

SGI Sustainable
Governance
Indicators

2015 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 consensus oriented political system, interest organizations and associations are regularly consulted. Although the corporatist system adopted in the 1960s has evolved, 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 and expert positions – plans and drafts are circulated to interested parties who are then invited to critique draft legislation. 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 social confrontations over policy-making 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, 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, sometimes even in the implementation phase. Both formally and informally, there are valuable contacts between the government and main interest organizations (e.g., trade unions, employers, various business organizations and NGOs) as well as heads of major companies. This is also formalized in terms of the Economic Council, where the large organizations are represented. Interest organizations provide important information for politicians and civil servants. While corporatism has changed over the years, it still exists in Denmark. Involving societal actors is a way for the government to get information and create legitimacy for adopted policies.

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 Councils of Ministers produced societal agreements on cutback policy, housing policy, care policy, energy 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 (2014), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan, p. 188-198, 230-251.

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.

In 2014, the government proposed a new legal basis for the Islamic community in Austria. This proposed legislation has not yet passed parliament, but it has the potential to improve consultation mechanisms with a fast-growing religious community.

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. However, the tripartite system is considered to have failed since 2010, as the three partners have been unable to reach agreement on critical issues.

Citation:

<http://www.luxembourg.public.lu/fr/politique/concertation/modele-social/index.html>

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

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

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

http://www.legilux.public.lu/ldp/2013/20130024_L.pdf

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 2014, for example, the government allowed a mere three days of public submissions as part of a review of New Zealand's anti-terrorism laws. 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 October 9, 2014).

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 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.

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 to facilitate the acceptance of policy. This is especially the case for employers' associations and trade unions (the so-called social partners) around socioeconomic issues. Such

consultations have also become routinized in other fields, with the creation of specific consultative bodies, for instance the Federal Council for Sustainable Development which also gathers representatives of environmental organizations.

However, on some important matters, consensual policymaking has proven incompatible with welfare-enhancing reforms. 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.

The newly established federal government seems set to follow a different track. One of key parties in the coalition is the New Flemish Alliance (N-VA), whose program contains a strong economic reform agenda. This party is also not favorable to neo-corporatist arrangements and will push for taking up oppositions and impose economic reforms without seeking consensus.

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.

The duty to consult and accommodate Canada's aboriginal peoples as laid down in the Royal Proclamation of 1763 has always been part of the legal and constitutional relationship between Canada and its indigenous population. This duty has been tested and clarified in a number of court cases, the latest of which was the 2010 decision on the Nechako River dam in British Columbia, in which the duty to consult was reaffirmed by the Supreme Court of Canada. However, many First Nations leaders allege that there is a general and persistent lack of genuine consultation at both the federal and the provincial level. They have expressed their frustration with the current federal government's decision to ignore their objections to a set of laws on improving drinking water, financial transparency, education, and property rights for aboriginal women on reserves.

Citation:

Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council, [2010] S.C.J. No. 43.

Chile

Score 7 Frequent consultations with civil-society groups and stakeholder organizations take place, but especially in the case of stakeholder organizations, consultations tend to be inclined towards economic interest groups. By contrast, unions and environmental organizations tend to be underrepresented. Online surveys have been implemented with the aim of assessing opinions within 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.

Estonia

Score 7 Consultations with societal actors are regulated by government guidelines contained in the Good Engagement Practices (GEP) document, approved in 2011. Although this is not a binding legal act, it prescribes in detail procedures for engaging 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 Government Office presents an overview of the GEP's implementation to the government.

Existing regulations and established practices render it almost impossible to avoid interest groups' involvement in the policymaking process. The main focus is on consultations during the preparatory phase, when a broad range of societal actors is typically involved. However, at later stages, only those advocacy organizations tending to be comparatively supportive of the proposed policy are invited to the table. Thus, corporatist tendencies are becoming apparent that are not entirely in accordance with GEP principles. Furthermore, engagement practices have not yet been extended to the policy-implementation or policy-evaluation phases.

