

Mind the gap: fostering open and inclusive policy making

An issues paper

25 January 2008

Raising issues

This short paper reflects the range of issues raised during the animated and fruitful discussions at the OECD Steering Group meeting of 15 October 2007 and the OECD Public Governance Committee Symposium of 16 October 2007 on the topic of “Open and Inclusive Policy making” held at the OECD in Paris. Discussions were informed by a short background paper prepared by Tanja Timmermans (OECD Consultant) entitled “Initial findings of OECD questionnaire on ‘Open and Inclusive Policy making’ [GOV/PGC(2007)12] which was circulated prior to the meetings.

These discussions demonstrated the keen interest of OECD countries in improving their practices and tools for engaging citizens, businesses, and civil society in policy making as well as service design and delivery. This paper offers a synthesis of the main discussion points and a series of unattributed quotes from participants in an attempt to convey the frank and direct exchanges which took place.

Adding value

The ideas, suggestions and opinions offered by participants are captured here as valuable input to the current data analysis and drafting phase for an OECD report on “Open and inclusive policy making” due for publication in 2008. Members of the Steering Group for the project agreed that the report should:

- provide comparative data based on the questionnaire results¹ while recognising the importance of country context;
- offer a series of concrete case studies – covering both policy making and service delivery;
- include a range of opinion pieces – to reflect the diverse perspectives of government officials, civil society practitioners and academics on current trends and future scenarios
- provide the basis for a broader discussion with civil society practitioners and government officials – to ensure the legitimacy and credibility of the final report.

Getting feedback

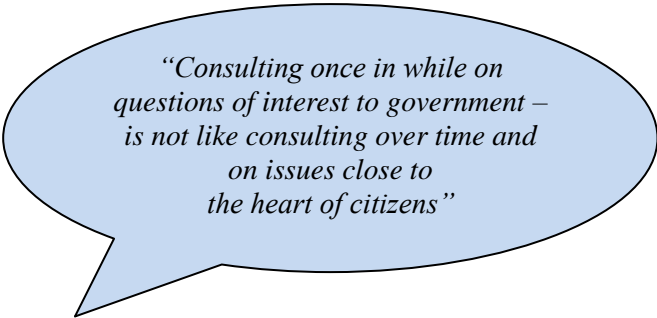
This issues paper is designed to prompt feedback and elicit further comments from members of the Steering Group and the Public Governance Committee as well as from the wider community of practice. It is a work in progress and will benefit from your reactions and comments.

Do not hesitate to share your ideas, criticism and suggestions by email to: joanne.caddy@oecd.org

¹ By December 2007, questionnaire responses had been submitted by governments in 23 OECD member countries plus the 2 accession countries of Chile and Slovenia and the European Commission. Responses to an abridged questionnaire were submitted by civil society organisations in 12 OECD countries.

Public participation has intrinsic and instrumental value

In a democracy, public participation has **intrinsic value** by increasing accountability, broadening the sphere in which citizens can make or influence decisions and building civic capacity. It offers **instrumental value** by strengthening the evidence base for policy making, reducing the implementation costs and tapping greater reservoirs of experience and creativity in the design and delivery of public services.²




“Consulting once in while on questions of interest to government – is not like consulting over time and on issues close to the heart of citizens”

On the other hand, poor practice, shallow commitment and a lack of tangible results or feedback breeds public cynicism and undermines trust in government. Without a wider commitment to the intrinsic value of public engagement, it is hard for governments to reap the instrumental benefits they seek.

Public participation fosters innovation

Public engagement is moving to centre stage on the public governance agenda and is increasingly recognised as a **driver of innovation and value creation** in both the private and public sectors.



“A specific goal in open and inclusive policy making is the creation of innovative solutions.”

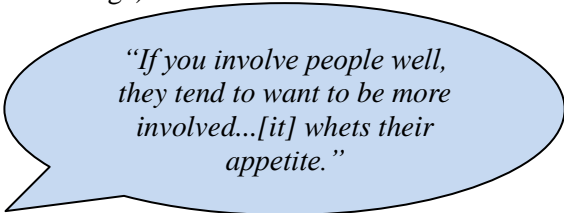
Meanwhile, the nature of public services is changing. Today, a growing proportion is intangible, knowledge-based services which require a higher degree of interaction and involvement of end-users as active collaborators, rather than passive beneficiaries. **Co-design and delivery** of policies, programmes and services with citizens, businesses and civil society offers the potential to tap a broader reservoir of ideas and innovative solutions.

