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**A Guideline of EU  
Accession  
Monitoring Tools  
for CSOs in  
candidate and  
potential candidate  
countries (ENV.net  
region): Chapter 27**

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ENV.net project  
document

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Development of the ENV.net in West Balkan and Turkey: giving citizens a voice to influence the environmental process reforms for closer EU integration  
EuropeAid/132438/C/ACT/Multi 2012/306-642



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## INTRODUCTION

This document <sup>1</sup> gives an overview of the European Union (EU) Accession monitoring tools to be used by CSOs in candidate and potential candidate countries while preparing for the EU membership. *Participatory action research* is used to combine compliance monitoring, diagnostic monitoring, and performance monitoring. The cycle starts with observation and reflection<sup>2</sup>, which leads to a proposed possible plan to guide action.

Country (government) policy for EU accession is the subject of monitoring. So far, there is no single blueprint for policy monitoring work. Monitoring does not necessarily have to include all the steps; instead, depending on context, capacity and interests, a CSO may only look into some of the issues, or choose to explore them all. Having this in mind this document is a toolkit-like guide for action if CSO would like to monitor EU accession.

The aim of this toolkit-like guide is to introduce selected terms and methods that are used in policy monitoring and offer ideas on how CSOs (or networks) could plan activities to monitor policies.

In this document you will not find a toolkit on advocacy or participation (this was already developed by EEB<sup>3</sup> (European Environment Bureau) within the ENV.net project), but rather an important pieces/ descriptions on how to prepare position.

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<sup>1</sup> Conducted within ENV.net project in 2014

<sup>2</sup> Based on experience of EASD (Environmental Ambassadors for Sustainable Development. [www.ambassadors-env.com](http://www.ambassadors-env.com)), ENV.net Partner organization

<sup>3</sup> ENV.net Advocacy Toolkit EEB, 2014





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## 1. EC PROGRESS REPORTING FOR ACCESSION COUNTRIES

The EU legislation has to be *transposed* into national laws for candidate and potential candidate

**Transposition** is defined as the process where European directives are incorporated into national law in order to make their objectives, requirements and deadlines directly applicable.

**Implementation** is defined as the process where EU law is applied at national and subnational levels.

**Enforcement** is defined as the process where full compliance with EU law is monitored and secured, and non-compliance is systematically sanctioned by national and supranational courts.

countries, as well as to be *implemented and enforced*. It is already a regular practice that every year the European Commission (EC) issues a *Progress Report* for each country, containing among the economic conditions for membership the chapter “environment and climate change”, commonly known as “Chapter 27”.

It is important to underline the three elements of approximation: transposition, implementation and enforcement. In broader terms, EU environmental and climate legislation covers relevant directives, and uses *technical standards* to achieve a high level of protection and to ensure a common market in the regulated products.

All ENV.net project partner countries are willing to join the EU but are falling behind in the adoption of the EU’s environmental standards. The status of the Chapter 27 for ENV.net region countries presented in the 2014 edition of EC Progress Report is shown below as an example:

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Environment and Climate Change	
Albania	There has been little progress in the fields of environment and climate change
Bosnia and Herzegovina	Overall, there was little progress in the fields of environment and climate change.
The former Yugoslav Republic of Macedonia	Little progress was made in the areas of environment and climate change
Kosovo*	Overall, Kosovo has not progressed beyond the very initial stages of harmonisation with the Acquis....
Montenegro	Montenegro has made little progress in the areas of environment and climate change.
Serbia	Little progress has been made in the areas of environment and climate change.
Turkey	Turkey has made some progress in aligning legislation in the fields of environment and climate change, whereas enforcement remains weak.

ENV.net Serbia/EASD Team

The EC Progress report for environment and climate change is structured to address sub-themes (below) followed by general conclusions.

- HORIZONTAL
- AIR and NOISE
- WASTE MANAGEMENT
- WATER QUALITY
- NATURE
- CHEMICALS
- INDUSTRIAL POLLUTION
- CLIMATE CHANGE
- CIVIL PROTECTION

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to become a European Union member state. Such a course of action may take many forms, for example, through a law, strategy or programme<sup>6</sup>.