Germany

Score 7 In general, government representatives meet with societal stakeholders as part of their daily routine. Nevertheless, the CDU/CSU-SPD government did not make use of social pacts or other direct bargaining mechanisms to elaborate their policies or to seek compromises that satisfy 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, employer's associations and unions play a

privileged role. On a regular basis, experts and interest groups take part in parliamentary committee hearings in the course of the legislative process.

During the first year of the grand coalition, both parties, the CDU/CSU and the SPD, sought to live up to the promises made in the coalition agreement in order to satisfy the perceived interests of their respective electorates. Some major policy projects – such as the introduction of a minimum wage and a reduction (to 63) in the statutory pension age that have been advocated by certain interest groups (primarily trade unions), were indeed realized. Although the country's largest interest groups and representatives of the most important social movements have access to government officials and political parties, it seems that bargaining processes are not highly institutionalized and interest representation is conducted on an ad hoc 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 parliamentarians, 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 administrations (2009 – 2012), government relations with the trade-union sector gained more prominence for some time. This episode, not entirely smooth, ended, however, when the LDP joined forces with the Komeito to form a new government in 2012. As the Buddhist lay association Soka Gakkai provides the bulk of support for Komeito, it gained some influence on policy matters that relate to the organization's interests. This became evident during an ongoing row over constitutional reform. The LDP is in favor of this reform, while Soka Gakkai and Komeito have a pacifist background and try to slow down any major initiative.

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/JSJWEBv3n1.Araki_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 also achieved considerable success in securing stakeholder input and support for draft policies. 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 stakeholders led to attempts throughout 2012 to block government policy proposals and multiple calls for the resignation of the minister.

In 2013, the State Chancellery launched two public engagement tools, namely the website Mazaksslogs (www.mazaksslogs.lv) and the mobile app Futbols. Mazaksslogs collects public opinions, such as complaints or suggestions, relating to bureaucratic hurdles, while Futbols collects user reviews of public institutions, focusing on experiences. In its first year, Mazaksslogs processed 191 complaints or suggestions of which 55 related to construction and building permits. Meanwhile, Futbols collected 361 reviews, with the largest number focusing on the State Social Insurance Agency, State Revenue Service and the Office of Citizenship and Migration Affairs. Futbols won the World Summit Award Mobile 2014 for best apps worldwide in m-government and participation.

Citation:

State Chancellery (2011, 2012, 2013), Reports, Available at (in Latvian): <http://www.mk.gov.lv/vk/gada-parskats/>,

Last assessed: 31.10.2013.

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 and monitoring 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, a national energy-independence strategy, anti-corruption policy and open-government measures.

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. The impact-assessment process also suffers from a lack of consultation, despite the adoption of new legal provisions in recent years to address this issue. For this reason, the Public Management Improvement Program envisages improving consultation with societal stakeholders by defining consultation principles, deadlines and standards.

Citation:

The Public Management Improvement Program (in Lithuanian) is available at http://www3.lrs.lt/pls/inter3/dokpaieska.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 is supposed to discuss all significant reform projects with major interest groups in advance, and has introduced the option of online consultations with ministries as well as the additional Internet-based option of following a bill through the stages of lawmaking. In practice, however, the government's consultation with societal actors is often formalistic. In June 2013, the Tripartite Commission, one of the traditional and most institutionalized forms of consultation, ceased operations because of conflicts between trade unions and the government.

Citation:

Kotnarowski, M., R. Markowski, M. Wenzel, M. Żerkowska-Balas. 2014. Democratic Audit of Poland 2014. (available in Polish at www.dap.swps.pl), pp. 118 onwards

Sweden

Score 7

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. In this corporatist arrangement, government consults with key societal partners on a wide range of issues. Stakeholders are thus given an opportunity to influence public policy from the early stages of the policy process until implementation.

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 previously mentioned decline of the Royal Commissions is one important example of the reduction of societal consultation in Sweden under the period of review. Overall, most observers today agree that corporatism as a model of governance has been significantly weakened in Sweden.

However, there have also been some tendencies toward 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.

