

**ENGAGING  
INTEREST GROUPS  
IN DECISION-MAKING  
PROCESSES**

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# FOREWORD

Current study is an abridged and translated version of the study in Estonia on engaging interest groups in decision-making processes. The study was carried out by PRAXIS in 2004 and published in a book *Kaasamine otsustetegemise protsessi* (Engaging interest groups in decision making process) as a third chapter. For the international audience we have translated only Estonian case-study. In the original book, the first chapter includes theoretical approaches and best practices of engaging interest groups and the second chapter analyses international practices in the field.

The aim the study was to map today's procedures for engaging non-governmental organizations (NGOs) in Estonia, make recommendations for standardisation, making existing procedures more efficient and easy to use at government and parliament level. Special questionnaires were sent to higher civil servants in the ministries, parliamentarians and representatives of NGOs' umbrella organizations.

As an outcome of the project, the study makes 1) recommendations on how to harmonise and simplify the current practices of participation and consultation; and 2) recommendations on principles of consultation and guidance for engaging citizens, business community and non-governmental organizations in a balanced way into decision-making processes.

The study has been already used as an input in the State Chancellery to compose the code of consultation. Also has the study been highly quoted and used in the governmental working group for implementing the Estonian Civil Society Development Concept as well as in the parliamentary discussion on monitoring the implementation of the same concept. Final seminar introducing the results of the study (a book and policy analysis) took place on December 14th, 2004, approximately 70 people participating. Higher civil servants from UK and Finland joined the seminar to analyse public consultation challenges in their countries.

We are very thankful for the Open Estonia Foundation for supporting the translation and facilitating the transfer of knowledge among English speaking community. Our gratitude also belongs to Mr Daniel Lorvic for improving the grammar and style in English and to Mr Kristjan Kaljund for designing the text and graphs.

Authors of the study



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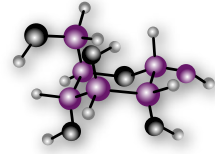
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## 3. ENGAGING PRACTICES IN ESTONIA

The first part of this chapter introduces general principles of engaging interest groups in Estonia as well as laws, agreements and other documents providing rights and responsibilities relating to such engagement. The second part of the chapter introduces the results of the survey conducted among public officials of Estonian ministries, chairmen of the Riigikogu<sup>1</sup> factions and committees, and umbrella associations of non-profit organisations.

### 3.1. General principles of engaging interest groups in Estonia

Engaging interest groups in drafting legislation and preparing policy documents is not compulsory under Estonian law, except in specific policy areas. However, elements of participatory democracy and engaging of interest groups can be found in the Constitution, rules of the Government of the Republic, and legislative drafting rules of the Government and the Riigikogu. A significant influence in favour of engaging interest groups has come from the general regulation of European Commission structural funds. This regulation requires engagement of social partners in preparing a national development plan.

#### 3.1.1. Rights and responsibilities provided for by the Constitution and primary legislation

§ 56 of the Constitution does not say much about engaging people. Citizens have the right to elect the Riigikogu, but only the Riigikogu has the right to initiate a referendum. There has been only one referendum since Estonia regained its independence, which dealt with Estonia's decision to join the European Union<sup>2</sup>. Interest groups have no right to initiate legislation. This right belongs to the members, factions and committees of the Riigikogu, the Government of the Republic and the President of the Republic for amending the Constitution. Interest groups also have no right to set or control agendas, which is one of the main criteria of participatory democracy (Dahl, Barber). Therefore, interest groups can participate in legislative drafting only when they are invited to do so or when legislative requirements for engaging interest groups are met.

Clause 53 of the Riigikogu's rules of legislative drafting provides that the explanatory memorandum of an act should note the persons to whom the draft of the act was sent for comment (which government and municipal institutions, social organisations, experts, etc.), and which comments were taken into account. Citizens, social groups and associations who will have rights or obligations under the act should be consulted. It is also recommended to elicit whom interest groups represent and to find out whether there are also umbrella associations in the relevant field. According to § 38 of the Government's rules of legislative drafting, the institutions to whom the draft was sent should be identified, and the results of consultation should be presented. A table should be prepared with all comments, and the reasons why some proposals and comments were not taken into account.

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<sup>1</sup> – i.e. Estonian Parliament

<sup>2</sup> – In previous Constitutions, there was a facility for citizens' legislative initiatives.

Rules of legislative drafting require that if the draft was sent to an NGO, the principles for selecting the NGO should be explained (2003, 119).

### 3.1.2. Engaging obligations and practices in different policy fields

Although engaging interest groups is not compulsory, there are specific policy fields where international conventions or acts provide rules for engaging interest groups in some way or another. Tripartite negotiations and environmental legislation are the most regulated policy fields in terms of engaging interest groups<sup>3</sup>.

#### ***Organisation and practice of social dialogue in Estonia***

Tripartite negotiations are partly regulated by the Collective Agreements Act, adopted in 1993. In 1996 the tripartite agreement on developing participatory democracy was signed. According to this agreement, the Government sends all drafts to central employers' and employees' associations (Confederation of Estonian Trade Unions, Estonian Employees' Unions' Confederation, EEC<sup>4</sup>) for proposals and comments, prior to submitting them to the Riigikogu.

There are also several councils and advisory bodies in Estonia, in which the representatives of employers' and employees' associations (such as CETU, EEUC and EEC) participate. These councils include the National Tripartite Council created by order of the Government of the Republic, councils of public law institutions (e.g. the Health Insurance Fund and Unemployment Insurance Fund), and the Estonian Qualification Authority (Professional Qualification Foundation). There are also other councils created under similar principles. This ensures access to information and engaging processes, at least for the larger employers' and employees' associations.

Initiators of tripartite negotiations in Estonia, and the more active partners in those negotiations, are usually trade unions. Therefore, social dialogue in Estonia is not just a form for the Government to engage interest groups, but also an opportunity for social partners to participate actively in policy making.

#### ***Engaging interest groups in environmental issues***

Most legislation about engagement processes in Estonia relates to the environmental area. The most influential is the Århus Convention. The Convention gives all interested parties the right to participate in deciding environmental matters (art 6-8).<sup>5</sup>

Additionally, the Environmental Impact Assessment and Environmental Auditing Act and the requirements specified for environmental impact assessment statements (minister of the environment order No 4, January 31st, 2001)<sup>6</sup> regulate engagement processes in

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3 – This does not mean that other policy fields do not have provisions that regulate engaging interest groups. These are directly or indirectly based on international conventions, e.g. the State Budget Act § 9 European Local Government Chart 4 cl 6.

4 – At the time of signing the agreement, there were two employers' organisations (the Estonian Employers' and Industry Confederation and the Union of Estonian Employers' Confederations). These two organisations have now merged. Although EEIC is the main partner in tripartite negotiations, other employers' unions, e.g. Estonian Chamber of Commerce and Industry, sometimes also appoint their representative.

5 – [http://www.envir.ee/aarhus/kasiraamat\\_ametnikule.html](http://www.envir.ee/aarhus/kasiraamat_ametnikule.html) and related court decisions, e.g. the 29 January 2004 decision of the Administrative Law Chamber of the Supreme Court in the case no 3-1-81-03 (RT III, 20.02.2004, 5, 47).

6 – Also (indirectly) the Sustainable Development Act and Transboundary Environmental Impact Assessment Convention. There are more examples, e.g. the Radiation Act § 10-12 (Euratom 97/43, EEC directive 92/51) and the Nature Protection Act § 9, which requires a public debate about natural entities taken under protection.

environmental issues. To present the environmental impact assessment programme and statements, a public debate is required (§ 17) where everyone can make proposals and comments. If such comments are not taken into account, there should be reasons given in the final environmental impact assessment report for not doing so. The Ministry of the Environment has also made voluntary agreements with six business enterprises and one entrepreneurship union, according to which all partners undertake obligations not directly required by legislation. The ministry has undertaken to deliver information about legislative drafting processes in the environmental area, or about changes in legislation, and to engage business enterprises in drafting environmental legislation. Business enterprises' obligations are related to improving the environment<sup>7</sup>.

### **Other policy fields**

In addition to social and environmental policy, engaging practices have also been used with the „National Development Plan 2004-2006”, which was devised in relation to the European Union structural funds. The Ministry of Finance, as the management authority, is obliged to consult with different social, economic and other partners. Altogether 103 socio-economic partners were engaged and the principles of best practice were followed<sup>8</sup>.

There are several other documents providing for cooperation with interest groups, which sometimes include participation procedures (e.g. development cooperation principles). Statutes of the ministries' departments also sometimes include requirements or recommendations for engaging interest groups in decision-making processes. Some ministries have also started to organise their engaging procedures (the Ministry of Economic Affairs and Communication and the Ministry of Social Affairs).

#### 3.1.3. Agreements and other initiatives

The Estonian Civil Society Development Concept (ECSDC) is one of the main documents (and the most ambitious) promoting the development of engagement procedures. In 1999, 10 political parties and 10 civil society umbrella associations signed a cooperation memorandum, which preceded the ECSDC, as an expression of good will. In that memorandum, political parties and NGOs promised to cooperate in policy making and developing participatory democracy in Estonia, and emphasised equal partnership.

The Riigikogu adopted the ECSDC on December 12th, 2002. The document specifies the mutually complementary roles of public authorities and civil society organisations in forming and implementing public policy, building Estonian civil society, developing participatory democracy, and engaging civil society organisations in decision-making processes, etc. In the autumn of 2003 a joint committee for implementing the ECSDC was created by the Government and civil society organisations. One of the committee's working groups focuses on legislation and engaging interest groups<sup>9</sup>. There is also an ECSDC support group in the Riigikogu, which monitors the implementation of the concept and prepares the discussion of ECSDC as a nationally important issue in the Riigikogu (in December 2004). These activities could result in a consistent evaluation of engagement processes' results and possible improvements.

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7 – See <http://www.envir.ee/ministeerium/leping/leping.html>

8 – Partners were consulted about defining the aims and priorities of the National Development Plan and during the drafting process. A table summarising the comments, with information whether they were taken into account, was put on the web page of the Ministry of Finance. At the same time with gathering comments, Development Plan information days were organised in counties for introducing the Plan and support schemes of the structural funds (for more see RAK 2004-2006, 19).

9 – See the results of the commission work on the web page of the Ministry of Internal Affairs <http://www.sisemin.gov.ee/atp/?id=5635>

**In conclusion**, Estonian legislation provides for a general framework of engaging interest groups at an internationally comparable level. More detailed regulation of these issues does not necessarily produce better results. More emphasis should be put on giving substance to that framework, i.e. developing best practice, multilateral negotiations and agreements (e.g. between employers and the Government, voluntary agreements, cooperation memorandum, ECSDC) and identifying good examples. But this requires specific action from all partners – the Riigikogu, the Government and interest groups. More efficient implementation of electronic engagement procedures might help.

### 3.1.4. E-means for developing engagement processes

To facilitate e-engaging processes, there are several web pages, portals and forums, offering information about state activities, public services and decisions. Here we analyse web pages of the ministries, the State Chancellery (virtual briefing room) and the Riigikogu (in connection with e-engaging), the eÕigus system (as an information provider) and the portals TOM and Themis (as the main means for consulting and participation). Of course, due to socio-economic differences between households, one has to consider the problem of the digital divide in access to information technology devices (OECD 2001d; see also Kalvet 2005). The digital divide decreases slowly (Kalkun ja Kalvet 2002)<sup>10</sup>, especially as more and more information about the organisation of social issues and policies is available only on the internet (Lauristin 2003). Therefore the means of e-engaging, and access to those means, has to be improved. At the same time, the digital divide will not disappear completely; hence parallel (more traditional) means for engaging interest groups should also be used.

#### **Web pages of ministries and the Riigikogu**

Different ministries and the Riigikogu offer different possibilities for participation on their web pages. There is no harmonised system of web sites for participating in legislative drafting and decision-making processes.

The **Riigikogu** web page offers above all information, leaving consulting and participation in the background. It offers draft legislation, and it is possible to express one's opinion (although it is not directly advocated). Comments and questions are public, however answers to them are not, so it is not clear whether the questions have been answered. Search engine of the web page is very good. One can search for drafts, agendas, shorthand notes, minutes, inquiries, and all texts and contacts.

On **ministries'** web pages there is not much information about engagement of interest groups, and the information that exists is scattered. Draft legislation becomes public in most cases when the draft has already been prepared by a ministry and sent for the approval of other institutions. Usually, there is no background information concerning the draft.

Information about legislation plans is available in the work schedule of the Government of the Republic. However, as we can see from the survey results, this option is not widely used (see Figure 3.20). There is not much information about legislation plans on ministries' web pages. One can usually find work plans and activity plans, but not together in one place. Only seldom do these web pages include specific plans for legislation together with the contact details of a responsible ministry department or public official (positive examples are the Ministry of Economic Affairs and Communication, the Ministry of Agriculture and the Ministry of Justice).

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*10 – For more details, see TNS EMOR and PRAXIS Center for Policy Studies survey „Digital divide and possibilities for overcoming it”. Main recommendations include better introduction of and developing skills for using the internet, making the internet the main environment for proceedings and breaking motivation barriers.*

No ministry provides systematic information about events, public hearings, etc., that may interest NGOs. Only a few instances can be found where interest groups can comment on legislation or policy documents online (the Ministry of the Environment offers this facility). The Ministry of Justice invites everybody to send comments about draft acts by e-mail: [kommenteeri.eelnõud@just.ee](mailto:kommenteeri.eelnõud@just.ee). On the web page of the Ministry of Economic Affairs and Communication one can express opinions and ask for information. Short surveys are carried out on the web pages of the Ministries of Defence, Social Affairs, Justice, Economic Affairs and Communication. The Ministries of the Environment, Internal Affairs, Agriculture and Culture have a special place on their web pages for giving general feedback. But there is no indication as to what happens to that feedback. In general, ministries' web pages are structured by topic, but within that topic there is usually no information about contact persons (e.g. the contact information of a public official who is responsible for the topic – although there may be such information under the “contacts” link). None of the web pages invite interest groups to participate actively in decision-making processes.

Results of engaging processes are not public. The Ministries of the Environment and Economic Affairs and Communication offer the possibility to ask public officials questions, but only after they have been answered do the questions (and answers) become public. Therefore, one cannot know which questions have been asked or whether all questions have received answers. Interest groups cannot get information from the web page about reviewing their application or proposal.

**In conclusion**, ministries' and the Riigikogu web pages offer mostly information and draft acts. Policy documents become public only in the final stages of the process. There is still a lot to be done to develop electronic consultation and participation. It is largely a question of ideology and political choice.

### ***System for electronic approval of draft acts – eÕigus***

All draft acts that have been sent for approval are made public via the system for electronic approval of draft acts - eÕigus (<http://eoigus.just.ee>). The aim of eÕigus is to gradually phase out the process of drafting acts on paper, and to digitalise the whole process instead (Aule 2002). Today, there is a user-friendly digital environment for draft acts and information about them (planned legislation, approval deadline, timeframe of the draft, working groups for the draft, contacts, comments, questions, search engine, etc.) This makes the approval process more transparent and open.

eÕigus is above all aimed at public officials who draft legislation and approve draft acts. Interest groups can search for information by name, draft initiator, date, document type or part of the text, and see comments of other ministries. The system also notifies users about new drafts by email, but the drafts cannot be selected by topic. From the perspective of an interest group, eÕigus contains a huge amount of information. Understanding and following this information requires know-how and resources. At the same time, it is a good system that could be developed further, e.g. to include facilities for interest groups to comment on drafts.

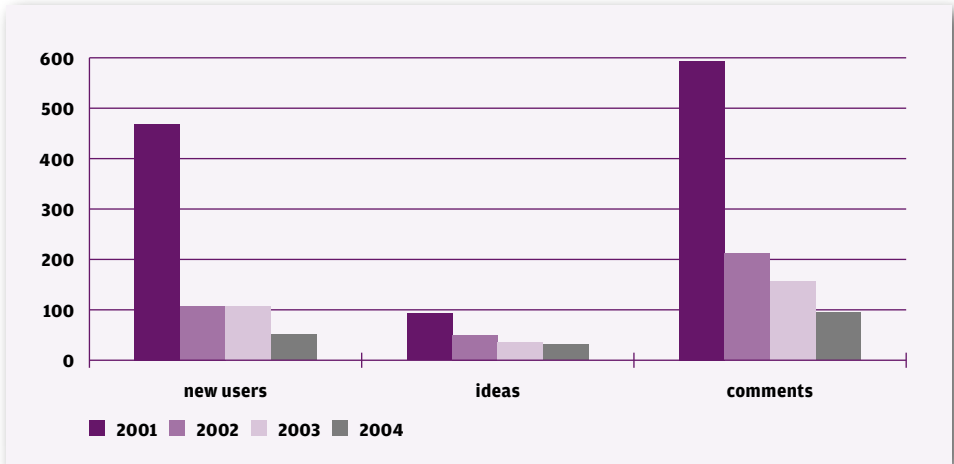
### ***Government direct democracy portal TOM***

Government's internet portal TOM (*Täna Otsustan Mina*, i.e. Today I Decide) was opened in June 2001. The aim of the portal is to „increase participation of people in state decision-making processes”<sup>11</sup>. TOM is the Government's experiment to engage people in sub-

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11 – see <http://tom.riik.ee>, 30.09.2004

**Figure 3.1. Activities in TOM**



Source: Hänni (2004)

stantive discussions about social issues and decision-making processes and start bilateral communication using information technology means for it. TOM has drawn attention and been internationally recognised<sup>12</sup>. The State Chancellery manages the portal.

The TOM portal is divided into two parts – people’s ideas and commenting on draft acts. Discussion is organised according to the principles of deliberative democracy. Participants have to present their ideas with the aim of starting a discussion, so that other participants can understand and support (or criticise) the idea. If most participants support an idea, the responsible state agency has to review it. After a two-week period for comments, people are asked to vote on an idea presented in TOM by electronic signature. Ideas that people have supported are sent to the responsible ministries for processing, after which they may become acts or parts of acts. In any case, the ministry is obliged to answer the author of the idea within one month. The public audience can monitor the whole process. Previous registration is required for presenting ideas, commenting, voting and electronic “signing”. Everyone can read the ideas and comments. Because people can raise topics, and can therefore also control agendas, the whole system resembles Dahl’s concept of an ideal democracy.

However, deliberative democracy makes quite high demands on participants, as the proposals have to be objective and participants have to agree among themselves whether an idea is worth implementing through an act or a decision. In theory, people also have the chance to initiate legislation through TOM. For example, several proposals have been formalised as a topic of a potential new act, or as an amendment of an existing act. No-one so far has proposed a whole new act.

On the one hand, TOM’s connection to a government institution is its strong point, as no proposal should be left “hanging in the air”. On the other hand, TOM has been criti-

<sup>12</sup> – e.g. in 2001 TOM won a prize in the European Commission e-governance conference. The state’s role in developing communication with its citizens using the internet was highly recognised. According to the Estonian Daily Online, more than 300 projects from Europe and the US offering government and public services ran as candidates for this prize and 16 of them were recognised. The Estonian Government’s project was the only one from the Central and East European countries that received the prize (02.12.2001).

cised as politically influenced and as a government PR project, with only a pretence of democracy<sup>13</sup>.

TOM was most actively visited and used in 2001, when it was first opened. Activities have now decreased (see e.g. Männiste 2004).

**In conclusion**, TOM currently promotes mainly engaging processes. Consultation and information dissemination are left in the background. The main problems with TOM are as follows; a lot of unconstructive ideas, insufficient real discussion, a lack of dialogue between citizens and public officials/politicians, a decreasing number of active users, a lack of background information about a draft or an idea, and the rejection of ideas for formal reasons (see e.g. Hänni 2004, Lepa 2003). There is no place where experts could explain the background of drafts and people could receive immediate feedback to their ideas. TOM has become more of a discussion forum than a participation environment through which people could influence decisions (Lepa 2003, 86-87). TOM needs clear vision and improvements.

### **Legislative forum THEMIS**

In March 2001, the Estonian Law Center Foundation opened the legislative forum Themis on its web page<sup>14</sup>. The aim of the forum is “to build a bridge between the public sector (ministries and parliament) and the third sector (non-profit organisations) for raising legislative quality, learning the process of legislative drafting and developing participatory democracy”. Themis is an independent intermediary of the state and society. It helps everyone to participate in legislative drafting and decision-making processes via the internet (see Figure 3.2). One of the aims of Themis is to educate the third sector on how to participate in legislative drafting processes and how to influence decisions (Siivelt 2002, 167).

There are approximately 10-15 draft acts in Themis that could be of interest to the wider public, mainly in non-profit areas. Drafts are put on Themis usually at the stage where one ministry has sent a draft to other ministries for approval. Developments with these drafts are closely monitored. For informing users, the forum also offers an overview of the Government’s work schedule, although not all drafts are put on the forum. After a draft is received from a ministry, it is added to the forum together with the explanatory memorandum and a short introduction. Often additional information is added, e.g. news, articles about the draft, etc. All comments and proposals are public. Themis summarises all comments and submits them to the ministry that prepared the draft, or to the Riigikogu. Answers and information about whether the comments have been taken into account (and if not, why) are posted on the forum. People can see the changes in draft legislation, the movement of draft legislation from a ministry to the Government (and onto parliament), dates, when the act was adopted, when it was published in the State Gazette and when will it enter into force (or when the Government took it back from the Riigikogu). Analysis and comparisons of different versions of the draft are made. If a draft is already in the Riigikogu, and changes have been made, versions of the first and second reading are added. The process of legislative drafting is easily accessible for all forum users from the beginning of the drafting process up to the implementation of the final act.

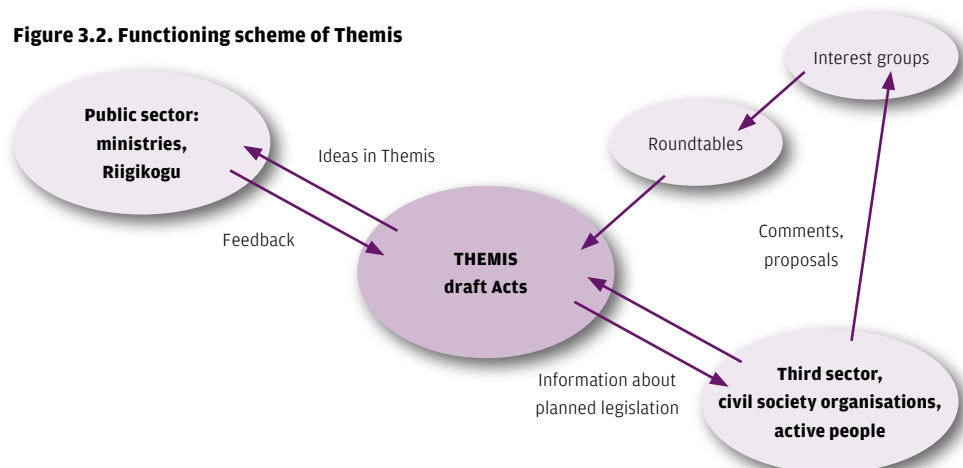
Forum users are not assumed to have proficiency in legal language. Instead, they are expected to express their ideas and questions to the authors of the draft informally (Seppel

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13 – see e.g. „Only a few ideas from TOM reach the level of legislative drafting”, *Estonian Daily Online*, 11.12.2001, [www.epl.ee/artikkel.php?ID=183944](http://www.epl.ee/artikkel.php?ID=183944)

14 – see <http://www.lc.ee/themis>, 30.09.2004

**Figure 3.2. Functioning scheme of Themis**



Source: Koolmeister and Luik (2002, 5)

2001, see also Lepa 2003). In addition to commenting on drafts, roundtables have been organised and phone surveys conducted to receive comments and proposals from more interest groups (Siivelt 2002, 169; Lepa 2003, 79-82). These materials are also posted on Themis. Background information and electronic information lists, (which notify forum users of new drafts and developments) make participation easier.

Themis has more than 3800 registered users (see Figure 3.3). Altogether 35 drafts have been discussed, and approximately 10% of the ideas that have come through Themis have been taken into account by the Government or the Riigikogu (Siivelt 2004).

A very important stage in enhancing possibilities for real participation is the opening of the Russian version of Themis at the end of 2002. Although drafts are not entirely translated, introductory and explanatory texts are added in Russian.

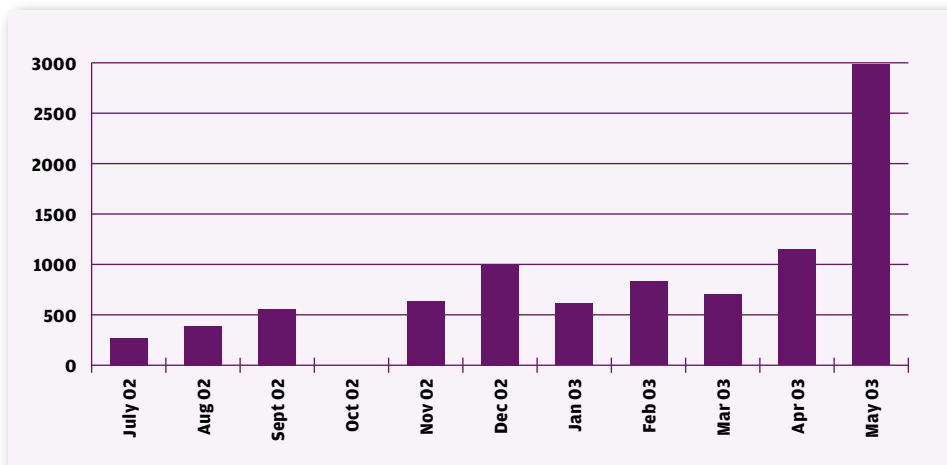
The Themis portal is aimed mainly at participation, although it also achieves the goal of delivering information to its users very well by giving information about legislative drafts. The main strengths of the forum are its systematic collection and intermediation of information, simple phrasing of problems, participation in discussions by decision-makers and the authors of drafts, the engagement of lawyers and other experts, the general objectiveness of comments, and the identification of interest groups and encouragement for them to participate. Themis has also organised discussions on drafts that are already in the Riigikogu. The main problems with Themis are its uncertain future in relation to management and continuity of financing, its not being widely known, the small number of active users and often also the lack of feedback from ministries. As Themis is based on a private initiative, without any contracts with government institutions, ministries do not feel obliged to respond to the ideas coming from it. Hence the problem of both Themis and TOM is their small influence on decision-making. According to Stewart's „black hole” factor, the lack of feedback and potential output of proposals inhibits discussion, because transparency and accountability in engaging processes are important to citizens.