*Monitoring* is usually understood as an ongoing activity that takes place during policy implementation to track (and adjust) the process<sup>7</sup>.

**Environmental accession/approximation is the government policy.**

There are many different ways to undertake policy monitoring, but most methods usually involve three main components:

- a) gathering evidence about the implementation of a Policy
- b) analysing that evidence, and
- c) using the evidence to advocate<sup>8</sup> for change.

Every CSO faces the challenge of developing an approach that suits both its situation and goals. CSOs are motivated by different principles, beliefs and priorities (for example, *environmental CSOs*<sup>9</sup> are committed to achieve the mission of an environmentally healthy and sustainable future). It is important to note that Policy monitoring can be done with more or less participation<sup>10</sup>.

**There is no way to monitor Policy from a neutral position – it is likely that Environmental CSOs have different approach/opinion to other CSOs**

### 3.1. Role of government

Countries who seek to join the European Union must establish systems for monitoring progress in approximation so that they can report on their progress every year to the EC. As it was already mentioned, the Progress Monitoring Manual<sup>11</sup>

<sup>6</sup> Even a speech made by a president or a minister could outline a government’s planned course of action.  
<sup>7</sup> Different UN / UNEP publications are used as the background information ; [www.unep.org](http://www.unep.org)  
<sup>8</sup> More in already mentioned ENV.net Advocacy Toolkit EEB, 2014  
<sup>9</sup> *de jure* it is not difference between Environmental CSO and other CSOs – *de facto* it is difference  
<sup>10</sup> In most instances it is useful to get different stakeholders involved: different Non-State-Actors / CSOs, including NGOs.





describes the system for monitoring progress in adopting (transposition of directives) and implementing (directives, regulations and decisions of) environmental acquis before and after accession through the use of *Tables of Concordance* (transposition) and *Implementation Questionnaires*. It also provides suggestions on the set up of efficient ongoing systems of monitoring in the candidate countries. These suggestions include methodologies for monitoring progress in transposition and implementation developed under the *Progress Monitoring*. The Manual also contains recommendations for the candidate countries concerning measures to ensure availability of up-to-date information on their approximation progress.

The Table of Concordance has seven columns, subject to be filled in:

Article EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (Yes/ No)	If not, how will transposition occur? (L, GO, MO)	If draft, give no. of article transposing EU obligation	Status of transposition (5-0 accord to lawmaking stage)	Planned year for full transposition
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For example<sup>12</sup>:

Art.2	Definitions: (a) waste	Art.2.4. of Law 9010 of 13.02.2003. on environmental treatment of solid waste Art 3.7 Law 8934 EPL	No	L	Draft LWM Art 2 (a)	1	2010
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Countries need to develop implementation programmes that set priorities and realistic timetables for achieving compliance.

<sup>11</sup> “Monitoring transposition and Implementation of the EU Environmental acquis”, Manual 2012; Document under EuropeAid/124644/D/SER/Multiservice (RENA project), 2012

<sup>12</sup> “Monitoring transposition and Implementation of the EU Environmental acquis”, Manual 2012; Document under EuropeAid/124644/D/SER/Multiservice (RENA project), 2012





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### 3.1.1. Governmental discretion

It is important to keep in mind the balance between the authority of the European Union which adopted the legislation and the authority of the *member state/candidate or potential candidate country* which transposes implements and enforces the legislation *as part of their national legal and administrative order*. The laws cannot be drafted until the government determines what institutional objectives, structures and procedures it needs to implement, and the economic implications of doing so. It is important to understand the areas where the government is free to make its own decisions according to the conditions and needs in their country. Areas in which national governments are free to make their own arrangements (reflected in *national legal and administrative order*) in the implementation of EU legislation include:

- Organisation of the central government
- Centralization versus decentralization of functions and competencies
- Information management
- Public information and consultation
- Assessment costs and benefits of different regulatory options
- Cost-recovery schemes
- Investment planning
- Monitoring implementation and compliance
- Sanctions and penalties.

