

Citizens as Partners

INFORMATION, CONSULTATION
AND PUBLIC PARTICIPATION IN
POLICY-MAKING

GOVERNANCE



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AND PUBLIC PARTICIPATION
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ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

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FOREWORD

In 1999, the PUMA Working Group on Strengthening Government-Citizen Connections launched a survey of the legal, policy and institutional frameworks in place in OECD Member countries to ensure citizens' access to information, consultation, and active participation in public policy-making. A second survey followed in 2000 on the use of new information and communication technologies (ICTs) in strengthening government-citizen connections. A set of country case studies highlighting concrete experience in nine OECD Member countries provided valuable insights to complement the comparative information obtained in the surveys. This report presents the results of over two years of joint efforts which have drawn heavily upon the insights gained during the meetings of the Working Group.

The report was prepared by Joanne Caddy in collaboration with Christian Vergez of the OECD Public Management Service. The report is published on the responsibility of the Secretary-General of the OECD.

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PREFACE

New forms of representation and public participation are emerging in all our countries. These developments have expanded the avenues for citizens to participate more fully in public policy-making, within the overall framework of representative democracy in which parliaments continue to play a central role. Citizens are increasingly demanding greater transparency and accountability from their governments, and want greater public participation in shaping policies that affect their lives. Educated, well-informed citizens expect governments to take their views and knowledge into account when making decisions on their behalf. Engaging citizens in policy-making allows governments to respond to these expectations and, at the same time, design better policies and improve their implementation.

This report is based on extensive surveys and case studies of OECD Member countries undertaken over the last two years. It provides a unique source of comparative information on measures adopted in OECD countries to strengthen citizens' access to information, to enhance consultation and encourage their active participation in policy-making. The report offers an overall framework within which to examine a wide range of country experiences, identify examples of good practice and highlight innovative approaches.

Questions are raised daily with respect to the role of “civil society”, especially in light of the events of Seattle and those which have followed, most recently at the Summit in Genoa. This report is timely. The subject is important. It will be with us for a long time, especially with the growth of Information and Communication Technologies which have facilitated the coordination of action by NGOs and others. I hope this report will contribute to clarifying the issues and support policy-makers in both OECD and non-member countries as part of all our efforts to promote good public governance.

Donald J. Johnston
Secretary-General of the OECD

EXECUTIVE SUMMARY

Engaging citizens in policy-making is a sound investment and a core element of good governance. It allows governments to tap wider sources of information, perspectives and potential solutions, and improves the quality of the decisions reached. Equally important, it contributes to building public trust in government, raising the quality of democracy and strengthening civic capacity.

Several driving forces have led OECD countries to focus attention on strengthening their relations with citizens, including the steady erosion of voter turnout in elections, falling membership in political parties and surveys showing declining confidence in key public institutions. Calls for greater government transparency and accountability have grown, as public and media scrutiny of government actions increases and standards in public life are codified and raised. Governments in all OECD countries are under pressure to integrate public input into the policy-making process, and respond to citizens' expectations that their voices be heard and their views be considered in policy-making.

In strengthening their relations with citizens, governments must ensure that:

- Information is complete, objective, reliable, relevant, easy to find and to understand.
- Consultation has clear goals and rules defining the limits of the exercise and government's obligation to account for its use of citizens' input.
- Participation provides sufficient time and flexibility to allow for the emergence of new ideas and proposals by citizens, as well as mechanisms for their integration into government policy-making processes.

At the same time, the challenges of the emerging information society oblige governments to adopt new information and communication technologies (ICTs) and prepare for greater and faster interactions with citizens. All OECD countries regard new information and communication technologies (ICTs) as a powerful tool and are making significant efforts to bring their administrations and their citizens "on-line".

Governments must invest adequate time and resources in building robust legal, policy and institutional frameworks, developing appropriate tools and evaluating their own performance in engaging citizens in policy-making. Commitment and leadership by politicians and senior public managers are also key ingredients.

Engaging citizens in policy-making is part of good governance

Governments are under pressure to enhance transparency and accountability

Information, consultation and participation are essential

The emerging information society raises new challenges

Governments need to build commitment and capacity

Engaging citizens in policy-making recognises...

Policy-making in all OECD countries rests on the foundation of representative democracy. Within this framework, many OECD countries have long-standing traditions of extensive citizen involvement. All are looking for new ways to include citizens in policy-making.

...information as a basic precondition...

Information is defined in the report as a one-way relationship and covers both “passive” access to information upon demand by citizens and “active” measures by government to disseminate information to citizens. Access to information requires sound legislation, clear institutional mechanisms for its application and independent oversight institutions and judiciary for enforcement. Finally, it requires citizens to know and understand their rights – and to be willing and able to act upon them. All OECD countries must reconcile the citizen’s right to know with the individual’s right to privacy and the need to preserve confidentiality where disclosure of information would be against the public interest. Balancing rights of access, protection of privacy and limits to official secrecy is a significant challenge – especially given the rapid evolution of information and communication technologies (ICTs).

...consultation as central to policy-making...

Consultation is seen as a two-way relationship in which citizens provide feedback to government. It is based on the prior definition by government of the issue on which citizens’ views are being sought and requires the provision of information. Governments define the issues for consultation, set the questions and manage the process, while citizens are invited to contribute their views and opinions. Consultation has only recently been recognised as an essential element of public policy-making in the majority of OECD countries, and legal, policy and institutional frameworks are still under development.

...active participation as a new frontier

Active participation is regarded as a relation based on partnership with government, in which citizens actively engage in defining the process and content of policy-making. It acknowledges equal standing for citizens in setting the agenda, proposing policy options and shaping the policy dialogue – although the responsibility for the final decision or policy formulation rests with government. Active participation recognises the capacity of citizens to discuss and generate policy options independently. It requires governments to share in agenda-setting and to ensure that policy proposals generated jointly will be taken into account in reaching a final decision. Only a few OECD countries have begun to explore such approaches and experience to date is limited to a few pilot cases.

Legal, policy and institutional frameworks are under construction

Access to information is a basic precondition for engaging citizens, and the adoption of freedom of information (FOI) laws has gathered pace in recent years. In 1980 only 20 per cent of the OECD Member countries had legislation on access to information; in 1990 this figure had risen to just over 40 per cent and by the end of 2000 it had reached 80 per cent – or 24 out of the current 30 Member countries. The scope, quantity and quality of government information provided to the public has also increased greatly. Consultation and opportunities for citizens to provide feedback on policy proposals are also on the rise, but at a slower rate. Active participation and efforts to engage citizens in policy-making on a partnership basis are rare.

Governments need to match tools with objectives...

The first step in the design of successful information, consultation and active participation in policy-making is to clearly define the objective of the exercise – on the basis of which the target group (e.g. all citizens, rural

communities, youth) may be identified and an appropriate tool chosen. No single tool or approach will be suitable for every country or situation. Often a mix of tools will be required, and these may need to be adapted to local traditions and practices. The choice of tools will also depend upon the resources (e.g. financial and human), time and skills available.

Even “passive” access to information requires tools to enable citizens to find what they are looking for (e.g. catalogues and indexes). When governments engage in the “active” provision of information, they may use a range of different products (e.g. annual reports, brochures, leaflets) and delivery mechanisms, which may be either direct (e.g. information centres, toll-free phone numbers) or indirect (e.g. media coverage, advertising, civil society organisations as intermediaries).

Governments use different tools to seek feedback on policy issues (e.g. opinion polls and surveys) or on draft policies and laws (e.g. comment and notice periods) from a broad range of citizens. They may also use tools for consultation providing greater levels of interaction (e.g. public hearings, focus groups, citizen panels, workshops) with smaller groups of citizens. Engaging citizens in policy deliberation and active participation requires specific tools to facilitate learning, debate and the drafting of concrete proposals (e.g. citizens’ fora, consensus conferences, citizens’ juries).

ICTs are already transforming relations between governments and citizens. Most governments in OECD member countries recognise their potential and are working to bridge the “digital divide”, and to ensure that all citizens, whether on-line or not, continue to enjoy equal rights of participation in the public sphere. All governments in OECD countries provide an increasing amount of information on-line (e.g. via government websites and portals), although the quantity, quality and range vary greatly. The use of ICTs for feedback and consultation is still in its infancy in all OECD countries (e.g. e-mail addresses on government websites, e-mail lists, on-line chat events). Only a very few OECD countries have begun to experiment with on-line tools to actively engage citizens in policy-making (e.g. on-line discussion groups, interactive games). Integration with established, “off-line” tools and approaches is needed to make the most of ICTs.

No OECD country currently conducts a systematic evaluation of government performance in providing information, conducting consultation and engaging citizens in policy-making. All OECD countries recognise the need to develop tools and to improve their capacity for evaluation. The survey shows a striking imbalance between the amount of time, money and energy that OECD countries invest in strengthening government-citizen relations and the amount of attention they pay to evaluating effectiveness and impact on policy-making.