### **Summary and conclusion of e-means**

The means of E-engaging in Estonia include elements of information dissemination, consulting and participation. Web pages of ministries, the Riigikogu and eÕigus offer mainly



**Figure 3.3. Registered users of the legislative forum THEMIS**



*Source: Siigur (2003)*

information; TOM and Themis include all three elements, focusing attention more on promoting participation. All of them have their limitations and challenges for further development. TOM has concentrated on the executive authorities, Themis has also intermediated drafts that are already in the Riigikogu. In addition to substantive problems, Themis (as well as TOM) do not have very many active users. This sets limits to the efficient functioning of similar e-engaging forums in general, and requires efforts from the managers/moderators in maintaining the forums. However, despite these deficiencies, Estonia holds fifth place in an e-participation index (after Great Britain, the US, Canada and Chile) according to a UN survey (UN 2003).

In general, the development in the means of e-engaging in Estonia has slowed down. Development requires political will and resources; however, nobody is directly responsible for such development. There is no central web site for online consultations. Information on ministries' web pages is scattered and the facilities for discussion are unsatisfactory. Hence, there is no real online consultation in Estonia today.

User-friendly and high quality facilities should be created for e-participation, where people can understand alternative solutions for a policy problem under discussion (for example, via a draft or a policy document). Drafts should be accompanied by background information, a short overview of the main changes and issues, and an indication of where public input is expected (from interest groups, citizens, etc.).

### 3.1.5. Surveys

According to several surveys, engaging NGOs in political decision-making processes has been more formal than real. One of the obstacles for the public sector has been in identifying which segment of the population a particular NGO represents (Lagerspetz et al. 2001). In addition, Estonian NGOs are not very ambitious. Instead of aiming to influence decisions and to achieve a real division of power in society, they are often content with merely symbolic participation (Rikmann 2001). There is not enough initiative (Faktum 2003b). For NGOs, "participation" usually means influencing, while for public officials "participation" usually means providing information (Lagerspetz jt 2001).

In general, the way in which interest groups have been engaged has been rather insufficient. Their opportunities to exercise influence have been small (see e.g. Faktum 2003b). Individual citizens are even more sceptical about their chances of exercising influence. According to the CIVICUS civil society index, more than 1/3 (36%) of NGOs studied in 2001 said that interest groups are not engaged in legislative drafting and related discussions. However, 1/5 of them said that interest groups are participating significantly. NGOs operating at the national level are more actively engaged in political debates than local or international NGOs (Lagerspetz and Trummal 2001).

People consider that the actors whose opinions are taken into account in decision-making processes are mostly politicians (73%), followed by entrepreneurs and their associations (18%) and then NGOs (3%)<sup>15</sup> (Faktum 2003a). A Faktum survey commissioned by the Network of Estonian Non-profit Organizations (NENO)<sup>16</sup> demonstrates similar results. According to this survey, such actors are again most often politicians and political parties (83%), followed by entrepreneurs and their associations (34%) and international organisations (31%). At the same time, people consider that the opinion of NGOs (75%), researchers and experts (65%) and public (63%) should be taken into account more often (Faktum 2003b).

There is only one specific survey of engagement of interest groups in legislative drafting and decision-making processes and making recommendations. In the first half of 2004 this survey was completed through cooperation between the Ministry of Economic Affairs and Communication, Carl Bro, Danish Industry Union and NENO. The survey deals with the organisation of engaging processes between the state and NGOs who represent business interests. According to the survey, cooperation between ministries<sup>17</sup> and interest groups is mostly informal. Draft acts are usually sent to specific organisations; there are direct contacts with some – usually bigger – companies, and associations representing the business sector are often not even contacted. There are few or no examples of feedback to organisations about the results of earlier consultations.

The public officials who were interviewed wished to continue unofficial consultations with organisations. None of them considered formal communication to be very necessary. The project recommends creating a database of NGOs who are interested in consultations, organising a roundtable every year and establishing informal as well as formal consultation procedures<sup>18</sup>.

**In conclusion**, engaging interest groups is rather formal today. Both citizens and NGOs consider their chances to participate and influence to be still rather insufficient, and there are differing views on engaging principles and procedures. A very positive example is the initiative of the Ministry of Economic Affairs and Communication in organising communication with interest groups. However, it is still too early to evaluate the results of this initiative.

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15 – Public Understanding Foundation and Faktum survey was conducted in June 2003 and focused mainly on the subject of the Public Understanding Agreement. Some questions also dealt with general topics relating to engaging [http://www.lepe.ee/orb.aw/class=file/action=preview/id=2532/Avalik\\_arvamus\\_%FChiskondlikust\\_lepeest.pdf](http://www.lepe.ee/orb.aw/class=file/action=preview/id=2532/Avalik_arvamus_%FChiskondlikust_lepeest.pdf)

16 – The survey was conducted in the III Conference of Estonian Civil Society Organisations in November 2003. 120 organisations responded, of which 47% were organisations operating at the national level and 36% at the local or county level. Therefore, approximately half of the sample coincides with the sample of the PRAXIS survey; but this does not allow direct comparisons of the results of the two surveys.

17 – Although the project focuses on the Ministry of Economic Affairs and Communications, officials from the Ministries of Education and Research, Finance, Justice, Social Affairs and the Environment were also interviewed.

18 – For more see <http://www.mkm.ee/index.html?id=3412>

## 3.2. Estonian survey

Based on theoretical approaches, the experience of other countries and the engagement framework (see Fig 1.2) a survey was conducted in order to map the engagement practices of certain participants in the regulatory process and to identify the attitudes of those participants towards engagement processes – ie, the processes of delivering information, consulting and participating. The participants were the members of the Riigikogu, and the heads of departments of ministries and of umbrella associations of NGOs. The following topics were studied: on what basis and why interest groups are engaged or participate, the bases of engagement processes (time related to engaging, topic, identifying interest groups), partners, engagement forms and means, evaluating the process of engaging interest groups, problems and satisfaction<sup>19</sup>. At the end, recommendations are made based on the results of the survey.

Due to a relatively small sample, the data is presented graphically in Figures, and textually in percentages and absolute numbers of respondents (e.g. 40% (54)). All percentages are rounded off to the nearest whole number.

### 3.2.1. Survey sample and methodology

The survey was conducted in May-June 2004. The **Riigikogu** sample included the chairmen and vice chairmen of the committees, who were sent 22 questionnaires and the chairmen of the factions, who were sent 6 questionnaires (ie, 28 questionnaires in total). 20 completed questionnaires were received back.

The **ministries** sample included the heads of departments responsible for specific policy fields, who should engage NGOs active in those fields. Of the 75 questionnaires that were sent to the heads of departments, 39 completed questionnaires were received back, i.e. 52%. The biggest number of responses came from the Ministry of Social Affairs (6) and the Ministry of the Environment (5). This is probably related to the fact that the Ministry of the Environment has paid the most attention to engaging processes, and has the most experience, in this field in Estonia. On average, 3-4 heads of departments responded from each ministry. Due to the relatively small samples, every answer received has considerable weight; this sets limits to statistical analysis.

The survey of **interest groups** also included a testing process. The survey was conducted by post. It included as many national representative and umbrella associations (organisations that have organisations as members) of NGOs as possible, which could be engaged in decision-making processes at the level of the Riigikogu and the ministries. The survey sample was based on data from the Register of Non-Profit Organisations and Foundations (“the Register”) (data from 01.04.04). An extract was made of all organisations in the Register (organisation name, post address) according to ECEA<sup>20</sup> codes 91129, 91121, 91120, 91119, 91111, 92621<sup>21</sup>. The data was checked with experts in the Statistical Office and compared with the PRAXIS and FAKTUM survey data that was conducted in 2003 (Faktum 2003b).

A sample of 656 organisations was collated. 136 completed questionnaires were received back (for detailed information see Table 3.1.).

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19 – The questionnaires sent to ministries, the Riigikogu and NGOs are available at <http://www.praxis.ee/kaasamine> and hard copies in available from PRAXIS Center for Policy Studies.

20 – Estonian Classification of Economic Activities

21 – ECEA codes: 92621 activity of sports organisations; 91119 activity of business unions, associations of entrepreneurs and employers and their unions; 91121 activity of artistic associations; 91129 activity of other professional and trade associations; 91111 agricultural societies and unions, gardening and bee-keeping associations

**Table 3.1. Sent and received questionnaires and the share of respondents**

	Sample (no. of sent questionnaires)	No. of respondents (no. of received questionnaires)	% of respondents
Associations of entrepreneurs and employers	156	36	23
Professional and trade associations	287	42	15
Sports organisations	88	13	15
Associations of trade unions	18	7	39
Representative and umbrella associations of NGOs	107	38	35
<b>Total</b>	<b>656</b>	<b>136</b>	<b>21</b>

**Tabel 3.2. Respondents' age scale**

Riigikogu		
Age	No. of respondents	Share of respondents
21-40	5	25%
41-50	6	30%
51-60	5	25%
More than 60	4	20%

Ministries		
Age	No. of respondents	Share of respondents
21-30	14	36%
31-40	11	28%
41-50	8	20%
51-60	3	8%
More than 60	3	8%

In interpreting the survey data, use was made of the results of discussions<sup>22</sup>, answers to open questions and results of a survey of the Ministry of Economic Affairs and Communications<sup>23</sup>.

### **Summarised portrait of respondents from ministries and the Riigikogu**

12 out of the 20 Riigikogu respondents are members of the coalition, and 7 are members of the opposition (1 respondent did not give details here). 14 are men and 6 are women. Among the heads of departments, there are almost equal numbers of men and women; 56% and 44% respectively.

### **Profile of participated organisations**

136 organisations, incl. 131 NGOs, answered the questionnaire. Approximately half of them identified themselves as professional or trade associations, 1/3 as national unions of NGOs, and 1/5 as associations of business enterprises and/or entrepreneurs. 1/10 are advocacy and policy making organisations (see Table 3.3).

73% of participating organisations belong to some umbrella organisations or networks, 69% belong to an Estonian umbrella organisation and 80% to an international organisation or a network. Among Estonian national organisations, the Estonian Employers' Confederation (EEC, 15 organisations) was represented most often, followed by the Estonian Olympic Committee (EOC, 9 organisations), the Estonian Chamber of Commerce and Industry (ECCL, 8 organisations), and the Network of Estonian Nonprofit Organizations (NENO, 6 organisations).

22 – Between Oct. 29th and Nov. 12th, 2004, 5 discussions were organised with members of the Riigikogu, public officials, interest groups and Estonian e-engaging experts.

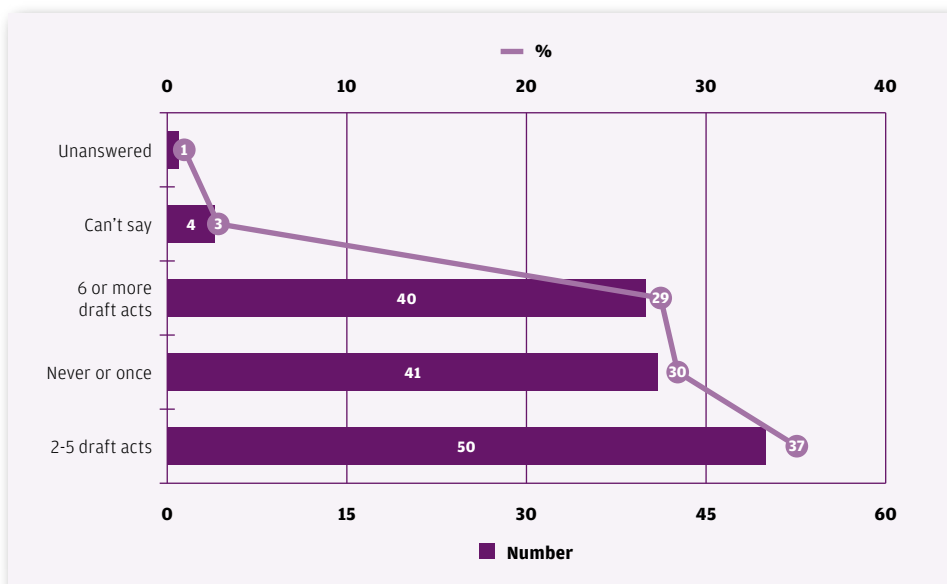
23 – We wish to thank Elo Tuppits from the Ministry of Economic Affairs and Communication for fruitful cooperation.

**Table 3.3. Classification of responded organisations**

Organisation type	No.	Share of respondents (%)
Professional union, trade association	64	50
National union of NGOs	42	33
Entrepreneurship union, association of business enterprises and/or entrepreneurs	27	21
Trade union	16	12
Advocacy and policy making association/union/network	13	10
Support Centre for providing services for NGOs	3	2
Other	3	2
Unanswered	8	
Total No. of participated organisations <sup>24</sup>	136	

Members of the organisations are individuals (in 65 organisations) as well as legal persons in private law (in 83 organisations). Only 7 organisations had more than 1000 members. The number of members that are legal persons in private law is usually between 5-100. Almost 2/3 of the organisations have salaried employees and in 1/3 there are none. Most organisations (96% (131)) have access to the internet and 77% (105) of them have their own home page. Hence the potential capacity of these organisations for participating in decision-making processes can be considered quite good.

**Figure 3.4. Participation frequency in drafting legislation or preparing policy documents**



Based on frequency and activity in participation, almost all organisations are equally represented. Organisations that have participated in drafting 2-5 Acts or policy documents are slightly over-represented (37%) (see Fig 3.4). Half of the trade unions and associations of business interests that responded have participated in drafting 6 or more Acts.

<sup>24</sup> – As there are no clear criteria in Estonia for classifying umbrella associations of NGOs, several organisations identified themselves as belonging to several organisation types. Therefore, the number of organisations by type (168) is different from the total number of organisations that responded to the questionnaire (136).

### 3.2.2. Bases for engaging interest groups

There are no detailed rules for engagement procedures in the **Riigikogu**. The Riigikogu committees may engage interest groups when they consider it necessary. In the opinion of most **ministries'** officials (92% (36)), the main basis for engaging interest groups is an established practice or tradition to do so. Rules, orders and Acts do not regulate these activities. **Interest groups** are more hesitant – approximately half of them consider tradition to be an important factor, and the other half think that it does not have an influence (ie, there is no tradition yet). Organisations that are currently being engaged are more satisfied with present practices and tend to think that there is a tradition of engaging interest groups. In general, in the opinion of public officials and NGOs the bases for engagement of interest groups are different.

Similarly to public officials, interest groups do not consider laws, rules or agreements important factors for engaging, but rather personal contacts and cooperation between an organisation and a public official (69% (94)). Only a few interest groups mentioned specific Acts influencing engagement processes. Environmental organisations and trade unions are most aware of these matters. Their participation is also the most regulated. Interest groups have less personal contacts in the Riigikogu and therefore, their influence is considered smaller in engaging processes (40% (54)). However, in analysing the Riigikogu on its own, unofficial communication and personal contacts appear to be important.

There are different opinions about cooperation agreements. Half of public officials (49% (19)) consider them to be one of the most important factors in engagement processes. Most interest groups do not think cooperation agreements or contracts with ministries or the Riigikogu influence engagement processes. Only bigger organisations and trade unions that have longer-term relations with the Government and the Riigikogu (and also rights provided for by the law (see chapter 3.1.2)) find such agreements and contracts to be rather influential. Organisations have said that they have cooperation agreements with the Ministries of Education and Research, Social Affairs, Culture. The Ministry of the Environment should be emphasised separately. This ministry has made several so-called voluntary agreements, which usually also contain an obligation for the ministry to give information about planned legislative changes. Several NGOs said that they would like to have similar cooperation agreements.

It is paradoxical that only 1 member of the Riigikogu mentioned the importance of cooperation agreements in consulting with interest groups, although the Riigikogu has adopted the Estonian Civil Society Development Concept (ECSDC). One of the main aims of this concept is to engage more NGOs in decision-making processes and legislative drafting. Almost nobody mentioned this concept in their answers, which demonstrates that the Riigikogu and interest groups tend to regard such documents as something quite declarative and not as a serious basis for engagement of interest groups in everyday practice.

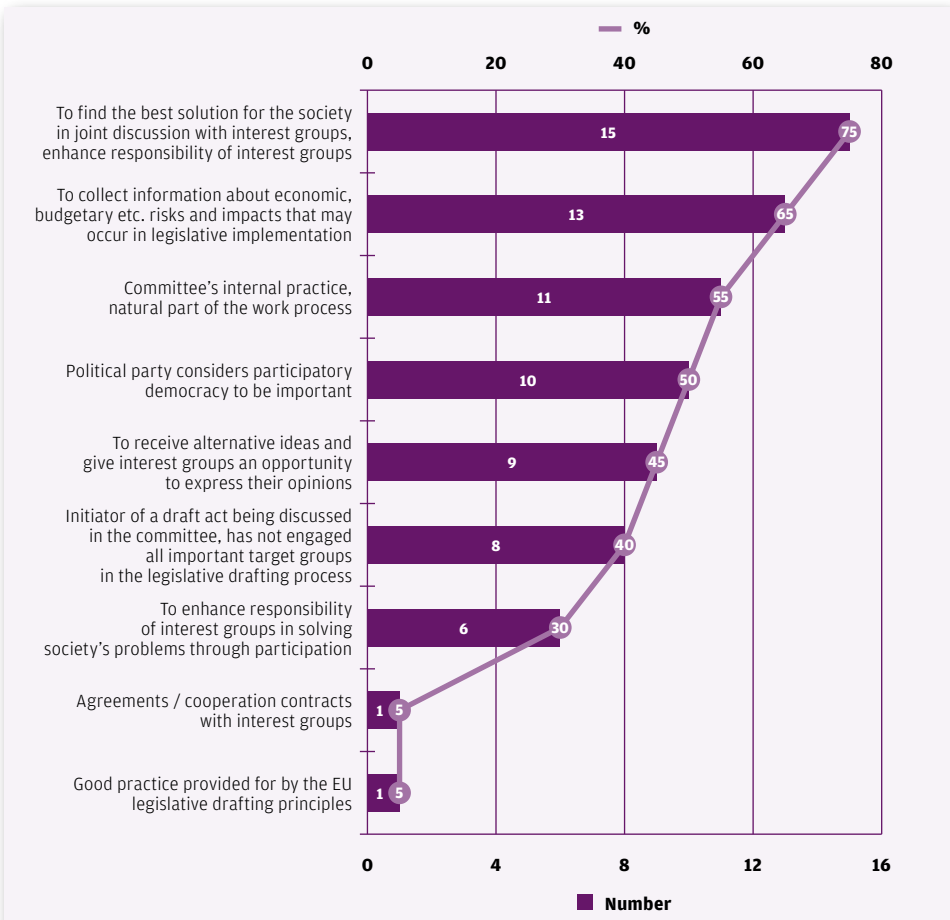
On the one hand, an advantage of cooperation agreements is that the partners can agree on mutual expectations and responsibilities. On the other hand, a disadvantage of such agreements is that ministries cannot possibly make such agreements with all NGOs. It would therefore be easier to base engagement practices on common and more general rules, the so-called best practice of engaging interest groups. All interest groups could take this best practice as a basis for participation. Wider and more general agreements could also have a more important role (e.g. the ECSDC), offering more possibilities for public officials, members of the Riigikogu and interest groups.

### Why engage / participate?

Engagement is regarded rather pragmatically in Estonia. It is practiced more out of necessity and tradition than because of the principles of the EU or rules of legislative drafting.

**Why deliver information?** The main reason for delivering information to interest groups for the **Riigikogu** committees is to collect data about potential economic, budgetary, social, etc. risks and impacts that may occur in implementing legislation (85% (17)). This differs from the main reason why public officials deliver information to interest groups (to improve implementation), but in general, the other reasons for Riigikogu committees are similar: to enhance the awareness of interest groups about state decisions (80% (16)), because interest groups ask for and are interested in receiving information (80% (16)), because delivering information to directly affected interest groups is a good practice of the committee (75% (15)). The reason considered to be most important by ministries – to guarantee better implementation of and compliance with laws – was only the fifth reason for Riigikogu committees (60% (12)). Norms, international rules and the EU practices are less important. The influence of party programmes was also considered rather unimportant (45% (9)).

**Figure 3.5. Why does your committee consult with interest groups (3 most important reasons)?**



It seems that the rules of legislative drafting and recent EU policy on engaging are too theoretical or normative, or simply secondary, for those forming legislative practices in Estonia.

**Public officials** deliver information to interest groups mostly to guarantee better implementation (85% (33)) and to enhance awareness about state decisions (82% (32)). It is also considered important that interest groups are interested in receiving information (77% (30)) and that a ministry's management promotes it (74% (29)). More than half of the public officials did not consider information dissemination to be compulsory. Although there are no legal provisions for compulsory information dissemination, it still occurs in many cases on the initiative of public officials.

**Why consult?** In the opinion of the **Riigikogu** committees' and factions' chairmen, three main reasons for consulting are as follows: a) to find the best solution for society in joint discussions (75%), b) to collect information about potential risks and impacts of Acts (65%) and c) engaging is a natural part of the work process (55%) (see Fig 3.5). Receiving alternative opinions and parliamentary monitoring are not considered very important; nor are cooperation agreements and the EU legislative principles.

Paradoxically, agreements/cooperation contracts with interest groups are not considered to be important at all, although two such agreements have been adopted by the Riigikogu (see chapter 3.1.3), and are thus compulsory for political parties.

As shown in Figure 3.6, the main reason why public officials consult with interest groups is to find the best solution to problems in society and thereby raise the responsibility of interest groups (72%)<sup>25</sup>. The least important reasons were international standards (18%), and although compulsory consulting was an important aspect in delivering information to interest groups, it does not play an important role in consulting itself. There are very few rules providing for engagement of interest groups. Heads of departments who have been working 1-2 years in a ministry engage interest groups most enthusiastically.

Interestingly, the reasons why interest groups think ministries and the Riigikogu engage them (Fig 3.7) do not coincide with the reasons why interest groups themselves wish to and do participate (Fig 3.8). The main reason why interest groups think they are engaged is their own initiative (63%), the next most important is to decrease their resistance to the adoption of an Act (53%) followed by the need to receive alternative opinions (46%) (Fig 3.7). But as shown in Figures 3.5 and 3.6, these reasons are not so important in the opinion of public officials and politicians. Although the claim that "interest groups themselves are active" is the main reason for all types of NGOs, associations representing business interests also emphasise the importance of collecting additional information. Trade unions also consider compulsory information dissemination and consulting, and international rules, to be important aspects. National associations also mention the importance of finding the best solution for society.

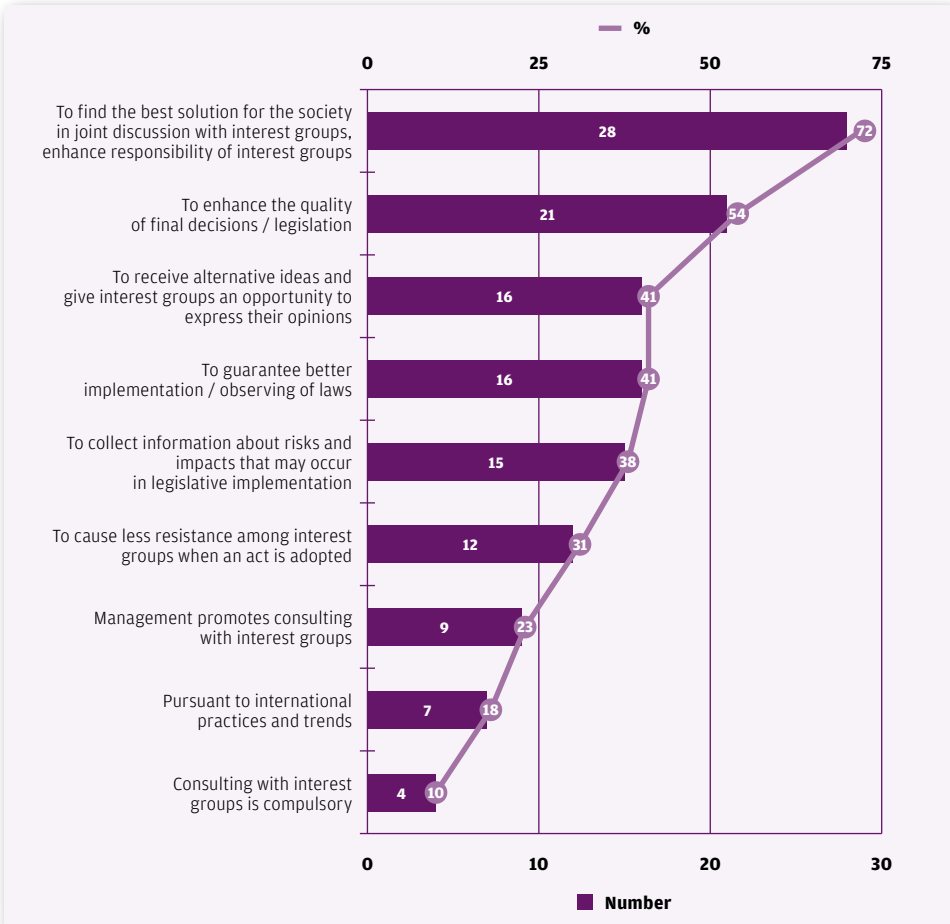
Interest groups consider that the main reason for participating is their wish to protect their own interests (89%). Enhancing the quality of legislation (63%) and finding the best solution for society (61%) are also considered to be important (Fig 3.8). These reasons coincide with theoretical approaches (see chapter 1.2.3).

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25 – According to public officials who participated in testing recommendations, interest groups are more and more engaged for the purpose of avoiding tensions and resistance in the future. According to the survey, this ranks as the fourth reason.



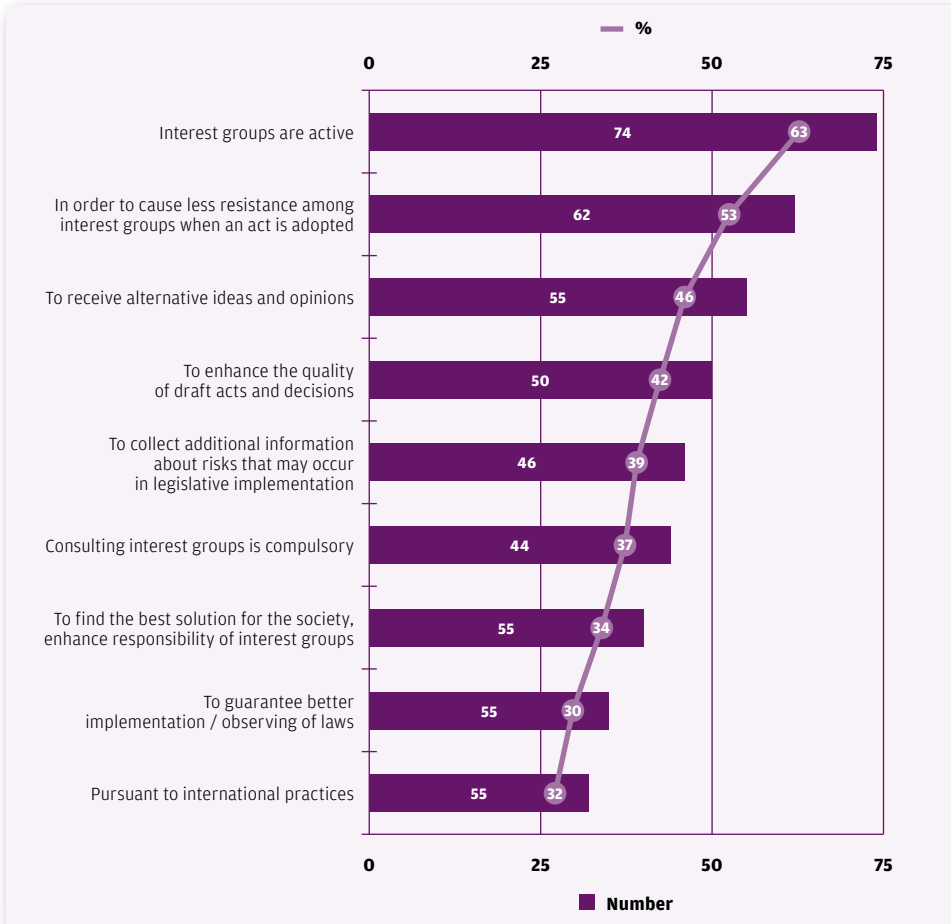
**Figure 3.6. Why does your department consult with interest groups (3 most important reasons)?**



**In conclusion**, public officials, members of the Riigikogu and interest groups have different views about the reasons for engagement and participation. For NGOs the main reason to participate is to protect their own interests (and they think they are engaged mainly because they are active). By contrast, public officials seek engagement of interest groups in order to guarantee better implementation of legislation. Interest groups are consulted mainly to find the best solution for society and to enhance the NGOs’ responsibility. At the same time, chairmen of the Riigikogu committees and factions deliver information to interest groups mainly to receive feedback on potential risks and impacts. They consult with NGOs for the same reasons as ministries – mainly to find the best solution to society’s problems.