Czech Republic

Score 6

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 showed a willingness to respond to continual calls from business for a reduction in the regulatory burden, but was less willing to listen to trade unions' views. The Sobotka cabinet has sought to broaden social dialogue. Examples include an agreement on raising the minimum wage and the involvement of regional tripartite bodies in addressing unemployment. In October 2014, Prime Minister Sobotka announced a plan to cooperate with the Catholic Church to support vulnerable citizens. This was broadly seen as an attempt to gain public support over the controversial restitution of church property.

Iceland

Score 6

Iceland has a long tradition of formal and informal consultation between government and labor-market associations. The 2008 economic collapse led to greater and closer consultation. In February 2009, the government, the municipalities and the major labor-market associations signed the so-called Stability Pact (Stöðugleikasáttmáli). The main goals of the Stability Pact was, through a restructuring of the economy, to reduce the inflation rate, bring the public budget deficit below 10% of GDP and enable the króna to strengthen against foreign currencies. However, open conflict between the government and labor-market associations quickly emerged, with labor-market associations arguing that not enough had been done to create jobs. In the spring of 2010, the main employers' association withdrew from the pact.

The process of the revising the 1944 constitution also provides an example of public consultation. The intention of this process, initiated by the parliament in 2009, was to create a people's constitution as opposed to a technocratic one. Accordingly, a national assembly, comprising 950 individuals selected at random from the national registry, was created. In addition, a national election nominated a further 25 constituent assembly representatives chosen from a list of 522 candidates. However, the Supreme Court invalidated the election to the constitutional assembly on technical grounds, which is the first such invalidation of a national election in an OECD country. In response, the assembly was renamed the Constitutional Council and the parliament appointed the 25 previously elected representatives.

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 non-binding 2012 national referendum, 67% of voters expressed their support for this constitutional bill and the six separate provisions presented in the referendum each received between 57% and 83% approval from voters. Despite this high level of popular support, the constitutional bill remains in limbo having not received the ratification of parliament. This is the first example of the parliament having failed to respect the result of a consultative

referendum.

The new government has repeatedly declared its intention to renege on its promise to hold a referendum on the outcome of accession negotiations to the EU. However, public demonstrations against these declarations has caused the government to delay its final decision.

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>

Ireland

Score 6

The Irish model of “social partnership” and centralized national wage agreements – which was given much credit for the success of the economy during the boom years – broke down and was abandoned after the 2008 crisis. 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 to help fund the generous defined benefit pensions enjoyed by public-sector employees.

Following these emergency measures, three public-sector agreements were negotiated between 2010 and 2013. The latest of these, known as the Haddington Road Agreement, runs until 2015. Under these agreements, public servants and their managers are committed to working together to change the way the public services do their business in such a way as to allow both costs and staffing levels to fall significantly, while nonetheless guaranteeing a degree of wage and employment stability. The cumulative effect of these measures has been significant changes in pay and working conditions in the public sector, and a marked increase in productivity.

In the present low-inflation economic environment, the government consults with workers and employers in the private sector to a much lesser extent than was the case before 2008. Wage settlements are largely reached through discussion and negotiation between the affected parties.

The issue of Ireland’s corporation tax policy, and in particular the arrangements affecting some specific major multinational corporations with subsidiaries in Ireland, has been prominent in debates on tax issues during the last two years. The Irish authorities have responded to international pressure by tightening up the tax treatment afforded to these companies. These changes have involved consultation with the relevant actors.

The Irish government was relatively successful (compared with others that signed up

to bailout programs) in maintaining broad public support for the austerity measures implemented over the review period. However, the situation deteriorated toward the end of 2014 (and into 2015).

Citation:

The latest public sector agreement is here:

<http://www.per.gov.ie/haddington-road-agreement>

Israel

Score 6

The critical role of civil society during the military operation “Cast Lead” in 2008 and the growing third sector in Israel inspired government decision 3190 for the pursuit of more societal consultation and inter-sectoral cooperation in the policy formation process. Civil protests in 2011 brought the issue of social dialogue to the forefront once more, with public complaints over obscure government budgetary procedures as well as internal pressure from parliamentary members to increase information sharing and transparency. This trend was only partially implemented, mainly by the establishment of a yearly roundtable event in which invited representatives discuss current and future government policies, the launch of designated “open” governmental websites and increased participation of non-governmental organizations (NGOs) in policy debates. As the third sector and alternative media outlets gain a stronger voice in Israeli society, consultations could gain more clout than they currently hold.

