

Bringing Organized Interest Groups into Decision-Making

Summary

- This note seeks to address a request from the Nordic+ group of OGP member countries to share guidance on improving governance with organized interests.
- There are multiple forms of public participation. The use of “advisory councils” (also “consultative councils” or “oversight councils”) is usually chosen when particular stakeholder groups need to be part of a decision-making process, rather than an open call for participation. In addition, these councils usually meet on a regular basis, often dealing with long-term challenging preparatory issues, especially legislation or regulation.
- All advisory committees are not equally effective. Elements of good structure include:
 - **Formality:** Bound by rules.
 - **Mandate:** Clearly explained role and how the committee relates to decision making.
 - **Transparency:** Selects members and operates transparently according to rules.
 - **Responsiveness:** Regularly receives, solicits, and responds to public comment.
 - **Representativeness:** Members represent and are chosen with the input of their constituents.
 - **Autonomy:** A committee may carry out its mandate with a minimum of political interference once established.

Why this topic?

At the 2022 Europe Regional Meeting, the Nordic+ group of governments and civil society organizations requested good practices to bring interest groups and experts into decision-making processes. Specifically, this addresses a request from a number of the countries to differentiate between different types of “the public” or “civil society.” Namely, what forms of participation support the involvement of the *organized public* versus the general public. This note attempts to identify best practices, drawing on the experiences within the region and beyond.



Varieties of participation

In general governments establish processes of public participation in decision-making for a variety of reasons, but these take different institutional forms. Some of these forms are representative or stratified—meaning that they involve representatives of the public at large or particular groups. Alternatively, some of these forms are pluralistic, in that all interested parties may make a representation. Widely used forms are as follows:

1. **Regularized, formal participation:** Often, through official notice and comment periods on legislation, regulation, or major decisions (such as permits), governments solicit open opinions to inform decision-making. Usually, this participation is open to anyone in the general public.
2. **Deliberative approaches:** Deliberative bodies are usually one-off or part of a finite series of consultations that are usually oriented around a topic or particular planning process. These may be linked to formal decision-making or other processes. How people are selected varies widely, such as random sortition, open calls, and representative models.
3. **Citizens panels and juries:** For some decisions, governments may seat a panel or jury to make difficult decisions, often hearing arguments from experts before making a final decision. While many countries have this model in the judicial branch, other countries, such as the Netherlands, have brought this model to coastal management or other areas requiring legitimacy and public buy-in.
4. **Mini-publics and deliberative polling:** More recently, numerous countries have begun to use mini-publics, which are representative and deliberative, but which may make a recommendation to official decision makers.
5. **Community-based decision-making:** In the environment field, especially in international development, there is a strong focus on communities arriving at consensus-based decisions about local resources, such as hospitals, land use, or water management.
6. **Advisory councils:** Advisory councils are the focus of this guidance. There are numerous structures that bring a multi-stakeholder approach to setting policy agendas, building consensus for decisions, and settling disputes. Often, these structures are built with the explicit participation of organizations representing stakeholder groups with a dedicated interest.

Why go beyond general public participation?

Approaching participation solely through opening up decisions to the general public and creating an enabling environment for civil society is good, but cannot solve everything. To that end, many governments will turn to more focused interest groups or consultation models. Some of the benefits are as follows:

- Policy makers may want to hear more from quieter, less powerful, or marginal voices. In open, “come-one-come-all” processes (often referred to as “pluralist”), the loudest voice may dominate.
- Policy makers may need expertise. Those who are affected by decisions, who must abide by them and implement them, or who have specialized professional expertise may need to help inform any final decisions.



- Policy makers may need cooperation or legitimacy. In turn this may limit non-compliance, protest, litigation, or other concerns. Ensuring that the main players are involved can limit blowback for a decision.
- These models can be an alternative or complement to regulation. In some cases, policy makers may wish to develop policies that combine traditional regulatory approaches with more cooperative approaches.
- Legibility and reasoning for conclusions may be easier to document and communicate decisions to the broader public than when a decision has thousands of comments.
- Policy makers may wish to genuinely share decision-making authority, which is impossible with a pluralist model where participants cannot make a claim to formal “representativeness.”