Hence interest groups think that active groups are the ones that will be allowed to participate in decision-making. Such groups see themselves as protectors of their own interests – which does not necessarily create additional social value. However, their secondary reasons for participating – such as enhancing the quality of legislation and finding the best solution for society – include also a certain aspect of social responsibility.

**Figure 3.7. What does your organisation see as the main reasons why ministries and the Riigikogu engage you (up to 5 most important reasons)?**

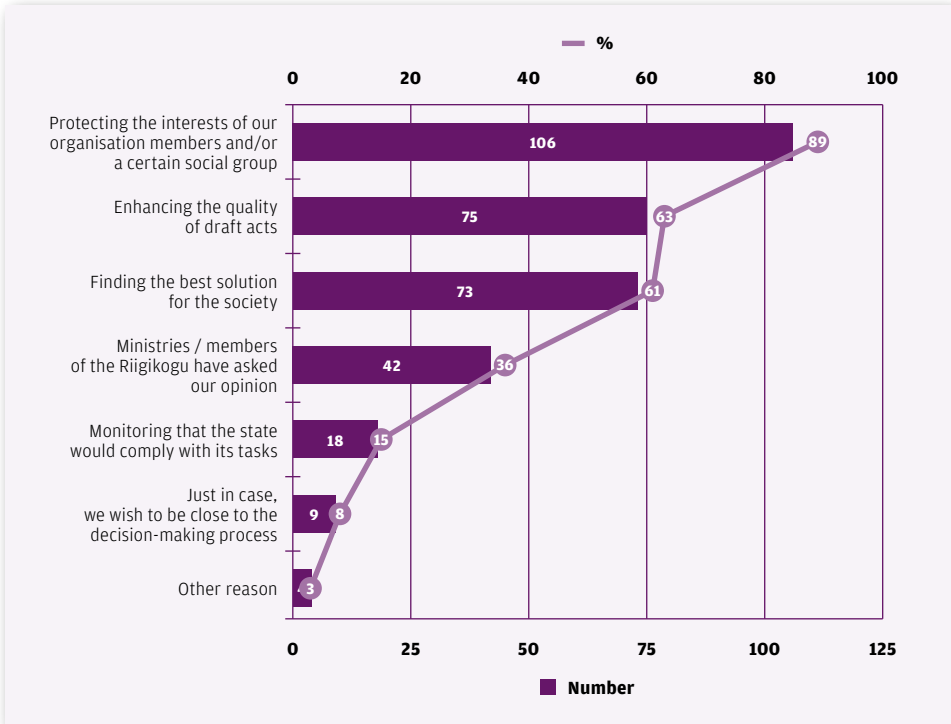


***Participation in different stages of legislative drafting***

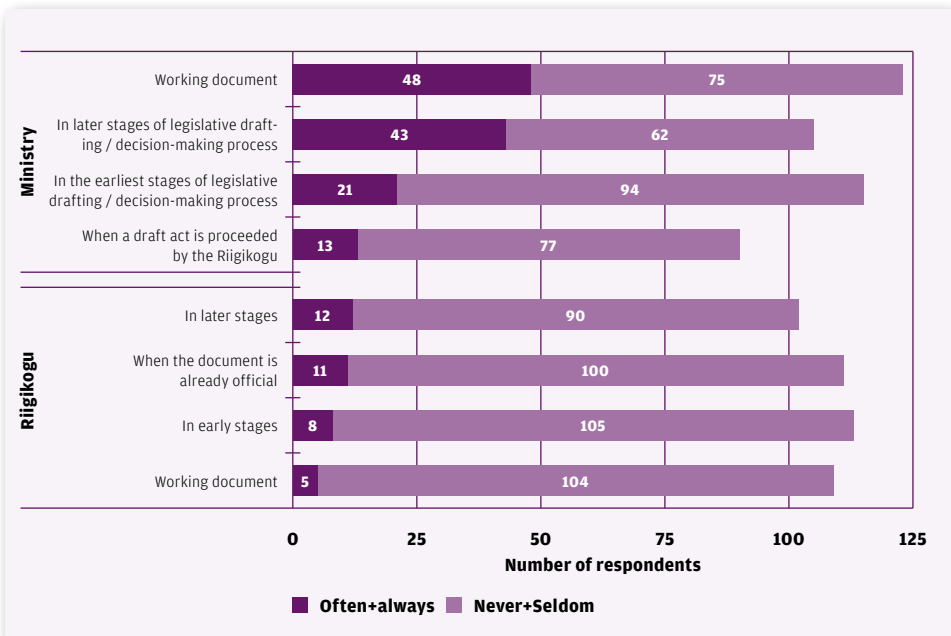
Almost half (49% (19)) of the heads of departments say that interest groups are usually engaged in the early stages of decision-making processes. According to one public official, ‘ideas for legislative drafting often originate from interest groups, but it is hard to tell when an idea turns to an initiative, and whether an interest group or the ministry has taken a leading role in it’. However, public officials also mention some negative experiences, for example where an interest group has come up with an idea that is clearly harmful to the general public interest, or that lacks economic justification, or where the interest group loses interest in the idea. Sometimes interest groups with a very narrow range of interests have been engaged in legislative drafting, which may result in neglect of broader national aspects.

**Interest groups** themselves are not so sure about engagement in early stages of decision-making processes. Only 15% (21) of them think that it is done always or often. Instead, they think they are engaged only in the later stages of such processes (see Fig 3.9).

**Figure 3.8. Why have you participated (3 most important reasons)?**



**Figure 3.9. In which stage and how often have you been engaged?**



Associations representing business interests and trade unions are more often engaged in the final stages of such processes. However, it is difficult to estimate the stage at which interest groups are engaged, because ministries send draft legislation for comment at different stages of development.

Interest groups say that the Riigikogu engages them less than do the ministries. They are most often engaged in the later stages of legislative drafting (9% (12)) or when a draft has already been submitted for official discussion in the Riigikogu (8% (11)). This is also due to the nature of legislative drafting processes, as the early stages of engagement usually cannot take place at parliamentary level.

Most NGOs wish that ministries would deliver information and engage them more in the early stages of legislative drafting (72% (94)) and when a draft is still a working document (60% (79)). Thus there is a contradiction between the desire of NGOs to participate in the early stages of legislative drafting and decision-making, and the reality that they are engaged in the later stages of the process, when the draft is almost completed (see Fig 3.9). At the same time, there are doubts about whether NGOs are ready for early participation, in view of their capacities for participation (see later).

NGOs who are 'almost always' engaged are more often engaged in early stages of decision-making than those who are only 'sometimes' engaged. The same tendency occurs also with NGOs, who are satisfied with present information dissemination and participation practices. Hence, satisfaction with engagement practices is clearly connected to how early interest groups are engaged in decision-making processes.

### ***Planning time for engagement of interest groups***

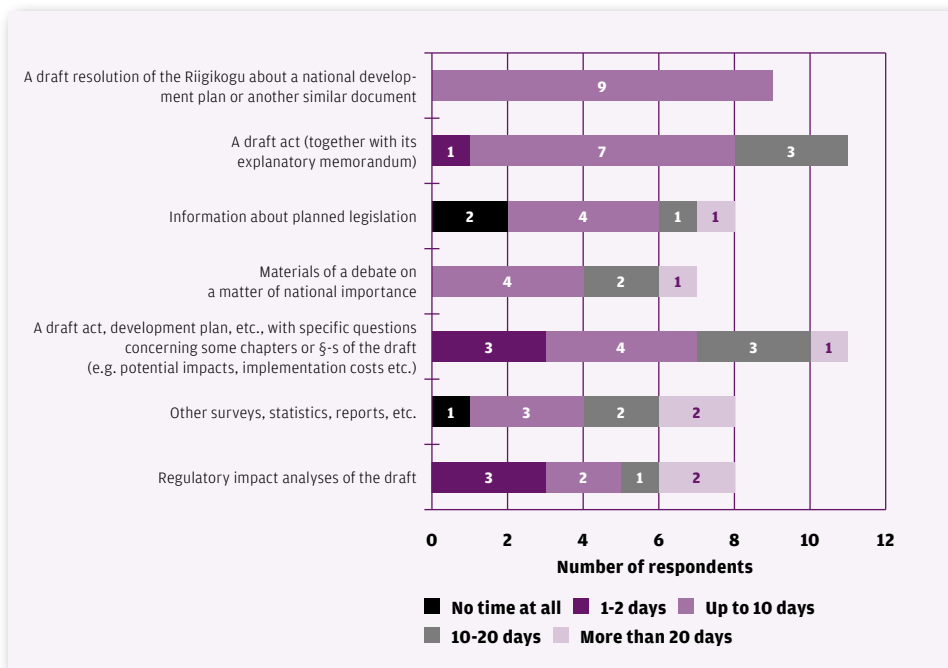
Consistent with recommendations for efficient engaging – that interest groups should be engaged in the early stages of decision-making – most members of the Riigikogu and public officials said that the time for engagement of interest groups is planned into decision-making processes. However, many think that this time is not sufficient. Surprisingly, the chairmen of Riigikogu committees who said that they do not use a specific form for engagement of interest groups nevertheless often plan more time for consulting in decision-making processes.

### ***How much time is given for commenting?***

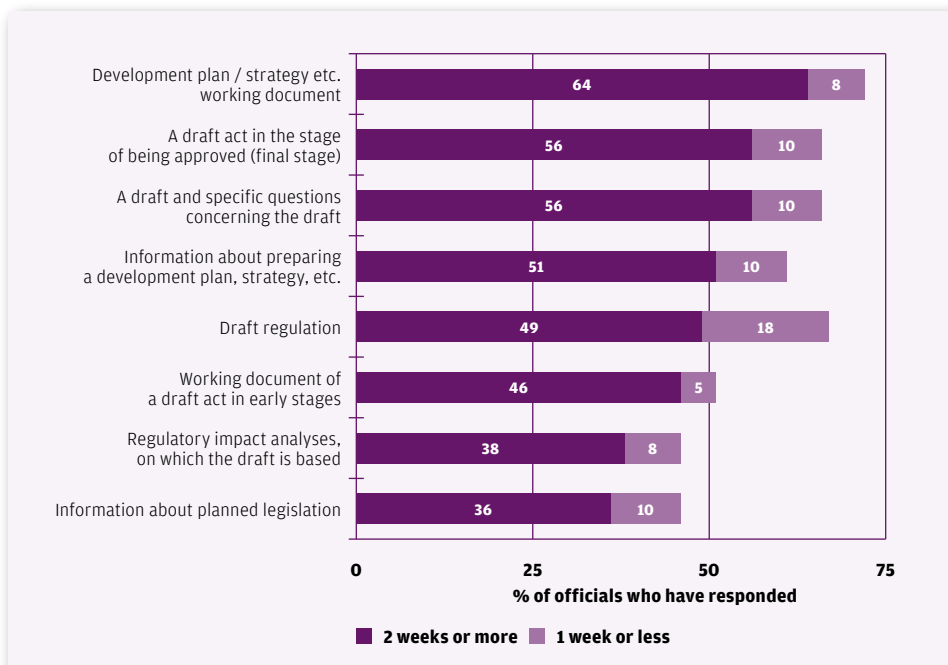
According to the chairmen of the **Riigikogu** committees and factions, interest groups are most often given up to 10 days for commenting on draft Acts or other documents (Fig 3.10). However, often only 1-2 days are given for commenting on certain other documents, e.g. an impact analysis for a draft law. A pattern is clearly identifiable in the Riigikogu answers here, ie, the more an interest group is fixed within a 'circle of partners', the more time it is given for presenting opinions and comments. The respondents who considered the passivity of interest groups to be a problem tend to allow relatively less time for participation.

More than half of public officials (1/3 did not answer) say that interest groups are given 2 weeks or more for commenting on draft Acts and regulations. For answering specific questions, 2 weeks are given (36% (14)), for commenting development on plans, strategies, surveys, reports, statistics, etc. more than 2 weeks are given (see Fig 3.11). Hence public officials give a little more time for commenting than do the members of the Riigikogu. However, as became evident, altogether 1/3 of public officials think that 2 weeks is not enough to receive objective comments and efficient results. Public officials who

**Figure 3.10. How much time are interest groups usually given for commenting on the following materials (in the opinion of the members of the Riigikogu)?**



**Figure 3.11. How much time are interest groups usually given for commenting on the following materials (in the opinion of public officials)?**



have worked for a longer period give interest groups more time for comments. In countries which enforce rules or best practice for engagement (e.g. Germany, Finland, the EU), there is a minimum time that must be given for commenting - which is 8-12 weeks (see chapter 2.2.2).

More than half of the heads of departments (51% (20)) say that there is no particular type of document, for which only 1-2 days are given for commenting. However, ¼ of the respondents (26% (10)) think there are such kinds of documents (mostly heads of departments of the Ministries of Economic Affairs and Communication and Finance), and 20% (8) can't say. Several respondents mentioned that the time for consulting is very short in the case of EU legislation, documents or working groups.

**Interest groups** say they have even less time for commenting; most often this is 1 week for commenting on drafts and documents (except for information and early stage working documents, in which case more time is given). However, according to their own estimates, NGOs are of the opinion that they need at least 2 weeks or more for commenting. This may be interpreted as a question of resources. However, trade unions, which have a lot of experience in participating in decision-making processes, are most supportive of this opinion.

It is noteworthy that many respondents (more than half in the Riigikogu; more than 1/3 in ministries) did not answer this question. The same tendency occurs in the answers of NGOs. Evidently, engagement depends on the nature of the specific documents and situations in question. Many public officials, members of the Riigikogu and interest groups cannot identify general rules about the time necessary for commenting, applying to all types of documents. Many organisations said that it is difficult to generalise. There are different kinds of documents; thus the time given for consultation may vary accordingly (e.g. the time given for comment on the voluminous Law of Obligations should be correspondingly large). Certainly, when it is necessary to collect and provide additional data or expert opinions, more than 2 weeks is needed. Approximately 10 % (12) of interest groups emphasised that in reality they would need a month to respond sufficiently thoroughly.

### ***Substance or topic of engaging processes (is engaging more important in some topics?)***

60% (12) of the **Riigikogu** committees' and factions' chairmen say that there are cases when engagement is particularly important. 1/5 think that engagement is always important. Some chairmen emphasise the importance of engaging interest groups in issues specifically related to them, while other chairmen think that it is important to engage interest groups in issues concerning a large part of the population and having a broad socio-economic impact.

The same proportion of heads of department of **ministries** (59% (23)) agree that there are cases when engagement is particularly important (only 10% (4) think that there are no such cases). Engagement of interest groups in every-day matters and technical questions is not considered necessary, but engagement of interest groups in discussions about problems concerning society more broadly (e.g. development plans, strategies, questions overreaching one ministry's administration area) is more important. Engagement is also necessary when the target group for a document is not very clear; when a decision will be sensitive, or when a potential decision will broaden one target group's rights and limit another's (e.g. teachers vs a school manager or a headmaster, teachers vs pupils, etc.).

### 3.2.3. Selecting interest groups

#### ***The circle of engaged interest groups***

In the **Riigikogu** as well as in ministries, the circle of engaged NGOs does not change very often. Bigger circles of interest groups have already formed. Every once in a while new partners join in. With some exceptions, the relations with interest groups and work practices in the Riigikogu are mostly established and do not depend much on a committee chairman's experiences. The circle of engaged interest groups depends partly on the degree to which the policy area is institutionalised, and partly on cooperation networks based on personal relationships. Every new member of the Riigikogu brings new relationships, groups, contacts and experts, etc. with him/her.

Most **public officials** say that a bigger circle of engaged interest groups has been established in their policy field – 10% (4) say that the circle is completely fixed, 38% (15) say that a bigger circle is fixed and only 41% (16) say that every once in a while new interest groups join in. This demonstrates that it is quite difficult for new groups to enter this circle.

#### ***Selection criteria of engaged interest groups***

In the **Riigikogu** committees, the interest groups that are consulted are selected on different bases in preparing each draft. Often an argument is used that interest groups are themselves interested in participating and wish to be invited to a committee meeting. For the members of the Riigikogu, the most important criteria for selecting interest groups are the competence and responsibility of the groups, and how directly are they affected by legislation under discussion. Similarly to public officials, members of the Riigikogu consider trust and cooperation to be very important, and also how the interest group has participated in the past. The Riigikogu committees are rather open to cooperation with NGOs. Much depends on interest groups' skills and preparation.

For **public officials**, the main criterion for selecting interest groups is the degree to which an NGO represents the relevant policy field. However, the NGO's interest and whom it represents is also important. It is generally presumed that interest groups can offer practical solutions for problems and are competent.

In the opinion of most heads of departments, ministries are open towards engagement of new interest groups, but NGOs should also be also more active and show their interest in issues. If some interest groups cannot participate, it is due to their lack of information, and not because public officials do not want them to participate. In many cases the respondents say that they often work with professional unions and umbrella associations because these bodies guarantee more widespread representation of relevant communities.

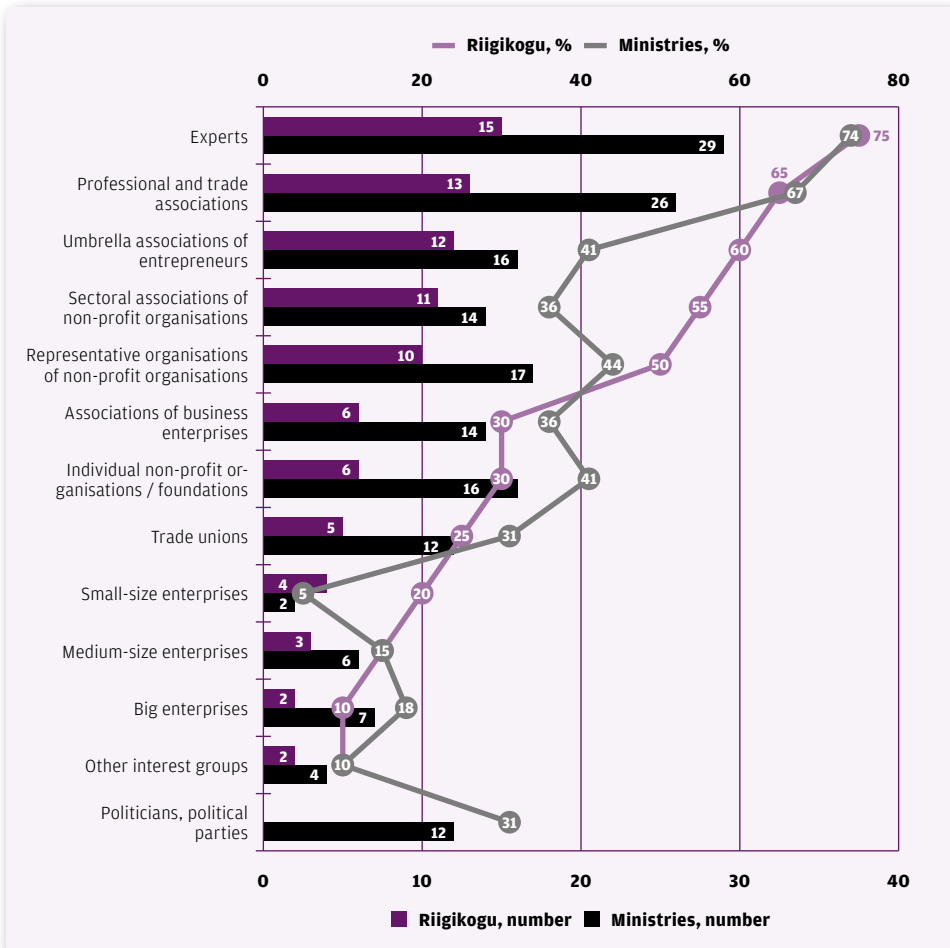
2/3 (61% (24)) of public officials say that there are no provisions or established criteria in their department about choosing which bodies outside the public sector should be invited to engage in advisory bodies. 1/3 say that there are such criteria. Examples have also been cited where there are no established criteria, but rather that certain people or associations have simply emerged as participants. In assessing NGOs for participation, their earlier experiences, interest in engagement, objectivity and professionalism are considered.

This means that public officials have quite a wide authority to invite people to advisory bodies at their own discretion. This creates a danger that the same interest groups could always be invited, or interest groups whose opinions are closest to those of officials. This danger should be avoided, as it could exclude other opinions from the very start of the process.

### Who are engaged?

As was shown earlier (see chapter 1.2.4.3), the interest groups that should be engaged are those who are most directly affected or whose know-how is most highly valued and may be able help to solve problems (e.g. in very specific policy fields, experts should be engaged). In Estonia, chairmen of the **Riigikogu** committees and factions and heads of departments of ministries engage most often experts; followed by professional and trade associations (see Fig 3.12). The main partners of the Riigikogu committees in last couple of years have been very different – specific organisations as well as associations with interests in a general field (e.g. pensioners’ organisations, children and family associations, etc.). Associations of entrepreneurs and business interests are more often represented than NGOs active in the fields of culture, education and social issues. Among partners in social issues, the following kinds of bodies are prevalent: trade unions, organisations of disabled people, pensioners’ organisations, associations of students, etc. Universities have also been mentioned. More regular communication takes place with NGOs who have

**Figure 3.12. How often has your committee/department engaged in legislative drafting and preparing development plans, policy documents, etc. ... (always + often %)?**





professional employees monitoring legislative processes in the Riigikogu and who make objective and clear comments and proposals. They are in the “active memory” of the chairmen and advisors of committees. Other NGOs, who do not have systematic activities in relation to parliamentary procedures, are contacted when necessary.

In carrying out engaging with NGOs, **ministries** consider how active an NGO is, the size of the group of people represents, and the extent to which that group is clearly defined. It is most likely that various umbrella associations are engaged, representing professions and policy fields, business enterprises or NGOs. Half of public officials have never or seldom engaged associations of entrepreneurs (51% (20)), although 41% of them have engaged such associations often or always. The same tendency applies to engaging with unions of business enterprises (51% (20) seldom or never). Individual enterprises are not often engaged. From the questionnaires we can conclude that business enterprises and their unions are not very often engaged. However, it is somewhat interesting that answers to open questions cite quite a few examples of unions of entrepreneurs and enterprises who have been engaged in decision-making processes. One of the reasons for this could be that several professional unions are not always taken as representatives of business interests.

Approximately half of the respondents often communicate with NGOs’ umbrella associations and sectoral unions, as well as with individual NGOs. The Ministry of Social Affairs engages trade unions more than other respondents. 85% (33) of heads of departments say that there are active interest groups in their policy area that have been interested in participation and that are therefore engaged.

Trade unions and entrepreneurs have been engaged by the Riigikogu and ministries and participated on their own initiative most often – half of them have participated in drafting 6 or more Acts. There are several members of the Riigikogu who have a close connection to trade unions. Trade unions have the most cooperation agreements with the state and this cooperation has been the longest and most institutionalised in the form of tripartite negotiations.

### ***Engaging experts***

As we learned, the Riigikogu and ministries engage most often experts. In the questionnaire, an expert was defined as a lawyer, researcher, etc. However, the respondents often included representatives of NGOs by experts within this term. Therefore, the definition of an expert is somewhat unclear. “Polarity of engaging” – ie, engagement of interest groups for achieving broader consensus and receiving specific independent professional expertise in the process of legislative drafting – adds to the lack of clarity.

Competences are inevitably limited in a small country, and therefore two sides of engagement of interest groups – ie, for achieving broader consensus or receiving specific independent professional expertise – can get mixed up. The respondents often bring out the need for expertise as one reason for engagement of interest groups, because ‘interest groups have experts and know-how’. In the opinion of several interest groups, the principle of remunerating expertise as a service should be enforced. When an interest group is interested in presenting its opinions to the state, it cannot ask for remuneration. However, many interest groups think that when organisations are engaged in legislative drafting and policy-making processes as a subsidiary occupation, they should be remunerated.

Interest groups participate in order to represent their interests and to influence decision-making processes. But expertise is not the unconstructive opinion of an interest group.

Rather, it is an objective analysis of a specific topic/policy area ordered (and usually paid for) by the state. Therefore, interest groups' suggestion that ministries and the Riigikogu could pay them for their comments and proposals cannot be taken seriously, as the aim of engaging interest groups is different and cannot replace remunerated expertise. Objective analysis is much more than just presenting one's opinions.

### ***Who have engaged and whom have interest groups sent proposals?***

According to interest groups, bigger umbrella associations of NGOs (34% (46)) have been most efficient in engaging them. NENO, EEC, ECIC, EOC, EEUC, CETU, the Estonian NGO Roundtable, and the Estonian Council of Environmental Organisations were mentioned several times. The most active ministries in engaging interest groups are the Ministries of Social Affairs (28% (38)), Economic Affairs and Communication (24% (33)) and Education and Research (22% (30)). The most passive were the Ministries of Defence and Foreign Affairs and the State Chancellery, due to the specific characteristics of these institutions.

Interest groups consider the Riigikogu to be rather passive in engagement of NGOs compared to ministries. Committees are considered more active (26% (35)) than individual members (12% (16)) and factions (10% (13)). Interest groups consider themselves to be more active in participating and initiating communication – 43% (58) have submitted proposals to a committee, 32% (44) to a single member and 18% (24) to a faction. The Committees of Legal Affairs (18), Social Affairs (10) and Finance (6) are mentioned as the most active in engagement of interest groups; comments have been sent on their own initiative to the Committees of Social Affairs (20), Cultural Affairs (11) and Finance (10). None of the factions is more active than the others.