Citizens are also taking the initiative to tackle issues in the public domain themselves. **Active citizenship** initiatives may remain completely autonomous. But they may also solicit governments to join, facilitate or create the necessary legal framework for such projects to succeed.

Competitiveness in a globalised, knowledge society will depend on countries' ability to mobilise knowledge networks and **foster creativity** through openness and engagement. There is a growing awareness that government cannot deal with complex problems alone and that citizens will have to play a larger part in achieving shared public policy goals (e.g. public health, climate change).

Demand for public participation exists

People don't want to engage with government all the time, if at all. But they do want to know that they *could* be engaged should they choose to.



“If you involve people well, they tend to want to be more involved...[it] whets their appetite.”

From people's perspective, public participation has to make a difference, create value and be part of an **ongoing relationship**, not just a one-off event. People will get involved if they see a potential impact on their personal interests or core values and if it is likely to be a convenient, effective and rewarding experience. The CLEAR diagnostic framework³ shows that participation is more successful when citizens: Can (i.e. have resources, skills and knowledge), Like (i.e. have a sense of attachment which reinforces participation), Enabled (i.e. are provided with an opportunity to participate), Asked (by government or other organisations) and Respond (i.e. see evidence of impact or receive feedback).

² Bourgon J. (2007) “Responsive, responsible and respected government: towards a New Public Administration Theory”, International Review of Administrative Sciences, vol. 73(1):7-26 and Bourgon J. (forthcoming) “Why should Governments Engage Citizens in Service Delivery and Policy Making?” (unpublished manuscript).

³ Lowndes V., Pratchett L. and G. Stoker, 2006, “Diagnosing and Remediating the Failings of Official Participation Schemes: The CLEAR Framework”, Social Policy & Society vol. 5(2): 281–291.

Standards are emerging

Many countries have established legal and policy instruments setting out what citizens and businesses can expect from government in terms of openness and inclusion (e.g. access to information laws, principles and guidelines for consultation).

“We thought that commitment was enough and then [it would be] plain sailing but now we have it, [we] still see that much needs to be done.”

International standards for public participation and access to information in specific policy areas, such as the environment, also exist (e.g. 1998 Aarhus Convention). The 2001 OECD report *Citizens as Partners* which sets out 10 principles for information, consultation and active participation remains relevant today.

Standards should not stifle innovation. Rather, they should be framed in terms of principles or outcomes which can guide practice and clarify expectations of government performance. An operational set of benchmarks and indicators are needed which could cover: government responsiveness to public input, degree of inclusion of different minority groups, quality of deliberation, measures of transparency and accountability, variety and level of innovation in using new methods and tools, professional skills and capacity within the public service, strength of oversight mechanisms, public scrutiny and appeals.

Multiple forms of democracy and participation

All OECD countries demonstrate a clear commitment to representative democracy. It is, after all, a condition for membership. Many have also integrated elements of participatory and direct democracy into their constitutional arrangements.

“We are shifting from a caretaker type of government to an empowering and facilitating role of government.”

Such co-existence can give rise to tensions (e.g. between elected representatives and civil servants) and challenges (e.g. regarding the role of political parties). On the whole, however, public participation contributes to **modernising the practice of representative democracy within established constitutional frameworks**. Citizens’ rights to participation may be codified in laws (e.g. popular referenda), codes, and charters or expressed in terms of norms and principles. Many countries recognise that there is a persistent gap between aspirations and everyday practice, public expectations and government capacity for engagement.

Elected representatives can benefit from public participation

Decision makers benefit from public participation. When done well, it **broadens the evidence base**, consensus and support for a given policy. It reduces the political risk associated with policy change and may reassure politicians who are asked to spend hard won “political capital” on promoting reforms.

“MPs and ministers do not want to be caught unprepared – this is why they support citizen participation”

Public participation helps ensure greater public awareness and ownership, given the need for the active role of citizens to implement viable and durable solutions to many complex policy problems (e.g. climate change, diabetes, obesity).

Participation in multilevel governance brings rewards and challenges

For most people, government is just one black box. Ideally, citizens should not need to know which unit does what in order to effectively interact with government. One-stop shops or single online service portals are attempts to overcome this barrier. But few countries have effective mechanisms in place to **capture the wealth of policy-relevant information collected at the interface** with citizens at the local level or at the front-line of service delivery.