In these cases, decision makers may aim for a collaborative approach, which brings organized interests with a direct stake in the outcome to try to arrive at a consensus. In English, these are most commonly referred to as “**advisory councils**” (also “consultative councils” or “oversight councils”). In different circumstances, these bodies may be referred to as public commissions or tripartite bodies (especially when involving labor, industry, and government). A few examples from Latvia may help illustrate this type of structure that are of direct relevance to open government:

- [Public Advisory Council of the Bureau of Prevention and Combating of Corruption](#)
- [Information Society Council](#)
- [Implementation Council of the Cooperation Memorandum of Non-Governmental Organizations and the Cabinet of Ministers](#)
- [Roma Integration Policy Implementation Consultative Council](#)

See “Examples from the Region” for more information.

Benefits and risks with advisory councils

Enhancing a process with an advisory council has certain benefits when compared with other approaches to conducting participation.

1. It can help formally bring organized groups into decision-making to ensure that associations, which may be more representative or have more expertise, have a say and can communicate to their constituencies.
2. It can allow for ongoing dialogue between experts inside and outside of government.
3. It may be used at multiple stages of the policy process—from agenda setting to problem-solution identification, and across policy design, monitoring, evaluation, and revision.

The benefits of advisory councils are numerous. Without complementary steps to ensure that they are representative, however, they run several risks.

1. Organized interests may not represent the *public* interest at large.
2. Organized interests may be unrepresentative of their constituents.
3. Individual citizens can be denied a voice.

To maximize the benefits and limit the risks, it is important to design such participation well, as part of a balanced menu of public engagement.



Why work on this in OGP?

While there is a long history of incorporating organized interests in OGP, not all members have deep histories with independent, organized interest groups. Similarly, some countries have long histories of public participation, but this public participation is not always democratic or compatible with democratic freedoms.

So if everyone does it to a greater or lesser extent, what is important about organizing these efforts through OGP?

- **Ensuring that these forms of participation support democratic values:** OGP can be a place to discuss how to better incorporate interest groups and expert participation in a way that is democracy enhancing, rather than as a substitute.
- **Ensuring that they are representational and inclusive:** OGP can be a place to share practices about how to make these processes more representative of those with a stake in a decision.
- **Ensuring that they are meaningful:** Participation in committees can be “pro forma” or tickbox. The OGP community will have ideas about strengthening feedback loops, mandate, and accountability for decisions.

Design principles

How an “advisory committee” is set up and run matters. As noted above, some advisory bodies are more legitimate than others, some are more influential, and some are more permanent.

Formality matters. In some cases, a committee may be ad hoc or extralegal, depending on the laws of the country. Regardless, having clear, public, written rules on the mandate and composition of the advisory body is key. The public should have access to the rules of selection and it should be relatively easy for a civil society member (or business) to make the case for candidacy if it is open and competitive.

Mandate matters. Before beginning the work of an advisory committee, it is essential to understand the degree to which a committee is advisory or decisional. It may be that in some areas, the body is advisory and in a few, rarer cases, it may be able to set priorities. In addition, an advisory committee may have a limited task (such as, to prepare a single draft policy, set of recommendations, develop a consensus position, or issue a report). Other times, it may be a standing body that may establish its own priorities, either on an as-needed basis or on a rotating basis.

Transparency matters. Because advisory committees often have representatives from civil society with very specific and often exclusive powers, they have an obligation to assume maximum disclosure of agendas, meeting minutes, guests, and decisional documents. Of course, there is a reasonable expectation of deliberation, but this should not be abused. In the case of larger advisory committees, members of the public may observe.