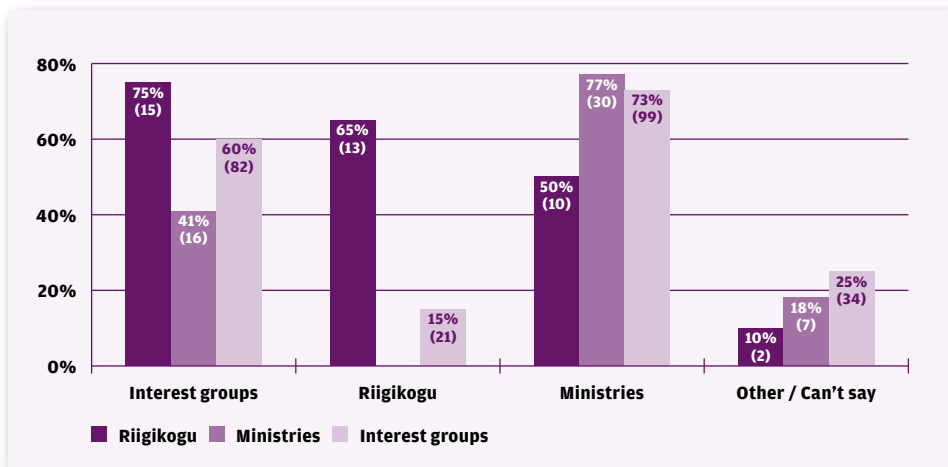
Interest groups have sent proposals on their own initiative most often to the Riigikogu committees (43% (58)), the Ministry of Social Affairs (33% (45)) or the members of the Riigikogu (32% (44)). Besides the Ministry of Social Affairs, most proposals have been sent to the Ministries of Finance, (30% (41)), Education and Research (27% (37)), Economic Affairs and Communication (25% (34)) and Justice (23% (31)). Hence, while the Ministries of Finance and Justice are not very active in engagement, interest groups consider it important to send them comments and proposals. The Chancellor of Justice, the Estonian Qualification Authority and the Public Understanding Foundation are also often mentioned as institutions who have engaged interest groups or to whom interest groups have sent their opinions

But there is a contradiction between an interest group wanting to be engaged and sending comments on its own initiative – most often, comments and proposals are sent to the Riigikogu committees, but those committees are not expected to engage interest groups very much. The Riigikogu's role is seen as quite passive, but sending comments to it is considered efficient. On the one hand, the Riigikogu is the last chance to influence a decision, especially if an interest group has learned about a draft only through the media. On the other hand, as the media reflects the activities of the Riigikogu more enthusiastically than the activities of a working group in a ministry, interest groups have a better chance to disseminate information to wider public about their interests and opinions.

### ***Who should initiate communication?***

Most chairmen of the **Riigikogu** committees and factions think that the primary initiative should come from interest groups. Most **interest groups** and **public officials** think that the primary initiative for communication should come from ministries and only

**Figure 3.13. Who should normally initiate communication and participation in legislative drafting and decision-making processes (rank 2 most important ones)?**



then from interest groups. Only some public officials and interest groups think that the Riigikogu should initiate communication, while many members of the Riigikogu see it as their responsibility to initiate communication (see Fig 3.13). As information about legislation is available on the internet, members of the Riigikogu probably consider it natural that professional interest groups are able to keep themselves updated and defend their interests by appealing to the Riigikogu when necessary.

### ***How often interest groups are engaged (in interest groups' opinion)?***

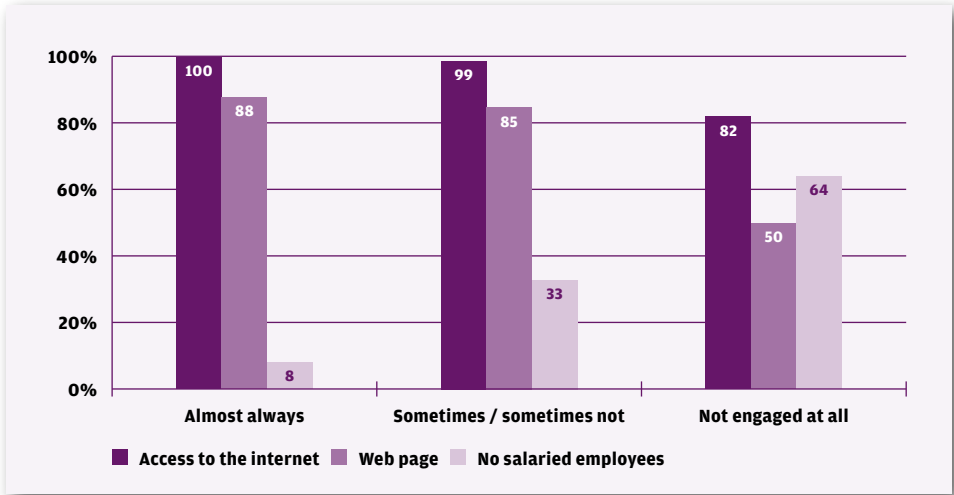
In the opinion of most NGOs, including most trade unions (81%), engagement processes are mostly ad hoc, i.e. sometimes interest groups are engaged, and sometimes not (58% (79)). 25 organisations, i.e. ¼ of associations representing business interests, think that they are engaged almost always (18%) and 22 organisations think that they are not engaged at all (16%). When one also considers proposals that organisations have sent on their own initiative, we can say that 83% (113) of NGOs who answered the questionnaire have participated in legislative drafting and preparing policy documents.

Altogether 82% of umbrella associations say that they have been engaged. However, this number is relatively small considering that only umbrella associations participated in this survey, which all represent their member organisations and individual NGOs. Hence almost 1/5 of umbrella associations who participated in the survey have never been engaged.

The organisations who have not been engaged and who have not participated do not have good access to the internet (only half of them have their own home pages) and in most cases do not have salaried employees (see Fig 3.14). Therefore, lack of resources inhibits participation activity. The organisations, which are not engaged, are mostly those that are recently established. This also explains the importance of established cooperation in initiating engagement processes.

Most organisations have participated mainly in their field of activity (65% (89)). 17% (23) of respondents have participated in their field of activity as well as in other issues. Among the organisations that completed the questionnaire, 20 (15%) have never partici-

**Figure 3.14. Engaging interest groups who have resources (how often are engaged, %)**



ated. Participation in issues outside an organisation’s field of activity demonstrates the organisation’s broader scope, and is mainly related to the broader/national policy of the organisations’ main field of activity in Estonia. Organisations founded before 1988 are more often engaged in issues outside their main field of activity.

### 3.2.4. Forms and means of engaging interest groups

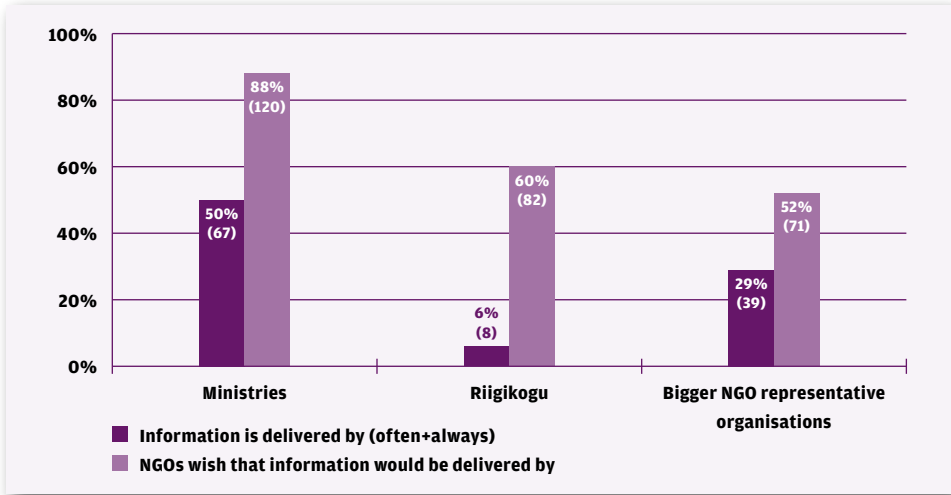
#### ***Providing interest groups with information and materials***

For delivering information to interest groups, the **Riigikogu** committees’ and factions’ chairmen use mostly an ‘e-mail with documents to specific interest groups’ (85% (17)), but use the regular post (50% (10)) and e-mails to electronic information lists (45% (9)). In addition, they deliver information by letters and e-mails that on the Riigikogu web site are full texts of the discussed documents (30% (6)). They have also indicated that phone conversations are often used for delivering information as well.

For delivering information and materials **ministries’** departments use mostly e-mails to specific interest groups (92% (36)) and to a much lesser extent posted letters (49% (19)). A little over half (54% (21)) send e-mails to information lists. Very often information and materials are put on the ministry’s web page (85% (33)), but interest groups are usually not informed about this (51% (20) deliver always or often information to interest groups about this, and only 15% (6) do so often by regular post). 51% (20) of the respondents always or often use public media for delivering information. Advisory bodies are also used for delivering information, as the members of such bodies should provide other NGOs with information. Oral communication – by phone and meetings – are also mentioned.

Therefore, although there is information and materials on the ministries’ web pages, finding out about it is a question of interest groups’ activity. It is presumed that interest groups can find the necessary information, and that ministries have done all they could to let interest groups know that the information exists. In addition, almost all public officials presume that participation (or at least receiving information) takes place electronically, as information is delivered by e-mail (which requires/presumes an electronic reply and

**Figure 3.15. Through who does information reach interest groups?**



hence e-participation) or put on the web pages. This also presumes that interest groups have the facilities and skills to find the information, even if it is possible to answer and comment by other means. In the opinion of 85% of public officials, it is usually possible to find information on a ministry's web page, but in reality this is not always the case. Even if there is information available, it is often not enough for participating (see chapter 3.1.4). Also, when 92% of the departments use e-mails for delivering information, interest groups can be left out if they do not have facilities or skills to participate electronically (the so-called digital divide problem).

### ***Interest groups' access to engagement information***

Interest groups receive more information directly from ministries than through larger umbrella associations or the Riigikogu (see Fig 3.15). Trade unions have received more information from NGOs compared with the others (trade unions 56%, compared to entrepreneurs (26%), professional unions (30%) and national level umbrella associations (35%)) (this can be explained by the relatively unified activities of the umbrella associations). In the opinion of interest groups, the manner in which they receive information is still quite random and often partial; information is usually received in the final stages of the process, when a draft is ready to be sent for official approval (i.e. there is an appearance that engagement is a pretence).

According to interest groups, the major sources of information used at the moment coincide with the sources through which they would like to receive information, i.e. from ministries and the Riigikogu (but interest groups would like to receive much more information from them than they do at the moment). Bigger umbrella associations of NGOs are less valued as information sources. Today only 1/5 of opinions are submitted to larger umbrella associations of NGOs (21% (29)) and the wish to receive information directly from ministries dominates. If larger umbrella associations want to increase their importance, they should significantly increase their trustworthiness as opinion representatives and as intermediaries. Information delivery inside the umbrella associations is very important - if they improve themselves in this regard they could be serious partners for the state as well as for smaller interest groups.

## **What materials are sent and how often?**

The **Riigikogu** committees most often send interest groups materials with an invitation to a meeting (70% (14)), followed by drafts with explanatory memorandums (65% (13)) and also draft Acts, development plans, etc. together with specific questions (50% (10)). These documents are mostly sent to interest groups who prefer to receive them. Information about planned legislation comes mostly from ministries or political factions. Interest groups do not often receive impact analyses (often/always 30% (5), seldom 30% (6)), surveys and reports (often 10% (2), seldom 30% (6)), as the explanatory memorandum of a draft should contain all results of analysis, etc. and the practice of issuing parliamentary reports has not yet developed in Estonia.

In the opinion of **public officials**, interest groups receive most often draft regulations (67% (26)), followed by texts of draft Acts in the stage of official approval (64% (25)) and then explanatory memorandums (67% (26)). Specific questions are often also added to the draft (62% (24)) and a meeting invitation is sent together with other documents as well (62% (24)). The Ministries of Culture and Social Affairs propose meetings most often. There are fewer cases when information about planned legislation is delivered (31% (12) do this seldom or never and 38% (15) do this often or always), or about a development plan, an early draft (26% (10) do this seldom or never and 51% (20) do this often or always). Only 28% (11) of the respondents receive the impact analysis on which the draft is based often or always.

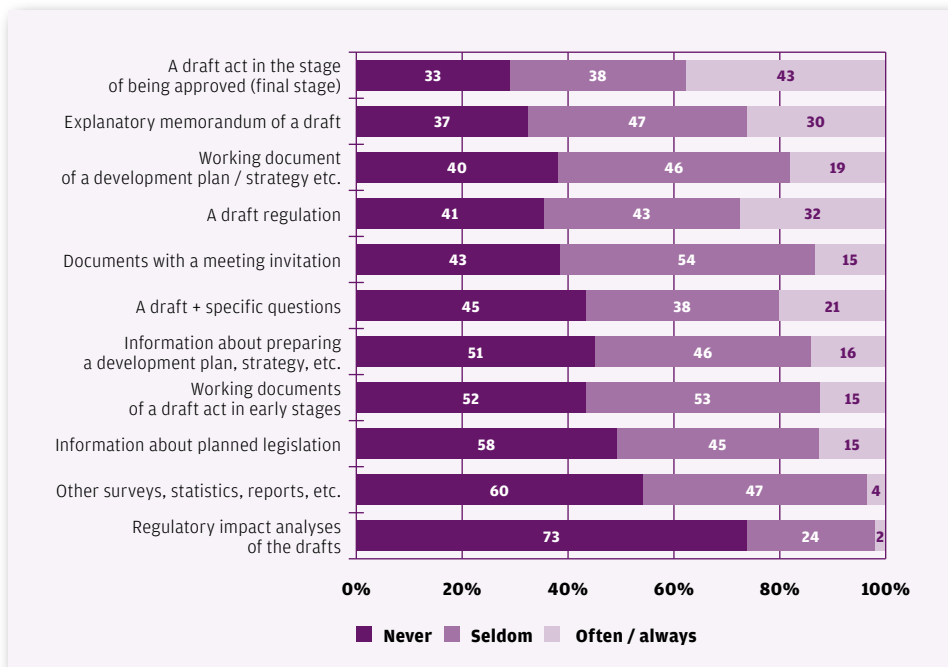
Public officials with shorter working experience deliver information and engage more in the early stages of the process, and also give additional background documents (impact analyses, surveys, etc.) more often in engagement processes.

Hence materials and documents are sent to interest groups quite often, but usually not in the early stages of the process. Public officials do not want to send raw drafts to interest groups, but this limits interest groups' possibilities to influence policy making in the early stages. However, it is a very positive sign when specific questions are added to drafts and interest groups are invited to meetings. Impact analyses could be added more frequently.

**Interest groups** prefer to receive a draft's full text together with specific questions (37%) and drafts with explanatory memorandums that also include impact analyses (29%). In reality, interest groups receive most often, according to their own estimation, the text of a draft or regulation together with the explanatory memorandum in its official approval stage (Fig 3.16). Comparing the sending frequencies of explanatory memorandums and impact analyses, interest groups get impact analyses 'never' or 'seldom' (in their opinion), while explanatory memorandums, which should include also impact analyses, are sent more often. Hence either impact analyses are not seen as compulsory parts of explanatory memorandums; or the quality of explanatory memorandums is low and they do not contain impact analyses; or the substance of impact analyses is interpreted differently.

There is a contradiction in the responses dealing with receiving specific questions about the drafts. In NGOs' opinion they receive specific questions mostly 'seldom' or 'never', although it is the most preferred form of receiving information for them. More than half (62%) of public officials, and half (50%) of the members of the Riigikogu, claim that they often send interest groups specific questions about drafts.

**Figure 3.16. How often do you receive the following materials from ministries and the Riigikogu?**



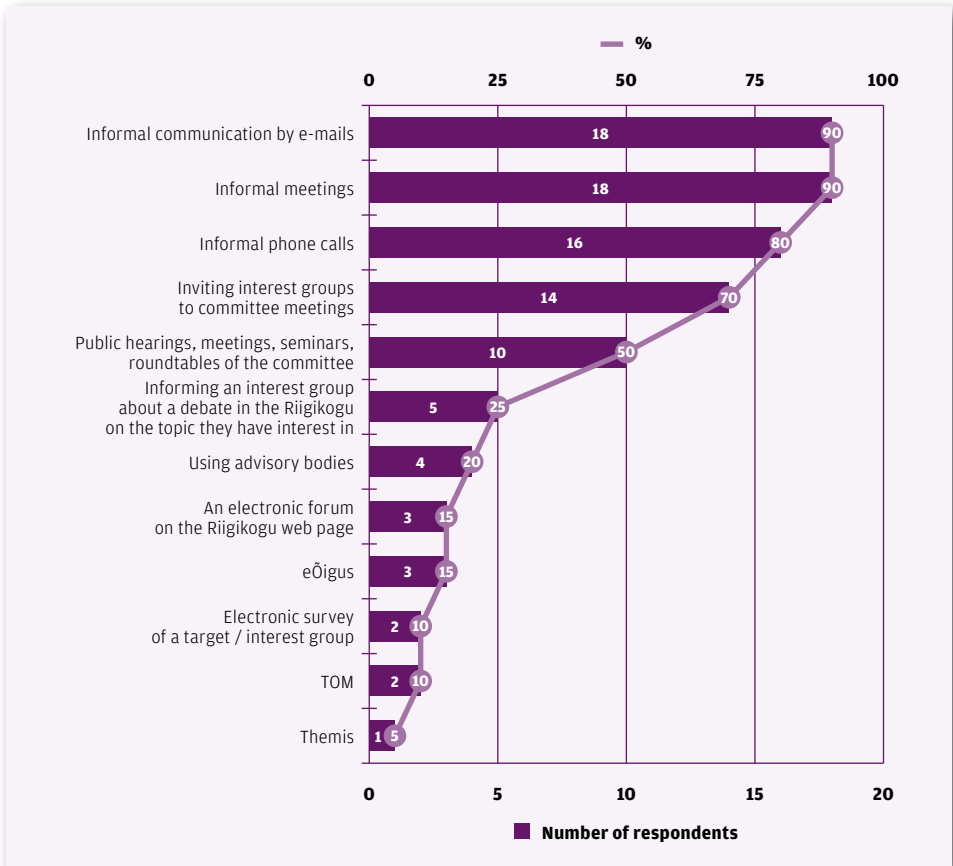
### Engaging means

As shown in Figure 3.17, the **Riigikogu** committees and factions prefer to use unofficial means – meetings (90% (18)), communication by e-mails (90% (18)) and phone calls (80% (16)). Compared to ministries, the possibilities offered by eOigus and the e-forum on the Riigikogu web page are used much less often. There seems to be a tendency for members of the Riigikogu, who communicate mostly unofficially, to give more time to interest groups for commenting.

Chairmen of the Riigikogu committees and factions mostly communicate with interest groups informally before a draft is submitted and in order to collect necessary information. The chairmen who often use informal e-mails for communicating with interest groups more often think that interest groups should initiate communication (7 out of 13). Based on this, we could conclude that interest groups should always contact chairmen of the Riigikogu committees and factions by e-mail. In practice, this is not the case, due to the massive overuse of these e-mail addresses. The members of the Riigikogu do not have personal advisors. After longer stays abroad, they therefore have tens or even hundreds of unanswered e-mails. It is more practical to send a copy of an e-mail with comments the clerk of a committee. Informal and formal exchange of information often follow each other.

Public officials also value informal communication (Fig 3.18). 87% of them use often or always informal communication by e-mails (e-lists, direct e-mails or e-mails to all participants), 85% of them use informal phone calls and 79% informal meetings. Public officials who have worked 2-5 and 5-10 years use informal means significantly more than others. Commissions and working groups have an important role; 82% of the departments use them in engagement processes often or always.

**Figure 3.17. How often are the following means used for engaging interest groups in your committee/faction (often + always)?**



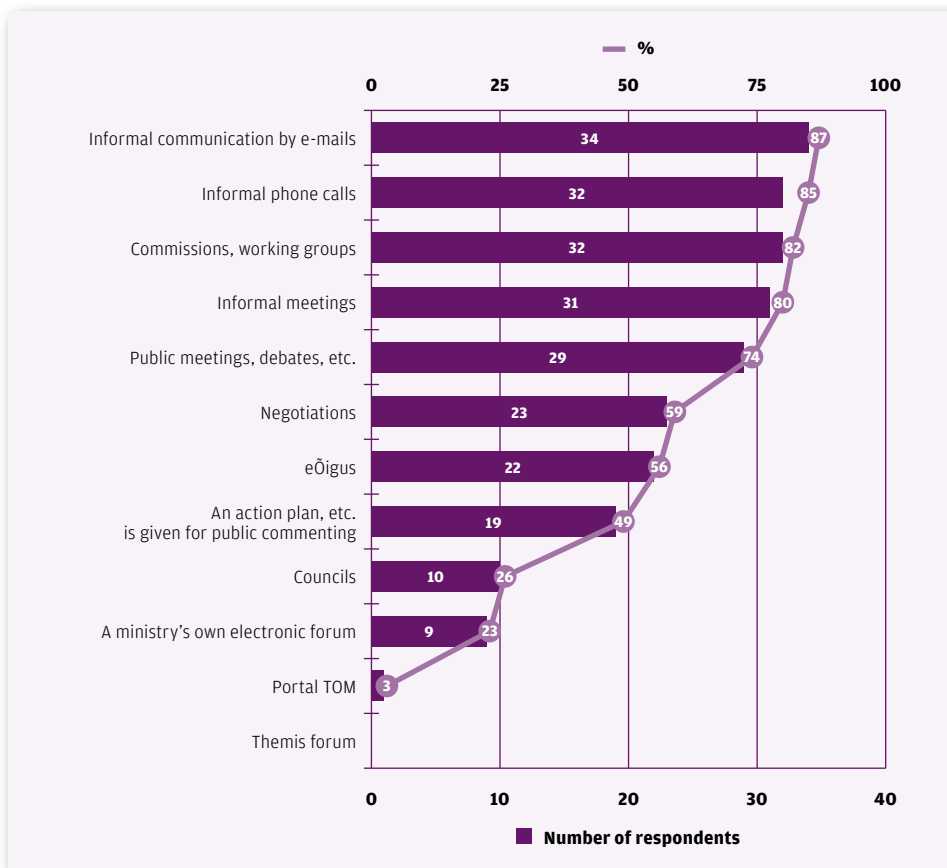
The use of electronic forums is not very widespread, and ministries' departments do not usually deliver information and documents in a public forum (they prefer to ask specific interest groups for their opinions). Using electronic forums is very different – e.g. 56% of the respondents use eÕigus often or always, while engaging portals TOM and Themis are used extremely rarely. Hence such forums are used for delivering information rather than consulting or participating.

**In conclusion**, although advisory committees and working groups are used very actively in engaging processes, informal communication with interest groups is still important. As there are no official rules for engaging interest groups, a practice of informal communication has developed. But this also contains some hazards, because informal engaging processes are not very transparent, and certain interest groups may have a large influence on decisions for a long time.

In **interest groups'** opinion the most convenient forms for receiving information and participating are e-mails (67% (91)), meetings, discussions, seminars and roundtables (45% (61)) and participation in councils, commissions or working groups (43% (58)). E-forums and databases as well as informal communication are not very popular. The few



**Figure 3.18. How often are the following means used for engaging interest groups in your department (often + always)?**

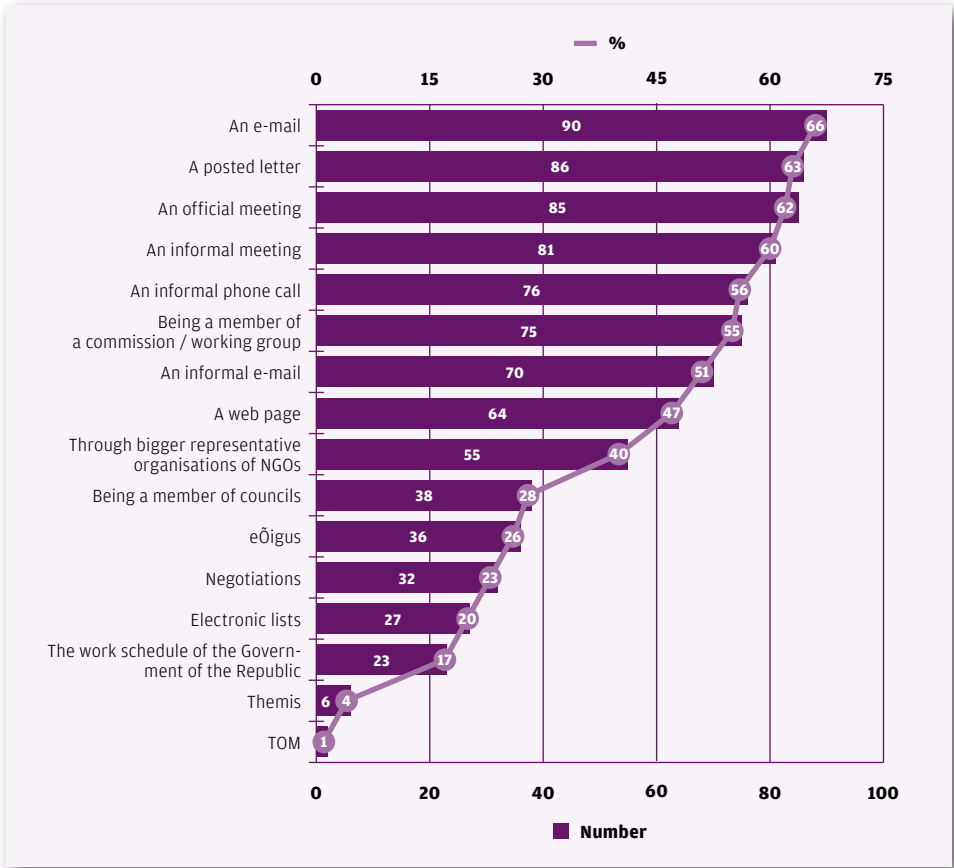


respondents who mentioned eÕigus emphasise that it is a ‘very nice thing’, but too complicated and voluminous to use. Organisations consider that they are not able to follow new information about drafts on eÕigus. Therefore, it may be a good idea to create special information lists for interest groups based on different topics or policy areas.