Access to information, consultation and active participation in policy-making contributes to good governance by fostering greater transparency in policy-making; more accountability through direct public scrutiny and oversight; enhanced legitimacy of government decision-making processes; better quality policy decisions based on a wider range of information sources; and, finally, higher levels of implementation and compliance given greater public awareness of policies and participation in their design.

...and use tools to inform...

...consult and actively engage citizens in policy-making

Unlocking the full potential of ICTs...

...while integrating them with traditional tools

Capacity for evaluation is lacking

Engaging citizens in policy-making is a sound investment

***Providing support to good
governance in Member
countries...***

The OECD supports its Member countries in building and strengthening effective, efficient, transparent and accountable government structures. This report on “Engaging Citizens: Information, Consultation and Public Participation in Policy-making” is designed to contribute to this goal by supporting the development of effective frameworks for information, consultation and active participation by citizens in public policy-making. A policy brief for policy-makers is available on the OECD website, outlining the main lessons and findings of the report.

***...and engaging in policy
dialogue with non-member
countries***

Another area of increasing importance to the OECD's work in good governance is the establishment of policy dialogue with non-member countries to foster mutual learning and exchange. This report seeks to contribute to the goal of sharing good practice. It is accompanied by a practical *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-making* designed for government officials in OECD Member and non-member countries. The handbook offers a practical guide in building robust frameworks for informing, consulting and engaging citizens during policy-making, and is available free on-line on the OECD web site.

Guiding principles for successful information, consultation and active participation of citizens in policy-making

1. Commitment

Leadership and strong commitment to information, consultation and active participation in policy-making is needed at all levels – from politicians, senior managers and public officials.

2. Rights

Citizens' rights to access information, provide feedback, be consulted and actively participate in policy-making must be firmly grounded in law or policy. Government obligations to respond to citizens when exercising their rights must also be clearly stated. Independent institutions for oversight, or their equivalent, are essential to enforcing these rights.

3. Clarity

Objectives for, and limits to, information, consultation and active participation during policy-making should be well defined from the outset. The respective roles and responsibilities of citizens (in providing input) and government (in making decisions for which they are accountable) must be clear to all.

4. Time

Public consultation and active participation should be undertaken as early in the policy process as possible to allow a greater range of policy solutions to emerge and to raise the chances of successful implementation. Adequate time must be available for consultation and participation to be effective. Information is needed at all stages of the policy cycle.

5. Objectivity

Information provided by government during policy-making should be objective, complete and accessible. All citizens should have equal treatment when exercising their rights of access to information and participation.

6. Resources

Adequate financial, human and technical resources are needed if public information, consultation and active participation in policy-making are to be effective. Government officials must have access to appropriate skills, guidance and training as well as an organisational culture that supports their efforts.

7. Co-ordination

Initiatives to inform, request feedback from and consult citizens should be co-ordinated across government units to enhance knowledge management, ensure policy coherence, avoid duplication and reduce the risk of “consultation fatigue” among citizens and civil society organisations. Co-ordination efforts should not reduce the capacity of government units to ensure innovation and flexibility.

8. Accountability

Governments have an obligation to account for the use they make of citizens' inputs received through feedback, public consultation and active participation. Measures to ensure that the policy-making process is open, transparent and amenable to external scrutiny and review are crucial to increasing government accountability overall.

9. Evaluation

Governments need the tools, information and capacity to evaluate their performance in providing information, conducting consultation and engaging citizens, in order to adapt to new requirements and changing conditions for policy-making.

10. Active citizenship

Governments benefit from active citizens and a dynamic civil society, and can take concrete actions to facilitate access to information and participation, raise awareness, strengthen citizens' civic education and skills, as well as to support capacity-building among civil society organisations.

(See also Section IV for more details)

Part 1

**STRENGTHENING
GOVERNMENT-CITIZEN RELATIONS**

Section I

WHY STRENGTHEN GOVERNMENT-CITIZEN RELATIONS?

The confidence of citizens in the public administration has to be built up through productive encounters with the public sector. Confidence is built by clarifying expectations and then fulfilling them.

(Norway questionnaire response)

Citizens are the heart of democracy. Democracy, as a system of government, rests upon the consent of citizens. Commitment to the principles of **democratic government** and respect for **human rights** characterise OECD Member countries and are themselves criteria for membership. Free and fair elections, representative assemblies, accountable executives and a politically neutral public administration are all elements of representative democracy designed to ensure that government is “for the people”. At the same time, new forms of representation and types of public participation are emerging in all OECD Member countries (such as civil society organisations) and traditional forms are being renewed (e.g. public hearings) to give greater substance to the idea of government “by the people”. These developments have expanded the avenues for citizens to participate directly in the public sphere, within the overall framework of **representative democracy** in which parliaments play a central role.

There is a growing demand for transparency, accountability and participation. Such developments must be placed in the wider context of the profound economic, demographic and social changes of the post-war period. Citizens in all OECD countries today enjoy higher levels of income, education and opportunities offered by the information age than did members of any previous generation. Surveys show an accompanying shift in values from materialist to “quality of life” issues (such as concern for environmental protection) and a decline in respect for authority and hierarchy (e.g. World Values Survey – see: <http://wvs.isr.umich.edu>). At the same time, citizens increasingly value democracy as a system of government, demand greater transparency and accountability from government, and favour public participation in the shaping of policies that affect them. Highly educated, well-informed citizens expect governments to take their views and knowledge into account when making decisions – a development that has led to the “professionalisation” of the public sphere.

Among the driving forces that have led governments to strengthen their relations with citizens, are the need to:

- **Improve the quality of policy**, by allowing governments to tap wider sources of information, perspectives, and potential solutions in order to meet the challenges of policy-making under conditions of increasing complexity, policy interdependence and time pressures.
- **Meet the challenges of the emerging information society**, to prepare for greater and faster interactions with citizens and ensure better knowledge management.
- **Integrate public input into the policy-making process**, in order to meet citizens' expectations that their voices be heard, and their views be considered, in decision-making by government.
- **Respond to calls for greater government transparency and accountability**, as public and media scrutiny of government actions increases and standards in public life are codified and raised.

- **Strengthen public trust in government** and reverse the steady erosion of voter turnout in elections, falling membership in political parties and surveys showing declining confidence in key public institutions.

Governments have sought to respond to citizens' demands in several ways. The trend in **devolution** of decision-making powers from national to regional and local levels in OECD Member countries is itself an important contribution to closing the gap between government and citizens. Many have introduced new forms of public consultation (in addition to elections and referenda) and adopted new tools (such as **information and communication technology**). In so doing, governments have begun to recognise that citizens cannot be treated as a homogeneous group, that they may reject government proposals if consulted late in the decision-making process, and that engaging citizens effectively requires commitment, resources and time.

Collaboration far outweighs conflict. In recent years, government-citizen relations have become a high-profile issue, appearing regularly on the evening news and on government agendas across OECD Member countries. At the national level, a vocal and active citizenry are increasingly prepared to take to the streets in protest and have adopted new tools – notably the Internet – to promote their ideas and influence decision-makers. Once confined to the national level, mobilisation by citizens and civil society organisations (CSOs) has recently begun to target international policy-making, as well as the multilateral institutions charged with implementing decisions made by governments. Despite the high visibility and political salience of such events, they represent only the tip of the iceberg in the wider sphere of government-citizen relations. At all levels of government, citizens and their associations are playing an ever-greater role in providing input to decision-making, shaping policies for the future, and delivering key services.

Engaging citizens is a sound investment in public policy-making. As these new relationships have evolved and matured, governments have increasingly recognised their reliance upon the active contribution of citizens in making better decisions and achieving policy objectives. In this perspective, strengthening government relations with citizens may be seen as a sound investment in tapping new sources of policy-relevant ideas, information and resources for implementation. Of course, many OECD Member countries have long-standing traditions of citizen involvement – which are reflected in relatively high levels of public trust in government. Others have well-established models of consultation based on tripartite negotiations between business, labour and the government. At the same time, many of these are looking for new ways to include a more complex and fragmented range of interests within society in policy-making. It is against this broad and evolving backdrop of government-citizen relations that the current report is set.

Government-citizen relations is a core element of good governance. The context in which national governments and their citizens interact is increasingly complex. Policy decisions are made at multiple levels of government. The solutions to many problems (e.g. environmental degradation, tax evasion, crime) require co-operation and agreement across regions, countries, or at the global level. Modern information and communication technologies (ICTs) have reinforced these interdependencies. Faced with such complexity and a perceived loss of influence over national and local policy decisions, many citizens are complaining of a “democratic deficit”. In considering these challenges, governments increasingly realise that they will not be able to conduct and effectively implement policies, as good as they may be, if their citizens do not understand and support them. Thus, governments are looking for new or improved models and approaches to inform, consult and engage citizens in the policy-making process. Such efforts to introduce elements of participatory democracy are not intended to replace, but to complement, representative democracy. This report seeks to develop an initial response to a policy issue currently facing all OECD Member countries, namely:

How can governments improve the transparency, accountability, legitimacy, quality and effectiveness of their policy- and decision-making by enhancing information, public consultation and active participation?