“Unless you engage people in a wider higher level strategic choices then you will face opposition when they appear at the local level.”

The challenge lies in aligning back office processes and ensuring circulation of information among local, regional and national governments as well as to and from citizens. The benefits lie in more targeted and effective policy responses and services which leverage local knowledge and assets. Scaling up, disseminating and replicating successful participatory urban or regional development initiatives remain a challenge.

Learning from participatory budgeting

Greater budget transparency and efforts to demystify and explain the budget process to a wider audience are beginning to pay off. The practice of participatory budgeting at the local level is becoming more widespread in OECD countries.

“The budget looks very technical – citizens don’t want to participate in number games. We want to educate people that the budget is important, but numbers are not.”

Participatory budgeting confers voice during the development of the budget, and in some cases, even allocate decision-making powers to local residents with regard to a specific portion of the budget.

Consultation is key to regulatory impact assessment

Successful regulatory reform and administrative simplification hinges upon consultation with stakeholders to help **assess the relevance, coherence and potential impacts** of new draft regulations.

“Stakeholder engagement is a pillar of regulatory impact assessment and administrative simplification.”

The greatest benefit lies in the knowledge resources of participants tapped during the decision making process: from design to evaluating impacts and implementation.

Removing barriers to participation

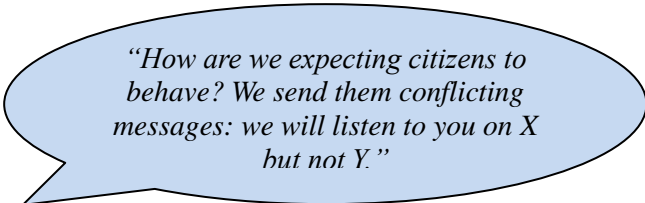
If the opportunities for public participation are greater today than ever before, why don't more people get involved?

“Many people may not participate themselves but they will form an opinion about the process and its transparency and openness.”

Objective and subjective barriers still remain. Barriers of language, time and public awareness are all examples of the former. The latter include people's lack of faith that government will listen to their views and low confidence in their own ability to express themselves. The challenge is to create an enabling environment which ensures that people could participate if they wanted to. This entails a) lowering the barriers (e.g. distance, time, language, access) for those who wish to participate and b) building capacity, skills and knowledge to participate effectively.

Rules of engagement

The **terms of public engagement need to be clear** if participants are to have realistic expectations for the process and its impact. Poorly framed public participation can do more harm than good – leaving both officials and the public frustrated.

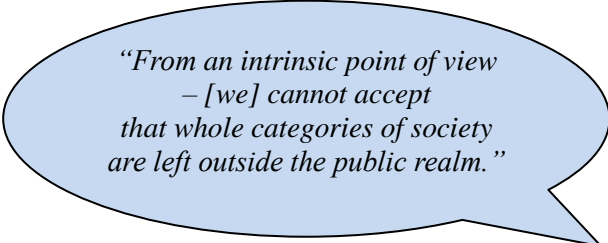


“How are we expecting citizens to behave? We send them conflicting messages: we will listen to you on X but not Y.”

Avoid calling for a consultation if all you want is to sound out public opinion, refrain from billing an event as participatory if it is designed as a consultation on set ‘menu’ of options.

Degrees of inclusion

Including everyone all of the time, is neither feasible nor desirable. So **how much inclusion is enough?** Including the right people at the right time may be a useful instrumental goal – but even this is much easier said than done.

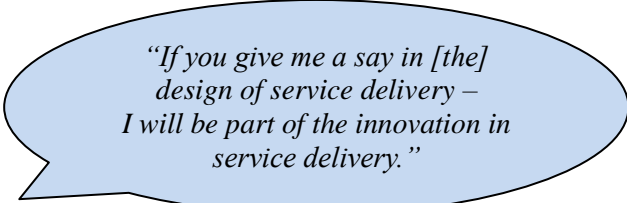


“From an intrinsic point of view – [we] cannot accept that whole categories of society are left outside the public realm.”

In addition, trends in demography and immigration mean that most OECD countries will be more linguistically and culturally diverse in the future. Efforts to ensure inclusion of the “willing but unable” in government decision making can either be seen as an additional cost, or as an investment in leveraging diversity as a source of innovation. Adapting to the needs of new immigrants and citizens will require multilingual options and culturally appropriate forms of engagement to ensure that services and policy are designed and delivered effectively. Making government relevant to youth and finding appropriate channels for their participation in public life is another important challenge for many OECD countries.

