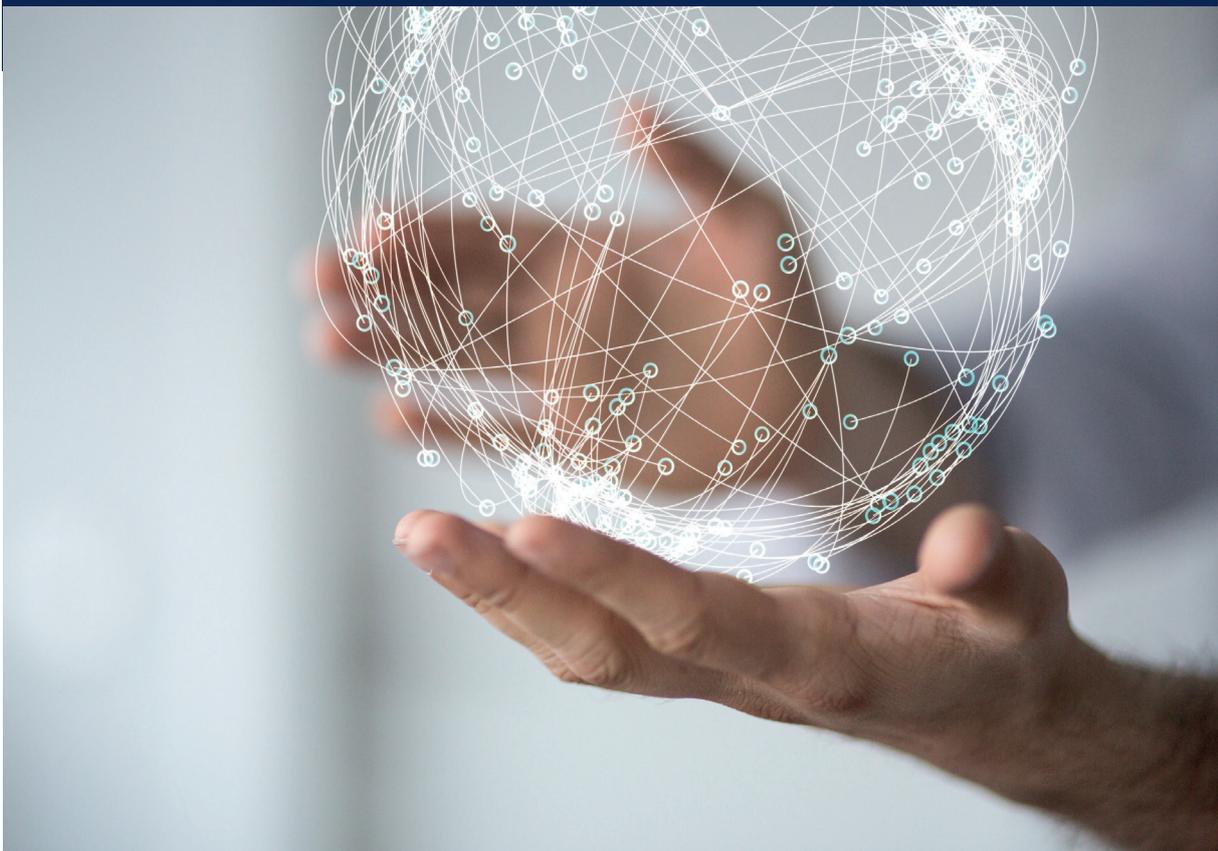


SGI Sustainable
Governance
Indicators

2014 Societal Consultation Report

Negotiating Public Support



Indicator

Negotiating Public Support

Question

To what extent does the government consult with societal actors to support its policy?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = The government successfully motivates societal actors to support its policy.
- 8-6 = The government facilitates the acceptance of its policy among societal actors.
- 5-3 = The government consults with societal actors.
- 2-1 = The government rarely consults with any societal actors.

Finland

Score 10

In Finland's consensually oriented political system, interest organizations and associations are and have been regularly consulted to include a variety of views in the legislative process. Although the corporatist system that was initiated in the 1960s has changed much over time, it remains a fact that the exchange of views and information with a variety of social interests is still part and parcel of the everyday activities of Finnish government. Through various mechanisms, such as hearings and similar remiss procedures, committee memberships, expert positions, and so on, plans and drafts are circulated to interested parties which are then invited to express their views before new laws are decided upon or crafted. Various laws and guidelines, such as the Act on the Openness of Government Activities, contain provisions on consultation and participation. By and large, the system functions well and large-scaled social confrontations over policymaking are rare. Admittedly, consultation tends to favor organized groups and neglects outside participation; it is also the case that consultation is carried out mainly to build consensus (and not, for instance, to gather support or assess impact). However, from the point of view of support inducement, this helps to generate public support for government policies.

Norway

Score 10

Norway is a consensus-oriented society. Not only are interested parties fully informed of measures under discussion, but they also play an active role in the legislative process. In particular, there is a firm tradition of consultation

with trade unions and business organizations. Interested parties are invited to express their views before new laws are presented to parliament. Social confrontations over policymaking (e.g., political strikes or violent forms of protest) have been almost nonexistent in recent years.

Switzerland

Score 10

Within Switzerland's strong corporatist system there are numerous pre-parliamentary procedures and committees focused on consultation with various societal groups. These instruments are designed to prevent government proposals from failing in parliament or in referenda, and to offer solutions that benefit all parties. However, research shows that the degree of corporatist integration has declined in recent years. This is in part attributable to the growing intensity of conflicts between the social partners, as well to the influence of EU integration and internationalization. In addition, lobbying and pluralist pressure-group politics have gained in importance. However, if judged from a comparative perspective, the level of corporatist integration is still very high in Switzerland.