Citation:

Limor, Nissan and Avishai, Libat, “Separately and together: Structuring a relationship of cooperation between government and civil society organizations”, JDC publication 2013 (Hebrew).

“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)

Malta

Score 6

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. Social and environmental groups tend to be the least consulted, but their ability to lobby the EU on issues close to their heart or on issues related to the distribution of EU funds have strengthened their position and prompted the government to consult them more routinely. Nonetheless, as such groups often lack a

certain professionalism and organizational sophistication, it will be some time before the government regards consultation with this sector as a necessity rather than a courtesy. Consultation with civil society has also improved since the country's EU membership, and since 2013 the government has introduced periodic meetings between various ministries and the general public with the aim of gathering feedback on policy proposals. However, this system remains sporadic. The process of regulatory impact assessments (RIAs) in theory requires a consultation process, but this often either fails to take place or is simply cursory.

Slovakia

Score 6

Compared to the Radičová government, the second Fico government has invested less in consultation with societal actors. While seeking to maintain good relationships with the traditional social partners, it paid comparatively little attention to NGOs. The Solidarity and Development Council established in 2012 does not include social and environmental NGOs or representatives of national minorities, and the position of the Government Plenipotentiary for the Development of Civil Society, created by the Radičová government, remained vacant for long time. With regard to public administration reform, Prime Minister Fico openly stated: "This reform requires huge vigor and if we went to this reform through a wider social dialogue, the reform would not advance" (cited in Balogova 2013). Likewise, the Fico government did not consult with societal actors regarding the controversial constitutional ban on same-sex marriage, but confined itself to forging an alliance with the opposition KDH party.

Citation:

Beata Balogova, Kaliňák's public administration reform takes its next step, in: Slovak Spectator, 24.6.2013; http://spectator.sme.sk/articles/vi_ew/50485/2/kalinaks_public_administration_reform_takes_its_next_step.html

United Kingdom

Score 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. Since 2010, a significant effort has been made to make government more open, leading to a substantial increase in the transparency of policymaking. This has included systematic efforts to consult a range of actors, though the relatively limited engagement of social partners in the policy process contrasts with the much more formal position they enjoy in many other western European countries. Impact assessments are one means by which consultation has been enhanced, with drafts

circulated to stakeholders before being finalized, and feedback affecting decisions on whether or not to proceed with the policy change under review.

Given the pluralist nature of the British system of interest groups and associations, it can be difficult to identify which organization would be competent and legitimized to speak on a certain issue. The current prime minister, David Cameron, introduced the idea of the “Big Society” in the 2010 election campaign and pledged to transfer power from the central to the local government level, while encouraging people to volunteer for social work and support civil cooperation. This agenda has had some success, with a 2011 act of parliament reinforcing local governments’ rights to engage in independent initiatives. A number of examples demonstrate how consultation has been used to formulate policy at an operational level. For example, stakeholder input has been influential in shaping spending decisions within the UK’s AMPLIFY program, which seeks to ensure the safety of women in disadvantaged communities. Moreover, consultation has been critical in selecting projects for the “Northern Futures” initiative, which seeks to foster economic development within the urban belt in the North of England.

Citation:

<https://openideo.com/content/about-amplify>

<https://www.gov.uk/government/news/northern-futures-summit>

Bulgaria

Score 5 Partly following traditions established during the socialist period, Bulgaria has developed a number of bodies that represent various interests in the process of policymaking. 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 evolved into a major forum not only for advice and consultation, but also for the negotiation of various policies and the adoption of specific proposals that are later formally confirmed legislatively. 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.

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. In the period under review, the commitments made by the government to the EU and its creditors have sharply reduced the scope for formulating policies through consultation. The government's primary focus in this regard was thus to forestall discontent on the part of strong public servants' and other labor unions that could lead to social unrest.

Public consultation before rule-making is a regular practice in Cyprus, as elsewhere in the European Union. 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.