1.1. Which government? Which citizens? Which relations?

While recognising the majority of citizens' contacts with government take place during service delivery and at the local level, this report focuses on information, consultation and active participation of citizens in **policy-making by national government**. While these three types of government-citizen interaction are treated as distinct analytical categories for the purposes of this report, they do in fact lie along a spectrum and may be found in combination. Information, for example, is an essential precondition for both consultation and active participation. When referring to policy-making, the entire policy cycle is included – from policy preparation, to decision-making, implementation and evaluation – as it operates under normal circumstances of everyday decision-making (see Table 1). While information is crucial at each stage of the policy process, the majority of consultation and active participation efforts are concentrated within the policy design stage. The report does not refer to political campaigns, elections, or demonstrations, nor does it cover policy-making at the international level.

Citizens are affected by decisions made at several **levels of government**, but they generally have the most contact with local governments – who also deliver a major share of public services. Many OECD Member countries have in recent years undertaken a major devolution of powers from central to regional and local governments, in an attempt to bring decision-making closer to the citizen (e.g. the Czech Republic, Poland, Italy, the United Kingdom). Local government is also recognised as being a valuable source of innovation and inspiration for central government in strengthening its own relations with citizens (e.g. Canada, Finland, New Zealand). This report examines the challenge of seeking stronger relations with citizens from the perspective of **national government**.

Governments have an interest in different groups of **citizens**, depending on the policy sector and stage of the policy cycle. For example, they may wish to solicit feedback from individual citizens or obtain input from organisations representing citizens' interests, for whom different approaches and tools may be necessary. In seeking to engage citizens in policy-making, governments may have particular target groups in mind – for example linguistic or ethnic minorities (e.g. Canada, Finland, New Zealand) and rural or remote communities (e.g. Australia, Ireland, Greece, Norway). Although it makes reference to citizens' associations and CSOs it is, in the first instance, concerned with governments' efforts to provide **individual citizens** with information, opportunities for consultation, and active participation.

Governments and citizens have their most frequent contacts in the delivery and consumption of public services. Indeed, efforts to build a responsive administration in OECD Member Countries have long focused on improving this fundamental relationship – one that is of continuing importance today (see Annex, Table 33). Feedback from citizens on service delivery provides an important source of information for governments, but citizens are also seeking other, more direct ways of receiving information on, and participating in, the **policy-making** process.

While recognising the wide range of issues that contribute to strengthening government-citizen relations, this report focuses on:

- The particular challenge faced by **national government** in strengthening its relations with citizens.
- Information and participation by individual citizens and civil society organisations.
- The processes of **policy-making** rather than service delivery.

Commitment, leadership and capacity are needed for success

While the benefits of engaging citizens in policy-making may be considerable, governments should not underestimate the risks associated with poorly designed and inadequate measures for information, consultation and active participation. They may seek to inform, consult and encourage active participation by citizens in order to enhance the quality, credibility and legitimacy of their policy decisions, only to produce the opposite effect if citizens discover that their efforts to be informed, provide feedback and actively participate are ignored or have no impact at all on the decisions reached.

Table 1. **Information, consultation and active participation throughout the policy cycle**

Stage of policy cycle	Information	Consultation	Active participation
Design	<ul style="list-style-type: none"> • White Papers, policy documents • Legislative programmes • Draft laws and regulations 	<ul style="list-style-type: none"> • Large-scale opinion surveys • Use of discussion groups or citizens' panels • Invitation of comments on draft legislation 	<ul style="list-style-type: none"> • Submission of alternative draft laws or policy proposals • Public dialogue on policy issues and options
Implementation	<ul style="list-style-type: none"> • New policy or regulations and their provisions 	<ul style="list-style-type: none"> • Use of focus groups to develop secondary legislation 	<ul style="list-style-type: none"> • Partnership with CSOs to disseminate information on compliance with new laws
Evaluation	<ul style="list-style-type: none"> • Public notice of evaluation exercises and opportunities to participate 	<ul style="list-style-type: none"> • Inclusion of stakeholders in reviews of government evaluation programmes and results 	<ul style="list-style-type: none"> • Independent evaluation conducted by CSOs

Poor practice has its risks. The report emphasises the benefits to governments of engaging citizens in policy-making and devotes considerable space to “good practices” and successful examples. At the same time, it should be recognised that governments may undertake information, consultation and active participation in order to: defer difficult decisions through extended discussions and debate; stave off protests and deflect criticism by launching consultation without any real intention to incorporate the results; respond to international peer pressure by introducing “cosmetic” measures to improve the interface with citizens without fundamental changes in traditional policy-making processes; share responsibility (or shift the blame) for difficult or unpopular policy decisions.

Reap the benefits and reduce the costs. At the same time, providing the public with greater opportunities for information and consultation may prove costly for governments, generate opposition and impose significant delays on policy-making. On the other hand, the costs of providing little or no information and conducting poor consultations should also be recognised in terms of the potential loss of government legitimacy and credibility. The time and effort that citizens are willing to invest in being informed or consulted is itself a resource for public policy-making. Governments must therefore make every effort to lower the thresholds for citizens’ access to information and participation, employ best practices and account for the use they make of citizens’ inputs. Many risks can be reduced – although not eliminated – by clearly defining the objectives and limits of public information and consultation and by selecting the appropriate tools. This report seeks to provide concrete examples of how many OECD Member countries are approaching, and resolving, these issues.

By enlarging the circle of participants in policy-making, governments raise the **quality** of policies by gaining access to new sources of information (e.g. in evaluating the impact of draft legislation) as well as their chances for successful **implementation**. By ensuring that all interested parties have a chance to contribute to policy design, governments can reinforce the **legitimacy** of the decision-making process and its final results, thereby increasing the chances of voluntary **compliance**. Finally, opening up policy-making increases the scope for new forms of **partnership** with citizens and civil society organisations in addressing public policy challenges.

Policy-making for, and with, citizens. As part of their efforts to earn and retain citizens' trust, governments must ensure that:

- **Information** is complete, objective, reliable, relevant, and easy to find and understand.
- **Consultation** is conducted with clear goals and according to unambiguous rules that clearly state the limits of the exercise and government's obligation to account for the use made of citizens' input.

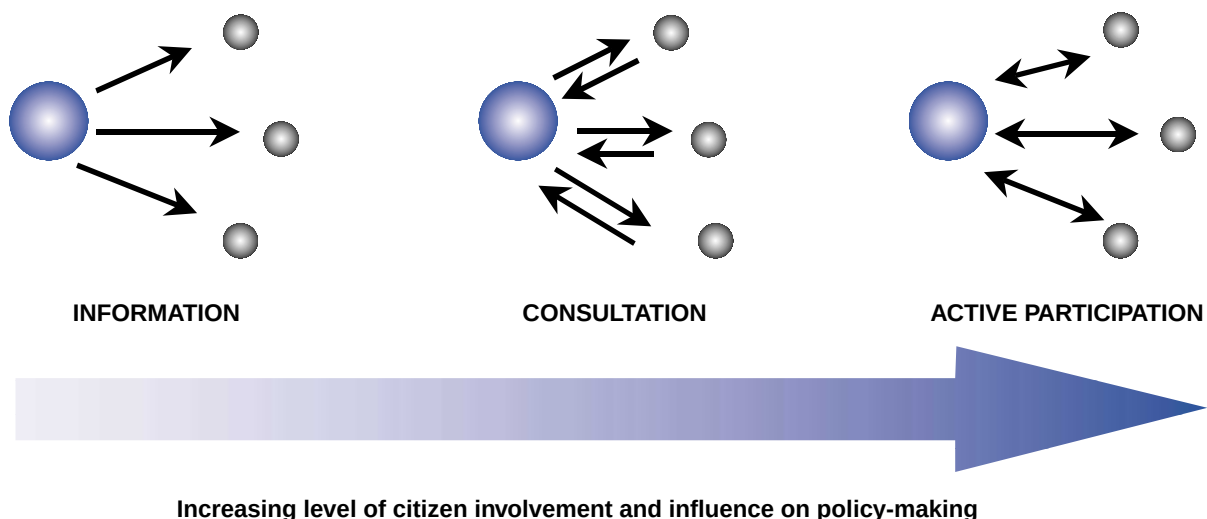
- **Participation** provides sufficient time and flexibility to allow for the emergence of new ideas and proposals on the part of citizens and a mechanism for their integration into government's policy-making process.