Denmark

Score 9

There is a long tradition of involving economic and social actors at all stages of the policy cycle, even sometimes in the implementation phase. Both formally and informally, there are good contacts between the government administration and the main interest organizations (e.g., trade unions, employers, various business organizations and NGOs), as well as heads of major companies. Interest organizations provide important information for politicians and civil servants. While corporatism has changed over the years, it still exists in Denmark.

Citation:

Henning Jørgensen, *Consensus, Cooperation and Conflict: The Policy Making Process in Denmark*, 2002.
Jørgen Grønnegård Christensen et al., *Politik og forvaltning*. 3. udg., 2011.

Netherlands

Score 9

International references to the "polder model" as form of consensus-building testifies to the Dutch reputation for negotiating public support for public policies, sometimes as a precondition for parliamentary approval. In this Dutch form of neo-corporatism and network governance, the government consults extensively with vested interest groups in the economy and/or civil society during policy preparation and attempts to involve them in policy

implementation. It has been a strong factor in the mode of political operation and public policymaking deployed by the Rutte I (2010 – 2012) and Rutte II (2012 – present) governments. The two Council of Ministers produced societal agreements on cutback policy, housing policy, care policy, and socioeconomic policy. In spite of its apparent revival, this mode of politics and policymaking is under stress. Trade unions suffer under the erosion of representativeness and increasing fragmentation, although employers' associations are less affected. The recent revival may owe more to the fact that Rutte I and Rutte II cannot rely on solid parliamentary support than renewed vigor of business and labor associations.

Citation:

R.B. Andeweg and G.A. Irwin (2009), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan, p. 169-179, 208-228.

J. Woldendorp, (2013) *De polder is nog lang niet dood*, *Socialisme & Democratie*, jrg. 70, nr. 2, pp. 46-51

Austria

Score 8

The Austrian political system is quite inclusive, but is receptive primarily to particular interests. The corporatist network established after 1945, consisting of government, business and labor representatives, still functions. This allows the government to obtain information about the formation of societal interests, and to use this information to adapt its decision-making process. However, this explicit social partnership permits the appeasement of certain interests while excluding other groups that are not as efficiently organized as the major economic interest groups.

The system of officially recognized religious denominations provides another means of societal consultation. All major Christian churches as well as the Islamic, Jewish and Buddhist communities are included in decision-making processes for issues relevant to their faiths and activities.

The role played by these specific economic and noneconomic interest groups has been legally formalized: The government must consult with these groups on all draft bills before sending the proposal to parliament.

Estonia

Score 8

Consultations with societal actors are regulated by the government's decision, Good Engagement Practices (GEP), approved in 2011. Although this document is not a binding legal act, it prescribes in detail procedures on how to engage social stakeholders in the policymaking process. The GEP includes eight recommended principles, which place importance on the clarity of goals, openness of relationships, and dedication to goals. Once a

year, the State Chancellery presents the overview of implementation of GEP to the government.

Due to existing regulations and established practices, it is almost impossible to avoid interest groups' involvement in the policymaking process. The main focus is on consultations during the preparatory phase, and a broad range of societal actors is typically involved. Later on, they are informed about the success of their proposals. Although there has been visible development in the engagement practices, it has not yet extended to the policy implementation or policy evaluation phase.

After a number of demonstrations, the president established a roundtable of citizens in 2012. This organ discusses citizens' political and societal ideas and submits a document of proposals to the national parliament for further discussion.

Luxembourg

Score 8

Luxembourg is a consensus-oriented society with a well-known model of neo-corporatism (the Luxembourg Model), which became institutionalized in the aftermath of the steel crisis in the 1970s. When introducing a draft bill to parliament, the government normally launches a broad consultation process. Unions and employers' organizations are consulted in any case; every draft bill is submitted to the respective organization of employees (Chambre des Salariés) and to employers' organizations (Chambre de Commerce and Chambre des Métiers). Depending on the purpose of the draft bill or the new policy, civil society is included in the process.

Citation:

Hirsch, M. (2012), Sind Konkordanz-, Konsens- und Drei-Partnermodelle "Schönwetter-Veranstaltungen"? Das Beispiel Luxemburg, in Köpplé, S., Kranenpohl, U. (Hrsg.), Konkordanzdemokratie. Ein Demokratietyp der Vergangenheit? Baden-Baden, pp. 117-132

Clément, F. (2012), Consociativisme et dialogue social. Les relations professionnelles au Grand-Duché de Luxembourg, Saarbrücken

<http://www.land.lu/2010/04/22/offene-tripartite/>

<http://www.land.lu/2013/01/18/ruf-nach-leadership/>

New Zealand

Score 8

New Zealand has a strong tradition of broad policy consultation with interest groups and with its citizens. The need for consultation has been enhanced recently by two developments. One is the change to a multiparty system and the formation of minority governments, which require the support of smaller parties to be able to pass legislation. The other relates to a greater diversity and sophistication of voters, with political views that are more difficult to

predict and no longer fit in a simple “left” and “right” mold. While it may be the case that the ideologies of some parties may make them more compatible than others, under a mixed-member proportional (MMP) system it is not always easy to predict where a minor party will sit on a particular issue. Local governments in particular have a tradition of consulting with their citizens and communities, and consultation is mandated in many cases under the Local Government Act 2002. Consultation is also commonly used by central government agencies with respect to new policy initiatives. When a consultation has taken place, the details of consultations, internal and external, need to be set out in regulatory impact statements. While select committees hold hearings on proposed legislation once it has been introduced in Parliament, giving individuals and organizations the opportunity to make written or oral submissions, the incidence of by-passing select committees by introducing bills under urgency is growing. In addition to the aforementioned tools for measuring public opinion, both the government and organizations that are likely to be affected by policy outcomes make increasing use of opinion polls, media and online comment, and focus groups.