Engagement as a public resource

People who do choose to engage with government donate some of their most **precious resources**: their time, their experience and their ideas.

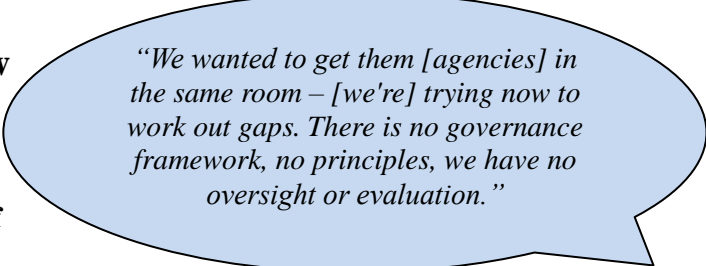


“If you give me a say in [the] design of service delivery – I will be part of the innovation in service delivery.”

To attract the “able but unwilling” the value proposition of government engagement must evolve to offer participants the opportunity to acquire new knowledge, social networks, skills and sense of self-efficacy while simultaneously delivering policy-relevant evidence and ideas for policy makers.

Many initiatives, no strategic overview

Government units are actively seeking public participation on different policy areas and with a range of different specific stakeholders. While welcome, such activities often suffer from a **lack of coordination**.



“We wanted to get them [agencies] in the same room – [we're] trying now to work out gaps. There is no governance framework, no principles, we have no oversight or evaluation.”

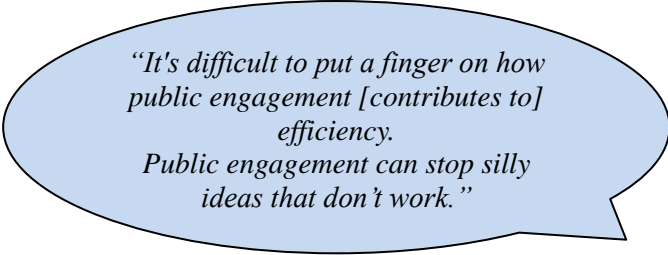
This leads to lost opportunities for collective learning among government units on the one hand, and public cynicism or “consultation fatigue” from over-solicited civil society partners on the other. Any coordination mechanism should rest on fostering learning networks and avoid overzealous centralisation.

Performance and perceptions vary

Within a given country, the degree to which decision making is open and inclusive varies widely (performance) as does its assessment by government officials and civil society (perceptions). Hence, any **conclusions based on comparative information must be treated with caution.**

Benefits and costs of participation

In its broadest terms, the issue can be framed as the cost of doing engagement vs. the costs of not doing it. Public participation can contribute to increasing the evidence base, legitimacy and trust.

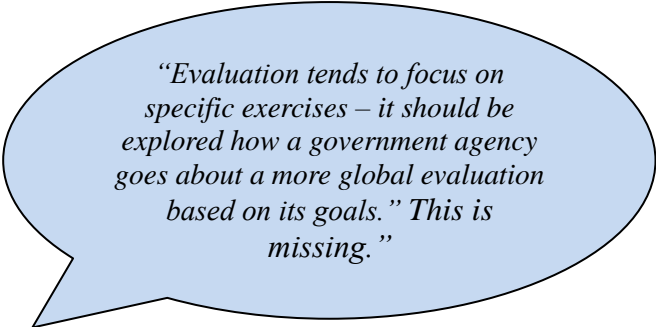


“It’s difficult to put a finger on how public engagement [contributes to] efficiency. Public engagement can stop silly ideas that don’t work.”

Declining trust has a huge cost for society and for government: it reduces compliance and the space for governments to promote more ambitious reforms and raises implementation costs through added layers of control. One way of reducing costs would be to stop conducting consultations on issues that cannot actually be changed solely in order to “tick the box”. Concentrating efforts and resources on meaningful public participation would be a good start.

Strategic evaluation is needed

The systematic **evaluation of public participation remains the exception rather than the rule.** When it is done, evaluation tends to focus on specific public participation initiatives rather than the overall principles or strategic objectives of individual government agencies or government as a whole.



“Evaluation tends to focus on specific exercises – it should be explored how a government agency goes about a more global evaluation based on its goals.” This is missing.”