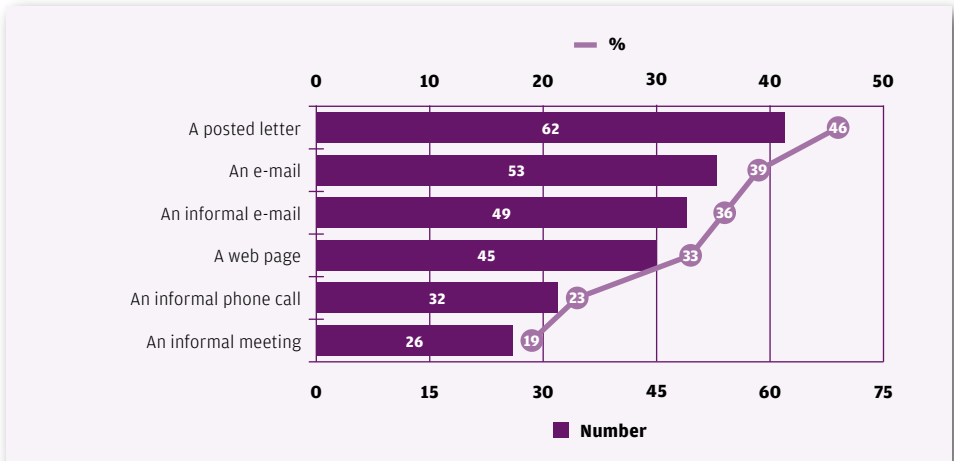
The most important forms of information dissemination and participating, currently in use, are receiving information from ministries by e-mails (66%), by letters (63%) and delivering information in official meetings, discussions, seminars and roundtables (62%) (Fig 3.20). Good information sources – eÕigus and the work schedule of the Government of the Republic – are used only by 36 and 23 of the respondent organisations respectively (26%; 17%). Among those users, there are proportionally more associations representing business interests and trade unions. The role of portals TOM and Themis is very modest. 55 organisations (40%) have mentioned receiving information through bigger umbrella organisations; NENO, EOC, CETU, EEUC, the Estonian Chamber of Agriculture and Commerce, EEC, ECCI are mentioned most often.

Comparing **ministries** and the **Riigikogu**, in interest groups’ opinion, the importance of informal means is significantly greater in the Riigikogu – in the ranking list of infor-

**Figure 3.19. Forms used by ministries (interest groups' opinion)**



**Figure 3.20. Forms used by the Riigikogu (interest groups' opinion)**



mation and participation possibilities, informal meetings and phone calls as well as the Riigikogu home page occupy the first three positions. According to interest groups, ministries use mainly official forms (see Fig 3.19), but the Riigikogu, on the contrary, mainly unofficial forms (see Fig 3.20).

Compared to other organisations, business enterprises and trade unions have received more letters and e-mails from ministries. Trade unions are the most active users of ministries web pages, while business enterprises find the Riigikogu web page information more useful. In the opinion of national representative organisations, it is important to belong to advisory bodies. Public officials agree, as they think that interest groups who belong to such bodies should in their turn deliver information to other NGOs. Compared to other interest groups, trade unions receive information most often through personal contacts in ministries (average 51%; trade unions 69%). Informal meetings (average 46%, trade unions 81%), phone calls (average 39%; trade unions 56%) and e-mails (average 33%; trade unions 56%) with the members of the Riigikogu are also important information sources more for trade unions than for other organisations. Trade unions also receive more information from the larger umbrella associations, which clearly shows the important role of EEUC and CETU.

For submitting information and opinions on their own initiative, interest groups most often send letters by post, but also e-mails and participate in advisory councils, commissions, working groups. Formal meetings dominate over informal forms.

Several environmental organisations have mentioned public discussions provided under public proceeding procedures, through which interest groups can submit their proposals. Strategies and other development documents that have environmental impact analysis go through the public proceedings procedure.

### ***In which cases which engaging forms and means are used?***

The answers concerning official consulting in the **Riigikogu** committees may be divided in two groups according to key words and context:

- A. Drafts, development plans, etc. that have broader response and impact, and that are socially sensitive and accommodate conflicting interests. This is especially the case if members of the Riigikogu think that some important interests groups have not been consulted in earlier drafting processes.
- B. When an institution submitting a draft (usually the Government) has left several questions unanswered (or answered in a contradictory fashion) and it is necessary to invite representatives of respective NGOs to the committee meeting. Sometimes additional information is required from a direct source; but because many issues are connected to each other, one decision may be followed by the need to alter other decisions.

For unofficial consulting, chairmen of the Riigikogu committees and factions have brought out several reasons, e.g. the need to understand the real background to an NGOs' lobbying efforts. It is often emphasised that 'it is a politician's duty to be open and listen to the opinions of directly affected groups. It is always easier to receive information from interest groups using informal means, and this helps to balance final decisions'. Unofficial consulting may also be involved because decision-makers are in a hurry or they want to clarify some details. At the same time, there are members of the Riigikogu who think that 'every consultation process must leave a 'trace' and every interest group must be able to phrase and express their arguments clearly to the committee'.

Setting up a working group, organising or participating in a roundtable or seminar, and appointing a meeting are mainly used in the Riigikogu when complicated questions have been raised that concern the wider public, need deeper analysis and give rise to many conflicting opinions. Cases have also been mentioned here where a draft needs major amendments or a committee decides to initiate a legislative drafting process.

Nevertheless, there are many under-used opportunities in the Riigikogu standing orders – e.g. public hearings of the Riigikogu committees in questions concerning legislative implementation for collecting information about potentially necessary amendments. The system of committee reports is another possibility here. A tradition of using these procedures should be initiated when the pace of legislative drafting slows down – i.e. to analyse the impacts of existing laws or national programmes ex post, incl. cooperation with interest groups, whose interests decision-makers tried to consider. The discussion of the ECSDC, which took place for the first time in 2004 (and will be organised biannually thereafter), is quite unique in the world. It is a very good chance to assess engagement processes in general, as well as at the Riigikogu level.

Heads of departments of **ministries** brought out many reasons for using formal consultation procedures. The reasons mentioned most often were:

- Implementing principle and bigger changes, which concern the whole system, incl. development plans, strategies and other documents;
- If an official opinion is needed (which cannot be withdrawn later);
- For 'seeking consensus' – if opinions of and agreements with many people or interest groups are needed;
- For receiving expertise or legal analyses;
- If there is enough time;
- Formal procedure is used, if there is already a dispute;
- For answering questions from institutions outside the country.

Communicating by e-mails or informally is usually used with participants with whom there is a previous practice of cooperation, and trust and positive experience. It is a faster and more friendly way to resolve questions. 'A decision is based on experiences and competence of partners, professional approach and the wish to see things not only from a very narrow viewpoint'. There are also public officials who do not distinguish between written consultation and consultation by e-mails – they communicate mostly by e-mails anyway. If an interest group does not have an access to e-mail, a letter is sent instead.

Informal consultations are used in ministries mainly for collecting background information and forming ministry's opinions (also for settling positions relating to the EU). They are also used to clarify and solve particular problems, and to find consensus among interest groups (e.g. in socio-politically sensitive issues).

Setting up a working group is used in ministries when questions are complicated and an input of different experts is necessary; when a draft is important, voluminous and technically complicated or when a document has a very large impact and is therefore a sensitive issue. Also, when no progress is made due to differences of opinion, direct and informal communication decreases tensions.

A roundtable or a seminar is usually organised in a ministry when they want to introduce an idea to a wider public and more interest groups (e.g. an idea related to the EU), and when an idea is still being developed or a topic is sensitive. However, it is emphasised that this form only works when the public officials who really decide matters also participate; otherwise this form would just frustrate interest groups and have no impact.

In different stages, ministries use almost all means for engagement of interest groups. Public officials often feel insecurity with the media, however, because the 'media sometimes tends to present working documents as decisions that definitely will be made'. Public officials do not trust the media (and NGOs with whom cooperation is not running smoothly) and they are therefore often not engaged.

Specific form of engaging. Most public officials and representatives of interest groups answered 'no' to the question whether their field of activity requires a specific form of engagement of interest groups. Only ¼ of the public officials (26% (10)) think that their policy field requires a particular form for engagement of interest groups (e.g. in the Ministry of Economic Affairs and Communication). Only 12% (17) of interest groups considered a specific form necessary. In respondents' opinion a specific form may also be necessary when in communicating with a union, it has to reach internal consensus first among its members; or a specific engagement form may be necessary pursuant to international practices or requirements (e.g. the International Labour Organisation council). A half of the Riigikogu committees' and factions' chairmen (50% (10)) do not think a specific form has developed in their committee. Those who think that a specific form is used, mention sending letters and e-mails to interest groups and inviting them to meetings or joint discussions. Therefore, a form for engaging interest groups is chosen in the Riigikogu committees and factions based on the topic, target groups and political situation. **In conclusion**, as there is generally no need for specific forms of engagement, it is possible to establish the common best practice for engagement of interest groups for all policy fields and engaging forms. At least, it is certainly possible to phrase common principles for organising engagement procedures and participation not to mention more detailed principles at ministries level.

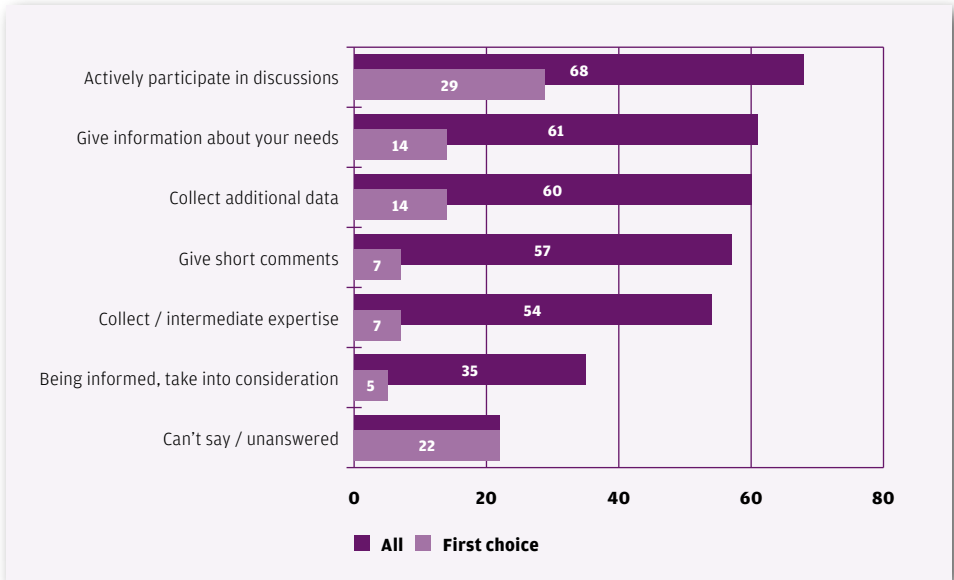
### ***Feedback from interest groups***

Most often the **Riigikogu** committees and factions expect feedback in cases where interest groups have been sent a draft or another document with specific questions concerning a particular chapter or provision of the draft (70% (14)), or a draft with a its explanatory memorandum before (65% (13)) as well as after (60% (12)) the first reading. Some interesting regularities also occur, e.g. chairmen who expect more feedback usually allow more time for commenting and are themselves members of some NGOs. Members of the Riigikogu who have worked there for less than 2 years deliver more information, and also expect more feedback from interest groups. There is also a problem of interest groups' political impartiality in the early stages of engaging. Representatives of opposition parties consider the political impartiality of NGOs and interest groups to be a problem more often than do representatives of the coalition.

The most important feedback that **ministries'** departments expect from interest groups is collecting and intermediating expertise on the draft (33% (13)). This demonstrates that interest groups are often seen as experts, as well as representatives of their interests. Ministries also expect interest groups to give information about their needs, to give short comments, to collect additional data about their field of activity, to comment on potential implementation of the draft, to point to mistakes and to make objective proposals. Public officials who have worked longer in a ministry expect different kinds of information.

However, it is interesting that 20% (8) of heads of departments considered this question as difficult to answer. It means that 1/5 of the heads of departments who answered the questionnaire cannot say what kind of feedback is most important for them, nor what it is that they expect.

**Figure 3.21. What kind of feedback is your organisation ready to give?**



**Interest groups'** readiness to give ministries and the Riigikogu feedback coincides significantly with ministries' expectations. Figure 3.21. shows the kind of feedback that interest groups are most (and least) prepared to give. Interest groups are most ready to participate actively in discussions (68% (92), 39 organisations considered this to be most important, although in reality it requires an above average capacity), to give information about their needs (61% (83)) and to collect and deliver additional data (60% (82)). Giving short comments and collecting expertise occupy the last positions. It is possible that interest groups see active participation as most efficient, because they are "present" and know what is going on. But interest groups may not always correctly estimate their capacity to participate efficiently at short notice. This is because there is quite a difference between how much time is given to interest groups for commenting and how much time they think they need (as we saw earlier). Interest groups' readiness to participate may not always coincide with their real resources for doing so.

In the opinion of 64% (25) of **public officials**, feedback from interest groups is often (or even always) objective and useful. Feedback from experts is considered to be most useful, of course (83%). 38% (15) of public officials think, however, that information, comments and proposals from interest groups are useful only for a very specific group and possibly harmful for others (this is especially so with entrepreneurs' associations). Public officials who have worked longer in a ministry are less likely to consider such comments to be objective and useful.

Chairmen of the **Riigikogu** committees and factions place a somewhat higher value on comments and proposals received from interest groups, but all respondents estimate the feedback to be always/often objective and useful (100%). They agree with public officials that feedback may only reflect very narrow interests, and be useful only to very specific groups. However, in their opinion this happens 'seldom' (Riigikogu 55% (11), ministries 44% (17)).

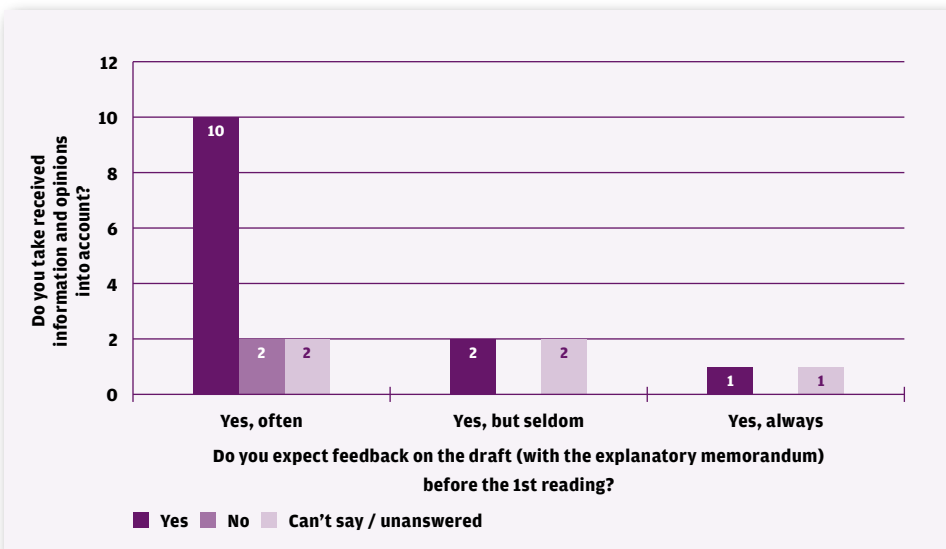
### Taking the information and comments into account

Members of the **Riigikogu** claim quite often (80% (16)) that they take into account the information and opinions received from interest groups. Mirroring the wishes of interest groups', the members of the Riigikogu think that engaging should take place in the early stages of the process. At the Riigikogu committees' level this would be before the 1st reading of draft legislation. As shown in Figure 3.22, those who expect feedback before the 1st reading also take opinions into account in making decisions.

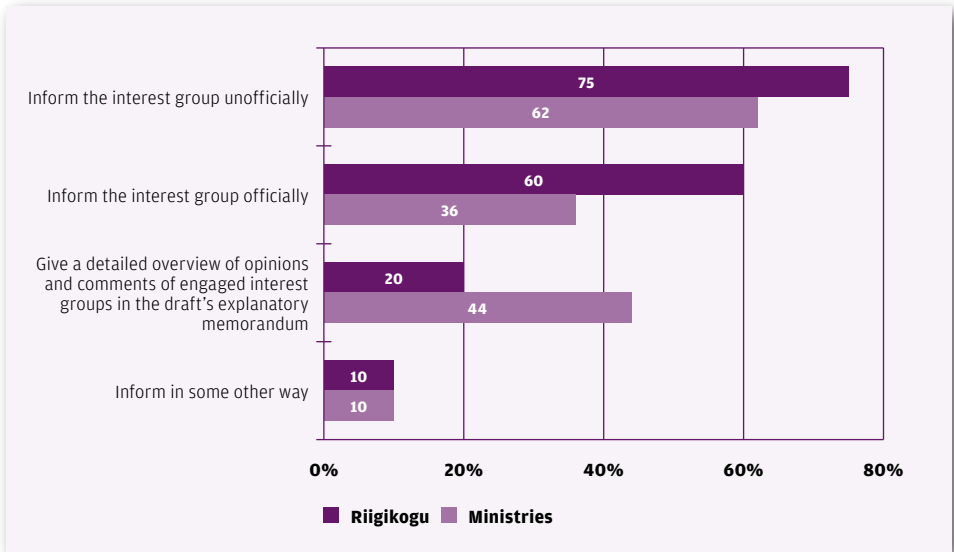
Compared to representatives of the Riigikogu, **public officials** claim less frequently that they take into account the information and opinions received from interest groups in making decisions – 46% (18) of them say that information and opinions received from interest groups influence decisions (in the opinion of the Ministries of the Environment, Culture and Social Affairs they influence decisions often). 26% (10) of the respondents think that they influence decisions seldom, and 20% (8) cannot say either way. Hence it is possible to influence decisions, but it is not easy to do so – less than half of the respondents think that they often take interest groups' opinions into account. At the same time, they think that their willingness to take such opinions into account is connected with whether interest groups participated in the early stages of a decision-making process (68%). Therefore, as the circle of engaged interest groups is often fixed (and it is quite difficult for new groups to join it), the probability of influencing is even smaller with these interest groups who have not participated from the very beginning of the process.

In the opinion of respondent **organisations'**, the ministries and the Riigikogu take their opinions into account seldom (45% (61) and 29% (39) respectively) and the Riigikogu even less than the ministries. 27% (37) of respondent NGOs say that their opinions are never taken into account in the Riigikogu, and only 9% (12) say that this is done often. In relation to the ministries, the equivalent results are 13% (18) and 23% (32). At the same time, there are quite a few NGOs who have answered 'can't say' or have not answered

**Figure 3.22. The connection between taking information and opinions into account and expecting feedback before the readings of a draft (No. of respondents)**



**Figure 3.23. How and how often do you inform interest groups whether their opinions have been taken into account (always + often, %)?**



at all (with ministries 18% (25) and the Riigikogu 35% (48)). Hence NGOs often do not know whether their opinions have been taken into account.

Compared to other NGOs, the share of “associations representing business interests” is the biggest among those who say that their opinions are ‘often’ taken into account by ministries. But almost ¼ of national organisations (22%) have said that their opinions have ‘never’ been taken into account. Therefore, negative experiences and frustration may tend to accumulate, and NGOs may lose interest in sending their comments. 60% of organisations that are ‘almost always’ engaged say that their opinions are ‘often’ taken into account in ministries (compared to 19% of ‘sometimes engaged, sometimes not’). Although few NGOs say that their opinions are ‘often’ taken into account in the Riigikogu (24%), they still outnumber those who are ‘sometimes engaged, sometimes not’ (5%). Hence satisfaction is related to how often opinions are taken into account, and also to how often information is delivered to interest groups. In the case of the Riigikogu, national organisations and professional associations say more than others that their opinions are ‘never’ taken into account; most trade unions think that their opinions are ‘seldom’ taken into account (62% (10)).

Chairmen of the **Riigikogu** committees and factions slightly prefer unofficial methods of delivering information whether interest groups’ opinions have been taken into account (Fig 3.23). In practice, however, official and unofficial methods are used when necessary, e.g. with different drafts, readings and target groups. Minutes of meetings may also be used.

In the Riigikogu the tradition of issuing parliamentary reports has not yet developed, and there is often not enough time to add interest groups’ information and opinions to drafts or explanatory memorandums that have been submitted by the Government. It is different in the case of drafts initiated within the Riigikogu, but there are very few such drafts and these are mostly just technical amendments. Therefore, NGOs and journalists who are interested in proposals and discussions receive relevant information from minutes of



meetings, shorthand notes or asking from/interviewing the members of the Riigikogu or public officials.

**Ministries** also prefer to deliver information to interest groups unofficially about whether their opinions have been taken into account. A detailed overview is often given in a draft's explanatory memorandum of the results of engaging; only ¼ of the respondents do it seldom or never. But this means that less than half of public officials do this always or often. This is too few. Explanatory memorandums should contain information about the parties who were engaged and which proposals were taken into account, so that the process is more transparent. Public officials who have worked longer in a ministry more often give information in explanatory memorandums.

In **interest groups'** opinion, they do not receive feedback frequently. Many NGOs have called it a 'at first engaged, at the end ignored' phenomenon. NGOs most often receive feedback when they ask for it – whether unofficially (46% (62) do it often or always) or officially (32% (43) do it often or always). Business unions and trade unions are a little more active. Interest groups do not consider it very probable that they will receive feedback from ministries, either officially or unofficially, and even less so with the Riigikogu (where any feedback is likely to be received rather unofficially). Also, interest groups do not receive much information from explanatory memorandums or through larger NGOs (many NGOs did not respond to these variants at all in the questionnaire). Trade unions sometimes discover feedback on their opinions in explanatory memorandums – probably due to a longer tradition in engagement of trade unions, and also because several Acts require explanatory memorandums to contain the results of engagement of trade unions.

It seems that interest groups who are active and ask for feedback, receive it. But answering each interest group increases the workload of ministries significantly. Therefore, it is recommended to create possibilities for delivering information to interest groups as a whole and officially. This will also increase openness and transparency.

### 3.2.5. Analysing and evaluating engagement processes

Similarly to OECD survey results, we can say (based on the Riigikogu) that evaluating consultation-engagement methods and their efficiency is quite a new topic in Estonia. Present practices and experiences have sometimes been evaluated only intuitively (i.e. without a methodological base). Only ¼ of the Riigikogu committees' and factions' chairmen said that consulting processes have been evaluated. The overall impression of evaluations has been positive, although the following kinds of comments have been noted: that 'an NGO is not ready', or 'cannot explain its interests clearly' or 'does not understand the differences between ministries' and the Riigikogu working processes'.

Evaluation methods and creating **rules for a good partner** would decrease uncertainty regarding substantive engagement of interest groups (incl. know-how, good practices as well as certain rules for communicating with committees). When procedures for interest groups and committees, forms for submitting proposals, expectations, and other 'rules of the game' are clear, participants can focus on the substance of their cooperation.

59% (23) of the heads of departments think that they have not evaluated engagement processes. Only 23% (9) have done it, and this has often been done quite randomly. Therefore, more attention should be paid to regular evaluating procedures. Those who have carried out evaluations tend to be quite satisfied with the results, because such evaluations often make clear with whom and where additional cooperation is needed or in what form. This is an important basis for planning future efficient engagement processes.

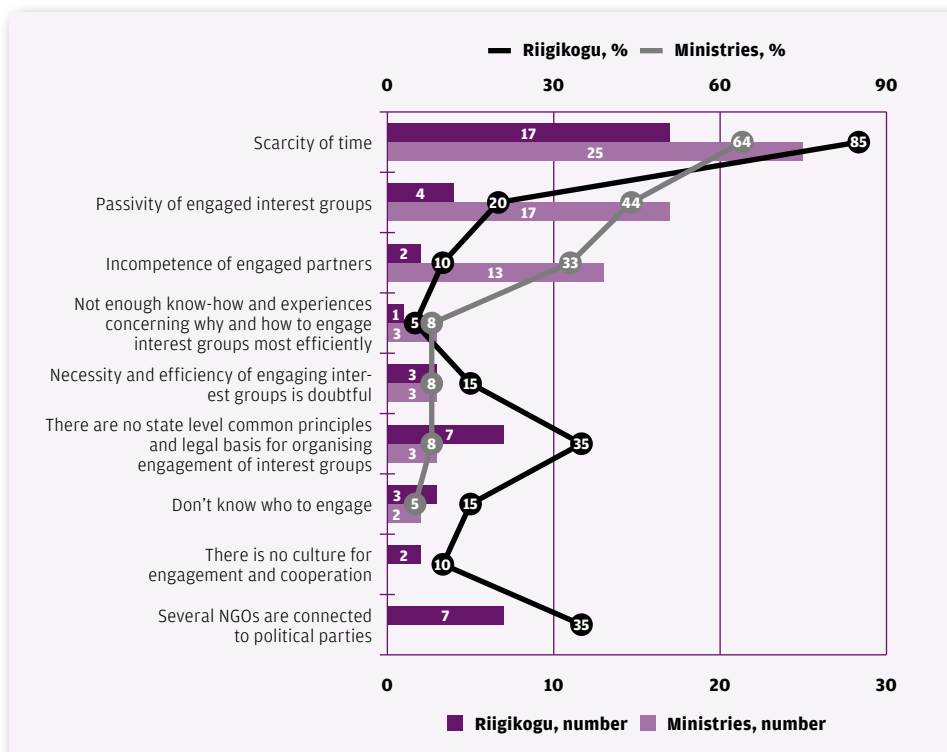
## Problems and satisfaction

60% (12) of the **Riigikogu** respondents accept that problems have sometimes occurred in engaging interest groups. Examples and experiences may be quite different. Those who have worked in the parliament for a shorter time have experienced fewer problems. Those members of the Riigikogu who think that interest groups should initiate communication have experienced fewer problems, and those who give interest groups more than 10 days for commenting have never had problems in engaging them.

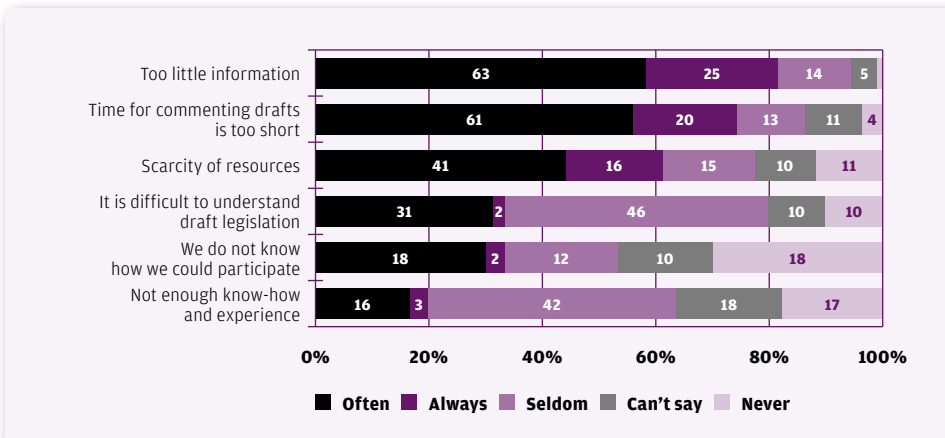
As to the reasons for engaging interest groups, these tend to be the same as with problems – public officials and the members of the Riigikogu deal with them pragmatically. The main problem in the opinion of the members of the Riigikogu (similarly to public officials) is the scarcity of time (85%, Fig 3.24). Yet the Riigikogu, in contrast to the ministries, considers it a problem that there are no common principles or legal basis for organising engaging processes (35%, ministries 8%). NGOs' and interest groups' connection to political parties is also seen as a problem (35% (7)). Based on the results of the current survey, participants in engagement processes are more worried about every-day problems than the general aspects of engaging connected to society's welfare.