Citation:

Cabinet Office Circular CO (09) 8: Regulatory Impact Analysis Requirements: New Guidance (Wellington: Cabinet Office 2009).

Local Government Act 2002: <http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM172326.html> (accessed May 11, 2013).

Sweden

Score 8

Consultation with societal actors has historically been of a defining feature of Swedish (and Scandinavian) neo-corporatist governance, and such arrangements are still in place to a large extent. Government consults with key societal partners on a wide range of issues.

The more specific nature of the relationship between the state and societal actors is changing, however. Previously, these contacts were institutionalized with all major players invited to provide input on almost all major policy issues. Today, these consultations are more ad-hoc and strategic. The government seems to operate on the assumption that bringing in societal actors tends to increase public expenditure. While this is not an unreasonable theory, it nonetheless has had the effect that the inclusion of societal actors is less extensive today than it was 20 to 25 years ago. The decline of the Royal Commissions is one important example of the reduction of societal consultation in Sweden under the period of review.

However, there have also been some tendencies towards increasing societal consultation. The increasing significance of so-called new modes of

governance – networks, markets, partnerships and so on – has opened up new arenas for exchanges and communication between government institutions and organized interests. Also, studies show that societal actors now target specific institutions rather than engaging the state as a whole. Unions, for example, still target public institutions that draft policy, whereas business organizations are more active vis-à-vis executive agencies.

Citation:

Héritier, A. and M. Rhodes (eds) (2011), *New modes of governance in Europe* (Basingstoke: Palgrave).
 Heinrich, C. J., L. E. Lynn, Jr., and H. B. Milward (2010), "A State of Agents?: Sharpening the Debate and Evidence over the Extent and Impact of the Transformation of Governance", *Journal of Public Administration Research and Theory* 20 (suppl 1):i3-i19.
 Pierre, J. and B. G. Peters (2005), *Governing Complex Societies* (Basingstoke: Palgrave).
 Svensson, T. and P-O. Öberg (2010), "Does Power Drive out Trust? Relations between Labor Market Actors in Sweden", *Political Studies* 58:143-166.
 Öberg, P-O, S. Oskarsson and T. Svensson (2011), "Similarity versus Homogeneity: Contextual Effects in Explaining Trust", *European Political Science Review* 3:345-369.

United States

Score 8

The U.S. political system is outstanding in the degree to which it elicits opinions and preferences from societal actors at all stages of the policy process, and enables such actors to shape policy outcomes. Unlike in a parliamentary system, the legislative support needed for policy change is not automatic, and does not come about simply as the consequence of an election and the installation of a government. In the U.S. system, the president and congressional leaders must build congressional support for each measure. Interest groups, ideological activists, experts, and ordinary citizens – at the national level, and within each state and congressional district – have extensive opportunity to influence policymakers before decisions have been made. Societal responses are elicited in a variety of ways. The White House maintains direct relationships with several interest groups. Congressional committees also hold hearings on most legislative initiatives and on general policy issues. Furthermore, the president, party leaders, and major interest groups use media-based strategies to mobilize public opinion, often using targeting strategies to reach sympathetic groups.

Presidents use different strategies to influence public opinion on policy matters. The Bush administration usually pursued a strategy of sharp polarization that precluded consensus-based strategies. The Obama administration, in contrast at least during its first term in office, has gone out of this way to reach a consensus, in the sense of bipartisanship. The health care reform process is a good example here. The Obama administration communicated with different interest groups, including service providers, employers and religious groups, to formulate the law.

Australia

Score 7

The degree of societal consultation on policy development is variable, depending on the issue, the party in government and numerous contextual factors. The key groups often consulted are trade union and business advocacy groups, but other special interests – religious groups, environmental organizations and family groups, for example – have advocacy groups and these too are brought into discussions about policy. Traditionally, Labor governments have been more amenable to consultation with trade unions and Liberal governments have been more amenable to consultation with business groups, but governments of both persuasions have engaged in extensive consultation on one policy, and no consultation on another policy. For example, recently, the Labor government was heavily criticized for not consulting with mining companies prior to proposing a new profits-based mining royalties regime. At the same time, the government has engaged in a vigorous effort to engage local communities on various policy issues by hosting the Australia 2020 Summit, holding numerous community cabinet meetings and hosting jobs and training summits.

Belgium

Score 7

There is a strong tradition of consensual policymaking in Belgium (neo-corporatist arrangements), whereby the government consults most stakeholders (in particular employers' associations and trade unions, so-called social partners) to facilitate the acceptance of policy. However, on some important matters, consensual policymaking has proven incompatible with welfare-enhancing reforms. The tradition of consensus then prevents the government from confronting opposition by veto players, and policies may be stalled. This helps explain, for instance, why the government deficit was not reduced before the crisis, why several attempts to reform and improve public administration stalled, and so on.

This consultation of stakeholders, through the representatives of stable organizations representing specific interests, has expanded from socioeconomic stakeholders to others (religious/philosophical groups, cultural and leisure organizations, environmental protection organizations and consumers' organizations), both at the federal and regional levels.

Canada

Score 7

The departments and agencies of the Canadian government hold many consultations with economic and social actors on public policy issues. These consultations are motivated primarily by the desire to obtain input from Canadians before the government decides on a policy course, not by the desire to sell a particular policy to the population (this is not done through consultations). The most important consultations relate to the preparation of the annual budget. While the importance of trade unions in the consultation process has fallen significantly in recent years, this is not necessarily the case for other groups.

