



Societal Consultation Report

Public Consultation

Sustainable Governance
Indicators 2019

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Indicator

Public Consultation

Question

Does the government consult with societal actors in a fair and pluralistic manner?

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 always consults with societal actors in a fair and pluralistic manner.
- 8-6 = The government in most cases consults with societal actors in a fair and pluralistic manner.
- 5-3 = The government does consult with societal actors, but mostly in an unfair and clientelistic manner.
- 2-1 = The government rarely consults with any societal actors.

Norway

Score 10

Norway is a consensus-oriented society. Interested parties are typically fully informed of measures under discussion and 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. Indeed, parliamentary hearings have become more frequent and social confrontations over policymaking (e.g., political strikes or violent forms of protest) have become rarer in recent years. However, as the speed of decision-making is increasing, public-hearing processes often have to cope with very tight deadlines, limiting the actual influence of external societal actors.

Switzerland

Score 10

Within Switzerland's 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. If judged from a comparative perspective, the level of corporatist integration remains very high in Switzerland, but from a historical perspective it is low. In any case, direct democracy offers interest groups major influence by threatening to trigger a referendum. This offers strong incentives for political elites to incorporate major interest groups in policy development.

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. Corporatism still plays a role, although it has changed over the years. Recent examples of tripartite cooperation between the government, labor unions and employers include initiatives to improve the integration of immigrants into the labor market, and life-long learning. Engaging societal actors is a way for the government to gain 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*. 4. udg., 2017.

Jørgen Grønnegård Christensen and Jørgen Elklit (eds.), *Det demokratiske system*. 4. udgave. Hans Reitzels Forlag, 2016.

Canada

Score 8 The Canadian government holds consultations with economic and social actors on many issues. These consultations are motivated more by the desire to obtain meaningful input from Canadians than by a desire to sell a particular policy to the population, as this is typically done through other means. 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 indigenous 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, and was reaffirmed by the Supreme Court of Canada in 2010. However, many First Nations leaders allege that there is a general and persistent lack of meaningful consultation at both the federal and the provincial level.

Prime Minister Trudeau promised that the consultation process would be restructured and that various groups, including indigenous groups, would be given greater voice. Trudeau's government organized public consultations and engaged a large number of stakeholders across many policy areas, including innovation, electoral reform, childcare and the renegotiation of NAFTA. Consultation with First Nations remains

uneven, though. A recent example is the Kinder Morgan pipeline in British Columbia, where the Federal Court of Appeals decided that the government had failed in its constitutional duty to consult First Nations in relation to the proposal.

Citation:

Tsleil-Waututh Nation v. Canada (Attorney General), 2018 FCA 153, available at http://www.fca-caf.gc.ca/fca-caf_eng.html

Finland

Score 8

In Finland's consensus-oriented political system, interest organizations and associations are regularly consulted. Although the corporatist system adopted in the 1960s has now declined, the exchange of views and information with a variety of social interests is still part and parcel of the everyday activities of the Finnish government. Through various mechanisms such as committee hearings, joint-council memberships and expert testimony, bills and drafts are circulated to interested parties who are then invited to critique the 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 reasonably well. 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 rather than to gather support or assess impact. However, in the long run, this helps to generate public support for government policies. Still, recent developments indicate a weakening in the role played by the tripartite negotiation of labor-market agreements between the government, employers' associations and employee organizations.

Latvia

Score 8

Societal consultation takes place frequently and is diverse in nature. The National Tripartite Cooperation Council (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 an NGO cooperation council, which organizes NGO input into issues related to civil society. The number of NGO participants over the 10 years of this council's existence has risen from an initial 57 to almost 400 in 2015. Ministries have their own sectoral consultative bodies. The executive branch has 165 different consultative bodies, a slight decrease from a high of 173 in 2011, but the number of NGOs participating in these bodies has increased from 980 to 1,128 over the same period.

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 2017, an influential group of NGOs called for more transparency and participatory mechanisms in the budget planning process.

This was partially realized in the 2017 tax reform and reflects a long-term trend toward greater engagement with societal actors. Trade unions as well as business and employers' associations had the opportunity to participate in the debates and discussions on the tax reform and influenced the final legislation.

However, in its public consultations, the government is rarely successful in achieving an exchange of views that substantially 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 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 as well as multiple calls for the resignation of the minister. Despite extensive consultations throughout 2014 and 2015, teacher unions organized a one-day strike in late 2015 over education-funding reforms. Similarly, despite long-standing discussions on health sector reforms, family doctors went on strike in 2017.

Citation:

State Chancellery (2011, 2012, 2013, 2014, 2015, 2016, 2017), Reports, Available at (in Latvian): <https://www.mk.gov.lv/lv/content/gada-publiskie-parskati>, Last assessed: 02.01.2019