**CSOs should take challenges for NSA in accession process, but NOT trying to take the role of the government and responsibility in accession process**

At least one authority at national level must assume overall responsibility for the implementation of the EU environment law and at the same time be the European Union's interlocutor. Usually, the national *competent authority* for Chapter 27 is a ministry competent for environment; however, competencies may be divided among several institutions at the same level or at different levels

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(monitoring and enforcement may be partially or wholly delegated to regional or local authorities; the competent ministry should monitor the approximation and implementation by other ministries and institutions).

The ministry competent for finances should identify how much investment in environmental infrastructure will be needed in the years to come, in order to better plan overall public financing strategies. This information will also help the Commission to determine how to better assist the country to meet its environmental approximation goals.

**All Civil society organizations (CSOs) are non-state, not-for-profit structures, non-partisan and non-violent actors (NSA-non state actors)**

**CSOs include NGOs, but not limited to NGOs**

### 3.2. Role of CSOs

It is important to understand the meaning of CSOs. *The EU considers CSOs to include all non-State, not-for-profit structures, non-partisan and non-violent, through which people organize to pursue shared objectives and ideals, whether political, cultural, social and economic. Operating from the local to national, regional and international levels, they comprise urban and rural, formal and informal organizations. The EU values CSOs' diversity and specificities; it engages with accountable and transparent CSOs which share its commitment to social progress and to the fundamental values of peace, freedom, equal rights and human dignity*<sup>13</sup>.

**May be some issue is very important from CSOs angle, but paths to solution is not under umbrella of this Policy (EC Accession policy in sector environment and climate change) monitoring.**

It is important that CSOs are informed on all issues related to Chapter 27, before, during and after the negotiations.

<sup>13</sup> [http://ec.europa.eu/research/swafs/pdf/pub\\_other/optimising\\_civil\\_society\\_participation.pdf](http://ec.europa.eu/research/swafs/pdf/pub_other/optimising_civil_society_participation.pdf)

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requisite expertise/knowledge/ skills are employed when undertaking this exercise to achieve relevant outcomes.

When monitoring is not issue specific but rather targeted towards effective policy implementation, it is necessary that participating CSOs acquire baseline information on the policy aspects, identify the indicators and how these will be used to monitor progress. In such scenarios, to be effective, the CSOs will need to select policy aspects and corresponding indicators that are critical to monitoring progress.

**CSO to monitor Policy should have expertise or to assure expertise in issues/process/procedures**

Thus, a CSO should:

- identify which aspects of a Policy CSO it will monitor,
- define monitoring objectives, and
- consider what kinds of evidence to gather, and
- choose indicators to track Policy implementation.

It is important for CSOs to ensure that the data or evidence collected is credible, legitimate and not ambiguous.

## 5. EXPERTISE

There are no hard and fast rules about who should be involved in Policy monitoring. Who participates and how can vary greatly.

It is possible that policy monitoring may be undertaken by a single CSO; some CSOs, including EASD, undertake continuous policy monitoring as part of their core function and are therefore resourced in that regard.

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Experience shows that in order to monitor Policy, a CSO (of any kind such as grassroots NGO, professional association NGO/think-tank, research association, non-state-academia, non-state-business, etc.) should have expertise or must be able to assure expertise on issues/process/procedures.

When CSO do not have appropriate expertise/ knowledge/ skills it is usually very useful to consult outsourcing individual experts. It is useful to identify key people<sup>14</sup> who may not be involved directly in monitoring, but can assist CSO in obtaining access to information, other stakeholders and opportunities for gathering evidence or presenting findings.

Policy monitoring usually benefits from a team approach in which various CSOs can contribute different skills, areas of expertise, contacts and networks (it is usually a good idea to clarify the nature of the relationships CSO enter into and where appropriate, formalize them<sup>15</sup>).