Canada's indigenous population, however, once again stands out as the group that appears to be least consulted on policy measures that affect its members. Many First Nations leaders allege a general lack of consultation on laws and regulations that affect their communities. Assembly of First Nations National Chief Shawn Atleo recently expressed frustration with the current government, citing a lack of consultation with aboriginal people in objecting to a set of laws on improving drinking water, financial transparency and property rights for aboriginal women on reserves. In December 2012, the Idle No More movement drew international attention to the government's relationship with its indigenous population. The movement developed in response to legislation that was seen to weaken environmental-protection laws, in particular the new Navigable Waters Act. Many of the affected waterways pass through land reserved to First Nations peoples.

Chile

Score 7

Frequent consultations with civil society groups and stakeholder organizations take place. Online surveys have been implemented to consult the opinion of the non-institutionalized public. The president's advisory ministry (Secretaría General de la Presidencia, Segpres) is primarily responsible for initiating and monitoring consultations. Depending on the issue, sectoral institutions can also be involved. The ad hoc commissions represent another means of societal consultation as they include representatives of interest groups and other stakeholders.

Germany

Score 7

Government representatives meet with societal stakeholders as part of their daily routine. Nevertheless, the CDU/CSU-FDP government did not make use of social pacts or other direct bargaining mechanisms to elaborate their policies or seek compromises that satisfied stakeholder organizations.

As under previous governments, ministries and parliamentary committees during the period under review relied heavily on information provided by interest groups, and took their proposals or demands into account when developing legislation. The impact of civil-society actors in general depends on their power resources and organizational status. Since interests are sometimes mediated through institutionalized corporatist structures, employers associations and unions play a privileged role. Interest groups play a key role providing in-depth information that ministerial officials must rely on when developing policy. Ministerial hearings are the main conduit for this influence. Under German law (Verwaltungsverfahrensgesetz sec. 28, VwVfG), stakeholders have the legal right to participate through hearings. Interest associations participate in the decision-making process as well. In general, German interest organizations do have a considerable impact on agenda-setting and policy formulation. In some cases, not every interest group involved is heard, and the proposals of comparatively less powerful lobby groups (environmental, social-interest and some religious groups) are not adequately considered. But in recent years, citizen groups, social movements and grassroots lobbying organizations have had increasingly greater impact, particularly on the local level.

Major economic interest groups are thus well integrated in the policymaking process. This high level of integration has helped ensure that associations are aware of the complexities of policymaking and of the positions of their adversaries. In general, the most important groups' and associations' proposals are thus reasonable and taken into account. However, public support is mostly negotiated on an ad hoc rather than a regular or institutionalized basis.

Japan

Score 7

LDP-led governments have traditionally engaged in societal consultation through the so-called iron triangle, which refers to the dense links between elected politicians, the ministerial bureaucracy and large companies. However, these mechanisms tended to exclude other societal actors, including the trade union movement and the small and medium-sized enterprise sector. With the onset of economic problems in the 1990s,

tensions within this triangle increased, and relations over time became strained enough to indicate the effective demise of the iron triangle system, at least on the national level.

Under the DPJ-led governments (2009 – 2012), government relations with the trade-union sector improved significantly, as the trade-union umbrella organization Rengo is one of the major supporters of the DPJ. Tellingly, DPJ cabinets included former labor-union leaders, and lobbying government-affiliated members of parliament became easier for union allies under the DPJ. Both sides showed signs of this closer relationship: In late 2011, against the recommendation of an independent commission, Rengo supported salary cuts of 7.8% for government employees; this action seemed quite extraordinary for a trade union movement.

As the LDP joined forces with the New Komeito Party to form the new government in December 2012, it can be expected that the Buddhist lay association Soka Gakkai, which provides the bulk of support for New Komeito, will gain influence on policy matters that relate to the organization's interests.

It is frequently argued that business has considerable influence on government decision-making in Japan, recently for example with respect to whether Japan should join negotiations for a trans-Pacific free-trade zone. Substantiating such claims is difficult, as there are no clear rules governing lobbying. This makes the channels of influence very difficult to trace.

Citation:

Laura Araki: Joining the FTA Frenzy. How Japanese Industry Drives Preferential Trade Diplomacy, Jackson School Focus, Spring 2012, pp. 32-45, http://depts.washington.edu/jsjweb/wp-content/uploads/2012/04/JSJWEBv3_n1.Araiki_L.pdf

Latvia

Score 7

Societal consultation takes place frequently and is diverse in nature. The Tripartite Council of Latvia (Nacionālā trīspusējās sadarbības padome, NTSP) is a well-established, well-integrated and often-used consultative mechanism that links employers, trade unions and government.

The Council of Ministers maintains a NGO cooperation council, which organizes NGO input into issues related to civil society. Ministries have their own sectoral consultative bodies, with 11 ministries having signed cooperation agreements with NGOs in 2011. The executive branch had 173 different consultative bodies and held over 200 public consultations in 2011, an increase of 30% over 2010.

Despite this quantitative evidence of consultation, the quality of consultations is often questionable. Consultations are perceived as formal, and in fact offer little opportunity to make an impact on the direction and quality of government policies. NGOs have voiced complaints about the quality of participation, prompting the Council of Ministers/NGO cooperation council to conduct a cross-ministry review of consultation practices during 2011 and 2012.