Responsiveness matters. Some standing advisory committees allow for public comment. This can allow them to hear from a broader, more informal set of stakeholders. In the case of standing



advisory committees, public input can help identify problems that need to be addressed, can improve legitimacy, and can help improve the quality of regulation.

Representativeness matters. Legitimacy is key to the quality of an advisory committee if it is to have a long-standing impact. Where regulation is being formed, a committee will want to make sure its recommendations are complied with. Where, for example, a consensus on labor disputes is being reached, a committee would want to ensure that negotiators represent their constituencies and can minimize undue disruptions or abuses. To that end, the selection of representatives is essential. Representativeness is the key distinguishing feature of the Nordic model. Historically, in comparison with some of its more authoritarian counterparts, representatives from unions are directly elected by union members in the Nordic model. This stands in contrast to the government-selected non-governmental representatives from other countries. In addition, ensuring the right level of representation from government bodies is also essential, ensuring that attendees are able to represent the legal obligations of their ministries or agencies and are of adequate seniority to negotiate consensus and deliver decisions.

Autonomy matters. Once established, a committee should be able to work toward its goals free of undue political interference within the bounds of its mandate. Of course, that does not mean that a committee should be “autarkic” but it should follow its objectives as set out by the law and its role, subject to oversight and alteration at established intervals (rather than on an ongoing basis). The case from Finland in “Examples from the Region” highlights why it is important that they may set their own agenda and call their own witnesses, especially for councils that deal with sensitive matters or scientific issues (in addition to responding to requests from politicians and members of the public).

Embeddedness matters. A committee should clearly interface with real decision-making, whether in a parliamentary or administrative context. Participants and observers should understand just how their inputs and efforts into the work of the committee may result in practical decisions.

Constructive orientation. It is important that there is a dedicated, shared agenda, with the aim to inform progress, identify problems, and help inform design and implementation of policy. In this sense, it is essential that councils have cultures of preparation, dialogue, and proactiveness.

Examples from the Region

Latvia: Centralizing and Improving Advisory Councils

Beginning in 2017, Latvia’s Implementation Council of the Cooperation Memorandum of Non-Governmental Organizations and the Cabinet of Ministers approved the guidelines for the activity of the advisory councils. The guidelines were developed by the Ministry of Culture and the "Civil Alliance of Latvia" society, in accordance with the work plan of the Memorandum Council for [2017](#).

The [website](#) currently lists dozens of advisory councils that bridge the work of government and civil society. (Number of councils in parentheses.)

- State Chancellery/Cabinet of Ministers (3)
- Ministry of Culture (7)



- Ministry of Welfare (3)
- Ministry of Finance (2)
- Ministry of Justice (1)
- Ministry of Economics (6)
- Ministry of Transport (2)
- Ministry of Foreign Affairs (1)
- Ministry of Education and Science (4)
- Ministry of the Interior (1)
- Ministry of Environmental Protection and Regional Development (2)
- Ministry of Health (19)
- The Ministry of Agriculture (2)
- Corruption Prevention and Combating Office (1)
- Society Integration Fund (1)
- Interdepartmental Coordination Center (2)

In addition, the Implementation Council has also adopted 10 principles to guide the operation of these advisory councils. These are:

1. Openness
2. Accessibility and advance notice
3. Constructive discussion
4. Economy of time resources
5. Rotation of opinions and representatives
6. Balance in membership and background
7. Experience and recognition of membership
8. Feedback on management
9. Public involvement
10. Follow up and feedback

Finland: Digitalization for Everyday Life Advisory Board

In Finland, advisory councils are often used to support drafting policy, mapping challenges, and proposing new initiatives. One example of direct relevance to OGP is the Digi arkeen Advisory Board. According to its [website](#):

The Digi arkeen (Digitalisation for everyday life) Advisory Board is a channel for cooperation and dialogue between NGOs, researchers, different authorities and the Ministry of Finance, which is responsible for the digitalisation of public services. The aim of the Digi arkeen Advisory Board is to support the development of digital services so that different population groups can use them on an equal basis. The Advisory Board strives to increase the dialogue between the designers and users of digital services, for example from the perspective of special groups. The work is also aimed at identifying and supporting new ways of organising cooperation between the administration, NGOs and research.