CSOs could attract expertise and knowledge by:

- refreshing and upgrading their own capacities<sup>16,17,18</sup>,
- consulting outsourced individual experts with appropriate knowledge,
- contact “gatekeepers” to assist in monitoring,
- through partnership/network with other environmental CSOs in the country (like ECF-Environment and Climate Forum network<sup>19</sup> on country level),
- through partnership/network with other CSOs in the country,

<sup>14</sup> Such people are sometimes described as gatekeepers, because they can ‘let you in’ to places that you may find difficult to access on your own

<sup>15</sup> Separate project, formal partnerships or network agreements, informal partnership or periodic/task-specific cooperation, informal and unofficial understanding of mutual goodwill/willingness to exchange information, for example

<sup>16</sup> <http://www.env-net.org/get-involved/training/>, <http://www.env-net.org/get-involved/e-learning-courses/>

<sup>17</sup> <http://www.tacso.org/project-org/introduction/?id=42;>

[http://www.tacso.org/Capacity\\_Development/Archive.aspx?template\\_id=73&langTag=en-US&pageIndex=1](http://www.tacso.org/Capacity_Development/Archive.aspx?template_id=73&langTag=en-US&pageIndex=1)

<sup>18</sup> Like through <http://www.ecranetwork.org/ECF/Capacity-Building-Programme>

<sup>19</sup> <http://www.ecranetwork.org/ECF/Member-NGOs>

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- through partnership/network with related international/ CSOs in other countries with the same mission (like **ENV.net networking<sup>20</sup> with partnership with EEB<sup>21</sup> as Europe's largest federation of environmental organizations**, ECF-Environment and Climate Forum network<sup>22</sup>),
- through “synergy partnership” with other countries CSOs having different mission, where some synergy could generate additional power (like ETNAR advocacy NGOs networks for sustainable use of energy and natural resources<sup>23</sup>, SEE SEP - South East Europe Sustainable Energy Policy network<sup>24</sup>, etc.).

*Conditions for effective participation of CSO in a partnership/network include:*

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The right voices must be present

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The process must ensure that those voices can speak

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Those voices must be heard

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Those voices must be listened to

Experience shows that the more participatory the process is, the more effective CSOs Policy monitoring work will be in the long-term. It must be noted that the participatory approaches may present some challenges including<sup>25</sup> unbalanced representation<sup>26</sup>, power relations among participants affect what is said about what and to whom, and the rhetoric of participation can be misused to mask processes that are superficial, unequal or geared to further vested interests.

CSO also should pinpoint people/organizations that can assist and support monitoring work. Mapping appropriate partners to monitor this Policy<sup>27</sup> is more favoured than using “diverse” existing partnership/ networks for this purpose.

<sup>20</sup> <http://www.env-net.org/about-us/the-network/> ; **ENV.net is network for environmental process reforms for closer EU integration**

<sup>21</sup> <http://www.eeb.org/>

<sup>22</sup> <http://www.ecranetwork.org/ECF/What-is-Environment-and-Climate-Forum>

<sup>23</sup> <http://etnar.net/about-etnar/>

<sup>24</sup> <http://seechangenetwork.org/index.php/publications/media-advocacy-and-communications.html>

<sup>25</sup> [www.unep.org](http://www.unep.org)

<sup>26</sup> there is a need to guard against the assumption that participants can speak on behalf of others

<sup>27</sup> EC Accession policy in sector environment and climate change

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## 6. RESPONSIBILITY

(Environmental) CSOs have a responsibility to act if they have potentially relevant information related to progress in EU accession process in Chapter 27.

In those cases, CSOs have to develop a *map of checking* how to address such a situation. First of all, the CSO should research and conduct its own survey to gather relevant information. It should be noted that undertaking monitoring may however be challenging where there is limited or no access to relevant and reliable information<sup>28</sup>, which may sometimes be the case even where the law giving citizens the right to access to information exists<sup>29</sup>.

## 7. DEADLINES AND PROCEDURES

At times it is difficult for CSOs community to work under the pressure of “deadlines”.

Working under deadlines is difficult. In monitoring Policy, CSOs have to accept strict deadlines (applicable to all actors, not only for CSOs). It is useful to draw up a calendar of the main events and activities being used to monitor the Policy; this will help the CSO to identify important deadlines and monitoring outreach opportunities. The more detail CSOs can include in the calendar the more useful it will be for the monitoring process.

### Identified options to contribute to EC Progress reporting related to Chapter 27

Option	“Tip” for CSOs
1. EC Delegation in country public consultation	Be prepared on time with
2. National public consultation organized by government institutions, and government led processes (for example	

<sup>28</sup> *Transparency* is often used to describe the degree of openness or access to information in a country

<sup>29</sup> Mechanism such as OMBUDSMAN and/or COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION could be good instruments.