In its public consultations, the government is rarely successful in achieving an exchange of views and information that increases the quality of government policies or induces societal actors to support them. Best practices can be found in the Ministry of Agriculture and the Ministry of Environment and Regional Development. Both ministries publicly fund a consultation mechanism with NGOs, and have achieved considerable success both in securing substantive input into draft policies, and in facilitating support for policies adopted. There is also evidence of the opposite result – in some cases, government consultations with stakeholders have induced societal actors to actively oppose government policies. In the education sector, active consultations with education leaders, trade unions and student groups led to attempts throughout 2012 to block government policy proposals and multiple calls for the resignation of the minister.

Citation:

State Chancellery (2011, 2012), Reports, Available at (in Latvian): <http://www.mk.gov.lv/vk/gada-parskats/>, Last assessed: 20.05.2013.

Lithuania

Score 7

In Lithuania, major societal actors are consulted through institutionalized arrangements such the Tripartite Council, as well as through various ad hoc means. In 2010, the Kubilius government signed the National Accord Agreement with major interest groups, including business and labor organizations, making a commitment not to introduce new taxes or increase the existing level of taxation at least through 2011. Major societal actors were also involved in the preparation of the long-term Lithuania 2030 strategy, working through the State Progress Council. Both the Kubilius and Butkevičius governments carried out public consultation on a number of policy issues, including pension-system reform and a national energy-independence strategy. However, the scope of consultation with societal actors remains insufficient, as the consultation process is limited to an exchange of information and positions, with little attempt to achieve consensus among the stakeholders involved. For this reason, the Public Management Improvement Program envisages improving consultation with societal stakeholders by defining consultation principles, deadlines and

standards. There is also a lack of consultations during the impact assessment process, although in recent years new legal provisions have been adopted to address this issue.

Citation:

The Public Management Improvement Program (in Lithuanian) is available at http://www3.lrs.lt/pls/inter3/dokpa.ieska.showdoc_l?p_id=418407&p_query=vie%F0ojo%20valdymo%20tobulinimo%20programa&p_tr2=2

Poland

Score 7

The Polish government is obliged by law to consult all parties affected by proposed legislation. It should discuss all major reform projects with major interest groups in advance and has introduced the possibility of online consultations with ministries as well as the option to follow a bill through its lawmaking stages also online. In practice, however, the consultation of societal actors by the government is often formalistic. Because of obstruction by trade unions, the Tripartite Commission, one of the most institutionalized forms of consultation in the Polish government, has not been successful.

Slovakia

Score 7

The approaches of the Radičová and the Fico government toward consulting societal actors have differed. The Radičová government put strong emphasis on improving the relationship between the government and the third sector, which had been strained under the first Fico government, and installed a new Government Plenipotentiary for the Development of Civil Society. Filip Vagač, the new plenipotentiary and a well-known civic activist, drafted a strategy of civil society development. The results were the Strategy of Civil Society Development in Slovakia and the Open Government Partnership Action Plan. In comparison, the Fico government paid more attention to the traditional interest organizations. For instance, the newly established Solidarity and Development Council has not included social and environmental NGOs and representatives of national minorities. However, pressure by the NGOs forced the Fico government to implement the initiatives of the Radičová government.

France

Score 6

The traditional distrust regarding “lobbyists,” not seen as legitimate political actors, and the difficult social relations in France that hinder effective social dialogue, have limited the capacity of governments to seamlessly or

successfully find avenues of cooperation. There are thousands of official or semi-official commissions that are supposed to give opinions on a given issue or area; however, governments tend to prefer negotiations with selected partners, excluding some considered as not being “representative.” Consultations are often rather formal, but interested parties very often have no willingness to find a compromise.

The temptation to govern top-down has always been strong. But in many instances severe, repeated conflicts and protest movements have raised and have often successfully vetoed governmental action. This is a clear hint that government has not succeeded in assessing the political power, the consideration and cooperation of civil society and its actors.

This being said, things are in the process of changing. In recent years, governments have sought the consultation of interest groups more systematically, and these practices have partly been adopted as legal obligations. Moreover, the rules of social negotiations have been modernized to encourage social contracts between employers and trade unions. The reform bill on the labor market in 2013 followed an agreement between most trade unions and business organizations, a pact which was then made into law by the government and parliament. Nonetheless, given the persistent distrust on the part of the unions, progress is slow, and some observers regard the labor agreement as not very far-reaching.

Iceland

Score 6

Iceland has a long tradition of formal and informal consultation between the government and labor-market associations. The economic collapse in 2008 led to even closer cooperation in this field. In February 2009, the government, the municipalities, and the major labor-market actors signed the so-called Stability Pact (Stöðugleikasáttmáli), which took the form of a declaration by the state, the municipalities, and the labor-market organizations on how the country’s economy could be revived. The main goal of this pact was to restructure the economy in such a way that by the end of 2010, the inflation rate would drop significantly, the government’s budget deficit could be kept to 10% of GDP, and the króna could begin appreciating. However, open conflict concerning aspects of this pact quickly emerged, especially between the government and labor-market organizations, the latter of which argued that not enough had been done to create jobs. In the spring of 2010, the main employers organization (SA) withdrew from the pact.

In general, cooperation with civil society is selective and biased, but does occur. The most well-known recent example is represented by the work of the Association of Households (Hagsmunasamtök heimilanna, HH). The HH

was established after the 2008 collapse to represent households whose mortgage payments had climbed steeply at the same time the value of their homes had collapsed, a situation that left about a quarter of home owners with negative equity in their homes. HH has claimed that the government is more willing to consult with the banks than with representatives of the association the issue of families threatened with loss of their homes. On average, three families have lost their homes every day since the crash of 2008. Many voters thought that the 2009 – 2013 coalition government did not do enough for home owners, a factor that contributed to the coalition's huge loss of votes in the parliamentary elections of 2013.