1.2. Defining key terms

The analytical framework used in the comparative surveys and country case studies on which this report is based, reflects the need to ensure comparability while respecting diversity among OECD Member countries in their approaches to strengthening government-citizen relations. The framework was developed by the OECD's Public Management Service (PUMA) Working Group on Strengthening Government-Citizen Connections. It defined information, consultation and active participation in terms of the nature and direction of the relationship between government and citizens, as follows:

- **Information** is a **one-way relationship** in which government produces and delivers information for use by citizens. It covers both “passive” access to information upon demand by citizens and “active” measures by government to disseminate information to citizens. *Examples include:* access to public records, official gazettes, government websites.
- **Consultation** is a **two-way relationship** in which citizens provide feedback to government. It is based on the prior definition by government of the issue on which citizens' views are being sought and requires the provision of information. Governments define the issues for consultation, set the questions and manage the process, while citizens are invited to contribute their views and opinions. *Examples include:* public opinion surveys, comments on draft legislation.
- **Active participation** is a **relation based on partnership** with government, in which citizens actively engage in defining the process and content of policy-making. It acknowledges equal standing for citizens in setting the agenda, proposing policy options and shaping the policy dialogue – although the responsibility for the final decision or policy formulation rests with government. *Examples include:* consensus conferences, citizens' juries.

Figure 1. Defining Information, Consultation and Active Participation



(Adapted from Health Canada, 2000)

1.3. Key features and trends

Priorities: Governments in all OECD Member countries have taken steps to improve their relations with citizens, but in doing so reflect different priorities, such as:

- **Strengthening democracy** through increased public participation (e.g. Canada, Norway).
- **Enhancing transparency and accountability** of the public administration (e.g. Korea, Italy).
- **Achieving better service delivery** (e.g. Australia, New Zealand, Spain, the United Kingdom).

Context: These differences reflect the wide range of political systems, social contexts and administrative cultures present across OECD Member countries. Countries with long-standing traditions of consultation with social partners (e.g. Austria, Germany, Luxembourg) or civil society organisations (e.g. Canada, the Netherlands) are seeking to expand beyond established procedures and enlarge the scope of consultation to include new groups and individual citizens. In consolidating democracies (e.g. the Czech Republic, Poland, Hungary), the challenge lies in establishing and ensuring compliance with new “rules of the game” for government-citizen relations. Other countries are seeking to introduce new patterns of citizen interaction with the state administration while enhancing public scrutiny and control (e.g. Korea).

Box 1. **Ireland: Objectives and priorities in strengthening government-citizen relations**

Objectives:

- (i) Increased openness and transparency.
- (ii) Increased accountability for decisions and actions.
- (iii) Contribution to increased participation in the “stakeholder society”.
- (iv) Better quality customer service to citizens.
- (v) Better management of resources.
- (vi) More information for better government.

Priorities:

- (i) Provision of quality customer service.
- (ii) Greater openness and transparency.
- (iii) Freedom of information.
- (iv) Reducing red tape (regulatory reform).
- (v) Information technology (Internet, e-Government).

Trends: Government initiatives to seek greater citizen input into policy-making are relatively recent in most OECD Member countries and have rarely been subject to evaluation. However, the results of this project indicate that:

- The scope, quantity and quality of government **information** provided to citizens has increased significantly in the past 15 years and the provision of information is now an objective shared by all OECD Member countries.
- Opportunities for feedback and **consultation** are also on the rise, but at a slower rate, and large differences remain between those OECD Member countries with long-established traditions of consultation and those who have only just begun to open up government decision-making to citizens at the national level.
- **Active participation** and engagement of citizens in decision- and policy-making, as defined above, are rare and the few instances observed are restricted to a very few OECD Member countries.

Legislatures: The emergence of new relations between executive governments and citizens in policy-making are not intended to reduce or replace traditional representative government nor the central role of parliaments. Rather, they aim to supplement the representative democratic processes and institutions already in place. Moreover, the results of another OECD survey show that many legislatures have also taken steps to strengthen their direct relations with citizens, notably in seizing the

opportunities offered by new ICTs (OECD, 2000b). The decline in citizen confidence – and the quest for stronger citizen support for decisions taken on their behalf – are concerns equally shared by legislatures.

1.4. Objectives, structure and methodology

This report is the result of an initial “mapping exercise” and aims to provide a concise review of current provisions for, and practice in, providing information, consultation mechanisms and active participation of citizens in public policy-making in OECD Member countries. It is not the product of an evaluation exercise, nor does it attempt to rank countries in terms of their progress in strengthening government-citizen connections. Rather, it offers a single, clear analytical framework with which to examine a wide range of country experiences, identify examples of good practice and highlight innovative approaches. In doing so, the report takes into account the great diversity of country contexts and objectives in strengthening government-citizen relations to be found among OECD Member countries. The report aims to support government efforts in Member countries to strengthen public participation, transparency, democratic accountability and policy effectiveness.

Structure of the report: The report is designed as a sourcebook that will allow readers to find additional information on specific topics of interest through the provision of numerous country examples and links to on-line information sources and references. Although the primary audience for this report is policy-makers and central government officials responsible for public information and consultation, the results will be of value to a wider audience including expert practitioners, civil society organisations and interested citizens.

The report is composed of two main parts. The **first part** consists of an **analytical review** setting out the main comparative findings from which a number of policy lessons have been drawn:

- **Section I** provides an introduction to the issue of government-citizen relations, definitions of the key terms used throughout the report and a concise overview of the main trends.
- **Section II** reviews OECD Member countries’ legal, policy and institutional frameworks and the tools and approaches used in practice, including the use of new information and communication technologies (ICTs) in strengthening government-citizen connections.
- **Section III** examines the OECD Member countries’ limited experience to date in the evaluation of measures to provide information, consultation and participation.
- **Section IV** suggests a number of key factors for success and includes a set of guiding principles for public information, consultation and active participation.

The **second part** of the report presents a set of in-depth **country case studies** providing concrete examples of initiatives to strengthen government-citizen relations in nine OECD Member countries:

- **Section V** presents the results of case studies from Belgium (Flanders), Canada, the Czech Republic, Denmark, France, Hungary, Korea, Norway and the United States. An analytical table summarises the key features and tools used in each.

The report concludes with an **Annex** providing references for the full set of on-line publications and survey data produced under the current project, tables of key legislation for government-citizen relations for all OECD Member countries and direct links to on-line sources for further information.

Overview of activities and methods: The report provides an overview of the main findings of a programme of work undertaken under the auspices of the PUMA Working Group on Strengthening Government-Citizen Connections during the period from 1999-2000 that included:

- Two comparative surveys, based on:
 - a) A questionnaire on the general framework for government-citizen relations¹ to which 23 OECD Member countries replied [as did Flanders (Belgium) and the European Commission].
 - b) A questionnaire on the use of new information and communication technologies (ICTs) in strengthening government-citizen relations² to which 24 countries OECD Member countries replied [as did Flanders (Belgium)].³

- A set of nine in-depth country case studies [Belgium (Flanders), Canada, the Czech Republic, Denmark, France, Hungary, Korea, Norway, and the United States].
- A series of six meetings of the Working Group at which participating countries exchanged information and provided updates on recent developments.

Building on previous work: The report builds on earlier PUMA work on “responsive government” of the 1980s as well as the role of information and consultation in policy-making in the 1990s (see Annex, Table 33). It has also benefited from input and guidance from other PUMA meetings at which the issue of government-citizen relations has been raised – for example at the 1999 OECD Symposium on “Government of the Future: Getting From Here to There” and the annual meetings of Senior Officials from Centres of Government (Berne 1998, Naples 1999, Budapest 2000). Particularly valuable was the meeting in Berne, which focused on “Information Policy and Democratic Quality”.

The report contributes to PUMA's ongoing work on good governance and draws upon several elements of the work programme on regulatory reform, policy coherence, knowledge management, sustainable development, the management of IT projects, and E-government. It has also benefited from work under way in other OECD Directorates (e.g. the Directorate for Science, Technology and Industry) in policy institutes in Member countries, as well as in the European Commission and international organisations.

Assisting non-members: One of the basic assumptions of this report is the existence of a pluralist democracy, the rule of law and a system of government based on free and fair elections – all of which are conditions for OECD Membership. At the same time, its findings and key conclusions are also expected to be relevant for many non-member countries, especially when taken together with the accompanying Handbook.

An integrated set of products: This report is part of a larger set of products developed by the Working Group on Strengthening Government-Citizen Connections, available on the PUMA web-pages under the rubric “Engaging Citizens in Policy-making” (see: www.oecd.org/puma/citizens/) (see Annex, Table 32):

- A short policy brief on “Engaging citizens in Policy-making” designed for policy-makers.
- A handbook entitled: *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-making* and Engaging Citizens during Policy-making for government officials.
- A public on-line database of country reports based on the results of the two questionnaires (all interested parties).
- A report on the use of ICTs to provide on-line services which reviews current efforts in the light of the core service delivery objectives of the 1980s and 1990s.

Section II

BUILDING FRAMEWORKS AND TOOLS FOR GOVERNMENT-CITIZEN RELATIONS

Government should respond to the needs of citizens, should be accessible and transparent and should communicate in an interactive process... There is a need for government that is receptive to the role which citizens and civic organisations play in society.