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through Governmental Office for cooperation with Civil Society) and opportunities (like Ombudsman)	meaningful expertise and opinion
3. National Environmental CSOs common position	
4. ENV.net regional project opportunities	
5. Other regional projects as the opportunity (primarily through ECRAN project)	

Efficiency in monitoring the Policy implementation is about “doing things right”, according to procedures, without wasting time and other resources, fairly and transparently, based on knowledge and expertise.

## 8. TOOLS

CSOs should develop their own approach to Policy monitoring. This chapter aims to help CSOs to begin planning approach to the Policy monitoring by thinking about three important questions:

- From what perspective will the CSO monitor Policy?
- What level of participation should CSO build into work?
- What does adopting a team approach to Policy monitoring mean?

Possible useful tools	Context and main points
PROBLEM TREE	<p>This tool works well with a group, and is a useful way to capture the ideas generated through discussion. It is especially helpful when the CSO wants to gain a deeper understanding of a problem or situation by identifying its causes and effects.</p> <p>To draw “the tree”, CSO should add:</p> <ul style="list-style-type: none"> <li>- <b>roots</b> (the causes of the problem or situation; some roots are closer to the surface, but deeper you go, the more causes you uncover that help to</li> </ul>

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contribute to the problem or situation), and

-**the branches** (the effects of the problem; some branches grow directly - these are the problem’s more immediate effects, but each branch may sprout many more branches, showing how the problem may contribute to a range of indirect and longer-term effects).

To influence Policy implementation, it is also important to identify *possible solutions* to the problem or situation CSO is trying to change. CSO can test and review these solutions against the evidence gathered through Policy monitoring. The most feasible solutions can form CSO recommendations for change.

SOLUTION TREE

This tool can be used individually or for brainstorming with a group. CSO will need to have a *problem tree* already in place.

Aim is **to identify possible short- and long-term solutions** to a problem (roots to this tree represent possible solutions or methods to bring about the desired future situation; the branches. represent the effects of the improved situation).

MAPPING PARTNERS AND TARGET AUDIENCES

This tool can be used individually or with a group. To use this tool, CSO should already have **identified a list of stakeholders for a given Policy monitoring.**

Aim is to identify target audiences and possible partners for CSO’s Policy monitoring work. Technically, this tool is starting with **drawing a matrix frame:**

- **filling boxes with different kinds of stakeholders** (vulnerable and powerful, marking level of agreement with your CSO’s views, including one may have reasons to obstruct process),

- **consider each policy stakeholder influence** and what level of agreement there is between your CSO and them when it comes to your views about the Policy monitoring.

CSO is deciding in which of the matrix blocks you think each possible

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stakeholder belong.

-Once you have placed all the stakeholders, **analyze the pattern that has emerged** (stakeholders CSO could team up with as partners, potential partners or gatekeepers, the powerful stakeholders CSO will need to influence, specific people who represent the target audience for CSO’s Policy monitoring work, etc). The structure that works best to support a monitoring network will depend on the nature of the organizations involved, their relative capacity for the Policies chosen to monitor.

MONITORING CHAINS

Building a network of organizations to further CSO monitoring objectives can be a challenging task.

Within a monitoring chain, **each local CSO passes on the evidence it gathers to the next level**, perhaps a district or provincial monitoring level. Evidence from several districts or provinces is collated and passed on to a national network or coordinating body, or at some point representative CSO/CSOs. This also calls for strong management skills to coordinate activities, facilitate joint ownership and decision making, manage conflict and foster ongoing alignment among stakeholders.

A NETWORK AGREEMENT

This is a useful tool to consider when CSO want to boost own potential to work together effectively as a network.

**An agreement** can be developed collaboratively with the various stakeholders contributing to and commenting on the contents. It can then be formalized and signed by all members as an indication of their commitment to it. Key points that should be clarified in a network agreement include: network objectives, guiding principles, decision making, coordination, roles, delegation, authority, accountability, reporting, financial matters, conflict, conduct, recourse, review).

CHAIN OF ASSUMPTIONS

This tool can be used individually or with a group.