The revision of the 1944 constitution set in motion by the Althing in 2009 offered an important role to the public, in that this was meant to be a people's constitution as opposed to one drafted by politicians. Accordingly, a national assembly was held, comprising 950 individuals selected at random from the national registry. In addition, a national election was held in which 25 constituent-assembly representatives were chosen from a list of 522 candidates. However, because the Supreme Court chose to invalidate the constitutional assembly election on flimsy technical grounds – the first such invalidation of a national election in an OECD country – the Althing appointed the 25 elected representatives to a renamed Constitutional Council. The Constitutional Council engaged in a wide-ranging process of consultation, inviting the general public to participate in the project through the council's interactive website. After four months of work, it unanimously passed the world's first crowd-sourced constitution. In a national referendum in 2012, 67% of the electorate expressed their support for this constitutional bill overall, and between 57% and 83% of the voters expressed their support for the bill's most important individual provisions, including those on electoral reform (one person, one vote), direct democracy through increased use of national referenda, and national ownership of natural resources. Despite this overwhelming level of popular support, the parliament failed to pass the bill, leaving the bill in a political limbo. Never before has the Althing failed to respect the result of a consultative referendum.

Citation:

Constitutional Bill (2012), <http://www.thjodaratkvaedi.is/2012/en/proposals.html>

Euractiv.com, <http://www.euractiv.com/enlargement/icelanders-opens-way-crowdsourcing-ews-515543>

Israel

Score 6

A significant advancement in the government's ability to negotiate public support for policy and other actions was achieved through the passing of government decision 3190 in February 2008. Inspired by the critical role of civil society during the Oferet Yetzuka (Gaza War) military operation in 2008 as well as the growing non-profit (third) sector, the government declared its

involvement in pursuing more societal consultation and inter-sectoral cooperation. This was institutionalized with the establishment of roundtable discussions, in the form of a yearly conference in which different representatives could discuss current and future government policy. These conferences have produced positive effects for both government and society. Meeting summaries are made accessible online.

The 2011 civil protests again brought the issue of social dialog to the forefront. Public complaints over the government's budgetary procedures as well as internal pressure from parliamentary members pushed the government to consider closer cooperation with civil organizations in a generalized spirit of public information sharing.

This movement has resulted in more "open" communication on behalf of the government, through websites that share information publically as well as the increased participation of non-governmental organizations (NGOs) in government work. As the NGO sector and alternative media outlets gain a stronger voice in Israeli society, this sort of consultation will probably gain more clout. This does not mean however that the government has been largely successful in motivating societal actors to endorse government policy; it does mean that both the government and societal groups are engaging productively in conversations before policy is put forward.

Citation:

"Round table interface: three years summary," PMO official brochure (august 2011) (Hebrew)

"Israeli government, civil society and business community, PMO policy paper (February 2008) (Hebrew)

Shapira, Asaf, "Who privatized my country?," IDI website (March 2010) (Hebrew)

Trachtenberg report website (Hebrew)

"The round table and the tri-sectoral discourse," Civil leadership website (Hebrew)

Bulgaria

Score 5

In recent decades, partly following traditions established during socialism, Bulgaria has developed a number of corporate bodies which represent various interests in the process of policy-making. A prime example of this tradition is the National Council for Tripartite Cooperation, which includes representatives of the government, trade unions, and employer associations. Over the years this council has turned into a major forum not only for advice and consultations, but also for the negotiation of various policies and the adoption of specific proposals which are later formally confirmed legislatively. This is true especially in the area of economic policy, but has also happened in spheres such as education and healthcare. However, governments, including the GERB Cabinet in 2009 – 2013, have sometimes departed substantially from the agreements reached through tripartite negotiations, as for instance, with the adoption of a pensions reform package in 2011, which provided for an increase in the minimum retirement age from January 1,

2012. Other societal actors, including minority organizations, environmental and other interest groups are represented in the more than 70 advisory councils at different levels of government. In practice, however, their influence on decisions is limited. While the mechanisms for negotiating public support and inviting public input in the policy-making process are thus in place, they are largely ineffective.

Cyprus

Score 5

Consultation with societal actors has been a general practice since the early years of Cyprus' independence. Governments have typically taken the probable reactions of trade unions or other organized professional associations into account before promoting policy proposals. However, consultation takes place only when government feels the need to do so, not in any systematic way. This has prompted strong trade unions or interest groups to air their views publically in order to benefit their members. This was the case in the period reviewed, as the government has adopted contradictory positions when it came to implementing stringent measures aimed at saving the country's economy, seeking to avoid discontent on the part of strong public servants' and other labor unions.

In certain fields such as electronic communications or broadcasting, public consultation before rulemaking is a typical practice. The results of such consultations are not always made public, however.

As previously mentioned, the presidential system leads the government to consult with political parties as well. In most cases, consultation with stakeholders is also accomplished in the course of parliamentary committee meetings.

Czech Republic

Score 5

The policy process in the Czech Republic is relatively open. In the course of the legislative process, a broad spectrum of social and economic actors is consulted. The main formal means of consultation is a tripartite council including government, trade unions and employers' organizations. This is an arena for consultation on economic and social policy measures, and the council members are also automatically consulted during the process of preparing legislation. However, governments are not obliged to respond to outside opinions. The Nečas government has shown a willingness to respond to continual calls from business for a reduction in the regulatory burden, but has been less willing to listen to trade unions' views.