Netherlands

Score 8

International references to the “polder model” as a form of consensus-building testify to the Dutch reputation for negotiating public support for public policies, sometimes as a precondition for parliamentary approval. In this 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 – October 2017) governments. Recent examples include the public debate on pension reform, the national summit on climate policy following the Paris Accords (involving five sectoral platforms: electricity, built environment, industry, agriculture and land use, and mobility), and public health consultations (focusing on obesity, smoking and “problematic” alcohol consumption). The Rutte I and Rutte II councils of ministers produced societal agreements on austerity measures, 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 have suffered due to an erosion of representativeness and increasing fragmentation, although employers' associations have been less affected. Another criticism of the process is that it leads to sluggish policymaking, creating a "musical chair" process in which the responsibilities of government, business and influential civil society or non-governmental organizations remain blurred and undermine effective decision-making. The recent revival may owe more to the fact that all the Rutte cabinets have not been able to rely on solid parliamentary support than to any renewed vigor on the part of business, labor unions and civil society associations. A side-effect of the reviving "polder" tradition within a more fragmented political landscape may be the emergence of an extensive network of professional lobbyists. There are signs that business lobbies are successful. A huge money laundering scandal involving ING Bank resulted in (considerable) fines, but not in bringing the perpetrators to court. More significantly, the highly contested proposal to abandon the dividend tax proved to be linked to Unilever's broken promise (during the cabinet formation process) to move its headquarters to the Netherlands.

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

P.D. Culpepper, *Quiet Politics and Business Power. Corporate Control in Europe and Japan*, Cambridge University Press, Cambridge, 2011 (esp. ch. 4, The Netherlands and the myth of the corporatist coalition)

NRC-Handelsblad, Het gebroken Nederland dat in 2017 op Den Haag afkomt, 4 November 2016 (nrs.nl, consulted * November 2016)

NRC-Handelsblad, Polderen voor een gezondere bevolking, 29 October, 2018

Financieel Dagblad, De polder is klaar, 3 October 2018

Financieel Dagblad, Lobby voor afschaffen dividendbelasting al sinds 2005 bezig, 8 September 2018

Dröge en Van Drimmelen, *Trendrapport public affairs en corporate communication 2017* (dr2.nl, accessed 31 October 2018)

New Zealand

Score 8

New Zealand has a strong tradition of broad policy consultation with interest groups and with its citizens, both at the national and the local levels, 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. There is no general legal requirement for consultation in the regulatory process, but consultation is an explicit policy of the government, embedded within New Zealand's policymaking processes, provides information for cabinet

discussions, and is one of the key quality assurance criteria. When a consultation has taken place, the details of any consultations, internal and external, are set out in regulatory impact statements (RIS). RISs must explain who has been consulted and what form the consultation took, outline key feedback received, with particular emphasis on any significant concerns that were raised about the preferred option, how the proposal has been altered to address these concerns (and if not, why not). If there is no consultation undertaken, the reasons must be presented. While parliamentary 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:

Local Government Act 2002: <http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM172326.html> (accessed October 9, 2014).

OECD Regulatory Policy Outlook 2015 Country profile New Zealand. <https://www.oecd.org/gov/regulatory-policy/New%20Zealand-web.pdf>

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. 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 current red-green government appears to have a more continuous dialog with organized interests, primarily the unions, than the earlier “Alliance” government. Even so, Swedish corporatism is weaker today than it was in the 1970s and 1980s. 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:

Pierre, J. (ed) (2015), *Oxford Handbook of Swedish Politics* (Oxford: Oxford University Press), esp. Section 10.

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.

Australia

Score 7

The degree of societal consultation on policy development varies depending on the issue, the party in government and numerous contextual factors. The key groups often consulted are trade unions and business advocacy groups, but other special interests – religious groups, environmental organizations and pro-family groups, for example – also have advocacy groups that are sometimes brought into discussions about policy. Traditionally, Labor governments have been more likely to consult with trade unions, while coalition governments have been more likely to consult with business groups. However, governments of both persuasions have engaged in extensive consultation on some policies while ignoring consultation on others.

Citation:

<https://www.pc.gov.au/about/core-functions/inquiries-and-studies>

Austria

Score 7

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.

A new legal basis for the Islamic community has the potential to improve consultation mechanisms with a fast-growing religious community. The sensitivity for the internal processes within the Islamic Community – especially concerning the responsibility for recruiting preachers and school teachers – has become greater due to the growth of that community.

The new coalition between the ÖVP – a party deeply rooted in the corporatist network – and the FPÖ (a party more or less outside this network) may change some elements of the system of consultation. The same applies to consultations involving officially recognized religious denominations.

From its beginning, the ÖVP-FPÖ coalition has demonstrated a new tendency to neglect the tradition of pre-legislative consultations and the de facto outsourcing of social policymaking. Without consulting organized labor, the government changed significant elements of the labor law. This represents a challenge to the traditional system of social partnership – a system in which previous governments accepted and implemented deals negotiated between business associations and organized labor. By improving political effectivity and expedience, the government may run into difficulties with organized labor.

Chile

Score 7

Frequent consultations with civil society groups and particularly stakeholder organizations take place. However, consultations tend to be inclined toward economic interest groups. By contrast, unions and environmental organizations are frequently underrepresented. Online surveys have been implemented with the aim of gauging 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 advisory commissions represent another means of societal consultation, as they include interest-group representatives, experts 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 not legally binding, 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. All ministries employ an engagement coordinator who assists interested citizens and advocacy groups.

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 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. The previous and current CDU/CSU-SPD coalition governments did not make use of formal approaches like social pacts or other direct bargaining mechanisms. As under previous governments, ministries and parliamentary committees 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. On a regular basis, experts and interest groups take part in parliamentary committee hearings in the course of the legislative process.