(“Contract with the future”, Netherlands Ministry of the Interior and Kingdom Relations, May 2000 – www.minbzk.nl/international/)

This section presents a concise overview of the main findings of the project on strengthening government-citizen connections in OECD Member countries. The results are presented under three main headings, each covering the aspects of information, consultation and active participation in turn:

- **Building legal, policy and institutional frameworks:** to define citizens’ rights, promote transparency and openness in government policy-making and assign responsibilities for taking measures forward.
- **Developing tools and practices:** to strengthen government-citizen relations to meet legal obligations, achieve policy objectives and meet citizens’ expectations in concrete instances of policy-making.
- **Integrating new information and communication technologies (ICTs):** to harness the full potential of these new tools, ensure that their application benefits from the lessons from experience with traditional tools and that an appropriate mix of “on-line” and “off-line” measures is used.

The analytical framework for data collection through two comparative surveys and for their analysis is presented here (see Table 2). Each section in this chapter corresponds to one of the columns, and each cell in the table provides a few concrete examples by way of illustration. A more extensive commentary and more examples drawn from OECD Member country practice will be provided in the sections themselves.

2.1. Building legal, policy and institutional frameworks

This section presents the **legal and policy frameworks** that define citizens’ rights of access to information, consultation and active participation as well as the **institutions** charged with the application of these rights in OECD Member countries. It aims to highlight the key points of convergence among OECD Member countries while reflecting the wide range of legal and institutional solutions available – thereby offering a substantial ‘menu’ from which policy-makers may choose in designing new – or strengthening existing – frameworks for government-citizen relations. An overview of current legislation in OECD Member countries on key issues affecting government-citizen relations (e.g. Freedom of Information) is provided at the end of this section (see Table 4) and in the Annex to the report.

Table 2. **A framework for mapping laws, policies, institutions and tools for information, consultation and active participation**

	Legislation	Policy	Institutions	Tools (including ICTs)*
Information				
<i>Passive</i>	Freedom of Information (FOI) Laws	Response times and charging	<ul style="list-style-type: none"> • <i>Implementation:</i> all public administration units • <i>Enforcement:</i> Ombudsman, courts 	<ul style="list-style-type: none"> • Registers • Information management systems • Government websites and portals
<i>Active</i>	Some FOI Laws (e.g. New Zealand, Spain)	Government communications policies	• Government information offices	<ul style="list-style-type: none"> • TV, radio, print media • Official gazettes, annual reports and brochures • Internet broadcasting
Consultation/ Feedback				
<i>Unsolicited</i>	<ul style="list-style-type: none"> • Administrative procedure laws • Notice and comments periods 	Management and analysis of complaints	<ul style="list-style-type: none"> • <i>Implementation:</i> Offices for Relations with the Public • <i>Enforcement:</i> Ombudsman, courts 	<ul style="list-style-type: none"> • Data analysis software • e-mail addresses for contact persons
<i>Solicited</i>	Environmental Impact Assessment (EIA) laws	<ul style="list-style-type: none"> • Regulatory Impact Assessment (RIA) • Policies on consultation (e.g. with social partners, first nations) 	<ul style="list-style-type: none"> • Government ministries and agencies • Central strategy and support units 	<ul style="list-style-type: none"> • Surveys, opinion polls • Public hearings, focus groups, citizens' panels • Consultation guidelines • On-line chat events
Active participation				
<i>Government-led</i>	Referenda	<ul style="list-style-type: none"> • Policies on engaging citizens; • Public-private partnerships 	<ul style="list-style-type: none"> • Government ministries and agencies • Central strategy and support units 	<ul style="list-style-type: none"> • Consensus conferences • Citizens' juries • Public dialogue sessions • On-line discussion groups
<i>Citizen-led</i>	Popular legislative initiative	<ul style="list-style-type: none"> • Development of alternative policy proposals • Self-regulation 	<ul style="list-style-type: none"> • Civil society organisations (CSOs) • Academia • Think-tanks 	<ul style="list-style-type: none"> • Discussion meetings • Independent websites, on-line chat groups, e-mail lists

* ICTs – Information and communication technologies.

Access to information

Laws establishing rights of access to information – as well as the institutional mechanisms to enforce these rights – are a basic building block for enhancing government transparency and accountability. Access to information is also a prerequisite for action by citizens. As underlined by the Canadian Government Communications Policy of 1996, “The responsibility to provide information is inseparable from the nature of representative government”.

Box 2. **Netherlands: Defining Basic Information for the Exercise of Democracy**

The Ministry of the Interior's policy paper, “Towards Optimum Availability of Public Sector Information” of 26 April 2000 provides a definition of the basic information of the democratic constitutional state and notes that, “without proper accessibility to these rules, participation is difficult”. It includes: national legislation and regulations; treaties concluded by the Netherlands; court decisions made in the Netherlands; decisions made by international organisations or international courts insofar as these have legal effect in the Netherlands; agendas, reports and other public documents of representative bodies.

Yet access to information has limits. All countries are faced with the need to balance the citizen's right to know with the individual's right to privacy and the need to preserve confidentiality where disclosure of information would be against the public interest. Balancing rights of access, protection of privacy and limits to official secrecy represents a significant challenge for all democracies – especially with the rapid evolution of information and communication technologies (ICTs). With the shift to “electronic government” (or e-government), citizens have legitimate concerns about protecting their privacy and the security of their personal data. Governments will need to address these concerns if they are to encourage citizens to use new ICTs for service delivery and participation. The possibility of effortlessly accessing vast quantities of information held by government is one of the main attractions for citizens. At the same time, the risk that the administration might be overwhelmed with requests for information in electronic format, has led some governments to consider the introduction of “speed bumps” (e.g. in the form of modest user charges) to preserve against potential abuses.

Providing adequate levels of access to, and protection of, information requires sound legislation, clear institutional mechanisms for their application and an independent judiciary for their enforcement. Last but not least, it requires citizens to know and understand their rights and be willing and able to act on them (see Box 3).

Box 3. **Sweden: Criteria for Applying Principles of Access to Information**

The “Open Sweden Campaign” sets out a number of criteria for civil servants and citizens in ensuring full application and knowledge of access to information principles.

The criteria for full and effective application of the principles of access to information are:

- That managers and civil servants are accessible, generous in providing information and have good knowledge of the regulations.
- That information is easy to find and written in a clear and easy-to-read language.
- That work-place organisation and routines support easy access of information.

The criteria for public knowledge and awareness of the right to information are:

- That citizens understand the meaning of the Principle of Public Access to Information.
- That citizens know how to obtain public information in various situations.

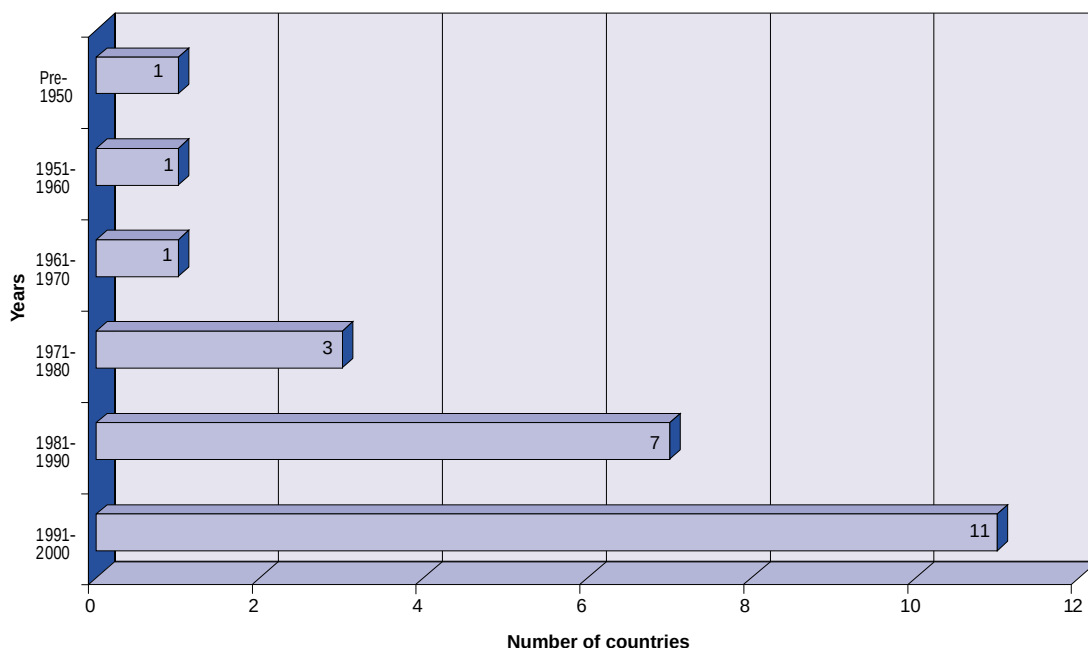
(See: www.oppnasverige.gov.se)

Legislation on access to information

Access to information: Some OECD Member countries have long-established access to information traditions and legislation – for example, Sweden whose first laws on the subject date from 1766, Finland the first to adopt modern legislation with the 1951 Publicity of Official Documents Act and the United States with the 1966 Freedom of Information Act. Some have enshrined access to information in their constitutions (e.g. Austria, Hungary, Poland) to emphasise the fundamental character of rights to information; others are preparing to include the right to government information in their constitution (e.g. Netherlands).