Malta

Score 5

Historically, government consultation with religious communities, businesses, employers' associations and trade unions has been strong. A formal consultative structure, called the Malta Council for Economic and Social Development, works well in facilitating consultation between business associations, trade unions and government. Although the Catholic Church has lost much of its political power, it is still seen as an important player in Maltese society –exemplified by the routine call made by the prime minister-elect to the Archbishop of Malta. Social and environmental groups tend to be the least consulted, but this has since changed following European Union membership. EU funds have helped to strengthen these groups and furthered the obligation on governments to consult them, thus expanding their role in policymaking. Nonetheless, such groups in terms of professionalism and organization still have a ways to go before government consultations become a necessity rather than courtesy. Consultation with civil society has also improved since EU membership; however, it remains sporadic and occurs more frequently prior to or just post elections. The process of regulatory impact assessments (RIAs) requires a consultation process, but this often does not take place or is simply cursory.

Mexico

Score 5

Neither President Pena Nieto nor former President Felipe Calderon have been known as great communicators. On the whole, Pena Nieto is more hierarchical in his approach to consultation than either of his predecessors. His approach is to negotiate at the highest level of politics (i.e. with party leaders) and to rely on those involved to employ sufficient weight to enable reform to proceed. Thus, he undertakes intensive consultations with the leaders of Mexico's political parties but social actors are less involved, perhaps because they are seen as potential opponents. However, the danger with a strategy of negotiating with party leaders is that his alliances may split when potential losers withdraw their support from the government, and also mid-term elections will lead to rivalry rather than consensus.

It should be noted that some participatory involvement occurs at the local and state level, in the form of experiments with participatory budgeting, roundtables with stakeholder consultation, and so on. While these types of consultation processes are not as strong as in other Latin American countries, they have become more popular in Mexico.

Spain

Score 5

While the socialist government held the engagement in social dialogue high on its agenda (at least, until 2010), the conservative Popular Party (Partido Popular, PP) has hardly consulted with societal actors such as trade unions or even employers' associations since it took office 2011. The labor reform passed in February 2012, which made it easier and cheaper to fire workers, was decided without consultation with the two main trade unions UGT and CCOO. As the priority has been the fast launch of structural reforms and adjustment measures (affecting not only the labor market, but also the pension system, public administration, local government, access to justice, education and health care systems, etc.), the central government has been less attentive to and successful at facilitating acceptance of government policies among societal actors. UGT, CCOO and other minor unions called for two general strikes (March 2012 and November 2012) and several other sectors also struck. Regardless of this general trend, line ministries still tend to consult with the economic and social actors important in their various policy areas, both private (especially businesses associations and Catholic Church) and public (other ministries, autonomous regions, parties), in the course of making decisions. The extent and success of this consultation in preparing policy initiatives depends on the particular sector. In some cases, consultation and exchange of views is institutionalized through advisory bodies that exist in various policy areas.

Turkey

Score 5

The government during the review period developed several legal and institutional initiatives to provide a social dialog platform with stakeholders on issues such as Kurdish and Alevi rights, and did consult societal actors on several occasions.

In spring 2013, the government founded the Wise Men Commission, tasked with furthering the historic peace process between Turkey and the Kurdistan Workers' Party (PKK). The commission is comprised of 63 individuals from politics, civil society, media, arts and trade unions. The government also invited several human rights organizations and social activists as well as lawyers and so on to send comments and amendments on the draft constitution as part of the ongoing constitutional reform process.

In 2012, the Ministry of the Interior's association department spearheaded a project entitled, "Civil Society Organizations: Public Administration Dialogue." Yet the government remains wary of trade unions and social organizations that are not obviously pro-government.

Also, the capacities of civil society organizations to effectively change or curb government behavior amid highly sensitive social issues are limited – such as with urban restructuring in Istanbul or dam projects in the southeast, in which social and environmental issues to date have not been taken into consideration. As a result, societal consultation has been ineffective.

United Kingdom

Score
value_6

There is little tradition in the system of British government – either on the executive side or in the process of legislation – of systematically incorporating organized civil society into the decision-making process. There was a period that ended in the late 1970s in which unions and employers were central to decision-making, but since then the role of these actors has been much diminished. However, it is not negligible and it is routine for public consultations to seek a wide range of views. Given the pluralist nature of the British system of interest groups and associations, it is quite difficult to identify which organization would be competent and legitimized to speak on a certain issue. The coalition government and particularly Prime Minister Cameron introduced the idea of “Big Society” in the 2010 election campaign and pledged to transfer power from central to local government, encourage people to volunteer in social work and support civil cooperation. This agenda has, however, not led to any appreciable change in the systematic consultation with societal actors at an early point in the policy cycle, that is, in the process of policy development.

Croatia

Score 4

The consultation of societal actors has been governed by the 2009 Societal Consultation Codex. In practice, consultation has been limited. Governments have been especially receptive to the arguments of business associations and private banks. In contrast, they have largely failed to achieve acceptance with NGOs, professional associations and trade unions.

Ireland

Score 4

The Irish model of “social partnership” – which was given much credit for the success of the economy during the boom years – broke down and was abandoned during and after the 2008 crisis. The system of centralized national wage agreements collapsed at the end of 2009. The government imposed income cuts of between 5% and 8% for about 315,000 public

servants in the 2010 budget. This followed the earlier imposition of a 5% levy on public-sector incomes, described as a levy to help fund the generous defined benefit pensions enjoyed by public-sector workers. The private sector was left to its own devices over pay levels.

In place of national wage agreements, a public sector agreement was negotiated in 2010 – the Croke Park Agreement – covering the period 2010-2014. This agreement committed public servants and their managers to working together to change the way in which the public service does its business so that both its costs and staffing levels can fall significantly, while nonetheless guaranteeing a degree of wage and employment stability.

As the expiry of this agreement approaches, negotiations for a new agreement (Croke Park II) were concluded in March 2013 and were voted on by the public sector unions in April 2013.