The Digi arkeen Advisory Board has 17 members in addition to its chairperson. The Advisory Board is chaired by Marianne Heikkilä from the Martha Organisation, with Sari Vapaavuori from VALLI, the Finnish Union for Senior Services, as vicechair. The Advisory



Board is composed of representatives of various organisations and authorities, and it meets 4 to 6 times a year.

In addition, some advisory committees have special mandates that establish independence and limit the formal “expertise” of government advisors in order to ensure that a wide range of viewpoints are heard. For example:

*The Advisory Body on Civil Service Ethics is a permanent body for considering ethical issues, which currently has been appointed for a term running from 22 April 2021 till 30 April 2025...The tasks of the Advisory Body on Civil Service Ethics referred to in section 68(1) of the Public Servants Act (750/1994) are: submitting initiatives and issuing general recommendations on public service ethics as well as supporting decision-making; giving statements on issues concerning civil service ethics on request of central government agencies; promoting discussion on a public service ethics; at its discretion, performing tasks related to public service ethics proposed to it by the Ministry of Finance. **The Advisory Body on Civil Service Ethics makes its own decisions about the issues related to public service ethics or ethical problems which it examines and on which it gives statements.** In this context, an ethical problem refers to situations where it is unclear what the ethically justified way to act would be. **The Advisory Body may, on its own initiative, also discuss problematic cases other than those listed here.** In addition, public officials may propose issues for the Advisory Body to discuss. Rather than answering individual questions posed to it, the purpose of the Advisory Body is to express its views as public statements. The Advisory Body is tasked to examine civil service ethics as part of the political and administrative system as a whole, in which the specific roles of public officials and politicians are also relevant to ethics in public administration. The members of both groups must act in an ethically sustainable manner. The statements and recommendations issued by the Advisory Body are consultative rather than legally binding. [Emphasis added]*

Different models in historical context

In many countries, there are rules and processes to solicit public input and participation, most frequently in regulatory processes and in impact assessment. In the Nordic countries, however, there is a [longer history](#) of consensual decision-making. This means having formal or somewhat informal, practical representation of interest groups at the decision-making table.

This model of formal or “corporatist” decision-making can be compared to what are considered more traditionally “Anglo-American” or pluralist models of decision-making.

Both pluralistic and corporatist modes of decision-making share the following characteristics:



1. Inclusion of formal associations such as industrial groups, non-governmental organizations, professional associations, labor organizations, and consumer rights groups;
2. A recognition that different associations and interests may come into conflict;
3. A role for permanent, technical staff and knowledge management;
4. An organizational structure that is not based on subnational units or political parties; and
5. An understanding that actors outside of government have an important role to play in decision-making.

However, these two models differ in key ways.

- **Pluralism** involves an unspecified number of multiple, voluntary, competitive, non-hierarchically ordered, and self-determined (as to type or scope of interest) categories, which are not specially licensed, recognized, subsidized, created, or otherwise controlled by the state.
- By contrast, **corporatism** has a fixed number of singular, non-competitive, representative organizations that take part in decision-making.

Corporatist decision-making is not unique to the Nordic countries. South Africa, for example, has two organizations—the South African National Civics Organisation (SANCO) and the South African NGO Coalition ([SANGOCO](#))—mandated by its constitution. Famously, this model was also the primary means of organization in Spain, Portugal, and many parts of Latin America.

Few democratic countries opt for exclusively pluralist or corporatist modes of participation and policy-making. (Nor do any modern states rely solely on elected legislatures to carry out all policy-making, as it is simply impossible to run a state by parliaments alone.) In fact, some of the most interesting models of corporatist governance come from pluralist countries—these are detailed below. Similarly, such models are often opted for in smaller countries that require greater economic specialization, and are rarer in countries like France, Germany or the United States, whose economies are often too complicated to regulate through centralized decision-making.

