

18.12.2018

**To: Council for cooperation with and development of the civil sector**

**COMMENTS ON THE DRAFT-MODEL FOR INCLUSION OF CIVIL SOCIETY ORGANIZATIONS IN ACCESSION NEGOTIATIONS FOR MEMBERSHIP IN THE EUROPEAN UNION**

Dearly respected,

The network of civil society organisations who act in the area of judiciary and fundamental human rights - "Network 23", presents its comments on the draft model for inclusion of civil society organizations in the accession negotiations for EU membership.

The proposed model of participation of CSOs in the accession negotiations for membership in the European Union is proposed without knowing the institutional structure of the negotiations, as well as the full national procedure for the negotiations. Such an approach makes it impossible to perceive the role of the civil sector in the whole process, which is why there is a great risk of neglecting many aspects of the negotiations.

Therefore, we think that the Government, in cooperation with the civil sector, should propose a wider platform for participation of the civil sector in the negotiations, in all its phases. Moreover, the responsibility for participation should be transferred to the CSOs themselves to a greater extent, which should enable wider debate, as well as articulation of possible different interests, opinions and contributions in the negotiation process. It should be taken into consideration that several networks of CSOs have already been established for certain chapters or negotiation issues, which already have extensive experience and practice, which can be a significant contribution to the negotiation process.

A prerequisite for a higher level of involvement of the civil society sector is to ensure the transparency of the process, with understandable, but predictable limitations in certain phases. Past experience, despite the publicly expressed will for cooperation and openness, shows non-transparency, while in the meantime the explanatory screening for several chapters has already been conducted, including the Chapter 23. Therefore, we emphasize the need for timely information, substantial transparency and explanations from the institutions, especially in the cases of non-acceptance of the arguments given by the civil society organizations. The CSOs - members of the working groups should not only have timely and comprehensive access to information and documents, but should also be able to attend all meetings, including meetings abroad, in order to be thoroughly informed with the process and to be able to make a substantial contribution, rather than being consulted on an ad-hoc basis, without sufficient information and insight into the process.

Therefore, we believe that in this phase, more options should be discussed for participation of the civil sector in the negotiations, as an alternative to the existing proposal for involvement of the civil sector only through representatives in the working groups for the negotiations, whose competencies are not yet known

Below we present you **specific remarks** on certain solutions in the draft model that we consider to be particularly restrictive, although we generally think that this concept is premature because it is

discussed, before the civil sector has all the information on the institutional platform for negotiations of the Government, but also the role of the Assembly in the same process. The draft model in its present form has a fragmented approach and is limited only to the participation of civil society organizations in working groups for negotiations, and it remains unclear how other segments of the civil society will be covered (for example, trade unions).

Regarding the role and manner of including the representatives of the civil sector in the accession negotiations, i.e. registration and nomination of representatives of civil society organizations, the draft-model proposes "a specially formed Commission, which will be comprised of five external members that will be proposed and selected by the Council for cooperation with and development of the civil sector, with clearly defined criteria." According to the draft model, the selected representatives participating in the working groups at the level of Chapters, will select a representative to monitor the negotiations in the role of an observer of accession negotiations on a Chapter level - so it remains unclear what will be the role of other members.

At the same time, the draft model focuses on the manner of election of representatives of the civil society organizations, which is proposed to be realized through the Council of the Government for cooperation with and development of the civil sector, that is, the Commission that it will appoint. We think that such a procedure is inappropriate and is limiting. The experience of past elections of Council members shows a lack of capacity to identify areas of action related to the EU integration process, which can be a significant obstacle to a serious dialogue on the accession process.

The current proposal recognizes the experiences from Montenegro, but they are not fully implemented. In the case of Montenegro, the members according to precisely defined criteria are proposed by the lead negotiator and the number of members changes. Members of civil society organizations do not have a representative role, but act from the position of their organizations, which is not the case in the draft model. The proposed model is unclear regarding the representativeness of the participants in the civil society organizations in the negotiations.

Regarding the rights and obligations of the Government, the proposal stipulates that the Government of the Republic of North Macedonia shall determine the total number of representatives of the civil society organizations that will participate in the working groups, taking into account the requests of the civil society organizations. We recommend that you consider whether it is necessary to limit the number of participants at this stage, given that the negotiations will last long and we expect the interest of CSOs to vary. The government should provide inclusion of a wider range of civil society organizations that have expertise and interest for active participation in the accession negotiations. The number of members of civil society organizations in the working groups should not be limited. Broad participation of civil society representatives in the core of the working groups will help documents and the process to have broad legitimacy, will provide high transparency in the work, as well as direct representation of the stakeholders. Hence, a commission may only make a selection of organizations that meet the minimum requirements that will be clearly defined before, and not to assess and rank their capacities and to carry out further selection.

The draft model stipulates that the Government has an obligation to set up a specialized web site to monitor the process of accession negotiations by the public, which should function throughout the entire accession process. Regarding the specialized web site for monitoring the negotiations, we suggest in the model to emphasize that the web site should be updated and maintained in a timely manner, with the documents on the accession negotiations being published, in the minimum number of days after their adoption. The draft model envisages an obligation for the Government to establish a technical support fund for the civil society organizations for the participation of their representatives in the working groups. At the same time, it envisages the right of civil society organizations, to participate with their representative in the work of the working groups, to ask technical support for conducting of the consultations, expert analyzes and other needs from the Government in order to smoothly perform their engagement. This provision additionally places the selected members in a privileged position and additionally emphasizes the problem of representativeness.

We hope that our opinion will encourage the discussion regarding the involvement of CSOs in the negotiations, in order to review all possible options and to develop a model that will be applicable and functional in our context.

Respectfully,

Members of the Network 23

- Association for Development Initiatives – Zenith;
- Association of financial workers of the local self-government and public enterprises, Veles;
- European Policy Institute - Skopje;
- Institute for Human Rights;
- Coalition "All for Fair Trials";
- Macedonian Young Lawyers Association;
- Multikultura, Tetovo;
- NGO KHAM Delcevo;
- Freedom Square;
- Council for Prevention against Juvenile Delinquency (SPPMM), Kavadarci;