The trend in adopting access to information laws has clearly gathered pace in recent years. In 1980 only 20 per cent of the OECD Member countries had legislation on access to information; in 1990 this figure had risen to just over 40 per cent and by the end of 2000 it had reached 80 per cent – or 24 of the 30 Member countries (see Figure 2). As a result, legislation relating to access to information and privacy protection is relatively new in many OECD Member countries, and experience with its implementation still limited. Several OECD Member countries are currently engaged in drafting access to information laws and are using public consultation in the process. For example, in Germany the draft Freedom of Information Act is now accessible on the Ministry of the Interior's website for public discussion and comments (see www.bmi.bund.de).

Figure 2. Date of first introduction of laws on access to information in OECD Member countries



Several OECD Member countries' access to information laws explicitly define access as the rule and secrecy as the exception (e.g. Finland, New Zealand, Norway). All laws provide for access to documents held by public authorities and appeal mechanisms in cases of refusal. But considerable variation can be found with regard to:

- **Scope of application:** The legislation may apply to a wide range of public authorities (e.g. New Zealand's 1982 Official Information Act which applies to ministers, government departments, state-owned enterprises, educational institutions and public hospitals); to the national, regional and local level (e.g. UK Freedom of Information Act 2000); and to all organisations and individuals when they exercise public authority (e.g. Finland).
- **Conditions for submitting a request:** Some legislation does not require identification or reasons for requesting information (e.g. Finland, Iceland), while others require individuals to identify themselves and describe the use to be made of the information (e.g. Korea) or to demonstrate legitimate interest (Italy's Administrative Procedure Law of 1990).
- **Scope of exemptions:** Most legislation allows exemptions to be made for information on national security, private company data, individual privacy and legal proceedings. Some countries extend this restriction to minutes of Cabinet meetings (e.g. Iceland, Ireland) and some internal working documents such as those used to prepare the annual budget (Norway).
- **Time limits for responses:** Time limits are often stipulated in access to information laws and vary considerably across OECD Member countries (e.g. 8 weeks in Austria, 20 working days in the United Kingdom, 15 days in Korea).
- **Obligation to provide reasons for refusal:** A written explanation for refusing a citizen's request for access to information may be required by law (e.g. Austria, Finland, Poland).
- **Passive and active information provision:** While most legislation focuses on the state's obligation to provide information upon demand (passive), laws in some countries (e.g. Finland, New Zealand, Spain) also define key information (e.g. organisational structures, services provided, rules and procedures) for active dissemination by the public administration.

- **Use of official languages:** Several OECD Member countries have laws ensuring that citizens receive information in all official languages (e.g. Canada, Finland, Luxembourg, Switzerland).
- **Definition of formats for information:** Most access to information laws provide a definition of what forms of information are covered by the law (e.g. printed, audio, visual records). Legislation predating the extensive use of information technologies (IT) may require updating to cover electronic documents used in the administration, as witnessed in the United States with the passage of the Electronic Freedom of Information Act Amendments of 1996.

Box 4. **Finland: Access To Information for Open Policy-making**

The new Act on the Openness of Government Activities establishes that all preparatory documents relating to decision-making will enter the public domain at the latest when the decision has been made – a measure which will lead to greater public access to documents (e.g. the budget propositions of ministries) earlier in the policy cycle.

The Act also makes public authorities responsible for a public register on projects and legal preparatory documents of the Finnish Government. The register is both a tool for public officials and an information service for citizens. It includes data on preparatory legal documents and other development and reform projects, reports to the parliament, committees, boards of the state enterprises and agencies and on study projects. All the information in the register is public and is shown in the same format to both the information providers and the viewers.

Citizens can access this register through the Internet (www.hare.vn.fi) free of charge without needing to use access codes or provide user names. The pilot project for the register started in April 1997 with five participating ministries, but by Autumn 1998 all ministries as well as parliament had been included. The register has been developed further and now offers the possibility to provide feedback. The register makes it easier to get information on and monitor the different projects under way in ministries. By placing information on upcoming policy issues in the public domain, this Act creates the conditions for wider public debate and ensures greater transparency and public scrutiny of government policies and how they are prepared.

Official secrets: Several OECD Member countries have legislation defining classified information (e.g. Spain, Poland). The Official Secrets Law in Spain (last amended in 1978), however, starts by reaffirming the general principle of transparency and access to information before going on to specify areas for exemption. Finland has sought to introduce “more uniform and transparent secrecy” with its 1999 Act on the Openness of Government Activities establishing criteria for secrecy applicable to all public authorities and allowing over 120 separate secrecy provisions to be repealed.

Privacy and data protection laws: Growing attention to the need to protect individual rights to privacy has prompted two-thirds of the OECD Member countries to introduce specific legislation. Among the first to adopt privacy laws in the 1970s were the United States (1974), Austria, France and Norway (all dating from 1978). The issue also received attention at the international level, with the adoption of the 1980 *OECD Guidelines on Protection of Privacy and Transborder Flows of Personal Data* – whose principles are incorporated in the Australian Privacy Act of 1988. In 1995 the European Union adopted the EC Data Protection Directive (95/46/EC), which has now been implemented by national laws in 11 of the 15 EU Member States (all of whom are OECD Member countries) as well as in several countries who are candidates for EU accession (e.g. Czech Republic, Poland). The issue of safeguarding electronic data and their use is an area of increasing concern for citizens and has led several OECD Member countries to consider introducing new legislation (e.g. Canada’s Personal Information Protection and Electronic Documents Act of April 2000). Respect for the individual’s right to privacy is a precondition for interactions with government and political expression in the public sphere.

Sectoral laws: Important provisions for access to information may be found in certain sectoral laws (e.g. on environment, health and consumer protection). Rights to information on the **environment** are to be found in constitutions (e.g. Norway), national legislation (e.g. Iceland), EU law (e.g. Directive

90/313/EEC on the freedom of access to information on the environment) and international conventions (e.g. the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which has been signed by two-thirds of the OECD Member countries and represents a considerable contribution to sustainable development). Laws on **consumer protection** are found in many OECD Member countries (e.g. Ireland, Spain, Poland, Norway) as are laws on **health** (e.g. Finland's 1992 Act on the Status and Rights of Patients) which can further reinforce general rights of access to information.

**Box 5. International Law on Access to Environmental Information:
The 1998 Aarhus Convention**

The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was signed by 35 countries, including eleven Central and Eastern European countries (CEEC) and four Newly Independent States (NIS), during the June 1998 "Environment for Europe" Conference in Aarhus, Denmark. The Convention makes provisions for citizens' rights in three key areas: Access to Information; Participation in Decision-Making and Access to Justice. [See OECD (2001b), *Sustainable Development: Critical Issues*, Chapter 4: "Institutions and Decision-making for Sustainable Development"].

Box 6. Australia: Reviewing Implementation of the 1982 FOI Act

The Australian Freedom of Information Act (FOI Act) was passed in 1982 and a review of its implementation conducted in 1994.⁴ This report drew attention to several difficulties, namely:

- Exemption provisions are unclear, open to misuse by agencies and, because of their prominence, tend to overwhelm the purpose of the Act.
- Interactions between the FOI Act and the Privacy Act, and the potential conflicts they give rise to, have not been adequately addressed.
- The Act can be confusing for applicants and the cost of using the Act can be prohibitive for some.

Policies on access to information

Access to information is a cornerstone of democratic government and upheld by legislation in most OECD Member countries. But legislation itself is not sufficient; policies to ensure that citizens receive the information they need to exercise their rights and perform their responsibilities are equally important. These policies may support "active" or "passive" access to information, and most governments use a mixture of both.

"Passive" access to information: The basic legal rights on access to information set out in legislation are given substance by government policies on **response times**, charging and information management. Administrations may be required to provide information within shorter time frames than those prescribed by law in certain circumstances (e.g. within 24 hours in Poland for inquiries from the press, 16 hours for e-mail requests in Korea). Policies on **charging for information** vary among OECD Member countries: several indicate that information is always free (e.g. Austria) or free under certain circumstances (e.g. New Zealand, where it is "free if for a public policy purpose"). Finland takes the position that information related to basic democratic rights is to be provided without charge and notes that, "Pricing cannot be a hindrance to getting information that is needed to monitor the administration or to start public discussion in society". Several OECD countries recognise that the ability to implement access to information legislation depends crucially upon improving their own in-house capacity for **information management** and to ensure the quality, protection and security of information in their possession.

Box 7. **United Kingdom: Applying Standards to Central Government**

Six service standards for central government departments and agencies came into effect on 1 April 1997. Following a review in early 2000, the standards were revised for the financial year 1999/2000 and announced in the Modernising Government White Paper. For each of the service standards, departments and agencies are required to set their own targets and publish their performance in meeting them:

- Answer correspondence from the public quickly and clearly (including letters, faxes, and e-mails).
- See people within 10 minutes of any appointment.
- Answer telephone calls quickly and helpfully.
- Provide clear and straightforward information about services and those of related providers.
- Have a complaints procedure, or procedures, for the service and publicise it, including on the Internet.
- Do everything reasonably possible to make services available to everyone, including people with special needs.