There are also differences among the countries that frequently use corporatist models of decision-making. These participatory processes vary widely in terms of the degree of state control of leadership, agenda setting, and autonomy to voice opinions. One would not do well to compare the freely elected heads of labor unions in Nordic countries to the government-chosen leaders from Mexico during the 70-year period of one-party rule, even though both took part in corporatist advisory committees.



Annex: Resources

Relevant Examples from OGP Members

APPROACHES TO EMBEDDING CIVIL SOCIETY AND CITIZEN ENGAGEMENT

- **France** has one of the best examples currently, with their new [Interdepartmental Centre for Citizen Participation](#).
- **Latvia** has a Council for the Implementation of the Memorandum of Cooperation between NGOs and the Cabinet. An overview of how it operates and engages stakeholders can be found [here](#). Latvia has also [committed](#) to strengthening the representation of sectoral partners in decision-making by requiring ministries to identify and maintain regular dialogue with civil society organizations, social partners, experts, industry representatives, and others in the ministry's areas of activity.
- The **Republic of Korea** has a long-standing Civil Society Committee, through which it has [committed](#) to expand both online and off-line communication between the government and civil society to lay the institutional foundation for civil society's participation in policy-making.
- **Sweden** has [developed](#) a dialogue model to engage with CSOs called "sakråd," translated as "issue-specific consultations." The model is now used [regularly](#) to reach consensus on otherwise thorny topics.
- **Scotland (United Kingdom)** [appointed](#) a working group to make [recommendations](#) on how to institutionalize participatory and deliberative democracy.
- The **United States** has the [Federal Advisory Committee Act](#), which provides the legal basis for how federal advisory committees should operate. The country also maintains a public [Federal Advisory Committee Database](#). In addition, it has numerous standing policy-advisory committees such as the [National Environmental Justice Advisory Committee](#) which regularly sends advice to agencies and serves as a listening post for marginalized communities.
- **Mexico** has a legally established [citizen council](#) for formulating all public policies.
- **Serbia** [committed](#) to improving cooperation with civil society organizations in public policy-making.
- **Slovakia** has a [Council for the Slovak Government for Non-Governmental and Non-Profit Organisations](#) with membership from across ministries and civil society. It considers, and proposes, measures for the ongoing development and regulation of non-governmental non-profit organizations and their operating environment. Until 2021 when a dedicated MSF was established the NGO Council also oversaw Slovakia's OGP participation.
- The [public consultation section](#) of the OGP Support Unit's *Regulatory Governance* report includes further examples.



INSTITUTIONALIZED OGP MULTI-STAKEHOLDER PLATFORMS

- **Costa Rica** has an Open State Multi-Stakeholder platform that brings together all branches of government with civil society to coordinate open government reforms across state institutions. The Terms of Reference (in Spanish) can be found [here](#).
- The **Philippines** has a [participatory governance cluster](#) at the Cabinet level. This does not include formal membership of civil society, but civil society representatives are often part of the discussions and meetings informing the work of the cluster. Civil society representatives have a separate [OGP Multi-Stakeholder Forum](#) (MSF), but within government there is coordination between OGP and the participatory governance cluster to ensure high-level support and buy-in.
- **Georgia** has an [institutional basis](#) (by decree) for their OGP Georgia Forum and High Level Councils.
- **Spain's** [Open Government Forum](#) is established under a [legislative order](#) and has a large plenary with representatives from across national and regional government as well as civil society, which meets once a year. The ongoing work of the forum is delegated to a series of thematic [working groups](#).
- The **Czech Republic's** MSF is [established](#) under statute as the “Prime Minister's Working Committee for Coordinating the Fight against Corruption for Open Governance and State Administration Transparency.”