Regarding religious communities, established mechanisms for exchange and cooperation exist between the government, and the Christian churches and the Jewish community. Though frictions hamper government dialogue with the Islamic communities. The German Islam Conference is supposed to assist in the development of an intercultural dialogue between government officials and Muslim civil society organizations. The institution celebrated its 10-year anniversary in 2016, but since then little progress has been realized. On the contrary, conflicts between its members, mainly between the government and the DiTib, increased and its future seems uncertain.

Israel

Score 7

The issue of consulting with the public and third-sector organizations is well acknowledged by the Israeli government. Instructions for Public Participation were published in 2017, and the emphasis placed on consulting with the public, NGOs and professionals shows that Israel continues to consult with outside sources. The ICT authority, which is responsible for improving public outreach, has conducted a series of consultations with business planning groups. In addition, a range of NGOs are having more to do with the Israeli government. The government working plan book

2018 – 2019 mentions working with outside groups to improve coordination and collaboration across different fields. In 2018, the OECD commended the Israeli government for its achievements in the field of regulation, including its progress with stakeholder and public engagement. However, there is criticism, mainly from stakeholders themselves who argue that the idea of consulting the public is vague and in many cases is nothing more than a phrase. In this case, it seems that while Israel is scoring high on the OECD goals, there is still considerable work that needs to be done particularly with the public itself.

Citation:

Census or Democracy: The public is not really involved in urban development, Globes, 2018 (Hebrew): <https://www.globes.co.il/news/article.aspx?did=1001193850>

Government ICT Authority, Action Plan for years 2018-2019 (Hebrew), yoursay.gov.il/cio/File/Index/NAP3Comments/

“Israel has 200 regulators, 12 in the Netherlands, and 80 in Australia, Globes, 2018 (Hebrew): <https://www.globes.co.il/news/article.aspx?did=1001253076>

“Israeli government, civil society and business community,” PMO policy paper (February 2008): http://beinmigzari.pmo.gov.il/Documents/Policy_English.pdf

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

PMO Office 2017, Instructions for Public Participation, 2017 <http://www.pmo.gov.il/policyplanning/shituf/Documents/all%20web.pdf>

“Round table interface: Three years’ summary,” PMO official brochure (August 2011) (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)

“Tender 34067”, Ejobs Website 2015: [https://ejobs.gov.il/gius\(bD1oZSZjPTI4MA==\)/tender/application.do?PARAM=cmNmdHlwZT1waW5zdCZwaW5zdD0wMDUwNTZCRjAwMTEeXRUU0QjhCOTIGNUEzNjExQ0lZRG%3D%3D](https://ejobs.gov.il/gius(bD1oZSZjPTI4MA==)/tender/application.do?PARAM=cmNmdHlwZT1waW5zdCZwaW5zdD0wMDUwNTZCRjAwMTEeXRUU0QjhCOTIGNUEzNjExQ0lZRG%3D%3D)

Working Plan Book 2018-2019, PMO Office, February 2018 (Hebrew), <http://www.plans.gov.il/pdf2018/index.html#14>

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. Major societal actors were also involved in the preparation and monitoring of the long-term Lithuania 2030 strategy, working through the State Progress Council. Under the Skvernelis government, a new accord was signed between the government, business organizations and trade unions. The accord provides for the preparation of a separate agreement between these partners, which would reduce taxes on wages in exchange for employers’ commitment to increase wages. The Kubilius, Butkevičius and Skvernelis governments carried out public consultation on

several policy issues, including pension-system reform, a national energy-independence strategy, anti-corruption policy, open-government measures, and tax reform. The practice of prior consultation in developing regulations is mandated by the Law on the Basics of Legislation.

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. In addition, according to the 2015 OECD report on regulatory policy in Lithuania, the time allocated to consultation is insufficient, and the quality of feedback is insufficiently high. Moreover, 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 these reasons, a 2015 OECD report recommended that the country develop public-consultation guidelines and allow more time for consultation. In response, the Government Office launched a large stakeholder consultation project co-funded by the European Social Fund at the end of 2016. The project developed a public-consultation methodology and application guidelines, but it has not yet established a public-consultation standard needed for bringing societal consultation to a higher level. Protests by school teachers and a public strike in the premises of the Ministry of Education and Science that lasted several weeks in late 2018 (a protest against a new pay model introduced in September 2018) demonstrates a lack of capability to achieve consensus from major stakeholders for policy reforms.

Citation:

OECD, *Regulatory Policy in Lithuania: Focusing on the Delivery Side*, OECD Reviews of Regulatory Reform, OECD Publishing, Paris, 2015 http://www.oecd-ilibrary.org/governance/regulatory-policy-in-lithuania_9789264239340-en.

Luxembourg

Score 7

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. Nevertheless, the so-called tripartite system is considered to have failed in 2010, when the three partners were unable to reach an agreement on critical issues. However, the new government in 2013 relaunched the social dialog with employers and employees and the process has functioned reasonably well since then.

In addition, a working group of the Ministry of Culture previously intended to draft a new law on monument protection (2013 – 2015), but was not successful.

Representatives of civil society were part of the working group and felt treated unfairly. The issue was taken up in the 2018 election campaign and the government defended itself by promising that it would soon pass a bill.

Citation:

“Kulturschutzgesetz: Die Regierung konnte ihr Versprechen nicht einlösen.” *Tageblatt*, 12 September 2018. <http://www.tageblatt.lu/headlines/kulturschutzgesetz-die-regierung-konnte-ihr-versprechen-nicht-einloesen/> Accessed 23 Oct. 2018.