“Active” provision of information: All OECD Member countries engage in the proactive dissemination of information to citizens on a regular basis (e.g. public health campaigns, publishing official gazettes and annual reports). Such information plays an important role in enhancing government transparency and citizen scrutiny, allowing citizens to evaluate current policy issues and enabling their active participation in public debate. One precondition is that the information provided by government be clear and comprehensible – two characteristics not traditionally associated with administrative documents. To overcome this obstacle, governments in several countries have developed guidelines and style manuals for their employees when drafting materials destined for members of the public (e.g. Italy and Spain).

Box 8. **Switzerland: Informing All Voters before Referenda**

Prior to each electoral consultation, whether by referendum (held on average four times a year) or in elections for the National Council (held once every four years), the Federal Council produces a brochure containing brief and objective explanations of the issues at stake. This brochure also contains the views of the committees promoting a given referendum or initiative. A total of 4.5 million copies are printed in the four official languages (French, German, Italian and Rhaeto-Romansh) and sent to each voter one month before the referendum or election.

Box 9. **OECD: Transparency and Public Scrutiny of the Budget**

Citizens have a strong interest in how the public purse is managed, but are generally unfamiliar with the budget management process. The OECD Best Practices for Budget Transparency suggests several measures to enhance public scrutiny and awareness throughout the budget cycle, namely:

- All fiscal reports referred to in these Best Practices should be made publicly available. This includes the availability of all reports free of charge on the Internet.
- The finance ministry should actively promote an understanding of the budget process by individual citizens and non-governmental organisations.

(For more information on PUMA's work on budgeting, see: www.oecd.org/puma/budget/).

Institutions for access to information

The best laws and policies on access to information will have little effect without the institutions to implement and enforce them. As a rule, laws on access to information require each administrative unit

to take steps to comply with its provisions, but implementation efforts may be co-ordinated and subject to review by external oversight bodies. The need for high-level political commitment to ensure full implementation of access to information laws also plays a crucial role.

Implementing laws and policies: Many OECD Member countries have set up government information services in each ministry to ensure the provision of information to citizens on a proactive basis. Co-ordination may be undertaken by an inter-ministerial committee (e.g. Spain) or by information offices established under the prime minister or council of ministers (e.g. Canada, Netherlands, Finland, Norway). In Norway, the Central Government Information Service offers a general inquiry service for citizens via telephone, fax and e-mail and either provides an answer directly or refers callers to the relevant body. Ensuring that laws on access to information are implemented is the task of the Ministry of Justice in Norway, which supports public administration officials through training and also answers queries from the general public.

Box 10. **Ireland: Institutional Support for FOI Implementation**

Under the 1997 Freedom of Information Act, the Minister of Finance is responsible for ensuring compliance with the provisions of the law. The FOI Central Policy Unit was established to fulfil this mandate and oversee preparations across the public service.⁵ It provides support to public bodies through the provision of an advisory service, as well as briefings and training on the Act. The Unit also chairs two working groups: the Interdepartmental Working Group, which supports all public bodies including local governments, and the Public Service Users Network, consisting of FOI practitioners in the local authorities and health sector as well as public bodies outside the civil service.

At the same time, a large number of initiatives have been taken to raise public awareness and develop understanding of the provisions of the FOI Act, including: advertising in newspapers, in telephone directories and on the radio; establishment of a business advisory group and a citizens advisory group; use of the Internet; manuals and initiatives undertaken in partnership with the voluntary sector.

The following factors have been identified as contributing to the success of the FOI Act:

- FOI was implemented as part of a wider public sector reform programme enjoying widespread support.
- The Act incorporated an effective independent appeals mechanism.
- A central support unit was established to drive the implementation process.
- A series of networks and advisory groups were established to develop policies, address difficulties and disseminate information on FOI.
- The development of FOI legislation benefited from the previous experience of other countries, coming as it did in the mid-1990s.

Ireland's questionnaire response concludes that, "Experience to date has shown that the formalised nature of the FOI Act, with its statutory deadlines and appeal procedures are effective but time consuming. Large numbers of requests targeted at particular administrative units within public bodies can cause particular difficulty. This issue is being considered. Public bodies are, in any event, being encouraged to be more open in their general dealings with their customers, both as a matter of best practice and so as to reduce the incidence of formal recourse to the FOI Act."

Box 11. **Italy: Monitoring Implementation by Commission**

In Italy, the task of monitoring implementation of policies on openness and transparency in the public administration is carried out by a dedicated Commission on Access to Documents established under the Presidency of the Council of Ministers. This Commission is composed of members of parliament, magistrates and senior government officials. They provide opinions to the public administration when adopting rules that may limit citizens' access to information, report annually to parliament on progress in implementation, and suggest measures for improvement to government.⁶

Ensuring oversight: Independent authorities have been established in many OECD Member countries to ensure oversight and control of government action (or inaction) with respect to laws on

access to information, data protection and privacy. These take several forms and their titles vary from country to country, but they are most commonly known as Ombudsman or Commissioners and are generally appointed by, and report to, parliament (see “Institutions for consultation and feedback” below for more information). Their powers of investigation differ, as do the weight of their decisions – which may take the form of recommendations or may be binding (e.g. Finland’s Data Protection Ombudsman). They may be entitled to undertake investigations on their own initiative, or only following receipt of a complaint from citizens. Oversight functions are also assured by courts and parliaments directly.

With the entry into force of the Freedom of Information Act 2000 on 31 January 2000, the United Kingdom’s Office of the Data Protection Commissioner is now known as the Office of the Information Commissioner and is responsible for enforcing both the Data Protection Act 1998, and the Freedom of Information Act 2000.

In Sweden, the Government Trade Department, the Royal Court and a private foundation are providing financial support to the “Internet Ombudsman”. This on-line company provides free advice on legal, technical and ethical issues related to the Internet and aims to educate users (www.internetombudsmannen.se/io/).

Table 3. **Some examples of independent oversight institutions for information, data protection and privacy***

Country	Freedom of Information	Data Protection/Privacy
Austria	Federal Ombudsman Office Information Commissioner	Data Protection Commission
Belgium		Privacy Commissioner Office for Personal Data Protection Data Protection Ombudsman
Canada		
Czech Rep.		
Finland	Information Committee and Ombudsman Office of the Information Commissioner	Data Protection Commission Commissioner for Data Protection
Iceland		
Ireland		
Italy		
Hungary	Ombudsman Office of the Ombudsman	Data Protection Authority
Netherlands		Privacy Commissioner
New Zealand		Data Inspectorate
Norway		General Inspector of Personal Data Protection
Poland	Office of the Information Commissioner	Data Protection Officer & Federal Commission
Switzerland		
UK		

* Note: This list is not exhaustive; it serves to indicate the variety of institutional formats adopted in a number of OECD Member countries.

Box 12. **Australia: Ensuring Oversight with an Ombudsman and a Privacy Commissioner**

The Australian Commonwealth Ombudsman investigates complaints about the actions of national government departments and agencies to determine whether they are unlawful, wrong, unjust or discriminatory. Complaints relating to access to information issues are also received – for example, when citizens have not been given a reason for a decision made – and the Ombudsman may take the initiative to launch an investigation if a series of complaints indicates that government departments or agencies are not providing correct information. The Annual Report submitted by the Ombudsman to parliament each year reviews the performance of federal administration in Australia and – given its significant media coverage – constitutes an important motivator for government agencies to improve their relations with citizens. The Ombudsman Office has an annual budget of \$AUD 8 million and employs 85 people in eight offices around the country.

The Australian Privacy Commissioner monitors the application of the strict privacy safeguards laid down in the 1998 Privacy Act which government departments and agencies must observe when collecting, storing, using and disclosing personal information. The Commissioner has also drawn attention to the risks to privacy protection in outsourcing government information technology support and other services to outside contractors, and has developed examples of clauses protecting privacy of personal data for inclusion in public contracts for outsourcing.

Public consultation and citizen feedback

“The main purpose [of consultation] is to improve decision-making, by ensuring that decisions are soundly based on evidence, that they take account of the views and experience of those affected by them, that innovative and creative options are considered and that new arrangements are workable.” [UK Code of Practice on Written Consultation, November 2000 (www.cabinet-office.gov.uk/servicefirst/index/consultation.htm)].

All democratic governments consult their citizens, as demonstrated by the holding of regular, free and fair elections at all levels of the state (e.g. national, regional and local). Many OECD Member countries offer additional opportunities for citizens to provide their input into policy choices beyond this basic, if fundamental, form of periodic consultation through elections. This section reviews the legal, policy and institutional frameworks for population-wide consultations (such as referenda whose results may be legally binding on government) and consultations with particular groups in society (e.g. during regulatory impact analysis). It also covers citizen feedback through complaints and appeals (e.g. under administrative procedure laws) that may also be an important source of information in shaping government policy- and decision-making.

