the level of legal and political culture
- ◉ Erich Fromm: “*Escape from freedom*” or “*Fear of freedom*”



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Thank you!