“Modèle social luxembourgeois.” <http://luxembourg.public.lu/fr/le-grand-duche-se-presente/systeme-politique/concertation/modele-social/index.html>. Accessed 15 Nov. 2018.

Clément, Franz (2012): *Consociativisme et dialogue social: Les relations professionnelles au Grand-Duché de Luxembourg*, Éditions universitaires européennes.

Hirsch, Mario (2012): Sind Konkordanz-, Konsens- und Drei-Partnermodelle ‘Schönwetter-Veranstaltungen’? Das Beispiel Luxemburg, in: Stefan Köppl/Uwe Kranenpohl (eds.): *Konkordanzdemokratie: Ein Demokratietyp der Vergangenheit?*, Nomos, pp. 117 – 132.

South Korea

Score 7

There have been major improvements with regard to consultation with societal actors since President Moon took office. President Moon’s interactions with the public are also significantly different than those of his predecessor. He has emphasized the importance of being more open and communicative with the public. He is holding frequent discussions with civil society groups and top business leaders, and allows Q&A sessions during press briefings. The Blue House also introduced a petition system in which the government is required to address a certain topic when at least 200,000 citizens have signed the petition. The Moon government has also tested so-called deliberative democracy processes, in which all stakeholders participate in three- or four-night debates, as a means of drafting controversial policies in areas such as nuclear energy or university admissions. While the government is trying to improve contacts with civil society, not all such attempts have been successful. For example, the tripartite process with labor unions and business groups has suffered a setback, with one of the largest umbrella labor-union umbrella organizations (KCTU) refusing to participate.

Citation:

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

OECD Regulatory Policy Outlook 2015, Country profile Korea, www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm

Korea Herald. Second-largest labor union to stage strike, rally. June 29, 2017. <http://www.koreaherald.com/view.php?ud=20170629000963>

Yonhap News. Moon promises frequent and frank communication with biz leaders. July 27, 2017. <http://english.yonhapnews.co.kr/national/2017/07/27/0301000000AEN20170727001852315.html>

Korea Times, Construction of Shin-Kori 5 and 6 reactors resumes, http://www.koreatimes.co.kr/www/biz/2017/10/367_238189.html

United Kingdom

Score 7

The United Kingdom has less of a tradition, compared to many other EU member states, of systematically incorporating civil society organizations into the decision-making process. Nevertheless, a significant effort has been made since 2010 to make government more open. This effort has led to a substantial increase in policymaking transparency and has included systematic efforts to consult a range of actors. However, the extent to which social partners are formally engaged in the policymaking process continues to be less than in many other western European countries. The previous coalition government established a “Compact” to govern civil society engagement in the policymaking process in England, under the auspices of a (junior) Minister for Civil Society. Civil society is also listed as one of the responsibilities of the Minister for the Cabinet Office. The United Kingdom was a founding member of the Open Government Partnership, as part of which it is committed to producing a national action plan to engage with civil society. The current plan detailed a range of commitments. According to a recent self-assessment, some three-quarters of these commitments have already been achieved or are underway, though 27% of these commitments are behind schedule. Impact assessments are one means by which consultation has been enhanced, with drafts circulated to stakeholders before being finalized. Feedback on these drafts considered before decisions are taken on whether or not to proceed with the policy change under review.

In 2014, some 650 public consultation processes took place, all described on the government website (gov.uk) and this increased further in 2018 when 767 were conducted. In addition, a range of Advisory Boards solicit input into the policymaking process in areas such as migration and social security. Given the pluralist nature of the UK 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. However, through initiatives such as the “Policy Lab,” set up in 2014, the Cabinet Office has established a catchy approach to open policymaking. The United Kingdom continues to be prominent in the Open Government Partnership and made good progress toward the National Action Plan 2016 – 2018.

A further concern (expressed to the reviewer by a former Cabinet Office Minister) is that the follow-up to many consultations is limited.

The 2016 Brexit referendum was unusual in negotiating public support. As had happened in the only previous EU referendum in 1975, members of the government and parliamentarians taking the governing Conservative Party whip were given the right to be leading members of the “leave” campaign, even though the official government position was to support “remain.” Similar dispensation was given to opposition shadow ministers.

Citation:

<https://www.gov.uk/government/publications/compact-the-agreement-between-government-and-the-voluntary-community-sector>

<https://openpolicy.blog.gov.uk/about/>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/668970/Final_mid-term_self_assessment_report_NAP_2016-18.pdf

Belgium

Score 6

Belgium's socioeconomic model is one of consensual (neo-corporatist) socioeconomic policymaking, whereby the government consults established stakeholders, in particular workers' and employers' representatives, in order to facilitate policy acceptance. Such consultations have also become institutionalized in other fields through the creation of specific consultative bodies, for instance the Federal Council for Sustainable Development, which includes representatives of environmental organizations.

Unionization rates are still very high in Belgium, with membership rates close to 55% in 2012, the most recent year for which figures are available. This is one of the highest such rates in Europe. However, recent technological change with regard to services platforms (Uber and its peers), the internationalization of the economy, trade agreements such as CETA, and efforts by the current (right-wing) government to reduce the power of workers' unions have progressively eroded unions' influence, changing the government's hands-off tradition of letting workers' and employers' unions negotiate wage arrangements. Arguably, some of this culture of consensus had previously stalled important but necessary reforms. Nevertheless, the current government's strategy has come as a cultural shock.