France

Score 5

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 negotiation and 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, and interested parties very often have no willingness to find a compromise.

The temptation to govern top-down has always been strong. But in many cases 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 beginning to change. 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, in some cases, minimal. As there is no overall consensus among some unions and business groups regarding economic and social policy aims, it is very difficult to make substantial and swift progress. Two years and half after coming to power, the leftist government has still to introduce most of the needed reforms. Having lost political credibility and backing, the

Hollande government will find it very difficult to obtain the political support it needs to carry out any reforms.

Mexico

Score 5

Neither President Pena Nieto nor former President Felipe Calderon were or are 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. This is in line with the PRI's tradition of corporatism, where participation has flowed mainly through corporatist party channels rather than through independent civil-society organizations. The danger in this strategy of negotiating with party leaders is that alliances may split when potential losers withdraw their support from the government; moreover, 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.

Slovenia

Score 5

Slovenia has a strong tradition of corporatism, as well as government consultation with interest groups more generally. While the 2012 – 2013 center-right government broke with this tradition, the Bratušek government sought to revive it, reviving formal consultations with interest groups and unions through the Economic and Social Council, the tripartite body for social and economic dialogue. It managed to reach agreement with the social partners over several cornerstones of its legislative program, including reform of the labor market, the introduction of a property tax, and additional austerity measures in the public sector. In a number of cases, however, these consultations failed to produce any results, and trade unions complained that the government did not take their positions or negotiations seriously.

Spain

Score 5

The conservative Popular Party (Partido Popular, PP) government has engaged in little consultation with societal actors such as trade unions or even employers' associations since it took office 2011. Decisions on the radical labor reform and most

adjustment measures implemented since 2012, following the austerity and internal devaluation policies, were made without consultation with the two main trade unions UGT and CCOO. As a high priority has been put on the rapid implementation of structural reforms and public-expenditure cuts (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 used its absolute majority in the parliament, while doing little to facilitate policy acceptance on the part of unions or professional associations. In some cases, this has resulted in strikes.

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, although there are policy areas in which the traditionally good relations with societal actors have today been badly damaged (for example, with NGOs involved in international development assistance, as a result of massive foreign-aid budget cuts). On the positive side, the government engaged again in dialogue with unions at the end of 2014 when an agreement on assistance to unemployed workers was signed with UGT, CCOO and the main employer's association.

Turkey

Score 5

Government- and parliament-society relations are not based on a systematic, ongoing and structured consultation mechanism. The country's civil society is deepening, but the legal, financial and administrative conditions for the promotion of independent groups needs to be improved. However, the EU-Turkey Civil Society Dialogue programs continue to contribute to civil-society development and a greater recognition of civil-society organizations at the local level.

Associational life has been passing through a transformation in recent years. The government has promoted the existence of pro-government organizations, and has sought to consult more closely with them. Additionally, as the number of public-opinion survey companies has grown in recent years (Pollmark, GENAR, Metropoll), the government has generally sought to take their results and publications into account when forming policy. On the other hand, civil-society organizations have limited capacity to change or curb government behavior on highly sensitive social issues. This powerlessness has been evident on issues such as urban restructuring in Istanbul or the creation of new power plants in Central and Southeastern Anatolia, for which social and environmental issues have not to date been taken into consideration. As a result, societal consultation has been ineffective.

Citation:
European Commission, Turkey Progress Report, October 2014,
http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf (accessed 5 November 2014)

Croatia

Score 4

Consultation of societal actors in Croatia has been governed by the 2009 Societal Consultation Codex. In practice, consultation has been limited, and the economic crisis has caused a general trend of weakening with regard to the mechanism of social dialogue as an instrument for policymaking. Under the Milanović government, the tripartite dialogue between representatives of the government, employers and trade unions in the Economic and Social Council has been marked by a lack of trust and respect. The trade unions left the council in December 2013, issuing severe criticisms of the new draft of the Labor Act, a newly proposed law on occasional work (“mini-jobs”) and a planned increase in the retirement age.