The chairmen of the Riigikogu committees and factions, who give interest groups less than 10 days for commenting on drafts, think more often than others that there should be common principles and a legal basis for organising engagement processes and a culture of

**Figure 3.24. How often have the following problems occurred in engaging interest groups (always + often, %)?**



**Figure 3.25. What are the biggest problems in participating in legislative drafting and preparing policy documents?**



cooperation. Those who expect more feedback are a little more demanding, and consider interest groups’ incompetence to be a bigger problem in cooperation. Those who more often expect feedback from interest groups before the 1st reading of draft legislation also consider it to be a problem that there are no common principles or legal basis for organising engaging processes.

64% of **ministries’** respondents consider scarcity of time to be a serious problem (especially those public officials who have worked longer in a ministry). However, at the same time 23% (9) of them think that scarcity of time is only “frequently” a problem. Heads of departments do not consider it to be a problem that public officials do not know who to engage and have insufficient know-how about and experiences with interest groups. Almost half of public officials think that interest groups’ passivity is a problem (44% (17)) and the other half thinks it is only frequently a problem (41% (16)) (they emphasise the ministry’s role as the party who should initiate communication and engage interest groups more actively). For younger public officials, their own insufficient experiences as well as the passivity of interest groups are often seen as problems, in addition to the perceived incompetence of interest groups.

In general, in public officials’ opinion, there are not very many problems with the process, but at the same time, **interest groups** do not think they are engaged very much, or that their opinions are taken into account. Not enough information, too little time for commenting on drafts and the lack of resources (mainly money and human resources) are the main problems that, in the opinion of NGOs’, inhibit their participation in legislative drafting processes (Fig 3.25). The lack of know-how and experiences are not considered to be problems. Trade unions often have more problems with resources (time, people, money), but they have a plenty of know-how and experience.

Scarcity of information usually means that information reaches target groups too late and that its distribution is quite random. It seems to be difficult to get information about planned draft legislation and prepared drafts; too often there are only outdated versions on ministries’ web pages. A short time for commenting on drafts is always or often a problem (81; 60%). As one respondent put it, ‘it is unfair when public officials have a right to answer in 30 days, but comments from NGOs are expected in a few days.’ On the topic

of lack of resources, almost everyone has mentioned the problem with human resources and the lack of financial resources. In reality these resource problems are interrelated – there is the lack of human resources due to the lack of financial resources. Better human resourcing could result in consistent participation in all stages of legislative drafting and decision-making processes. A lack of legal knowledge is emphasised.

Among other problems, interest groups also mention a populist attitude exhibited by government institutions, i.e. that they are engaged for the sake of engaging (and in the final stages, because it is politically advantageous to demonstrate participatory democracy). Interest groups think that their different opinions are not tolerated, and that they are told to ‘agree among themselves and then submit their common opinion’. Pretending to engage and not taking opinions into account are problems that are mentioned in one way or another in many answers. As one respondent put it, ‘the proposals of working group members are not openly discussed, and versions of a draft ‘appear’ without taking proposals into account or giving reasons why they are not taken into account’. Interest groups feel indignation and frustration (a phenomenon also familiar in theoretical approaches to the issue) when their input does not receive recognition or feedback, despite such groups having been more and more engaged, and having invested in resources for participating and commenting on drafts. In turn, this makes it difficult for NGOs to motivate their overloaded members/employees to analyse problems.

However, there are also NGOs who have no problems with ministries or the Riigikogu (47% (64) vs 35% (48)).

### **General satisfaction**

40% (8) of the **Riigikogu** committees’ and factions’ chairmen are satisfied with present engagement procedures; 10% (2) are not satisfied and 25% (5) think that there is still room for improvement (and suggest some examples – eg ‘Engaging should be broader. An interest group is often not invited to participate because its opinion is different from the Government’s opinion’; ‘More time should be taken’; ‘We could do better, as the workload is not the same any more as it was at the beginning of the 90s’).

Most public officials are ‘generally satisfied’ with engagement processes, only a few think that the procedures might be better regulated and harmonised, and that more time should be allowed for such processes. It is often a question of work culture and the ability to cooperate and be constructive. Almost all respondents (97% (38)) think that engagement of interest groups is a necessary activity, because it helps to:

- solve problems at the very beginning of the process;
- implement decisions in a better way;
- find ‘another angle’; get additional information.

Public officials have also expressed the following thoughts: ‘Without engaging we will not get an objective picture of potential impacts, developments and setbacks’; ‘It is impossible to create rules for a sector if you do not know its needs’; ‘There is no point in drafting laws if one already knows that they will not be obeyed because they do not comply with common practices’; ‘Contracting out the preparation of an act has given very different results, despite of how reliable are partners and sufficient are fees. In such a situation engagement of interest groups is one of the best ways to conduct quality control’.

43% (59) of interest groups are satisfied with present practices of delivering information and participation, and 47% (64) are not (13 unanswered). Those who are ‘almost always’ engaged are more satisfied with present practices and also receive more infor-

mation than those who are ‘sometimes engaged, sometimes not’ (76% vs 38%). But only 5 organisations out of these NGOs, which are not engaged at all, are satisfied with this situation. NGOs who are satisfied with present practices and ‘almost always’ engaged, use proportionally more e-mails, information from official meetings and discussions, receive information from a member who belongs to a council or a working group, informal phone calls or information from a ministry’s web page, and the work schedule of the Government of the Republic. Such NGOs have also received more information from the Riigikogu by informal phone calls and personal e-mails.

### ***Minimum standards for engaging interest groups***

In examining the answers of the **Riigikogu** committees’ and factions’ chairmen to the questions of how engagement procedures should be organised and what questions about procedure should be agreed on, we can differentiate between two groups of opinions:

- present engagement procedures in the Riigikogu are rather reasonable and work quite well, if partners have done their homework. Overly formal procedures cannot be good;
- discussion of problems is necessary, e.g. problems with planning time, or whether there should be a “trace” from communicating with interest groups, NGOs should be engaged in early stages and the main part of engagement and delivering of information should be done before a draft is submitted to the Riigikogu.

In general, the following keywords can be brought out from the answers of the members of the Riigikogu for indicative best practice: substantive preparation, sufficient time for engagement and giving feedback, documented and public proposals and results of discussions, delivering of information and engagement in the earliest possible stages of policy making and legislative drafting.

There are conflicting opinions among heads of departments of **ministries**. Almost half of them think that engagement should be a natural part of preparing development plans and draft Acts. At the least, the duration of consulting, giving feedback and general principles of the procedure should be agreed on. Most of them do not favour universal compulsory national engaging rules. Minimum standards and best practice are enough. Engaging processes depend above all on the attitudes of decision-makers, partners’ common interests and preparedness – not written rules. Engaging processes are strongly connected to values, leaders’ and politicians’ awareness and their wish to engage interest groups.

In the opinion of heads of departments, it is important that partners consider each other’s limitations. The state cannot regard the interests of a small NGO as national interests, but this is often interpreted as the state’s unwillingness to cooperate. The responsibility of interest groups’ should also be increased. In addition, eÕigus is considered to be very efficient, and interest groups should use its possibilities more often.

Public officials who have worked longer in ministries do not find common principles to be necessary. In Finland, there was a similar resistance from public officials. In the opinion of the European Commission for instance, minimum standards for conducting engagement processes should be indicative, but at least they should be considered as important at the highest level. There should be proper guidelines and assistance for public officials who engage interest groups. Giving orders and controlling the process are not the best solutions here due to the large cultural differences involved (Commission 2002d, 10).

Unlike NGOs and the members of the Riigikogu, most public officials do not support the idea of creating common rules. Public officials may be afraid that their existing heavy du-

ties and workload would grow even further. They think that, for example, that ‘openness and preparedness for cooperation should be a natural part of a ministry’s or a board’s everyday work’ and that ‘we certainly should not over-regulate, but rather stay flexible’.

In **interest groups’** opinion, engaging would certainly be easier if their input was valued and if they were taken as equal partners (and not just engaged as a pretence). Engagement should be a regular activity and interest groups should be engaged in the earliest possible stages of the process. More open discussions about strategies and action plans should be organised at the level of the ministries as well as of the Riigikogu. Interest groups should be consulted not just at the beginning of a legislative drafting process, but also when a draft is suspended or withdrawn.

Interest groups consider minimum standards for consulting to be necessary. Such standards would contain rules for the delivery of information to all interested parties (and also to those who do not wish to be consulted), as well as for the timeframe for consulting and receiving compulsory feedback. In interest groups’ opinion, there is too much disorganisation today and a common e-forum / database could be created where all necessary documents could be found and where NGOs could submit their proposals and comments. At the same time, interest groups consider it to be necessary that NGOs map their own competences and let the Government and public know about it.

Many interest groups think that understanding the engagement processes would be easier and clearer for them if there were some rules – minimum standards and principles of engaging interest groups or so-called best practice (76% (103)) – and if they belonged to a list of NGOs who are consulted (i.e. so-called registered partners in their field of activity) (75% (102)). At the same time, it is considered as important that every ministry and the Riigikogu create clear rules for organising engagement processes (68% (92)), and that there be a central web site bringing together all draft Acts and policy documents for which ministries and the Riigikogu expect interest groups to give opinions and comments (58% (79)). Yet, only 5 of the NGOs who support the idea of creating a central web site use today TOM or THEMIS. Hence although there is readiness to use electronic e-forums and databases today, there is still no practice of actually doing so. While those who organise engagement processes are ready to use electronic forums, much effort still needs to be made in promoting and developing such forums.

Interest groups consider a central web site for engagement to be necessary only if it contained clear and easy-to-understand information, and if it were possible to receive an alert whenever a new draft was added to the site for commenting. Only very few NGOs are able to follow regularly a complicated web site such as e.g. eÕigus.

### **3.3. SUMMARY AND CONCLUSIONS**

Estonia is a small country and to some extent, still a transition society and this feature influences the practices of engagement of interest groups. Civil society is not yet fully developed, and there is also a lack of resources. At the same time, public officials and members of parliament lack longer-term experiences in organising engagement procedures. Developing the landscape of interest groups and engagement procedures is a slow process, but the more we pay attention to these problems, the faster engagement procedures become a part of every-day practice.

#### ***Bases for engagement of interest groups***

The general framework for engagement of interest groups in Estonia is recommended by several Acts, but it is not compulsory. In some policy fields, there are also cooperation agreements (e.g. in social and environmental policies), but such cooperation is more a result of strong interest groups or international contracts than the Government's intentional policy.

As became evident from the survey results, bases for engagement of interest groups and consultations, documents or practices that require engagement and consultation, are rather different. Most public officials consider established practices as the main reason for cooperation, while interest groups think that having personal contacts and relations with public officials is the most important thing. Public officials find that it is not possible to enforce general rules for engaging interest groups and therefore usually engage NGOs according to their personal intuition and/or established procedures in their department. But in this case, there is a threat that these practices may differ between ministries (and even between departments) and it is confusing for interest groups, because they do not know the precise procedures of a specific ministry and do not know how they are supposed to show initiative.

The influence of national level cooperation agreements was remarkably smaller than expected, as none of the partners cited such agreements as the most important bases for engagement. Although the Estonian Civil Society Development Concept (ECSDC) (one aim of which is to enhance the engagement of civil society organisations in legislative drafting and decision-making processes) has been adopted in parliament, interest groups do not see it as an important basis for engagement procedures. However, as the Government cannot enter into bilateral cooperation agreements with all interest groups, ECSDC could play an important role as a general document, which covers a wide circle of interest groups and which could be useful for public officials, members of the Riigikogu, as well as interest groups.

#### ***Reasons for engagement of interest groups***

Compared to normative reasons for engagement of interest groups, engaging them in daily activities is taken rather pragmatically in Estonia. Interest groups are more often engaged out of necessity and tradition than e.g. European Union principles of legislative drafting or rules of legislative drafting.

The most important reasons for delivering information to interest groups are different as seen by ministries and the Riigikogu. The Riigikogu delivers information to interest groups mainly to collect data about economic, budgetary, social, etc. risks and impacts that may occur in implementing legislation. Ministries deliver information mainly to guarantee better implementation of and compliance with laws, and also to enhance awareness about government decisions. Reasons for consulting with interest groups are different as well,

and do not coincide with the reasons why interest groups themselves wish to participate. Interest groups see themselves mainly as defenders of their organisations' own interests and they think they are engaged because they are active. In the opinion of public officials and the members of the Riigikogu, the main reason for consulting with interest groups is to find the best solution for society and to enhance the responsibility of interest groups.

Thus the reasons for engaging interest groups are different for various participants in the process. While public officials and members of the Riigikogu base their decisions on the principle of the general benefit in engaging interest groups (suggested also in theoretical approaches), interest groups do not act according to the same reasons. Interest groups do not believe that they are engaged in order to achieve the best result for society, and they do not justify their own participation on this basis. However, interest groups feel that they have a certain social responsibility, although it is not the most important factor for them. In general, public officials see engagement of interest groups above all as a means for enhancing the quality of legislation and for decreasing tensions that may occur in very early stages of the process. By contrast, interest groups hope better to represent the interests of their organisations.

Another important fact is the relatively small importance of normative reasons for engagement of interest groups in the Riigikogu (especially concerning agreements / cooperation contracts, binding on parliamentary parties, but not mentioned as bases for engagement of interest groups). These reasons may be considered to be too theoretical or normative or merely secondary, for policy makers and those who form Estonian legislative practices.

### ***Time planned for engaging interest groups***

According to theoretical approaches and the experiences of other countries, time is a very important aspect in engagement – first of all, when and in which stages of legislative drafting interest groups are engaged, and secondly, how much time is given to interest groups for commenting.

Interest groups are very interested in participating in decision-making processes as early as possible. According to public officials, they are often engaged in early stages. Interest groups do not think that this is actually the case. However, public officials think that engagement of interest groups at the earliest stage of the process could create a danger that raw ideas would be taken as fixed. This may create resistance to some extent, of course. But this is a part of engagement practices, ie that differences are resolved at the beginning of the process and tensions are thereby minimised at the end.

An important question, of course, is whether the time for consultations is already planned within legislative drafting processes. Most members of the Riigikogu and public officials claimed that this consultation time is planned, however, many of them find the time to be too short. Engagement depends very much on specific circumstances. Therefore, neither the members of the Riigikogu and public officials, nor interest groups, could outline general rules concerning time for consultation that could apply to all sorts of documents.

In the opinion of members of the Riigikogu, interest groups are usually given 10 days to express their opinions; heads of departments in ministries think it is 2 weeks. Interest groups themselves think that more than 2 weeks should be given, but that usually only 1 week is given. In the case of the Riigikogu, there is a tendency that where the circle of cooperation partners is more developed, the more time is given for comments and opinions. In countries where best practice or rules for consultation have been developed (e.g. Great Britain and Finland, and also the EU in terms of minimum standards), there is also



a requirement for minimum consulting periods for interest groups, which is 8-12 weeks on the average. This cannot be implemented in Estonia yet. However, if the pace of legislative drafting slows down, we could move in that direction.

### ***Interest groups***

According to normative bases for engagement of interest groups, the interest groups that should be engaged are those most directly affected by a measure, or whose know-how is most valued and useful in solving problems (e.g. engagement of experts in very specific questions). The Riigikogu and ministries say that they engage mostly experts. In consulting with NGOs, they often take into account how active an NGO is, the size of the segment of the population it represents, and the extent to which that segment is clearly defined. Representative and umbrella organisations representing professions and sectors, or enterprises or non-profit organisations, are engaged more willingly.

However, it is not always clear who are considered to be experts. This can differ according to whether interest groups are engaged for achieving wider consensus, or whether one wants to engage a small group of experts for drafting a specific act or a decision (and searching for wider consensus is not the primary aim). In the questionnaire, we intended the term “experts” to mean lawyers, researchers, etc., but in their answers the respondents often also considered representatives of non-profit organisations to be experts. Most actively are engaged and participate on their own initiative entrepreneurs and trade unions (who could be considered experts by the respondents). Another very important aspect became evident, namely, interest groups’ wish to receive remuneration for their expertise. But engagement of NGOs in order to learn their views is different from using professional expertise. The latter assumes an objective analysis of a specific policy field or question, for which the government or parliament is willing to pay. The aim of engagement of NGOs is different.

NGOs have singled out umbrella associations of non-profit organisations as the most active in engagement of NGOs. But there is a contradiction in how the Riigikogu’s role is seen – interest groups send their comments most often to the Riigikogu committees, while they expect the least results from engaging with parliament committees. Hence the role of the Riigikogu is seen as quite passive in engagement of interest groups, while at the same time it is considered efficient to send them comments. As the workload of individual members of the Riigikogu is large, and they are not able to answer every letter and e-mail personally or initiate communication, it is therefore more reasonable for interest groups to turn to committees and factions with their questions and comments, because these bodies have assistant officials, who can deal with questions.

All ministries and the Riigikogu have established a wider circle of organisations that they engage in legislative drafting and decision-making processes, and from time to time new partners join in. But it is not very easy for new groups to enter the established circle of partners. Therefore, those in charge of engagement of NGOs should verify from time to time the representation of NGOs that they engage, and be open to newcomers. Public officials have quite a significant authority to invite partners to consultative bodies. The situation should therefore be avoided, where the same interest groups (or interest groups whose opinions are closest to those of officials) are always invited, thereby shutting out other opinions out from the very beginning. This is especially so when we consider initiating communication, as public officials as well as NGOs think that ministries should initiate communication. From the point of view of participatory democracy, more NGOs with different opinions should be engaged, skills for solving conflicts should be developed and dialogue and cooperation between the state and interest groups should be fostered.

## ***Forms and means of engaging interest groups***

Documents are often sent to NGOs, but seldom in the early stages of the decision-making process. Ministries do not want to send out documents that are not yet complete, but this significantly decreases the possibility of NGOs influencing policy-making and expressing their opinions in early stages. However, it is very positive sign that specific questions are added to draft Acts (which NGOs value highly, but in their opinion, do not receive very often) and explanatory memorandums or that a meeting is suggested. Also, impact analysis could be added more often.

Most members of the Riigikogu and heads of departments of ministries value the feedback (information, comments, recommendations, etc.) from interest groups as objective and useful. They say that these opinions are taken into account in making decisions, although many NGOs think that their opinions are taken into account very seldom. The satisfaction of interest groups has a direct connection to when they are engaged in the policy-making process.

The choice of engagement means and forms can be of vital importance, as it may determine the character of the whole engagement process as well as interest groups that participate in it. There are no specific engagement forms or means that could be used in every situation. Forms and means have to be combined, taking into consideration local traditions and practices, specific characteristics of interest groups and availability of resources.

Estonia has received high ratings at the international level as a top implementer of e-means. But do NGOs also consider e-means the best way to communicate? Interest groups have suggested in their answers that it would be a good idea to have one common web site for engaging processes, but only if the information on that page is presented in a simple and clear manner and interest groups are notified when new information is put on the page. This means that many interest groups are not able to follow complicated legal texts. Interest groups' readiness to participate is important, but their real capacity to do so is even more important (especially in interactive consultations); ie to respond continuously, to comment on drafts, etc. The main aim of such a web site is not only to give information but also to create possibilities for participation.

Most public officials say that information and materials are often put on a ministry's web page. However, interest groups are usually not notified that there is new information. The officials presume that interest groups can find the information by themselves. But ministries' web pages do not promote active participation, although they may be a serious source of information. Interest groups find it useful to have an electronic forum with an electronic information list, where interest groups can find updated information about current engagement processes. This is because they do not have enough capacity to work through ministries' web pages regularly and thoroughly. Electronic forums and discussions could certainly be more often used.

Based on the survey, interest groups receive most of their information directly from ministries, and less so from umbrella associations. At the same time, ministries expect interest groups who participate in working groups to deliver information to other groups as well. Therefore, the role of umbrella associations as representatives and intermediaries of opinions should grow in importance, to the point where they can be more serious partners with the state as well as with other NGOs.

Informal communication is very important for the members of the Riigikogu and also, to a somewhat lesser extent, for public officials. But such communication may be problematic, because the circle of engaged organisations is considered to be rather stable, and new partners join in quite seldom. Informal communication is a rather non-transparent process, where some interest groups may have very large influence on decisions over a long period of time. Interest groups themselves prefer sending a letter on their own initiative (for presenting information and opinions), followed by an e-mail and participation in councils, commissions and working groups.

Most public officials and members of the Riigikogu think that their policy field does not need any specific means for engagement of interest groups. Thus it may be possible to develop a common best practice for engagement of interest groups, which would apply to all policy fields and engagement forms. At the least, it may be possible to develop common principles for engagement of interest groups and participating in decision-making processes generally, and more specific rules tailored to the requirements of each ministry.

### ***'Best practice'***

Developing minimum standards or rules, or so-called best practice, has been considered important in many countries. The European Union as well as the OECD have emphasised the importance of engagement of interest groups and developing related activities. Such an idea is still novel in Estonia, as the principles and practice of engaging interest groups have not yet been established, and partners have different views on the necessity of such rules.

Members of the Riigikogu were quite positive in relation to the best practice idea, and also suggested several relevant principles. At the level of the ministries', there is more resistance to common rules or standards. Public officials think that some principles could be agreed on, but that they should not be compulsory for everyone and should take into account specific needs and situations. Interest groups support minimum standards for consulting, which would include above all delivering objective information to everyone (including those who do not wish to participate in the consultation process), time for consulting, compulsory feedback, etc. Considering that engagement of interest groups in legislative drafting should take place at ministries' level, and given the work overload of public officials, it is obvious why such officials do not like (at least at first glance) the idea of a common 'best practice'. At the same time, they want to have more solid rules, which would also apply to interest groups and help to make cooperation more constructive.

Interest groups think that engagement should be more consistent, and they should be engaged in their specific fields of activity as early as possible. More joint open discussions about strategies and action plans should take place both at the level of the ministries and the Riigikogu. This is because interest groups are very interested in active participation in discussions, probably hoping to thereby exert more influence. But the question arises whether NGOs estimate their capacity in this regard correctly. Readiness to participate actively and efficiently in discussions is often the most time consuming of practices, and demands full capacity from participants. NGOs might not always correctly estimate their capacity to participate efficiently within a rather limited time-scale. In addition, NGOs would like to have more time for commenting on documents. Almost all NGOs have mentioned their lack of human resources (especially know-how in legislative questions) as one of their main problems, and less so the lack of financial resources. In reality, all of these aspects are interrelated – lack of time is caused by the lack of human resources. There are simply not enough people who can participate in decision-making processes, legislative drafting and discussions of other issues.

Interest groups should be consulted not only in drafting legislation, but also after a draft is suspended or withdrawn. There is too much randomness today in such matters. At the same time, it is important that interest groups themselves map their own competencies, and let the Government and wider public regularly know about themselves.

An important factor here is that ministries and the Riigikogu have not carried out systematic evaluations of planning the engagement processes, due to the relative novelty of engagement practices. But planning is very important – identifying the partners, the issues and the forms in an engagement process, giving feedback to NGOs and identifying the lessons learned for the future. Although NGOs do not estimate their participation in engaging very highly, the situation is rather satisfactory in the opinion of ministries' heads of departments and chairmen of the Riigikogu committees. Although we still have a lot to do, the latest developments have been positive.

# RECOMMENDATIONS

## General recommendations

We recommend following the rules for organising engagement processes developed by the OECD and EU countries such as the UK and Finland (e.g. elements of an efficient engaging process). These rules are based on different surveys and experiences and Estonia can follow their example where possible. The aim of the following recommendations is to develop proposals for standardisation, with a view to making current procedures more efficient and easy-to-use at the levels of government and parliament, and drafting common principles for engaging interest groups. The recommendations are based on the engaging experiences of other countries, and analysis of the results of the survey conducted among the members of the Riigikogu, ministries' officials and representatives of national umbrella organisations.

## Minimum requirements for organising engagement procedures in Estonia

1) Openness of engagement procedures

### ***Access to information and the opportunity to express one's opinion***

Everybody must have access to information and an opportunity to always express their opinion. The openness of engagement procedures is one of the key elements in efficient engaging. To avoid cynicism, interest groups should be engaged throughout the whole process of policy making (setting the agenda, implementing, monitoring and evaluating), and not only in particular stages.

**Information campaign of engagement procedures.** We recommend organising a so-called information campaign of engagement procedures, because awareness of the usefulness of engagement seems to be rather low in society. We could learn from the experience of Sweden. The aim of such a campaign is to deliver information to citizens about which information to look for relating to legislative drafting and preparing policy documents, where this information can be found, and also how they can express their opinions and participate in discussions (incl. an introduction of different electronic means and demonstrations of how citizens can participate by using these means).

### ***The circle of engaged interest groups***

It is important always to keep engagement processes open, so that the established circle of engaged interest groups does not become frozen (ie, a corporatist approach). New and smaller interest groups must also have the possibility to represent their own interests. The government and the Riigikogu are the actors that need to guarantee a balance of interests; they must therefore also engage new, less organised interest groups or groups with lesser resources. We recommend gaining an overview of the representation of interest groups in evaluating engagement procedures (e.g. using a better organised register of NGOs), and being open to newcomers.

Developing general principles and criteria for evaluating NGOs and their umbrella organisations, and negotiating with these organisations, could be some of the tasks in the next stage of implementing the ECSDP in cooperation with the Government's ESCDP commission, the Riigikogu ECSDP support group and experts.

## 2) Organising ngos' lists and data

- To gain an overview of existing interest groups, it is possible to use the **Register of Non-profit Organisations and Foundations**. But the register needs significant 'reforming', as its data is often outdated and insufficient for getting information necessary for engagement of interest groups. In addition, changing such data is complicated and expensive. We recommend the following to enhance the quality of the data in the register:
  - *Simplifying the rules for changing information in the register.* Changing contact details (postal address, phone number, e-mail address) should be free of charge, quick and easy. There should be a facility for each organisation to update their data on the internet using their password. This would also decrease the workload of maintaining the register.
  - *Supplementing register data with extra kinds of information*, such as details of organisations' members, founders, etc. This would give a better overview of active NGOs, and allow evaluations of their actual capacity and representation.
  - *Organisations should receive information about these changes in the register.*
- In **ministries**, sectoral public electronic information and post lists should be created, where interest groups could add in their contacts and topics. Through such lists, interest groups could receive information on the internet about legislation plans, draft Acts and other materials (the correct internet address should be given).
- At the **Riigikogu** level, such lists can be created in permanent committees.

## 3) Time

Minimum time for consulting on legislative drafts and policy documents should be agreed on, which all parties would accept (except in special cases, where reduced timeframes would need to be explained). Based on the survey, the minimum time should be more than 2 weeks, and preferably 4 weeks. More time is needed during summer, or where relevant topics are complicated.