Citation:

<https://plus.lesoir.be/120897/article/2017-10-24/la-concertation-sociale-des-rates-un-nouveau-modele-social-arrive>

<http://plus.lesoir.be/111659/article/2017-08-30/la-cgsp-veut-ranimer-le-front-anti-michel>

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Czechia

Score 6

The policy process in Czechia is relatively open. In the course of the legislative process, a broad spectrum of social and economic actors is consulted. The digital publication of laws and regulations has improved public access to information. 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. While the Babiš government has placed less emphasis on the consultation with societal actors than its predecessor, new forms of dialog with non-governmental organizations and citizens in preparing important decisions have been taken up in the sectoral, regional and local levels. Several municipalities have introduced participatory budgeting in order to improve citizens' involvement.

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 dialog, 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. For these reasons, the temptation to govern top-down has always been strong, provoking in many cases severe, repeated conflicts and protest movements that have often successfully vetoed governmental action.

Things have begun to change, though. 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. Notably, the Larcher Law of 2007 invited the government to present plans for legislation in social and labor matters to the social partners, and to give the social partners an opportunity to negotiate and agree on possible solutions that could then be transformed into law. Nonetheless, given persistent distrust between the social actors, especially on the part of some unions, progress has been slow. There are positive cases, such as the 2013 reform bill on the labor market. This reform bill followed an agreement between three (out of five) trade unions and the employers' organization, which was then transformed into law. But there have been setbacks, too. In 2016, the first draft of a new labor law was put forward by the government without consultation, provoking massive social protest. In panic, the government withdrew its draft to negotiate a new one. This erratic method of government left unions and employers totally frustrated.

So far, President Macron has followed a different path, proceeding with intensive consultations while ensuring that the government and parliament have the final say, and leaving little room for change once a government proposal is drafted. This method was applied to the process of drafting the labor law reform in 2017. Though intense consultations with the social partners took place in July and August 2017, the ordinances (while taking into account some trade union grievances) were presented

to the social partners as non-negotiable once drafted in September 2017. The process of reforming the national railway company followed a similar course. The government presented and passed a bill through parliament, declaring that the core measures were non-negotiable, but offered negotiations for the implementation of the new law. In the end, in spite of four months of protests and strikes, and stalemate between the government and trade unions, the reform was adopted. This situation has left the social partners bitter and frustrated – even those who were willing to accept the reforms, but wanted to be incorporated in the decision-making process (e.g., the largest trade union, CDFT). Based on these and other examples, the president has been accused of sticking to a top-down method, leaving no place for the social partners to argue and obtain amendments. More generally, Macron has been criticized for his solitary approach to decision-making, and his contempt of the country's traditional economic and social actors. Faced with the magnitude of these negative reactions and the impact of the “yellow vests” riots, the government is now proceeding with more care. It remains to be seen if this will trigger a real change in the relationship between the president and the social partners.

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 closer consultation. In February 2009, the government, the municipalities, and the major labor market associations signed the so-called Stability Pact (Stöðugleikasáttmáli). Repeated disputes finally led to a withdrawal from the pact by the main employers' association.

Another example of public consultation was the process of revising the 1944 constitution. This process involved the creation of a national assembly, comprising 950 individuals selected at random from the national register. In addition, a further 25 constituent assembly representatives were nationally elected from a list of 522 candidates. The constituent assembly, later called the Constitutional Council, unanimously passed a constitutional bill in close accord with the conclusions of the national assembly in 2011. However, parliament has not yet ratified the bill, even though the bill received the support of 67% of the voters in a national referendum in October 2012. Parliament's disregard for the result of the constitutional referendum raises serious questions about the effectiveness of Iceland's democracy. Before the parliamentary elections in October 2016 all four opposition parties declared that, if elected, they would seek to form a government that would ratify the new constitution. In the 2017 election campaign, five parties declared, to varying degrees, support for the new constitution, namely the Social Democrats, the Pirate Party, the Left-Green Movement, Regeneration and Bright Future. The support for these parties totaled 46% of the votes and 28 out of 63 seats. The only firm opponent of the new constitution, the Independence Party, won 25% of the vote and 16 seats. Since December 2017, the Independence Party has been a member of the coalition cabinet,

along with the Left-Green Movement and the Progressive Party. No significant constitutional steps have been announced by the Jakobsdóttir cabinet so far.

Citation:

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Ireland

Score 6

Three public-sector agreements on pay and working conditions were negotiated between 2010 and 2013. 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. However, some trade unions, notably in the educational sector, have rejected these proposals and some significant problems remain unresolved.

During 2016, improved economic performance shifted the focus toward containing public expectations that tax and expenditure disciplines would be significantly relaxed. In 2016, these expectations led to a strike of Dublin's public tramway system workers and a threatened strike by the police force, which resulted in overly generous settlements. As a result of these settlements, the government now faces the dilemma of trying to resist further demands for public-sector pay increases.

The government now consults with workers and employers in the private sector on pay policy to a much lesser extent than was the case before 2008. Wage settlements are largely reached through discussion and negotiation between the affected parties.

Citation:

The latest public-sector agreement is here:
<http://www.per.gov.ie/haddington-road-agreement>

Japan

Score 6

LDP-led governments have traditionally engaged in societal consultation through the so-called iron triangle, that is, the dense links between parliamentarians, the ministerial bureaucracy and large companies. However, these mechanisms tended to exclude other societal actors such as trade unions. 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 the national level.

