

## **Regional Conference: Government-Civil Society Partnership for Open and Transparent Law-making in Countries of South-East Europe**

Event organized in cooperation with the  
 Office for Cooperation with NGOs of the Government of Croatia

Zagreb, April 23, 2014

It is a great pleasure for me to welcome you to our regional conference on the topic of "Government – Civil Society Partnership for Open and Transparent Law-Making in Countries in South East Europe".

(...)

Otto von Bismarck once said: "If you have bad laws but good civil servants you can still govern a country fairly well. But if you have bad civil servants the best laws will not be of any value." While that may be true I still think that the ideal is to have both good laws and good civil servants.

The parliaments of the countries that like Croatia have recently become full EU members or are on their way to become EU members like Serbia or Montenegro have passed a lot of good laws in recent years. But many of these laws were part of the *acquis communautaire*, which means that national parliaments transpose EU law into national law. Passing such laws leaves little room for manoeuvre and sometimes parlia-

mentarians ask themselves why they should discuss such bills extensively if the result is a foregone conclusion.

As the *acquis* is constantly evolving one of the tasks of national parliaments also in the future will be to transpose EU law into national law, but in addition they have to pass many laws in exclusively national responsibility.

The topic of this conference was carefully chosen. It assumes that law-making should be open and transparent and in partnership with civil society. It is my deep conviction that these conditions must indeed be met to ensure both high-quality legislation and confidence and trust of citizens in democratic institutions.

I was a state legislator in Germany myself for several electoral terms, so please allow me to make a few points on what I believe is essential for good legislation.

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**RULE OF LAW PROGRAM  
SOUTH EAST EUROPE  
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- If a law needs to be amended or repealed shortly after it has been enforced law-makers have made a mistake. A law should be in force for several and very often for many years and this can only be achieved if a bill is drafted and deliberated carefully and without time pressure. Impact studies should be mandatory. Conflicts between ministries must be resolved before a bill is presented in the cabinet room.
- Of equal importance is the participation of civil society. The first draft of a bill must be sent to civil society organisations and these must be given sufficient time to write an opinion. The government will then know on whose support they can count and who will oppose the bill and they will know all the arguments that will be put forward in the process of legislation. This gives the government the chance to improve the bill before it is sent to parliament.
- After the first reading of a bill in parliament the committee stage is crucial. Committee meetings must be prepared carefully by permanent working groups of the parliamentary parties. The committee itself must organize public hearings during which civil society organisations get an opportunity to present their opinion. The working groups should take them into consideration before writing proposals for amendments which must be submitted to the committee before the committee votes on them, giving members of other parties sufficient time to reflect on them. Spontaneous amendments very often lead to inconsistent provisions.
- Laws should also be comprehensible for people without a law degree. For a couple of years our Ministry of Justice therefore now has had a special department in which civil servants who don't have a law

degree cross-check the wording of a bill without touching the substance.

Of course Civil Society also has a great responsibility. NGOs must have working structures that enable them to write or present an opinion that reflects the opinion of the majority of its members and is of high quality.

Good laws cannot be written overnight. Good law-making is time-consuming and time-saving at the same time. It is time consuming because the drafting of a bill implies a lot of coordination within the government and the parties that support it and with civil society. And also orderly procedures in parliament require sufficient time for deliberation. It is on the other hand time saving because good laws will not have to be amended yet repealed quickly.

I believe that the topic of our conference is of utmost importance and would like to express my profound thanks to the Office for Cooperation with NGOs of the Croatian Government. I am also delighted that so many high-ranking experts from different countries have joined us, I look forward to their speeches and I am convinced that the exchange of information and opinion will be beneficial for each of us.