Long term or systemic benefits are generally discounted and evaluations focus more on the process rather than its outcomes or impacts. A more strategic framework of reference may help to track performance and highlight systemic strengths and weaknesses.

Modernising accountability frameworks

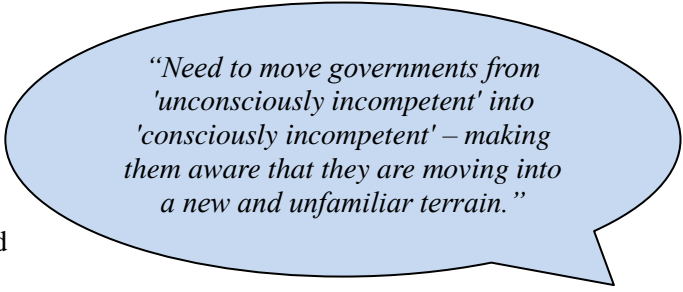
People want to know that they have been heard. Ensuring tighter feedback loops makes government more accountable for the public participation process and the use made of public input.

At the same time, public officials remain accountable to their ministers, who are in turn accountable to parliament and the electorate. A modern framework for accountability is needed to ensure that traditional forms of accountability and those generated by public participation are compatible and mutually reinforcing.

Locus of expertise

Public participation initiatives are often run by public information or communication units, which may lead them to treat it as simply an additional channel for traditional one-way communication. This can lead to underestimating the importance of establishing two-way dialogue with stakeholders and **fostering “active listening”**.

In addition, government units often outsource the design and delivery of public engagement initiatives which further limits their chance to build in-house professional skills and capacity.

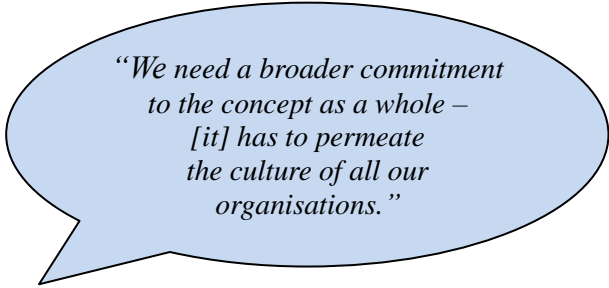


“Need to move governments from 'unconsciously incompetent' into 'consciously incompetent' – making them aware that they are moving into a new and unfamiliar terrain.”

Building capacity through networks

In most countries, the bulk of public engagement expertise and experience is to be found in line ministries. Some countries have established specific units to provide leadership and support for public participation across government (e.g. Finland, UK). But even in these cases, they rely upon a **network approach** to collect, disseminate and promote good practice and innovation.

All too often, expertise in a given ministry is focused in a single person – a participation “champion” – whose knowledge is lost when they move on. Building capacity through institutional networks provides greater resilience to staff turnover.

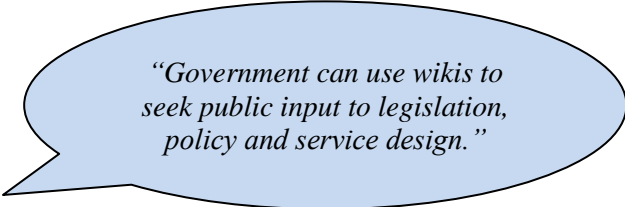


“We need a broader commitment to the concept as a whole – [it] has to permeate the culture of all our organisations.”

Participation 2.0

The tools and practices of the participative web⁴ (also known as Web 2.0 or read/write web) can help make online and face-to-face public participation more open and inclusive.

Participative web tools are a means to an end. They do not themselves create social networks – but simply reveal existing ones and facilitate their development. Nor can they solve entrenched problems of coordination, conflict or apathy. They can help pool, tag and circulate knowledge thereby breaking down ministerial silos and transforming the bilateral traffic of citizens’ exchanges with government into a common resource of questions and answers. Wikis, blogs, multimedia and mash-ups of multiple sources of government information are among the many options available – many of which are currently being explored by OECD governments⁵.



“Government can use wikis to seek public input to legislation, policy and service design.”

⁴ OECD (2007) *Participative Web and User-Created Content: Web 2.0, Wikis and Social Networking*, Paris: OECD.

⁵ For more background see the glossary entry for “Participation 2.0” in the State Services Commission (2007) *Guide to Online Participation* at: http://wiki.participation.e.govt.nz/wiki/Guide_to_Online_Participation/4_Resources/4.3_Glossary#P