

Public participation in lawmaking: current practices, challenges and opportunities

Sandra Pernar
Senior Advisor
Croatian Government
Office for Cooperation with NGOs

Public consultations

- A relatively new mechanism – in last 20 years efforts are being made to develop the **framework for participation** and to promote it, in particular it was encouraged with the development of **IC technology** and opportunities that Internet gives for communications with the public
- Public consultations are being implemented according to the principles of **two way communication, transparency and openness** of the public authorities and **responsiveness** in relation to the needs and interests of citizens and other subjects

- Institutionalising a minimum level of citizen engagement in the policy process is important for ensuring that the **views of citizens and other stakeholders are present** when decisions are made, and that **decisions are better informed** as a result.
- Public consultation is a formal process through which citizens and stakeholders can give **feedback** on policy analysis, proposals and options. It can take place **at various stages of the policy process**, from exploring ideas set out in policy papers through to scrutinising drafts of legislation.

Consultation – free expertise, better quality of decisions and strengthening of trust

Gathering wide spectrum of data, ideas and expert opinions

Space for innovative solutions

Timely discovery of potential problems in the implementation of regulation

Prevention of public critics about closeness and exclusiveness

Building trust in institutions of governance

Strengthening citizens and of democratic civic political culture

Shared responsibility for decision making

Additional benefits of consultations to have in mind



Consultations at different stages of decision making process

Consultation	Petitions Online consultations	Hearings, public discussions and panels (Q&A) Expert seminars Councils and advisory bodies Working groups (Online consultations)	Open plenary sessions or committee sessions	Events, conferences, forums (gatherings), seminars	Mechanisms for feedback information	Conferences or meetings Online consultations
Steps in the decision making process	Planning	Developing a draft	Decision making	Implementation	Monitoring	Re-formulation

Methods of consultation

Most common:

- Online consultations
- Hearings, public discussions or public meetings
- Consultative meetings
- Survey

Innovative:

- Use of social networks
- Open Space method
- World Café

Other methods:

- Half structured and individual interview
 - Focus groups
 - Workshop
 - Citizens' panel

Methods of consultation

- Methods are chosen in regard to the following criteria:
 - **Efficiency** (do they match with time, human and financial resources available for the implementation of consultations)
 - **Suitability for the target group = key stakeholders** (communication style, level of information, time and space availability of interested parties)
 - ***The choice of method influences quality and quantity of inputs from interested public***

Questions to help in assessing the suitability of methods:

- Which persons/target groups will most likely participate if this method is used?
- Are there groups for which this method is not suitable?
- What are the alternative methods to involve those groups?
- Are there umbrella organizations which can help in gathering opinions of other organizations?

THE ROLE OF CONSULTATIONS IN THE PROCEDURE OF DEVELOPING NATIONAL STRATEGY

- **Combination of methods of consultation**

- **→ better quality of the document**

- Open Space method
- Public discussion / meeting
- Working groups
- Online consultation
- Social networks



Providing feedback

- Preparing and publishing the report on conducted consultations is of crucial importance for the **integrity of consultation procedures**. It also sends a positive message to everyone who participates in consultations that their **effort is acknowledged**.
- Providing feedback is important in order to further **build trust in the consultation process** among citizens and CSOs. This has proven to **encourage higher participation** in public consultations, which in turn contributes to the **higher quality of policies, laws and other acts**.
- Giving feedback is not just a question of publishing report on consultation: it is recommended that everyone who participated receives a **thank you note** (joint or individual) and an acknowledgment of receipt => encourages them to participate in the future

Format of the report

“We asked, You said, We did”

1. **We asked** – *which key topics/questions were raised in public consultation*
2. **You said** – *what was the feedback/contribution of interested public*
3. **We did** – *what have we done with contributions from the public* – explaining the effect of consultation on the final content of the act – especially explain why some suggestions/comments were not accepted

10 steps towards effective consultation process

1. Identify the key issues on which you want to get the answer in the consultation process
2. Determine which stakeholders have high interest or influence in relation to the topic
3. Select the appropriate method of consultation (innovative „open space“, public discussion, working groups, online consultations, social networks etc.)
4. Publish a call to the interested public to participate in consultation
5. Proactively inform key stakeholders about possibilities for participation



10 steps towards effective consultation process

6. Confirm receipt of comments, say thank you and announce the next steps
7. Publish comments received in the public consultation online
8. Analyse comments received in the public consultation
9. Publish a report on the results of the consultation
10. Inform all participants in the consultation on the report released

Guiding principles of consultation

1. **Participation:** Is it performed widely, without discrimination, accessible (from different perspectives – geographic, language, style, virtual) to all interested stakeholders, including underrepresented and marginalized groups?
2. **Effectiveness:** Is there necessary capacity to perform consultation? Is timing such that it provides meaningful impact? Is there sufficient time for commenting? Are methods of consultations chosen properly?
3. **Transparency and accountability:** Are there clear understandable rules for conducting consultations (such as the minimum duration)? Is all information necessary for efficient participation available to stakeholders (published), including contributions received from stakeholders and feedback that was given to them?
4. **Consistency:** Is there a consistent and uniform approach to public consultations from all public authorities? Is the quality of public consultations monitored and evaluated?
5. **Complementarity:** Do public consultations assist the law-makers by providing them with information that may not otherwise be available to them? – Responsibility for choosing an appropriate policy and legislative solution and for actual drafting rests with the state authorities

Thank you for you attention!

sandra.pernar@udruga.vlada.hr

sandra.pernar@gmail.com