With respect to the current LDP-Komeito coalition, the Buddhist lay association Soka Gakkai provides the bulk of support for Komeito, and has consequently gained some influence over policy matters of interest to the organization. This has been particularly evident during the ongoing debate over constitutional reform. The LDP is in favor of this reform, while Soka Gakkai and Komeito have a pacifist background, and have sought to slow down any major initiative. Abe enjoys the support of the arch-conservative Nippon Kaigi lobby group, but its influence is difficult to substantiate and possibly overrated in sensationalist media reports.

It is frequently argued that business has considerable influence on government decision-making. Substantiating such claims is difficult as there is a lack of transparent rules governing lobbying. There seems to be little scope for business-state alignment, as major firms have become global players that are decreasingly interested in or bound to the home market. One traditional mechanism of bureaucracy-business alignment, the “amakudari” system of providing bureaucrats with lucrative post-retirement jobs, has been suppressed since the 2008 reform to the National Civil Service Law.

Citation:

Grant Newsham, Japan’s conservative Nippon Kaigi lobby: Worth worrying about?, Asia Times, 19 July 2016, <http://www.atimes.com/article/japans-conservative-nippon-kaigi-lobby-worth-worrying-about/>

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Yumiko Yokota, Ending “Amakudari” Descent from Heaven at Last?, <http://www.nippon.com/en/currents/d00317/>

Malta

Score 6

The government has an obligation to consult. In addition, a ministry for dialog has been established. New policies and legislation must be published for consultation. 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. The government has also setup a separate Council for Economic and Social Development for Gozo and a consultative council for the South of Malta. A consultation portal is also currently active. NGOs concerned with social policy tend to be regularly consulted; however, environmental NGOs are rarely integrated into the policymaking process. The Planning Authority has its own consultation processes, but the views of non-governmental actors are taken into account to only a very questionable extent. Overall, Malta has seen a substantial increase in the number of policy areas open for public consultation. Malta today has a proliferation of NGOs, and increased consultation has created wider scope for them to act. However, greater progress could be achieved if NGOs were to become more professional, and officialdom less sensitive to feedback and more prepared to react to criticism. One such case in which advice was ignored was the extension of hunting hours in Majjestral Park against the recommendation of the advisory committee.

Citation:

<http://www.timesofmalta.com/articles/view/20151005/local/second-public-consultation-on-regulation-of-drones.587085>

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http://www.maltatoday.com.mt/news/national/64883/social_dialogue_minister_stresses_role_of_ngos_in_outreach_programmes#.We2ciluCyM8

Spain

Score 6

An Economic and Social Council (ESC) made up of employers' organizations, trade unions and other societal representatives is provided for in the constitution, while other government advisory bodies are provided for by additional specific policies. The ESC and the other bodies issue opinions on draft legislation, although there is no general common institutionalized procedure for consultation nor in many cases is there an obligation to engage in it. The extent and success of this social dialogue with regard to the preparation of policy initiatives depends on the particular sector and the personality of the relevant minister.

Following the economic recovery and the end of the absolute majority government's term after 2015, the right-wing PP government improved communication with the two big trade unions (UGT and CCOO) and the main business association (CEOE). This enabled it to introduce reforms on wages, for example. Since 2017, the frequency of public consultation for legislative projects has increased, with the introduction of so-called annual normative plans helping in this regard. While the weak PSOE minority government increased contacts with societal actors in 2018 (many public and private actors participated in the elaboration of the Action Plan for the Implementation of the 2030 Agenda, which was approved in July), it has also made greater use of decree-law powers.

Citation:

Real Decreto 286/2017

<http://www.ces.es/en/web/guest>

Bulgaria

Score 5 There are a number of bodies that represent various interests in the process of policymaking in Bulgaria. 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. The legislative process also includes a period for public consultation of proposals, but in many cases this step is skipped. An increasing number of government agencies are adopting a default policy to make their deliberations open to the general public.

Cyprus

Score 5 Consultation with societal actors has been a general practice for decades, though generally left to the end of the process. Once a policy is decided or a draft bill is already before a parliamentary committee, stakeholders are invited to voice their views. Generally, vociferous stakeholders are more successful with their demands than less powerful groups and may engage in consultations before policy decisions are made. A decline of consultation practices was observed during the implementation of the Memorandum of Understanding (MoU). After exiting the MoU in early 2016, the government appeared more willing to accommodate previously rejected union demands. Also, under trade union pressure, it suspended projects including the privatization of telecoms and electricity utilities.

Public consultation before rulemaking is regularly practiced by only some departments and less systematically than expected. The results and impact of such consultations are not always transparent or published.

Industrial action by teachers unions in summer 2018 forced the government to cancel some policy-decisions it had taken; subsequently they engaged in negotiations on how to improve the education system.

In order to ensure approval of its policies by the parliament, the government consults with political parties, in particular when a major crisis is imminent. This happened in July 2018 when the collapse of the Cooperative Bank forced the adoption of a set of long overdue rules.