Its rejection represented a setback to the government's approach to maintaining social cohesion in the face of the austerity measures required under the stability program. It remains to be seen how the impasse that has arisen will be resolved.

In the present straitened economic situation the government consults to a much lesser extent with economic and social actors than was the case during the boom. Private sector pay is now a matter for negotiation between employers and employees without government interference.

Italy

Score 4

Consultations with economic and social actors have not been one of the main priorities of the Monti government. Pressed by the need to face a very difficult budgetary and economic situation, the government has been afraid to become involved in long and unproductive consultations. Some important reforms like the pension reform and the labor law reform have been promoted by the executive without engaging social interests in the early drafting stages. Consultations at the more advanced stages have not been very fruitful but the government has not been deterred from adopting its choices. Due to the relatively short terms of office and an often unpredictable duration of consensus among coalition parties, there is no continuous consultation with societal actors. But well-established actors like trade unions, employers' federation Confindustria and also the Roman Catholic Church are listened to by the government.

Portugal

Score 4

The government has met with social partners, including unions and employers' organizations, extensively. Initially it was able to obtain the support of these organizations (or of a significant proportion of them). This is best reflected in the 2012 labor reforms which gained the support of one of the two main union confederations, the General Union of Workers (União Geral de Trabalhadores, UGT). However, since mid-2012 there has been a gradual weakening of the government's ability to generate support, not least as austerity measures have advanced further and the economic crisis deepened. As such, it has ended up largely alienating former partners. This was particularly evident in the 2012 proposal to change social security contributions – which was universally rejected by both employers and unions. While the government still meets with social partners, by 2013 it appears to do so largely as a result of legal obligations and with little room for negotiation.

Slovenia

Score 4

Slovenia has a strong tradition of corporatism and of government consultation with interest groups more general. However, the Janša government broke with this tradition and regarded most interest associations and NGOs as nuisances. Trade unions complained that the Janša government did not take them or debates in the Economic and Social Council – the tripartite body for social and economic dialogue – seriously. However, even the Janša government sought to reach some sort of agreement with the social partners over cornerstones of its legislation such as the Fiscal Balance Act, pension reform and the reform of the labor market. The Bratušek government has resorted to a less selective cooperation with the Economic and Social Council.

Romania

Score 3

While the Economic and Social Council (CES) provides an institutional setting for government to coordinate public policies with labor unions and employers organizations, in practice the role of the CES was reduced after the change in labor legislation in 2010 and during 2010 – 2011 the CES often failed to get the quorum needed for its formal meetings. While meeting frequency has picked up since 2012, the actual consultation is quite limited,

especially in a context where emergency ordinances are used on a regular basis. While the government is somewhat more careful about consulting the Romanian Orthodox Church, these consultations are limited to a rather narrow set of issues.

South Korea

Score 3

The Lee administration governs in a much more hierarchical and authoritarian “CEO” style than did its predecessor, explicitly rejecting the Roh administration’s vision of a “participatory democracy” and, in particular, following a course of confrontation with labor unions. The business-friendly Lee naturally has closer relationships with commercial interests. On the other hand, individuals now have more ways to complain, and the number of complaints processed through the online petition platform of the government is steadily increasing.

Citation:

E-People, <http://www.epeople.go.kr>

Greece

Score 2

Before the economic crisis, there were institutions facilitating societal consultation – for example, the Economic and Social Committee, in which social partners debated economic and social policy proposal. In addition, official negotiations took place every two years between employers’ associations and trade unions, culminating in national collective labor pacts. Moreover, before submitting a draft bill to the parliament, each ministry allowed for a short period of electronic public deliberation on its proposals through an open dialogue organized at the ministry’s website.

While before the crisis these consultative organs and processes often functioned suboptimally, owing to the traditional combative stance of employers’ associations and trade unions, at least the institutional setup for societal consultation was available. After the crisis erupted, societal consultation disintegrated. On the one hand, in 2011 – 2013 the government, under pressure from the Troika, sought to manage Greece’s economic problems by taking austerity measures which unions opposed fiercely. While the government consulted with social partners in order to convince them to help saving Greece’s ailing economy, eventually measures were dictated, not negotiated. On the other hand, while society seemed to solidly oppose the austerity measures, in practice, large and small interest groups pursued individual strategies of survival. Interest group strategies aimed to preserve their own earlier regimes of collective rights and privileges. Indeed, before

the crisis these different regimes consisted of tailor-made provisions which had been granted by past governments to certain professions – for instance, the right to early retirement or to tax exemption. Another privilege that beneficiaries fought tooth and nail to preserve in 2011 – 2013 was closed access to certain professions, such as pharmacists and notaries. This refuted the idea of societal consultation, let alone social consensus.

Hungary

Score 2

The government under Prime Minister Orbán has largely refrained from consulting with independent social actors. It has argued that its two-thirds majority in the National Assembly has vested it with sufficient legitimacy to carry out profound changes without consulting stakeholders, and has stated a clear preference for “majoritarian” over “consensus democracy.” It has regularly circumvented the legal requirement to consult with societal actors during the legislative process, as stipulated in the 2010 Act on Social Consultation, by letting individual members of parliament submit bills. Moreover, the government abolished the former tripartite National Interest Reconciliation Council (OÉT) and replaced it with a new National Economic and Social Council (NGTT) with more limited competencies in October 2011. The new council includes not only trade unions and employer associations, but also civil society organizations, churches, organizations representing Hungarians abroad and scientific-academic organizations. Unlike its predecessor, it meets only once or twice a year and cannot take any independent decisions, and thus serves a goal of mainly showing the government’s commitment to some form of social dialogue.

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