It is likely to require intermittent **time for research**. This tool requires relatively detailed information. Such information could be extracted from Policy documents and/or gathered through interviews with relevant

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government officials.

Using available Policy information as a basis, **CSO identify what inputs government is making** (or planning to make) for the implementation of the Policy. How much time would be needed to use this tool will depend on the complexity of the Policy in question and the depth of research required.

Next, **CSOs could pinpoint exactly what outcomes government is promising** to bring about for target beneficiaries. Such information may be contained in documents that reflect Policy intent or in the strategic plans of relevant government departments.

Looking at the inputs, CSOs could have **opinion does it make sense to assume that these inputs will lead to the promised outputs**. This should help CSO to focus on which aspects of the policy it may be most crucial to monitor.

## EVIDENCE

It is important to think about the kind of evidence that will make powerful stakeholders sit up and listen. Analyzing the content of a policy also gives CSO an opportunity to learn as much as CSO can about the activities a government is undertaking to implement a Policy – and the time frames to do this. The *evidence tool* can be used to record CSO’s findings. Evidence on sensitive subjects should always be gathered in a manner that does not place people at risk.

There are two main ways of capturing information as evidence:

- **quantitative evidence** is captured in the form of numbers, and
- **qualitative evidence** (evidence expressed in the form of words or images).

**The ideal is to use a combination of methods** to gather both types of evidence and then compare the findings from each. This practice is usually called *triangulation*.

Yet there is no need to adopt multiple methods if CSO’s capacity doesn’t allow it. A well- conducted study using a single, clear-cut method is better





	than no study at all.
MATCHING OBJECTIVES TO EVIDENCE	<p>This tool can be used individually or with a group.</p> <p>It can be used as an essential “<b>reality check</b>”: it will reveal whether CSO’s monitoring objectives may be too broad and ambitious. If so, this is a good time to review what skills, competencies and other resources CSO have at disposal and fine-tune CSO’s monitoring objectives accordingly.</p>
ASKING DIFICULT QUESTIONS	<p>CSOs could ask difficult meaningful questions related to monitoring of the Policy. CSO have <b>to identify the key questions</b> CSO feel are most crucial or most urgent to monitor in relation to a Policy.</p>
SELECTING INDICATORS	<p>CSO <b>identify and agree on a list of indicators</b> to track in relation to a Policy monitoring (this could be for example <i>table of concordance-like</i> indicators, mention in the text above). Clarify and re-state CSO’s monitoring objectives; for each specific objective, brainstorm a list of possible indicators that could tell whether the situation has improved or deteriorated. Discuss any indicators already being used by government or others to track or report on the Policy as the subject of monitoring.</p> <p>It is important to decide how to establish a baseline for monitoring process.</p>
ANALYSING INSTITUTIONAL ARCHITECTURE	<p>This tool highlights how important it is to look into the institutional and human capacity dimensions of the Policy chosen to monitor.</p>
ANALYSING POLICY BUDGETS	<p>This tool highlights how important it is <b>to look into the budget dimension of the Policy chosen to monitor</b>; aims to introduce some core concepts relating to government budgets and to discuss ways of analyzing them. Analyzing Policy budget issues will help CSO to understand the challenges of allocating budget resources, and identify budget programmes to analyze as part of Policy monitoring work.</p>







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8. If the answer to the previous question is YES, using the tools mentioned in Chapter 8, make a network/ network-like, more *powerful family* to monitor Policy implementation<sup>30</sup>.
9. Conduct research, analysis, as well as use other appropriate tools (mentioned in Chapter 8), to form opinion.
10. Be aware of deadlines to communicate your opinion.
11. Communicate your opinion through one or more intervention channels mentioned in Chapter 7.
12. Be content that your CSO supported your national government and EC with a focused, meaningful opinion in compiling the Progress Report. .
13. Seek, supervise, guide, and enhance reaction: public reaction to enhance a voice in favor of policy (stronger) commitments with regard time/priority/completeness/budget of the law to be transposed/implemented/enforced.

<sup>30</sup> It should be noted that each country access EU separately; however, the lesson learned and experience sharing in region is having respectable value, especially in the situation that not many national CSOs are having capacities to monitor Chapter 27, even as the network