Citation:

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[mail.com/2018/07/10/our-view-11th-hour-co-op-vote-typical-of-lily-livered-parties/](https://www.cyprianet.com/2018/07/10/our-view-11th-hour-co-op-vote-typical-of-lily-livered-parties/)

2. So called dialogue and consensus always favors unions, Cyprus Mail opinion, 29 September 2018, <https://cyprus-mail.com/2018/09/29/our-view-so-called-dialogue-and-consensus-always-favours-the-unions/>

Mexico

Score 5

While originally perceived as a great communicator, President Peña Nieto's approval rating were constantly below 20% during his last year in office. The security crisis, violence, high-level corruption scandals and the societal crisis after the disappearance of 43 students in Guerrero have underlined the public's discontent. In this critical situation, the government has taken a more hierarchical position regarding consultation with societal actors than its predecessors. The president's approach tends to be to negotiate at the highest level of politics (i.e., with party leaders) and with union leaders (i.e., the very controversial education reform) and to rely on those involved to employ sufficient weight to enable reforms and other policy decisions to proceed. Thus, he undertakes intensive consultations with the leaders of Mexico's political parties and unions, but social actors and NGOs are less involved. This is in line with the Institutional Revolutionary Party's tradition of corporatism and clientelism, where participation has flowed mainly through corporatist and clientelist party channels rather than through independent civil society organizations. In late October 2018, one month before taking office, President-elect Andrés Manuel Lopez Obrador stated that the fate of a controversial new airport in the country's capital will be decided by voters in a popular consultation.

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 common in Mexico.

Citation:

USA Today (2018). Mexico's unpopular president to leave behind troubled administration mired in scandal, controversy, Sep 12, 2018. <https://eu.usatoday.com/story/news/world/2018/09/12/mexican-president-enrique-pena-nieto-defends-unpopular-administration/1265941002/>

Portugal

Score 5

The government consults with some societal actors. For example, 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.

Slovakia

Score 5

In Slovakia, comprehensive legal requirements for the consultation with societal actors, including social dialog in the tripartite Economic and Social Council, exist. However, the third Smer-SD-led government has not assigned much importance to consultation with societal actors. In cases where consultations have taken place, they have been driven primarily by the fact that they were required by a law. The Council for Solidarity and Development newly established by the second Fico government in 2012 has not included social and environmental NGOs or representatives of national minorities. As in previous years, the tripartite consultation on the minimum wage failed, so that the cabinet decided to raise the minimum wage unilaterally. A few months after his resignation, Fico was cited in the national journal “Sme” lamenting about the third sector “silently crawling to power.” Despite the chasm in the Slovak society, the new prime Minister Peter Pellegrini has not tried to increase the legitimacy of its government by taking public consultation more seriously.

Citation:

Fico, R. (2018): Kto má vládnuť? Konflikt s médiami nie je škodlivý, in: Sme, August 1 (<https://komentare.sme.sk/c/20882709/kto-ma-vladnut-pise-robert-fico.html>).

Slovenia

Score 5

Slovenia has a strong tradition of corporatism and of government consultation with interest groups more generally. The Cerar government stuck to this tradition and discussed part of its legislative initiatives in the Economic and Social Council, the tripartite body for social and economic dialog. The government managed to reach agreement with the social partners over several cornerstones of its legislative program. In other cases, however, consultations failed to produce any results, with trade unions complaining that the government does not take their positions or negotiations seriously. The Cerar government’s indulgence of doctors in late 2017 led to strikes in other parts of the public sector, which contributed to the resignation of Cerar in March 2018. One of the flagship projects of the new Šarec government, an increase in the minimum wage, has been prepared without consulting the social partners, which has led to heavy criticism from employers’ associations.

United States

Score 5

The U.S. political system is noteworthy for 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. These processes, however, are informal, decentralized and not especially conducive to careful deliberation. 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 some interest groups. Congressional committees 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. In sum, the U.S. government is highly open to influence by societal forces. This openness is not designed to ensure consensus and does not do so, although action without broad support is normally difficult.

In 2017, the Republican-controlled Congress surprised commentators in the degree to which it pushed legislation that was opposed by most interest groups and the general public. The health care reform – narrowly defeated in the Senate – was opposed by most interest groups and professional associations (e.g., insurance companies, physicians’ associations, health care providers). The tax reform – passed along on a strictly partisan vote – was opposed by nonpartisan experts and a large majority of the public.

Croatia

Score 4

Consultation of societal actors in Croatia has been governed by the 2009 Societal Consultation Codex. It has been strengthened with the introduction of the government’s Central Web Portal for Public Consultations in 2015. According to the Right of Access to Information Act of 2013, all government proposals for regulations related to citizens’ interests have to be submitted for comments via this portal. However, consultation has remained a formality. The tripartite dialog between representatives of the government, employers and trade unions in the Economic and Social Council has continued to be marked by a lack of trust and respect. In the case of the controversial 2018 pension reform, unions complained that they were not sufficiently consulted.

Poland

Score 4

The Polish government is obliged by law to consult all parties affected by proposed legislation. In addition, there is a Council of Social Dialog whose members are appointed by the president. In October 2015, this council replaced the traditional Tripartite Commission which had ceased operations in June 2013 because of conflicts between trade unions and the government. Consultations both inside and outside the Council have been largely formal. Generally speaking, the government’s clear majority in parliament has reduced the need for winning over social actors, and the government perceives many of them as enemies. Public consultation has been

bypassed by introducing legislative initiatives through parliamentarians, since such initiatives do not require the regular consultation mechanisms, and therefore exclude experts and public. Moreover, the quick passage of major laws has reduced the time available for meaningful consultation. However, unlike the employers' associations and other trade unions, the trade union NSZZ Solidarność enjoys a special relationship with the government. Several of its representatives were given positions in the Ministry of Family, Labor and Social Affairs, and it has supported controversial reforms such as pension reform. In stark contrast to trends at the national level, many municipalities have expanded public consultation, for example by introducing participatory-budgeting processes.