Italy

Score 4

Cabinet consultations with economic and social actors have not been one of the main priorities of the Renzi government. Pressed by the need to face a very difficult budgetary and economic situation, recent governments have been reluctant to involve themselves in long and unproductive consultations. Prime Minister Renzi in particular, who is keen to communicate the image of an innovative and rapid-response government, has tried to avoid entangling himself in official discussions with trade unions, which are increasingly less popular. He has also publicly criticized trade union leaders as being too conservative and focused on the privileges of certain categories of workers, that is, of people in work and not the unemployed.

The labor law reform now under discussion in parliament has been promoted by the executive office without engaging social interests in the early drafting stages. This does not mean that contacts with individual trade union leaders have not taken place and that low level consultations do not exist. Relations with entrepreneurs and with their association (Confindustria) have been more intense.

Portugal

Score 4

The Social and Economic Council (Conselho Económico e Social, CES) serves as a constitutional body for consultation and social concertation. Within the CES, there is a Standing Committee on Social Concertation (Comissão Permanente de Concertação Social, CPCS) that brings together the government, employer

associations and trade unions. The CES and the CPCS continued to hold regular discussions during the period under review. However, as noted in the previous report, since mid-2012 there has been a gradual weakening of the government's ability to generate support, particularly as austerity measures have advanced further. This has alienated former partners, both on the trade-union and employers' side. During the review period, the only agreement achieved was an increase in the minimum wage to €505 per month, a policy agreed to September 2014 by all the employer associations and by one of the two main union confederations, the UGT. However, while the government still met with the social partners during the review period, aside from the single agreement the meetings were largely a result of legal obligations, and offered little scope for actual negotiation.

Romania

Score 3

Consultation with societal actors remained limited throughout 2013 and 2014, with emergency ordinances used on a regular basis. In September 2014, however, the Minister for Social Dialogue invited a handful of prestigious NGOs to form a permanent advisory group that would assist the prime minister and relevant ministries in the discussion and management of several social topics. The initiative, called the Coalition for the Development of Romania, was conceived as the civic counterpart of the existing business coalition, and asserted itself as an institutional channel for collaboration between the government and civil society. While most civil-society representatives expressed a clear desire for an increase in decisional transparency, they did not necessarily agree on the terms proposed by the government officials.

South Korea

Score 3

Park Geun-Hye's administration, like the previous Lee Myung-bak administration, governs in a hierarchical style. This represents an explicit rejection of the Roh administration's vision of a "participatory democracy" and, in particular, follows a course of confrontation with labor unions. Park has maintained a hard line stance toward labor unions and civil society. A unilateral decision she made has created a perception of unpredictability and weakened the autonomy and activities of government organizations. Her lack of communication with opposition parties and the public triggered criticism even within her own Saenuri Party. Park has is perceived as a president who has held the fewest press conferences of any South Korean president on any policy any topic.

Citation:

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

Greece

Score 2 Since the onset of the crisis – and despite increasing public pressure on government – consultation with societal actors has actually deteriorated. Under pressure from the Troika, the Greek government has since 2010 sought to manage economic problems through austerity measures, which unions have fiercely opposed. At the same time both large and small interest groups have fought to maintain their collective rights and privileges. In 2013-2014, the divide between the government's plans and the claims of affected interest groups remained very deep.

Hungary

Score 2 The Orbán governments have largely refrained from consulting with independent societal actors. Prime Minister Orbán has argued that the government's two-thirds majority has vested it with sufficient legitimacy to carry out profound changes without consulting stakeholders. The second Orbán government abolished the former tripartite National Interest Reconciliation Council (OÉT) and replaced it in October 2011 with a new National Economic and Social Council (NGTT), with more limited competencies. Unlike its predecessor, this body meets only once or twice a year and cannot make any decisions, thus primarily serving the goal of showing the government's commitment to some sort of social dialogue. However, the austerity budget for 2015 created such a public uproar that the NGTT members demanded a special session about the budget in November 2014. As an alternative to consultation with societal actors, the second Orbán government introduced a system of "national consultations" – essentially questionnaires sent to all households on issues such as the new constitution. A consultation focusing on Internet issues was slated to take place in January 2015.

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