PLATFORMS FOR CITIZEN ENGAGEMENT

- **Estonia** [committed](#) to developing a centralized platform to promote a [legislative and regulatory co-creation](#) process, where the public can access the edit history, meeting records, and reasoned government responses to feedback related to policies.
- The **Republic of Korea** launched the [Gwanghwamoon 1st Street platform](#) for citizen engagement in 2017, and has expanded it into an [Open Communication Forum](#), with an [ongoing commitment](#) to improve the use of these platforms for engaging citizens in policy-making.
- **France** has [established](#) an Interdepartmental Centre for Citizen Participation. The Centre coordinates the www.participation-citoyenne.gouv.fr platform, which is used for all public consultations by the State.
- **Ecuador** has the [Council of Citizen Participation and Social Control](#), institutionalized in the National Constitution.



Standards and Guidance

GUIDANCE FROM INTERNATIONAL ORGANIZATIONS AND PARTNERS

- The Organisation for Economic Co-operation and Development (OECD) has published the following:
 - [Guidelines for Citizen Participation Processes](#)
 - [Focus on Citizens: Public Engagement for Better Policies and Services](#)
 - [Innovative Citizen Participation and New Democratic Institutions](#)
 - [Recommendation on Regulatory Policy and Governance \(Principle 8\)](#)
- The OGP Support Unit [Regulatory Governance](#) report includes a chapter on consultation.
- Involve has a guide on designing and implementing good citizen participation processes <https://www.involve.org.uk/resource/people-and-participation-how-put-citizens-heart-decision-making>
- The Council of Europe [published](#) the *Code of Good Practice for Civil Participation in the Decision-Making Process*.
- The Organization for Security and Co-operation for Europe published [recommendations](#) on enhancing the participation of associations in public decision-making processes.
- The International Center for Not-for-Profit Law (ICNL) published [guidance](#) on how to develop agreements between government and civil society in Central and Eastern Europe.
- The European Center for Not-for-Profit Law created an [overview of civil participation](#) in decision-making in Council of Europe member states.
- The Morris J. Wosk Centre for Dialogue, based at Simon Fraser University in Canada, created a [guide](#) for global practitioners on how to ensure equity in public engagement.

COUNTRY-LEVEL GUIDANCE AND RESOURCES

- Spain published [recommendations](#) on how to improve the functioning of Advisory Councils.
- [Australia](#) and [New Zealand](#) have developed practical guidance and resources for policy makers on citizen participation.
- New Zealand has also developed a [long-term insights briefing](#) on enabling active citizenship and [good practices](#) on advisory councils.
- Italy has developed [guidance](#) on conducting public consultations.
- Lithuania has developed [methodological tools](#) for public consultations.
- Latvia has developed [guidelines](#) for conducting public participation in public administration.
- Scotland (United Kingdom) published a [report](#) on institutionalizing the Participatory and Deliberative Democracy Working Group, which also includes recommendations.
- Slovakia has published several resources:
 - [Manuals and books](#) to help the government participate, divided by different policy themes or participation techniques
 - [Participation 101 course](#)



- [Twelve-week training program](#) for state officials on how to create public policies in a participatory manner (currently in its second iteration)
- Online workshops for state officials on e-participation tools (Participation in the Digital Era [Workshop 1](#) and [Workshop 2](#))

OGP Support Unit Offer

- Providing guidance and support from OGP Support Unit's Lead of Democracy & Participation, and “do's and don'ts” based on [10 years of OGP data](#) and insights on commitments related to participation and civil society engagement. This could include feedback on design and implementation of specific initiatives.
- Facilitating group-based or 1:1 peer exchange with OGP members working on the examples listed above.
- Facilitating technical support from partners:
 - [ICNL](#): Support on civil society regulation and creating the enabling environment for civil society engagement in policy-making
 - [People Powered](#): Mentoring programs for designing or evaluating participatory democracy and participatory budgeting initiatives
 - [Democratic Society](#): Support on democratic innovation projects
 - [Involve](#): Support on democratic innovation projects
 - [OECD](#): Technical assistance on implementation of OECD recommendations and peer exchanges with OECD countries