Greece

Score 3

In the period under review, social consultation on policy decisions was limited because Greece was governed on the grounds of the detailed policy measures and conditionalities included in the Third Economic Adjustment Program. The program, signed between Greece's lenders and the Greek government in July 2015, contained cuts to pension spending, and increased direct and indirect tax revenue. Such measures were at odds with what the Syriza and ANEL parties, the two partners of the coalition government, had promised voters before forming a coalition government. To compensate voters for the associated income losses, the government handed out one-off welfare benefits to pensioners in December 2016 and to the poorer strata in November 2017, without consulting with either domestic social partners or the country's creditors. On the other hand, the Syriza-ANEL government consulted with individual domestic and foreign businesses that the government hoped would invest in the country's media, real estate, and tourism sectors. Ultimately, very few investors tried their hand in any sectors other than tourism.

Italy

Score 3

Consultations with economic and social actors have not been a key priority for recent governments. Pressed by the need to face a very difficult budgetary and economic situation, recent governments have been reluctant to involve themselves in long and (according to experience) often unproductive consultations. Former prime minister Renzi in particular, who was keen to communicate the image of an innovative and responsive government, tried to avoid entangling himself in official discussions with trade unions, which are increasingly less popular. He also publicly criticized trade union leaders for being too conservative and focused on the interests of the most protected employees, while ignoring the problems of unemployed people. The Gentiloni government's style has been less confrontational. The government has tried to consult trade unions more extensively, particularly concerning the delicate question of reforming the pension system. However, these consultations have not been particularly successful. Relations between the government and the employers'

association, Confindustria, have been smoother. The new coalition government (between the Five Star Movement and Northern League) so far seems rather reluctant to engage and consult with social actors. The coalition prefers to present itself as the direct representative of the people.

Romania

Score 3

Romania possesses two tripartite bodies, the Economic and Social Council (Consiliul Economic și Social) and the National Tripartite Council for Social Dialog (Consiliul National Tripartit pentru Dialog Social, CNTDS). However, neither the Tudose nor the Dăncilă governments have done much in the way of consulting societal actors. In early 2018, the Dăncilă government disbanded the Ministry for Public Consultation and Civic Dialogue established by the Cioloș government in 2015, with its responsibilities to be taken over by other unspecified ministries. In October 2018, the government replaced, with little warning, 13 of the 15 representatives on the Economic and Social Council in order to facilitate the acceptance of its priorities. Where consultation with societal actors has occurred, it has been ad hoc and has been used primarily as a means of government communication and not as an attempt at collaboration. Societal actors as diverse as trade unions and the judges' professional associations have complained that their views have not been taken seriously by the government. In October 2018, the Foreign Investors Council, an organization serving as a liaison between Romanian policymakers and the foreign investor community, criticized the government's strong reliance on emergency ordinances and for its tendency to reduce formal consultation periods to a mere days.

Turkey

Score 3

According to the Regulation Concerning the Procedures and Principles of Preparation of Legislation (Article 6), ministries may announce draft texts that are of public concern via the internet, press or printed publication before forwarding it to the Prime Minister's Office. However, decision-makers (the executive) are not required to consult with civil society organizations, although decision-makers may choose to (Article 7/2 and 3). Consequently, government decisions are made after the draft text has been publicly debated. In developing policies on housing, energy and education, among other policy areas, ministries may convene consultative bodies of major stakeholders, although not all sectors or organizations are typically included. The 64th and 65th government programs included some strategic goals for public-civil society dialogue. However, these goals were limited to the development of civil society and cooperation in cultural affairs. Circumstances since 2015 have prevented the inclusion civil society in participatory mechanisms.

Turkey's national development plans emphasize the importance of cooperation between NGOs and the public sector. The EU-funded public-civil society dialogue projects promote the participation of civil society in public decision-making. The

relationship between government and society, and parliament and society are not based on a systematic and structured consultation mechanism. Due to increasing political polarization during the review period, the government has increased restrictions on public access to policymaking processes and tended to consult only with pro-government actors.

Some civil society organizations (e.g., TÜSİAD) established the delegation on the Relations with the Parliament and Public Institutions, and organized several meetings with the governmental representatives.

In general, governmental authorities consider this requirement to have a “slowing” effect on policymaking (e.g., on progressive projects such as urban renewal or the planning of hydroelectric power plants). Draft policies and laws are not subject to public consultation, despite legal requirements.

Citation:

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64th Government Program, http://www.akparti.org.tr/upload/documents/64.hukumet_programi.pdf (accessed 27 October 2018)

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Hungary

Score 2

The Orbán governments have largely refrained from consulting with independent societal actors. Orbán has argued that the government’s strong parliamentary majority has vested it with sufficient legitimacy to carry out profound changes without consulting stakeholders. Instead, the government’s main means of “listening” to society and citizens has been the so-called national consultations, fake referendums based on letters to citizens with misleading and manipulated questions. While the government justifies the national consultations as evidence that it is listening to the people, their real functions are the mobilization of Fidesz voters on a permanent basis, not the least by making it possible to compose lists of those who have answered these letters. In early November 2018, the government launched the 8th national consultation focusing on the support for families.

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