## 4) 'Compulsory' feedback. Trust

To avoid engagement hazards such as the 'black hole', 'engagement frustration' and alienation, as well as decreasing trust, there should be a public announcement at the end of an engagement process of who was consulted, and why their opinions were or were not taken into account, etc. Feedback promotes interest group activity and makes them interested in the process.

Engaged interest groups must be given feedback on whether their opinions were (or were not) taken into account, and on the extent of their influence on decisions. This feedback increases trust, and demonstrates that decision-makers do not engage in manipulation.

## **RECOMMENDATIONS FOR EXECUTIVE AUTHORITIES**

### ***Necessity to phrase general principles of engaging interest groups***

Following general trends of pluralism and openness, the usefulness of best practice, and the survey results, we recommend drafting general engagement principles, discussing

them in roundtables and finally approving them. Engagement of interest groups is largely a matter of political will, legislative drafting procedures, good governance and capacity of NGOs, therefore, general engagement principles should be “strictly recommended”, but not have legal force. Consulting mechanisms provided by acts could increase complexity and confusion for interest groups and limit their access to engagement processes.

**Representing interests vs. expertise.** For regulating communication between the state and interest groups, it is perhaps reasonable to develop special rules, which would help differentiate paid expertise from consulting with interest groups.

### ***Coordinating engagement procedures in the country***

The Government should create an institution that would be responsible for developing engagement procedures in Estonia – ie, consulting on engagement processes (rules for all partners), analysis of the practice of ministries (e.g. collecting best practice examples and advertising), planning training programmes and certainly monitoring and analysing the implementation of general engagement principles.

### ***Means of engaging interest groups***

The choice of means often determines the circle of interest groups who are engaged (depending also on interest groups’ access to these means and know-how for using them). For example, smaller and specific (focus) groups are easier to use for engagement on specific topics. Different means should be combined.

Specific questions should be more often sent together with a draft Act (this is also what interest groups prefer). The contents of a draft should be presented in as simple manner as possible, so that umbrella associations can send their member organisations correct and easy-to-understand information.

To deliver information to interest groups about draft acts, information should be placed on web pages, and official forms of communication should also be used. This would improve the transparency of the whole process.

### ***E-means***

**Make better use of and develop existing e-means** on ministries’ and the Riigikogu’s web pages, using eÕigus, TOM and Themis as a common e-engagement system; consider creating a facility for unifying all of these systems. At the government level, appoint an institution that would be responsible for developing, coordinating and managing e-engagement processes. Make eÕigus more user-friendly, allow the ordering of e-notices by topics (e-lists by policy fields and/or ministries) when an act is added to the database.

**Make ministries’ web pages easier to use and better**, create possibilities for participation and transparency, so that engagement information would be easier to find (e.g. similar web page links on the web pages of all ministries relating to ‘legislation and consulting’, where information about draft legislation and policy documents, discussions, etc. could be found), make the means of participation easier to use (e.g. an interactive facility to present opinions and receive feedback, online questionnaires about drafts, discussion forums, etc.). There should also be contact details of a public official or department of a ministry to whom comments should be sent. The results of engagement processes should also be made public on such web pages. Everybody should have an opportunity to present their opinion, to read others’ opinions, and to receive feedback.

Create a **common web site for managing information on engagement processes** (e.g. based on TOM). On the site page there would be an overview of draft legislation and policy documents, and also online consultations. A common web site would be an entrance point for engagement procedures at the level of the ministries' as well as the Riigikogu.

Start using **online consultations**. Such consultations cannot take place separately for every draft or policy issue. However, they would be possible for the 2 or 3 most important drafts or policy issues from each ministry (as chosen by the ministry). Wider policy issues should be taken to online consultations, which would allow all interested parties to participate in the early stages of decision-making (by contrast, at the moment all draft legislation is made available in final stages). Today, Themis could be used for online consultations, but in the future, a process of public procurement tender should be organised for carrying out online consultations (e.g. in every 2 years).

Create public electronic information lists based on policy areas, where interest groups could add their contacts and topics (see minimum requirements).

## **Recommendations for legislative institutions**

### ***Lists of interest groups***

Similarly to the procedure in German Bundestag, the Chancellery of the Riigikogu could create a list of NGOs who are interested in information about the activities of the Riigikogu. The list should be updated regularly, so that members, factions and committees of the Riigikogu could quickly get information about the NGOs they are interested in (see also minimum requirements).

### ***Discussions***

Taking into consideration the policy fields of interest groups and the Riigikogu committees, those committees together with ministries responsible for implementing legislation and NGOs active in the same field could organise roundtables and hearings (on specific drafts, interests, socio-economic impacts on engaged interest groups, etc.).

### ***Evaluating engagement processes***

The ECSDC should continue to be evaluated every two years, thereby also evaluating the whole engagement process in Estonia at the Riigikogu, ministries' and municipalities' level. Surveys, analyses, expert opinions and roundtables could be organised.

### ***Devising engagement procedures for executive institutions and feedback***

The Riigikogu can help to promote general engagement principles and to implement engagement procedures in public sector institutions through parliamentary monitoring. In case of insufficient engagement procedures, the Riigikogu should have the right to send a draft back to the Government or bring in interest groups who have not been engaged earlier in the drafting process.

The Riigikogu should be able to make recommendations to the Government for developing engagement practices, based on the results of systematic monitoring, roundtables and surveys.



## ***Electronic engagement procedures***

Make the process of presenting one's views on draft legislation easier and more accessible and promote this possibility in the main menu of the Riigikogu web page. Organise an information campaign for delivering information about these possibilities.

The Riigikogu web pages should be more precise and interactive in relation to engaging interest groups and presenting information on legislative impact, presenting analyses of drafts and all comments.

All information about participation in decision-making processes should be available from one source and through a user-friendly web site. Therefore, the Government and the Riigikogu should investigate possibilities for organising the processes of legislative drafting in one system on the internet (see the recommendation about creating a general web site).

The Riigikogu committees should make better use of Themis or other similar e-forums in gathering and analysing interest groups' opinions.

Similar to practice in several other Western-European countries, the members of the Riigikogu could also have their own personal interactive web pages, where they could have an opportunity to introduce their views about draft legislation and public issues, and also answer to questions.

## **Recommendations for non-profit organisations / interest groups**

### ***Transparency***

Transparency is important also in relation to NGOs. NGOs should be able to explain whom they represent and what the goal of their activities is.

### ***Flexibility of decision-making procedures***

Internal decision-making procedures may limit an organisation's capacity to participate in engagement processes. On the one hand, ministries should take this into consideration in designing engagement processes. On the other hand, interest groups could make their internal decision-making procedures and capacity as quick and flexible as possible, and if necessary, interest groups' opinions could be quickly formulated.

### ***Active participation***

Interest groups should be active, following the processes of decision-making and legislative drafting, and contacting the initiator of a draft. They should not just wait to be invited to express their opinion.

### ***Data***

Interest groups should also monitor the information about their organisation in the Register of Non-Profit Organisations and Foundations. They should make sure that such information exists, and that their contact details are correct.

## ***Responsibility***

People who represent interest groups in communicating with ministries or the Riigikogu should really have the mandate of their organisation. The mandate should be agreed on (if it is not written in the statutes of the interest groups). This will avoid the situation where one person is representing an interest group, but the members of the interest group do not know which decisions or agreements are made, or responsibilities are taken up, on their behalf.

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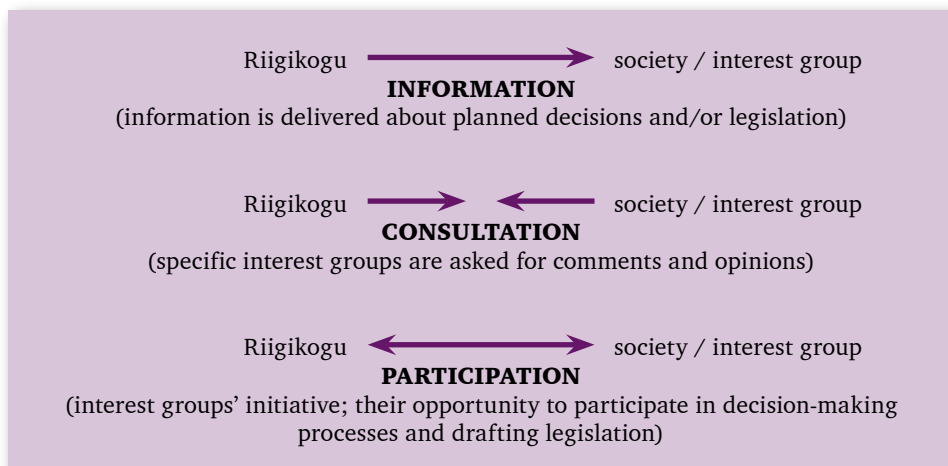
# QUESTIONNAIRE

## to the members of the Riigikogu

### DEFINITIONS:

By **interest groups** we mean those organised groups and associations in society (non-profit organisations, business enterprises, trade unions, professional and trade associations, umbrella associations, etc.) whose activities and every-day life is directly affected by legislation under discussion at a particular time.

By **engaging** we mean a broader framework, which provides basis for:



### I MAIN REASONS FOR INFORMING INTEREST GROUPS AND CONSULTING WITH THEM IN RIIGIKOGU IN YOUR OPINION (in drafting and amending legislation and major policy documents (development plans, strategies)).

#### 1. Have you had problems in your work practice with informing interest groups about the Committee's work and engaging interest groups in Committee's decision-making process?

1.1. yes, often	
1.2. yes, but seldom	
1.3. no	
1.4. other answer (please specify)	
1.5. cannot say	

#### 2. Why does your Committee inform interest groups? (please mark all suitable variants)

	Yes	No	Can't say
2.1. programme of my political party promotes informing interest groups			
2.2. informing interest groups who are directly affected by respective legislation has become good practice in the Committee, it is a natural part of the work process			

2.4. rules of legislative drafting require it			
2.4. to collect information about economic, budgetary, social etc. risks and impacts that may occur in implementing legislation			
2.5. to enhance interest groups' awareness about state decisions			
2.6. to guarantee better implementation / observing of laws			
2.7. interest groups ask and are interested in receiving information			
2.8. agreements / cooperation contracts with interest groups (please specify)			
2.9. pursuant to best practice of legislative drafting in the European Union			
2.10. other reason (please specify)			

### 3. Why does your committee consult with interest groups? (please mark 3 most important reasons)

3.1. political party considers participatory democracy to be very important	
3.2. Committee's internal practice, natural part of the work process	
3.3. rules of legislative drafting require it	
3.4. initiator of a draft Act being discussed in the Committee, has not engaged all important target groups in the legislative drafting process	
3.5. to collect information about economic, budgetary etc. risks and impacts that may occur in implementing legislation	
3.6. to receive alternative ideas and give interest groups an opportunity to express their opinions	
3.7. to find the best solution for society's problems in joint discussion with interest groups	
3.8. to enhance responsibility of interest groups in solving society's problems through participation	
3.9. agreements / cooperation contracts with interest groups (please specify which agreements)	
3.10. pursuant to best practice of legislative drafting in the European Union	
3.11. some other reason (please specify)	

## II HOW ARE INTEREST GROUPS ENGAGED

### 4. How often does your Committee send the following materials to interest groups:

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
4.1. information about planned legislation (before drafting legislation)					
4.2. materials of a debate on a matter of national importance					
4.3. a draft resolution of the Riigikogu about preparing a national development plan, strategy, or other similar document					
4.4. a draft Act together with its explanatory memorandum					
4.5. a draft Act, development plan, etc., with specific questions concerning some chapters or §-s of the draft (e.g. potential impacts, implementation costs etc.)					
4.6. documents and materials with a meeting invitation					
4.7. regulatory impact analyses, on which the draft is based					
4.8. other surveys, statistics, reports, etc.					
4.9. other information (please specify)					

### 5. Do you also expect feedback in the case of the following materials?

	Yes (1)	No (2)	Can't say (8)
5.1. information about planned legislation (before issuing legislation)			

5.2. materials of a debate on a matter of national importance			
5.3. a draft resolution of the Riigikogu about preparing a national development plan, strategy, or other similar document			
5.4. a draft Act (together with its explanatory memorandum) before the 1st reading			
5.5. a draft Act (together with its explanatory memorandum) after the 1st reading			
5.6. a draft Act, development plan, etc., with specific questions concerning some chapters or §-s of the draft (e.g. potential impacts, implementation costs etc.)			
5.7. regulatory impact analyses, on which the draft is based			
5.8 other surveys, statistics, reports, etc.			
5.9. other information (please specify)			

**6. How often are the following means used in your Committee for delivering information?**

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
6.1. a posted letter to potential interest groups					
6.2. an e-mail with documents to specific interest groups					
6.3. an e-mail to electronic information lists					
6.4. inform by a posted letter / e-mail, that there is information on the Riigikogu web page					
6.8. other (please specify)					

**7. How often are the following forms used in your Committee for engaging interest groups:**

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
7.1. using advisory bodies (please specify which?)					
7.2. inviting interest groups to Committee meetings					
7.3. informing interest groups about a debate in the Riigikogu on the topic they have interest in (incl. e.g. an invitation to the Riigikogu hall balcony)					
7.4. Committee's public hearings, meetings and discussions, seminars, roundtables					
Using electronic means for engaging interest groups (e.g. e-forums)	7.5. eÕigus <sup>1</sup>				
	7.6. Themis				
	7.7. TOM				
	7.8. a forum on the Riigikogu web page				
	7.9. a target/interest group e-survey				
Informal communication with interest groups	7.10. some other (which?)				
	7.11. meetings				
	7.12. phone calls				
	7.13. communicating via e-mails				
7.14. other (please specify)					
7.15. other means (please specify)					

**8. In which cases are different means and forms for engaging interest groups used in your Committee? When, for instance, is a written consultation procedure used?**

.....

<sup>1</sup> – eÕigus – a system of electronic approval of draft legislation

**8.1. In which cases do you prefer verbal consultation inviting interest group representatives to a Committee meeting?**

.....

**8.2. In which cases do you prefer informal consultation?**

.....

**8.2. In which cases do you decide to form a working group, organise or participate in e.g. a roundtable, make an appointment, etc.?**

.....

**III WHO DOES YOUR COMMITTEE ENGAGE IN DECISION-MAKING PROCESSES?**

**9. In preparing laws, development plans and other documents, how often has your Committee engaged:**

		Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
9.1 national level representative organisations of entrepreneurs (e.g. Estonian Chamber of Commerce and Industry, Estonian Employers' Confederation, Estonian Association of Small and Medium-size Entrepreneurs, etc.)						
9.2. associations of business enterprises (e.g. union of construction entrepreneurs, association of food industries, association of advertising agencies, etc.)						
Business enterprises	9.3. big enterprises (more than 250 employees)					
	9.4. medium-size enterprises (50-249 employees)					
	9.5. small-size enterprises (up to 49 employees)					
9.6. professional and trade associations						
9.7. trade unions						
9.8. representative organisations of non-profit organisations (e.g. Network of Estonian Nonprofit Organizations, Estonian NGO Roundtable, Association Kodukant, etc.)						
9.9. sectoral associations of non-profit organisations (e.g. union for child welfare, union of people with mobility impairment, Estonian Sports Association, Open Education Association, etc.)						
9.10. individual non-profit organisations / foundations						
9.11. experts (lawyers, researchers, etc.)						
9.12. other interest groups (please specify)						

**10. Please, name your Committee's main cooperation partners among interest groups in the last couple of years:**

10.1. ....

10.2. ....

10.3. ....



**11. Who should usually initiate communication and participation in legislative drafting and decision-making processes? Please rank two most important ones (write '1' after the most important and '2' after the second important)**

11.1. interest groups	
11.2. ministries	
11.3. members of the Riigikogu	
11.4. others (please specify)	
11.5. can't say	

**12. Can you cite specific examples from the last couple of years when an interest group's activity and/or pressure has initiated a legislative drafting etc. process?**

.....

**13. How fixed or changing is the circle of interest groups who are engaged? (choose one variant)**

13.1. fixed	
13.2. new partners join in from time to time	
13.3. often changing	
13.4. different every time	
13.5. bigger circle is fixed, in the case of specific topics, certain groups are engaged	

**14. On what bases are interest groups with whom you consult about preparing new drafts selected in your Committee? What are the chances, for instance, for a new interest group to join the circle of engaged organisations? Please describe.**

.....

**IV TIME RELATED TO CONSULTING**

**15. Is the time for consulting already planned into decision-making process?**

15.1. yes, often	
15.2. yes, but seldom	
15.3. yes, but there is usually too little time planned	
15.4. no	
15.5. can't say	

**16. How much time is usually given to interest groups for commenting the following materials?**

	No time At all (5)	1-2 Days (4)	1 Week (3)	2 Weeks (2)	More Than 2 Weeks (1)	Can't Say (8)	Other (Please Specify)
16.1. information about planned legislation (before drafting legislation)							
16.2. materials of a debate on a matter of national importance							
16.3. a draft resolution of the Riigikogu about a national development plan or other similar document							

16.4. a draft Act (together with its explanatory memorandum)						
16.5. a draft Act, development plan, etc., with specific questions concerning some chapters or §-s of the draft (e.g. potential impacts, implementation costs etc.)						
16.6. regulatory impact analyses, on which the draft is based						
16.7. other surveys, statistics, reports, etc.						
16.8. other materials (please specify)						

## V RESULTS OF ENGAGING PROCESSES

### 17. How do you estimate the feedback from interest groups? How often is feedback ...?

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
17.1. objective and useful					
17.2. originating from a very narrow interest, useful only to a very specific group and harmful for others					
17.3. other (please specify)					

### 18. Do you consider received information and opinions?

18.1. yes, always	
18.2. yes, often	
18.3. yes, but seldom	
18.4. usually not	
18.5. can't say	

### 19. How and how often do you inform interest groups whether their opinions have been taken into account?

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
19.1. Committee's chairman, vice chairman or advisor on their authorisation informs officially					
19.2. Committee's chairman, vice chairman or advisor on their authorisation informs unofficially					
19.3. give a detailed overview of opinions and comments of engaged interest groups in the draft's explanatory memorandum					
19.4. in another way (please specify)					

### 20. How often have occurred the following problems in engaging interest groups:

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
20.1. scarcity of time					
20.2. don't know who to engage					
20.3. passivity of engaged interest groups					
20.4. incompetence of engaged partners					

20.5. there are no state level common principles or legal basis for organising engagement of interest groups					
20.6. we do not have such a working culture for engaging and cooperation					
20.7. not enough know-how and experiences concerning why and how to engage interest groups most efficiently					
20.8. necessity and efficiency of engaging interest groups is doubtful					
20.9. several non-profit organisations and other interest groups are connected to political parties and represent their interests					
20.10. other (please specify)					

**21. Has consulting with interest groups been evaluated in your Committee? E.g. evaluation of the efficiency of methods used, analysis of the readiness of entrepreneurs and non-profit organisations and their opinions, etc.?**

Yes	No	Can't say
-----	----	-----------

If yes, what has been the result of such an evaluation?

.....

**VI GENERAL**

**22. Is it more important to engage interest groups in some topics than in others?**

Yes	No	Can't say
-----	----	-----------

If yes, please specify according to your Committee's tasks in which cases (topics, policy fields, documents) interest groups are more engaged in decision-making processes and in which cases less?

.....

**23. Is there some specific form of engaging interest groups in the your Committee's field of activity?**

Yes	No	Can't say
-----	----	-----------

If yes, which form?

.....

**24. How satisfied are you with present engaging procedures in your Committee?**

.....

**25. How should engaging be organised in your opinion, in order to be most useful for the state and the society? Which questions should be certainly agreed on in engaging processes?**

.....

**Finally, some general questions about the respondents:**

**26. How long have you been a member of the Riigikogu? (choose the suitable variant)**

- up to 2 years 1
- 2-5 years 2
- 6-10 years 3
- more than 11 years 4

**27. Do you belong to a coalition or an opposition party? (choose the suitable variant)**

- coalition party 1
- opposition party 2

**28. Your age: (choose the suitable variant)**

- 21-30 1
- 31-40 2
- 41-50 3
- 51-60 4
- more than 60 5

**29. Your gender:**

- Male 1
- Female 2

**30. Are you a member of some non-profit organisation?**

- YES 1
- NO 2

If YES, please name the non-profit organisations, which you belong to:

.....

**31. If necessary, do you agree to answer to some additional questions by phone?**

- YES 1
- NO 2

If yes, please write here your contacts:

.....

**32. If you have additional comments concerning engaging procedures in Estonia and in your Committee, please write them here:**

.....

**THANK YOU FOR YOUR COOPERATION!**

# QUESTIONNAIRE

## to the head of the departments at the ministries

### DEFINITIONS:

By **interest groups** we mean those organised groups and associations in the society, whose activities and every-day life is directly affected by the legislation, which is under discussion at a moment (non-profit organisations, business enterprises, trade unions, professional and trade associations, umbrella associations, etc.).

By **engaging** we mean a broader framework, which provides basis for:



### I GENERAL INFORMATION

#### 1. In which ministry / government institution do you work?

1.1. Ministry of Justice	
1.2. Ministry of Education and Research	
1.3. Ministry of Defence	
1.4. Ministry of the Environment	
1.5. Ministry of Culture	
1.6. Ministry of Economic Affairs and Communications	
1.7. Ministry of Agriculture	
1.8. Ministry of Finance	
1.9. Ministry of Internal Affairs	
1.10. Ministry of Social Affairs	
1.11. Ministry of Foreign Affairs	
1.12. other government institution (please specify which)	

**II WHY DOES YOUR DEPARTMENT ENGAGE INTEREST GROUPS IN DECISION-MAKING PROCESSES (in drafting and amending legislation and major policy documents (development plans, strategies, etc.)?)**

**2. Why does your department inform interest groups? (please mark all suitable variants)**

	Yes	No	Can't say
2.1. management promotes informing interest groups			
2.2. informing interest groups is compulsory			
2.3. to enhance awareness about government decisions			
2.4. to cause less resistance among interest groups when an Act is adopted			
2.5. to guarantee better implementation / observing of laws			
2.6. interest groups ask and are interested in receiving information			
2.7. other reason (please specify)			

**3. Why does your department consult with interest groups? (please mark 3 most important reasons)**

3.1. management promotes consulting with interest groups	
3.2. consulting with interest groups is compulsory	
3.3. to enhance the quality of final decisions / legislation	
3.4. to receive alternative ideas and give interest groups an opportunity to express their opinions	
3.5. to find the best solution for the society in joint discussion with interest groups, enhance responsibility of interest groups	
3.6. to guarantee better implementation / observing of laws	
3.7. to cause less resistance among interest groups when an Act is adopted	
3.8. to collect information about economic, budgetary etc. risks and impacts that may occur in legislative implementation	
3.9. pursuant to international practices and trends (the European Union, etc.)	
3.10. other reason (please specify)	

**4. On what basis is engaging taking place in your department? What requires or recommends it? (please mark all suitable variants)**

	Yes	No	Can't say
4.1. a law (please specify)			
4.2. a regulation (please specify)			
4.3. a rule (please specify)			
4.4. ministry's internal practice, a natural part of the work process			
4.5. job description			
4.6. agreements / cooperation contracts with interest groups (please specify)			
4.7. other basis (please specify)			

**III HOW ARE INTEREST GROUPS ENGAGED?**

**5. How often does your department send the following materials to interest groups:**

	Always	Often	Seldom	Never	Can't say
5.1. information about planned legislation (before drafting legislation)					

5.2. information about preparing a development plan, strategy, etc.					
5.3. working document of a draft Act in early stages					
5.4. text of a draft Act in the stage of being approved by other ministries					
5.5. draft regulation					
5.6. explanatory memorandum of a draft					
5.7. a draft (law, regulation, development plan or strategy) and specific questions concerning the draft (e.g. possible impacts, implementation etc.)					
5.8. development plan / strategy etc. working document					
5.9. documents and materials with a meeting invitation					
5.10. regulatory impact analyses, on which the draft is based					
5.11. other surveys, statistics, reports, etc.					
5.12. other information (please specify)					

**6. How often are the following means used in your department to deliver information and materials?**

	Always	Often	Seldom	Never	Can't say
6.1. a posted letter to potential interest groups					
6.2. an e-mail with documents to specific interest groups					
6.3. an e-mail to electronic information lists					
6.4. informing by a posted letter that there is information on the ministry's web page					
6.5. informing by an e-mail that there is information on the ministry's web page					
6.6. information is made available on the ministry's web page					
6.7. delivering information via media					
6.8. others (please specify)					

**7. How often are the following forms used in your department for engaging interest groups:**

		Always	Often	Seldom	Never	Can't say
Using advisory bodies	7.1. councils					
	7.2. commissions, working groups					
	7.3. negotiations among stakeholders					
7.4. public meetings and discussions, conferences, seminars, roundtables						
7.5. giving future plans, action plans, drafts or impact analyses for public commenting						
Using electronic means in engaging interest groups (e.g. e-forums)	7.6. e $\delta$ igus <sup>1</sup>					
	7.7. Themis					
	7.8. TOM					
	7.9. ministry's own forum					
	7.10. some other (which?)					
Informal communication with interest groups	7.11. meetings					
	7.12. phone calls					
	7.13. communicating by e-mails					
	7.14. other (please specify)					
7.15. other means (please specify)						

<sup>1</sup> – e $\delta$ igus – a system of electronic approving of draft legislation

**8. In which cases different means and forms for engaging interest groups are used in your department? When, for instance, a written consultation procedure is used?**

.....

**8.1. In which cases do you prefer informal consultation?**

.....

**8.2. In which cases do you decide to form a working group or organise a roundtable / seminar?**

.....

**IV WHO DOES YOUR DEPARTMENT ENGAGE IN DECISION-MAKING PROCESSES?**

**9. In preparing laws, regulations, development plans etc. documents, how often has your department engaged:**

		Always	Often	Seldom	Never	Can't say
9.1 umbrella associations of entrepreneurs (e.g. Estonian Chamber of Commerce and Industry, Estonian Employers' Confederation, Estonian Association of Small and Medium-size Entrepreneurs, etc.)						
9.2. associations of business enterprises (e.g. union of construction entrepreneurs, association of food industries, association of advertising agencies, etc.)						
Business enterprises	9.3. big enterprises (more than 250 employees)					
	9.4. medium-size enterprises (50-249 employees)					
	9.5. small-size enterprises (up to 49 employees)					
9.6. professional and trade associations						
9.7. trade unions						
9.8. representative organisations of non-profit organisations (e.g. Network of Estonian Nonprofit Organizations, Estonian NGO Roundtable)						
9.9. sectoral associations of non-profit organisations (e.g. union for child welfare, union of people with mobility impairment, tax payers union, patients' association, etc.)						
9.10. individual non-profit organisations / foundations						
9.11. experts (lawyers, researchers, etc.)						
9.12. politicians, political parties						
9.13. other interest groups (please specify)						

**10. Please, name your department's main cooperation partners among interest groups in the last couple of years:**

10.1. ....

10.2. ....

10.3. ....

**11. Who should usually initiate communication and participation in legislative drafting and decision-making processes?**



11.1. interest groups	
11.2. ministry	
11.3. can't say	

**12. Are there interest groups in your field of activity, who have shown initiative to participate in decision-making processes and who have been therefore engaged?**

Yes	No	Can't say
-----	----	-----------

If yes, please name them:

.....

**13. Do interest groups usually participate already in early stages of legislative drafting and decision-making processes – in creating visions, bringing up new topics, etc?**

Yes	No	Can't say
-----	----	-----------

If yes, please bring positive as well as negative examples from the last couple of years:

.....

**14. Can you bring specific examples, when an interest group's activity and/or pressure has initiated a legislative drafting etc. process?**

.....

**15. How fixed or changing is the circle of interest groups who are engaged? (choose one variant)**

15.1. fixed	
15.2. new partners join in from time to time	
15.3. often changing	
15.4. different every time	
15.5. bigger circle is fixed, in the case on specific topics, certain groups are engaged	

**16. On what bases are interest groups with whom you consult on preparing new drafts selected in your department? What are the chances, for instance, for a new interest group to join the circle of engaged organisations?**

.....

**17. Are there any fixed or developed criteria in your department concerning with who to consult and who to invite to consultative committees or working groups from outside the public sector?**

Yes	No	Can't say
-----	----	-----------

**V TIME RELATED TO CONSULTING**

**18. Is the time for consulting already planned into decision-making process?**

18.1. yes, always	
18.2. yes, often	
18.3. yes, but seldom	
18.4. yes, but there is usually too little time planned	
18.5. no	
18.6. can't say	

**19. How much time is usually given to interest groups for commenting the following materials?**

	No time at all	1-2 Days	1 Week	2 Weeks	More Than 2 Weeks	Can't Say	Other (Please Specify)
19.1. information about planned legislation (before drafting legislation)							
19.2. information about preparing a development plan, strategy, etc.							
19.3. working document of a draft Act in early stages							
19.4. text of a draft Act in the stage of being approved							
19.5. draft regulation							
19.6. a draft (law, regulation, development plan or strategy) and specific questions concerning the draft (e.g. potential impacts, implementation etc.)							
19.7. development plan / strategy etc. working document							
19.8. regulatory impact analyses, on which the draft is based							
19.9. other surveys, statistics, reports, etc.							
19.10. other information (please specify)							

**20. Is there any specific type of documents, with which 1-2 days are given for commenting?**

Yes	No	Can't say
-----	----	-----------

If yes, what type of documents are these?

.....

**VI RESULTS OF THE ENGAGING PROCESSES**

**21. What kind of feedback does your department expect from interest groups in the process of drafting legislation and preparing policy documents? (Please rank them starting with the most important one for you)**

21.1. being informed	
21.2. giving short comments	
21.3. giving information about their needs	
21.4. collecting and delivering additional data concerning their sector	
21.5. collecting / intermediating expertise concerning the draft	
21.6. other (please specify)	

**22. How do you estimate the feedback from interest groups? How often are feedback information, comments and recommendations objective and useful?**

22.1. yes, always	
22.2. yes, often	
22.3. yes, but seldom	
22.4. no	
22.5. can't say	

**23. How often do feedback information, comments and recommendations originate from a very narrow interest, useful only to a very specific group and harmful for others?**

22.1. yes, always	
22.2. yes, often	
22.3. yes, but seldom	
22.4. no	
22.5. can't say	

**24. Do received information and opinions affect decisions?**

22.1. yes, always	
22.2. yes, often	
22.3. yes, but seldom	
22.4. no	
22.5. can't say	

**25. How and how often do you inform interest groups whether their opinions have been taken into account by your department?**

	Always	Often	Seldom	Never	Can't say
25.1. inform officially					
25.2. inform unofficially					
25.3. give a detailed overview of the consultation process in the draft's explanatory memorandum					
25.4. in another way (please specify)					

**26. Has consulting with interest groups been evaluated in your department? E.g. the efficiency of used methods evaluated, the readiness of entrepreneurs and non-profit organisations and their opinions analysed, etc.?**

Yes	No	Can't say
-----	----	-----------

If yes, how and what has been the result of such evaluation?

.....

**27. Would the process of engaging interest groups be easier and clearer, if there were general minimum standards and principles for engaging interest groups, so-called best practice?**

27.1. yes, best practice should be enforced, common to everyone	
27.2. yes, but every ministry should have their own specified engaging mechanisms	
27.3. some kind of principles should be in force, however, it is not possible to enforce good practice for everybody	
27.4. no, common principles are not necessary	
27.5. other	

**VII GENERAL**

**28. Is it more important to engage interest groups in some topics than in others?**

Yes	No	Can't say
-----	----	-----------

If yes, please specify according to your department's tasks in which cases (topics, policy fields, documents) interest groups are more engaged in decision-making processes and in which cases less?

.....

**29. Is there some specific form of engaging interest groups in the your field of activity?**

Yes	No	Can't say
-----	----	-----------

If yes, which form?

.....

**30. How often have occurred the following problems in engaging interest groups:**

	Always	Often	Seldom	Never	Can't say
30.1. scarcity of time					
30.2. don't know who to engage					
30.3. passivity of engaged interest groups					
30.4. incompetence of engaged partners					
30.5. there are no state level common principles for organising engagement of interest groups					
30.6. not enough know-how and experiences concerning why and how to engage interest groups most efficiently					
30.7. necessity and efficiency of engaging interest groups is doubtful					
30.8. other (please specify)					

**31. How satisfied are you with present engaging procedures in your department?**

.....

**32. Do you find engaging interest groups a necessary activity?**

Yes	No	Can't say
-----	----	-----------

Why? Please reason your opinion.

.....

**33. How should engaging be organised in your opinion in order to be most useful for the state and for the society? Which questions should be certainly agreed on in engaging processes?**

.....

**Finally, some questions about yourself:**

**34. Your age:**

- 21-30
- 31-40
- 41-50
- 51-60
- more than 60

**35. Your gender:**

- Man
- Woman

**36. In which department do you work?**

.....

**37. How long have you been working in this department?**

- Less than 1 year
- 1-2 years
- 2-5 years
- 5-10 years
- 11-15 years
- more than 15 years

**38. How long have you been working in the ministry / ministries (in this ministry, where you are currently working as well as in other ministries where you have worked)?**

- less than 1 year
- 1-2 years
- 2-5 years
- 5-10 years
- 11-15 years
- more than 15 years

**39. If necessary, do you agree to answer to some additional questions by phone?**

- YES
- NO

**If you have additional comments concerning engaging procedures in Estonia and in your department, please write them here:**

.....

**THANK YOU FOR YOUR COOPERATION!**

# QUESTIONNAIRE to the NGOs

**1.1 Name of your organisation** .....

**1.2 When is your organisation founded? year:** .....

## II THE AIM

### **2.1. Has your organisation participated in drafting legislation and preparing policy documents at ministries' or Riigikogu level?**

- (1) yes, we have participated in issues of our activity field
- (2) yes, we have participated in questions concerning our activity field as well as in questions, which are not directly our organisation's activity field. E.g. ....
- (3) no, we have not participated
- (4) other (please specify) .....

### **2.2. How often has your organisation been engaged or has participated on its own initiative in legislative drafting and preparing policy documents at ministries' or Riigikogu level in last 3 years?**

- (1) not once
- (2) preparing 1 draft Act or a policy document (development plan, strategy)
- (3) preparing 2-5 draft Acts or policy documents (development plans, strategies)
- (4) preparing 6-15 draft Acts or policy documents (development plans, strategies)
- (5) preparing more than 15 draft Acts or policy documents (development plans, strategies)
- (8) can't say

### **2.3. Why have you participated? Please mark 3 most important reasons**

- (1) we wish to protect the interests of our organisation members and/or a certain social group
- (2) we wish to enhance the quality of draft Acts and legislative drafting
- (3) we wish to find the best solution for the society through participating
- (4) we wish to monitor that state's money is not wasted and the Government complies with its tasks
- (5) just in case, we wish to be close to the decision-making process
- (6) ministries / members of the Riigikogu have asked our opinion
- (7) other reason (which?) .....

### **2.4. Why do you think ministries and/or the Riigikogu engage your organisation? (please mark up to 5 most important reasons in your opinion)**

- (1) it is compulsory to inform and engage interest groups
- (2) to enhance awareness of interest groups about the Government's decisions
- (3) in order to cause less resistance among interest groups when an Act is adopted
- (4) to receive alternative ideas and give interest groups an opportunity to express their opinions
- (5) to collect additional information about economic, budgetary etc. risks and impacts that may occur in legislative implementation
- (6) to find the best solution for the society in joint discussion with interest groups, enhance responsibility of interest groups

- (7) to enhance the quality of draft Acts and legislative drafting
- (8) to guarantee better implementation / observing of laws
- (9) pursuant to the European Union and other international practices and trends
- (10) interest groups are active and therefore they are engaged
- (11) other reason (please specify) . . . . .

**2.5. What document, agreement, etc. requires or suggests that you should be engaged or participate in legislative drafting or preparing policy documents?**

	Yes (1)	No (2)	Can't say (8)
1) agreements / cooperation contracts between your organisation and ministry(ies) or the Riigikogu (please specify)			
2) personal contacts and cooperation between your organisation and ministry(ies)			
3) personal contacts and cooperation between your organisation and members of Riigikogu			
4) developed work practice			
5) law, regulation, rule (please specify which, if you know)			
6) other (please specify)			

**III ENGAGING PARTNERS**

**3.1. Who should initiate communication and participation in legislative drafting and decision-making processes at ministries or the Riigikogu level? Please rank the two most important ones (write '1' in front of the most important and '2' the next important).**

- (1) interest groups, i.e. your organisation
- (2) a ministry
- (3) the Riigikogu
- (4) somebody else (please specify) . . . . .
- (8) can't say

**3.2. How do you evaluate engaging of your organisation by ministries and the Riigikogu in questions of your main activity field?**

- (1) our organisation is almost always informed and engaged
- (2) sometimes engaged and sometimes not
- (3) not engaged at all
- (8) can't say

**Who has engaged your organisation in legislative drafting and preparing policy documents and whom have you sent proposals and comments on your own initiative?**

	<b>3.3. our organisation has been engaged by:</b>	<b>3.4. on our own initiative we have sent comments to:</b>
(1) Ministry of Justice		
(2) Ministry of Education and Research		
(3) Ministry of Defence		
(4) Ministry of the Environment		
(5) Ministry of Culture		
(6) Ministry of Economic Affairs and Communications		
(7) Ministry of Agriculture		

(8) Ministry of Finance		
(9) Ministry of Internal Affairs		
(10) Ministry of Social Affairs		
(11) Ministry of Foreign Affairs		
(12) State Chancellery		
(13) a member of the Riigikogu		
(14) Riigikogu Committee (which?) . . . . .		
(15) Riigikogu faction (which?) . . . . .		
(16) other institution (which?) . . . . .		
(17) bigger umbrella associations of non-profit organisations (which?) . . . . .		
(18) we have not been engaged and we have not sent comments on our own initiative		

**3.5. If you have sent proposals and comments on your own initiative, which forms and means have you used mostly? (Please mark 3 most important ones)**

- (1) a posted letter
- (2) an e-mail
- (3) electronic information lists (which?) . . . . .
- (4) participation in councils, commissions, working groups
- (5) participation in seminars, roundtables
- (6) electronic portal TOM
- (7) electronic forum THEMIS
- (8) official meeting with (underline or circle the suitable variant)
  - 1) a member of the Riigikogu
  - 2) a minister, secretary general or deputy secretary general of a ministry
  - 3) officials of a ministry's department or division
- (9) unofficial meeting with (underline or circle the suitable variant)
  - 1) a member of the Riigikogu
  - 2) a minister, secretary general or deputy secretary general of a ministry
  - 3) officials of a ministry's department or division
- (10) other unofficial forms or means
- (11) have not used any of these forms or means
- (12) other, (please specify) . . . . .

<b>3.6. Who initiates and participates in forming your organisation's opinions and comments? (Mark suitable variants)</b>	<b>3.7. With whom do you discuss draft Acts and policy documents sent by ministries or the Riigikogu in your organisation?</b>
<input type="checkbox"/> Management	<input type="checkbox"/> Management
<input type="checkbox"/> Board	<input type="checkbox"/> Board
<input type="checkbox"/> Employees	<input type="checkbox"/> Employees
<input type="checkbox"/> Member organisations	<input type="checkbox"/> Member organisations
<input type="checkbox"/> Individual members	<input type="checkbox"/> Individual members
<input type="checkbox"/> Experts from outside our organisation	<input type="checkbox"/> Experts from outside our organisation
<input type="checkbox"/> Other (please specify who?) . . . . .	<input type="checkbox"/> Other (please specify who?) . . . . .

**3.8. How do you usually inform and engage your members inside the organisation? Which forms do you use (e.g. regular meetings, information bulletin, assistant information manager, electronic information lists, etc.)? Please describe in more detail.**

.....

.....

.....



## IV STAGES OF A DECISION-MAKING PROCESS

**In which stages of drafting an Act and how often has your organisation been engaged in legislative drafting and preparing policy documents?**

<b>4.1. Ministry</b>	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
1) in early stages of legislative drafting / decision-making process, when the draft is not prepared yet, problems and possible solutions are identified					
2) when an unofficial working document of a draft Act is prepared by a ministry					
3) in later stages of legislative drafting / decision-making process, when the draft is ready and sent for approval of other ministries					
4) when a draft Act is proceeded by the Riigikogu					
5) ministries have not engaged us					
6) other (please specify)					

<b>4.2. Riigikogu</b>	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't Say (8)
1) in early stages of legislative drafting / decision-making process, when a draft is not prepared yet, problems and possible solutions are identified					
2) when an unofficial working document of a draft Act is prepared					
3) when a draft Act is submitted to the Riigikogu					
4) in later stages of legislative drafting / decision-making process, i.e. just before an Act is adopted					
5) the Riigikogu has not engaged us					
6) other (please specify)					

**Please name more important draft Acts of which you have been informed about and you have been engaged. Who informed and engaged you (a ministry, Riigikogu Committee, faction, a member of the Riigikogu, a public official)?**

Draft Acts:

.....

Who engaged:

.....

### 4.3. Do you wish ministries/Riigikogu informed and engaged your organisation more?

<b>A. Ministries:</b> (1) Yes, we wish to be more engaged in a following stage of legislative drafting: <input type="checkbox"/> in the earliest stages of legislative drafting / decision-making process, when a draft is not prepared yet <input type="checkbox"/> when an unofficial working document of a draft Act is prepared by a ministry <input type="checkbox"/> in later stages of legislative drafting / decision-making process, when a draft is ready and sent for final approval <input type="checkbox"/> when a draft Act is proceeded by the Riigikogu <input type="checkbox"/> other ..... <input type="checkbox"/> (2) No	<b>B. Riigikogu:</b> (1) Yes, we wish to be more engaged in a following stage of legislative drafting: <input type="checkbox"/> in the earliest stages of legislative drafting / decision-making process, when a draft is not prepared yet <input type="checkbox"/> when an unofficial working document of a draft Act is prepared <input type="checkbox"/> when a draft Act is submitted to the Riigikogu <input type="checkbox"/> in later stages of legislative drafting / decision-making process, i.e. just before the Act is adopted <input type="checkbox"/> other ..... <input type="checkbox"/> (2) No
---	--

## V INFORMATION ABOUT ENGAGING / PARTICIPATION AND THEIR FORMS

5.1. By which forms has your organisation received information and participated in drafting or amending legislation or policy documents (development plans, strategies, etc.)?		Yes (1)	No (2)	Do not use (8)
<b>Official forms</b>				
Letters	(1) Letters by post from ministries			
	(2) Letters by post from the Riigikogu			
E-mails	(3) E-mails from ministries			
	(4) E-mails from the Riigikogu			
Web pages	(5) Ministries' web pages			
	(6) the Riigikogu web page			
Other	(7) work schedule of the Government of the Republic			
(8) Official meetings, debates, seminars, roundtables				
(9) Our organisation's/member's belonging to a council				
(10) Our organisation's/member's belonging to a commission/working group				
(11) Negotiations between partners				
<b>Unofficial forms</b>	Personal contacts in ministries	(12) unofficial meetings		
		(13) phone calls		
		(14) personal e-mails with a public official		
		(15) others .....		
	Personal contacts in the Riigikogu	(16) unofficial meetings		
		(17) phone calls		
		(18) personal e-mails with a public official		
(19) others .....				
(20) Unofficial information from elsewhere. Please specify .....				
<b>Bigger umbrella and national associations of non-profit organisations (21)</b>				
<b>Electronic information lists (22)</b>	Electronic information lists. Please specify .....			
<b>E-databases and e-forums</b>	(23) eÕigus database <sup>1</sup> , <a href="http://eoigus.just.ee">http://eoigus.just.ee</a>			
	(24) Electronic portal TOM			
	(25) Electronic forum THEMIS			
	(26) Other .....			
<b>Other (27) Please specify .....</b>				

**5.2. Are you satisfied with such forms of receiving information and participating?**

- (1) Yes                       (2) No

Please comment what is lacking in these forms?

.....

**5.3. Which ways for receiving information and forms of participating are most suitable for your organisation?**

Choose 1-2 most suitable variants for your organisation.

- (1) a posted letter
- (2) e-mail
- (3) a ministry's/Riigikogu web page, presuming that the information there is easy to find and exhaustive
- (4) e-forum/database, where is thematic information about legislation and policy documents prepared in ministries
- (5) meetings, discussions, seminars or roundtables
- (6) participation in councils, commissions or working groups
- (7) negotiations between partners
- (8) unofficial forms. Please specify .....
- (9) other (please specify) .....

**5.4. If and how often do you receive the following materials from ministries and the Riigikogu?**

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
1) information about planned legislation (before drafting legislation)					
2) information about preparing a development plan, strategy, etc.					
3) working documents of a draft Act in early stages					
4) full text of a draft Act in the stage of being approved (the draft is ready, so-called final stage)					
5) draft regulation					
6) explanatory memorandum of a draft					
7) working document of a development plan / strategy etc.					
8) a draft (law, regulation, development plan or strategy) and specific questions concerning the draft (e.g. possible impacts, implementation etc.)					
9) documents and materials with a meeting invitation					
10) regulatory impact analyses, on which the draft is based					
11) other surveys, statistics, reports, etc.					
12) other information (please specify)					

**5.5. Through who does your organisation usually receive this information?**

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
1) ministries					
2) the Riigikogu					
3) bigger representative associations of non-profit organisations					
4) other .....					

**5.6. Through who would you like to receive this information? (Please rank, 1 – first choice)**

- (1) ministries
- (2) the Riigikogu
- (3) bigger representative associations of non-profit organisations
- (4) other .....

**5.7. What kind of information does your organisation prefer to receive about draft Acts, regulations and policy documents (development plans, strategies, etc.) concerning your field of activity? Please choose the most suitable variant.**

- (1) only information about planned legislation or a development plan / strategy
- (2) draft legislation or a draft development plan / strategy without an explanatory memorandum
- (3) a draft with an explanatory memorandum, which includes also impact analysis
- (4) a draft's full text with specific questions concerning some chapters or §-s of the draft (e.g. potential impacts, implementation costs etc.)
- (5) other (please specify) .....

**5.8. What kind of feedback is your organisation ready to give to ministries and the Riigikogu in the process of legislative drafting and preparing policy documents? (Please rank the variants in the order of your choice)**

- (1) being informed, take into consideration
- (2) giving short comments
- (3) give information about your needs
- (4) collect and deliver additional data concerning your activity field
- (5) collect / intermediate expertise concerning the draft
- (6) actively participate in discussions
- (7) other (please specify) .....

**VI TIME**

**6.1. When ministries or the Riigikogu has sent you the following materials, how much time do they usually give you for commenting them?**

	1-2 Days (4)	1 Week (3)	2 Weeks (2)	More than 2 weeks (1)	Can't say (8)	Other (please specify)
1) information about planned legislation (before drafting legislation)						
2) information about preparing a development plan, strategy, etc.						
3) working document of a draft Act in early stages						
4) full text of a draft Act in the stage of being approved (the draft is ready, so-called final stage)						
5) draft regulation						
6) explanatory memorandum of the draft						
7) working document of a development plan / strategy etc.						

8) a draft (law, regulation, development plan or strategy) and specific questions concerning the draft (e.g. potential impacts, implementation etc.)						
9) documents and materials with a meeting invitation						
10) regulatory impact analyses, on which the draft is based						
11) other surveys, statistics, reports, etc.						
12) other information (please specify)						

## 6.2. How much time would your organisation need to present its opinion of the following materials?

	1-2 Days (4)	1 Week (3)	2 Weeks (2)	More than 2 weeks (1)	Can't say (8)	Other (please specify)
1) information about planned legislation (before drafting legislation)						
2) information about preparing a development plan, strategy, etc.						
3) working document of a draft Act in early stages						
4) full text of a draft Act in the stage of being approved (the draft is ready, so-called final stage)						
5) draft regulation						
6) explanatory memorandum of the draft						
7) working document of a development plan / strategy etc.						
8) a draft (law, regulation, development plan or strategy) and specific questions concerning the draft (e.g. potential impacts, implementation etc.)						
9) documents and materials with a meeting invitation						
10) regulatory impact analyses, on which the draft is based						
11) other surveys, statistics, reports, etc.						
12) other information (please specify)						

## VII ANALYSIS AND CONSIDERATION OF COMMENTS

### 7.1. How often do ministries and the Riigikogu take your organisation's comments and additional information into account in preparing legislation and policy documents?

	Always (4)	Often (3)	Seldom (2)	Never (1)	Can't say (8)
A. ministry					
B. the Riigikogu					

**7.2. How does your organisation receive feedback whether your information or comments have been taken into account / used?**

	Always (5)	Often (4)	Seldom (2)	Never (1)	Can't say (8)
1) a representative of a ministry informs us officially					
2) the Riigikogu (a member of the Riigikogu, Committee, faction) informs us officially					
3) a representative of a ministry informs us unofficially					
4) the Riigikogu informs us unofficially					
5) from the draft's explanatory memorandum					
6) we ask for feedback officially					
7) we ask for feedback unofficially					
8) we receive feedback through bigger representative associations of non-profit organisations, such as .....					
9) we do not receive feedback					
(10) in another way (please specify)					

**VIII PROBLEMS AND GENERAL QUESTIONS CONCERNING ENGAGING INTEREST GROUPS**

**8.1. What are the biggest problems for your organisation in participating in legislative drafting and preparing policy documents:**

	Always (5)	Often (4)	Seldom (2)	Never (1)	Can't say (8)
1) too little information about legislative drafting and preparing policy documents					
2) it is difficult to understand draft legislation					
3) time for commenting drafts is too short					
4) organisation has too little know-how and experience					
5) scarcity of resources (please specify which?)					
6) we do not know how we could participate					
7) other problems (please specify)					

**8.2. Have you had any problems in connection with any ministry and/or the Riigikogu?**

(1) Yes                       (2) No

9.2.1 If yes, what kind of problems?

.....

**8.3. Compared to present practices, what could be different in engaging interest groups (e.g. your organisation) at ministries and Riigikogu level? What issues should be definitely agreed on concerning engaging interest groups?**

.....  
 .....  
 .....

**8.4. Would the process of engaging interest groups in legislative drafting and preparing policy documents be easier and clearer for your organisation, if ...**

	Yes (1)	No (2)	Don't know (8)
(1) there were common minimum standards and principles, so-called best practice of engaging interest groups?			
(2) every ministry and Riigikogu had their own precise rules for engaging interest groups			
(3) all draft Acts and policy documents, on which ministries and the Riigikogu want to receive interest groups' comments, would be posted on one web site (electronic database)			
(4) you would be in the list of organisations, with whom ministries and the Riigikogu consult (you would be a so-called registered partner in your activity field)			
(5) other (please specify)			

**8.5. Do you think there are some topics or cases, when engaging your organisation by a ministry or the Riigikogu is more important than in other cases? Please specify in which cases (topics, activity fields, documents) do you think it is most important to engage your organisation?**

.....  
 .....  
 .....

**8.6. Does your organisation's main activity field require some specific form of engaging interest groups?**

- (1) Yes                       (2) No                       (8) Can't say  
 A. If yes, which form? .....

**8.7. Please bring some positive examples of how your organisation has been engaged and how satisfied you were with engaging procedures?**

.....  
 .....  
 .....

**IX FINALLY SOME QUESTIONS ABOUT YOUR ORGANISATION:**

**9.1 What is the legal status of your organisation?**

- (1) Non-profit organisation  
 (2) Foundation

**9.2 Is your organisation a:**

- (1) trade association, professional union  
 (2) association of enterprises, association of business organisations and/or entrepreneurs  
 (3) trade union  
 (4) national association of organisations active in the field of .....  
 (5) advocacy organisation  
 (6) union of advocacy and policy shaping organisations active in the field of .....  
 (7) support organisation/centre providing services for NGOs  
 (8) other .....

**9.3 Who are the founders/founding members of your organisation? Circle all suitable variants.**

Individuals	1	State:	Ministry	6
Business enterprise	2		County government	7
Non-profit organisation	3		Local government	8
Foundation	4		Constitutional institution	9
International organisation	5		Other, please specify . . . . .	10

**9.4 Is your organisation a member of an umbrella organisation or a network?**

(1) Yes                       (2) No

If 'yes', please mark, which umbrella organisation's member is your organisation.

Please circle the suitable code number and specify the name of the organisation/network.

At county level	1	organisation's name: . . . . .
In Estonia	2	organisation's name: . . . . .
At international level	3	organisation's name: . . . . .

**9.5 Does your organisation have members?**

(1) Yes                       (2) No

9.5.1. If 'yes', please mark, who are the members of your organisation and how many members do you have?

Please circle the suitable code number and specify the number of members.

Members are:

Individuals	1	altogether . . . . .
Legal persons	2	altogether . . . . .
including: business enterprises	3	altogether . . . . .
non-profit organisations	4	altogether . . . . .
foundations	5	altogether . . . . .
civil law partnerships	6	altogether . . . . .
public organisations	7	altogether . . . . .
municipalities	8	altogether . . . . .
state	9	(please specify through which institution) . . . . .
other	10	(please specify) . . . . .

**9.6 Does your organisation have:**

- (1) an access to internet?                       (1) Yes     (2) No  
 (2) own web page?                               (1) Yes     (2) No

**9.7 Does your organisation have salaried employees (data from 01.05.2004) (part-time as well as full-time)?**

- (1) Yes  
      (1) 1 employee  
      (2) 2-3 employees  
      (3) more than 3 employees  
 (2) No

**9.8 Our survey focused on ministries and the Riigikogu, but have county or local governments (town governments, town councils, parish governments, parish councils) engaged you in decision-making processes on the local level?**

(1) Yes                       (2) No





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