In general, the legal and institutional frameworks for consultation are less extensive than those in place to ensure access to information in OECD Member countries. This reflects the fact that access to information constitutes a fundamental right and that public consultation and citizen feedback have only recently been recognised as essential elements of public policy-making in most OECD Member countries. In others (e.g. Finland, Iceland, Norway, Sweden), public consultation is a long-established practice but has, until recently, been largely based on informal rules.

Information remains central to successful public consultation, thereby underscoring the links that hold between the categories used in this report. For example, citizens need full and reliable information on the specific issue on which their views are being sought as well as timely information on the consultations under way within government at any given time.

At the same time, citizens may often prove reluctant or unwilling to engage in consultation and participation processes launched by government. Their decision may be based on sound reasons, such as a lack of user-friendly information about the issue, a judgement that the subject is not among their core concerns, or an evaluation that the impact of their comments on the final outcome will be minimal. The first step is for government to recognise that the time, attention and ideas citizens invest in answering a questionnaire, replying to a telephone survey or taking part in a public hearing are precious. The next step is to ensure due attention to designing consultation procedures that lower the threshold for citizens to participate (e.g. thorough concrete measures such as scheduling events outside working hours, providing financial support for child care or transport costs and so on).

Legislation on consultation and feedback

The place held by laws and regulations governing public consultation and the handling of citizens' complaints varies considerably among OECD Member countries – from being a fundamental feature of the constitutional system (e.g. Switzerland, where obligatory and consultative referenda are held on a regular basis) to being relatively limited in scope, application and impact [e.g. regulatory impact assessment (RIA) in Canada, Finland, Japan].

Referenda: Constitutional provisions for referenda are found in several OECD Member countries (e.g. France, Luxembourg, Switzerland). Referenda may be established by law (e.g. Spain). They are often required for changes to the constitution (e.g. Switzerland). Referenda may also be used as a form of popular veto in Switzerland, as they may be called to repeal federal legislation if requested by 50 000 citizens within 100 days of publication. The results of referenda may be binding under certain conditions (e.g. in Poland if over 50 per cent of the voting population participate) or consultative in nature (e.g. Finland, Netherlands, New Zealand, Luxembourg), although the results clearly have tremendous moral weight and impact on decision-making by government. In Italy, referenda are provided for in the constitution and are used to abolish existing legislation. Their use has increased considerably in the last

15 years, and citizens may be called upon to express their will on several issues on a single occasion. In the 1970s and 1980s, referenda often had a significant impact on policy (e.g. in closing nuclear power plants, establishing rights to divorce and abortion). In recent years, however, referenda on very specific issues have often failed to reach the quorum of 50 per cent of eligible voters; thereby indicating that citizens are less keen to participate in consultations on matters of limited political importance or of little relevance to daily life.

Rights of petition: Citizens' rights to submit petitions to government may be guaranteed by the constitution (e.g. Poland, Spain) or by law (e.g. Czech Republic).

Administrative procedure laws: These laws strengthen the rights of citizens in relation to government and often include provisions to ensure that citizens who are potentially affected by administrative actions and decisions have the possibility to receive prior notice of, and defend their interests in, a given decision-making processes. Administrative procedure laws are to be found in many OECD Member countries (e.g. Iceland, Korea, Luxembourg, Poland, Norway). Some provide for public hearings and notification periods (e.g. Finland, Spain). The definition of the scope of interests to be considered also varies, from a restricted focus on citizens on whose interests will be directly affected by an administrative decision (e.g. Italy) to a wider definition also including those on whom the decision will have a substantial impact (e.g. Finland).

Box 13. **Netherlands: Strengthening Citizens' Rights through Administrative Law**

The 1992 General Administrative Law Act in the Netherlands sets rules for the preparation of decisions by public bodies and officials. It establishes the obligation to offer interested citizens and organisations the opportunity to be heard on a planned decision and sets out rules for two key phases of decision-making:

Preparation phase: these rules apply to the preparation of general orders, specific administrative decisions and policy rules, and define how the intention to make a decision should be made public, the procedures to be followed, and the announcements to be made.

Phase following decision-making but prior to implementation: in which citizens and organisations first have the opportunity to "make an objection" to the decision (which the public authority is obliged to reconsider taking into account the objections raised) and subsequently to "lodge an administrative appeal" to an administrative court should the decision be maintained.

Since 1999 the Act contains provisions for the right to lodge complaints regarding the decisions, actions and non-actions of public bodies and officials.

Environmental impact assessment laws: Important provisions for public notification and hearings are to be found in a variety of sectoral legislation. Environmental impact assessment (EIA) laws include requirements to ensure that information is provided and that opportunities are given for the public concerned to express their opinion. These have been adopted in many OECD Member countries (e.g. Canada, Finland, France, Iceland, Japan) and at the level of the European Union (with Directive 85/337/EEC, subsequently amended in 1997). A draft EU Directive on Strategic Environmental Assessment (SEA) extends the scope of impact assessment to cover policies, plans and programmes and includes requirements for public consultation during decision-making. Following extended discussion, political agreement between EU Member States has now been reached and formal agreement by the European Council and European Parliament is expected in 2001. Laws on building and land use are also important sources of rights to information and consultation in several countries, although their impact is largely on local decision-making (e.g. Finland, Norway).

Regulatory impact assessment (RIA): Regulatory impact analysis – the systematic assessment of positive and negative impacts of regulation and alternatives – has helped many governments to reduce regulatory costs on businesses, while maximising the effectiveness of government action in protecting public interests.⁷ Consultation with parties directly concerned (e.g. business, citizens) is an integral

aspect of RIA and may be established by law (e.g. Finland's 1989 Norms Act). Since 1999, Italy has adopted Regulatory Impact Analysis for draft legislation to establish the need for new regulation and to determine the most effective form. Consultation procedures are central to this process, and are held before and after the new regulation has been introduced. RIA consultations are considered to be an effective way of obtaining information on the nature, entity, and social, time and space distribution of the costs and benefits linked to the new regulation from those likely to be affected. Focus groups, structured interviews and panels are among the tools most frequently used in RIA in Italy.

Box 14. **OECD: Public Consultation Improves Regulatory Quality**

The 1995 Recommendation of the Council of the OECD on Improving the Quality of Government Regulation is an important reference point for regulatory reform in all OECD countries. The "OECD Reference Checklist for Regulatory Decision-Making" in the Annex to the Recommendation makes clear reference to the importance of consultation in the development of new regulations. By adopting the recommendation, OECD countries accepted that: "Regulations should be developed in an open and transparent fashion, with appropriate procedures for effective and timely input from interested parties such as affected businesses and trade unions, other interest groups, or other levels of government."

In 1997, the OECD published a major review of the significance, direction, and means of reform in regulatory regimes in Member countries with the *OECD Report on Regulatory Reform*. The report calls on governments to, "consult with affected parties, whether domestic or foreign, while developing or reviewing regulations, ensuring that the consultation itself is transparent".

Recent work within the OECD's Public Management Service (PUMA) has focused on the issue of "regulatory quality", the conduct of in-depth country reviews, the use of Regulatory Impact Assessment procedures and measures to enhance compliance (for more details see www.oecd.org/subject/regreform/index.htm).

Other legislation: Several OECD Member countries mentioned legal requirements to consult with specific interest groups, such as trade unions and professional associations. For example, in Austria laws establishing professional corporations usually grant them the right to be consulted on draft legislation affecting their sphere of competence. Legal obligations to undertake consultation with indigenous peoples or "first nations" hold in some countries, such as Canada, in order to safeguard constitutionally protected or treaty rights during policy-making.

Policies on consultation and feedback

Several OECD Member countries conduct effective public consultation and manage citizens' feedback without legislation, relying instead on policy statements, formal rules (e.g. cabinet orders, guidelines, standards) and informal practice. This is the case in Iceland and Finland, where proposals and draft legislation are routinely circulated among interest groups for comment under well-established informal procedures.

Policy statements: Canada's 1999 Federal Regulatory Policy requires timely and thorough consultation with citizens and interested parties during the development or modification of regulations and regulatory programmes. It also calls for better co-ordination of consultation efforts in order to reduce duplication and burdens on stakeholders, who may be called upon to participate in several consultation exercises.

Rules and guidelines: Following the 1995 OECD Recommendation (see Box 14), several Member countries have adopted rules requiring public consultation on new regulations. In 1999, Japan adopted a "Public Comment Procedure" to be used when formulating, amending or repealing regulations. It requires public administration units to provide public notification of the proposed regulation, specify the methods available for submitting written comments (e.g. letter, fax, e-mail) and the procedure for holding a public hearing. Guidelines for policy and legislative development (e.g. Canada's 1998 Consultation Directive for Memoranda to Cabinet) may include requirements for a summary of the

Box 15. **Canada: Policy on Consulting and Engaging Canadians**

Initiated by the Privy Council Office, in collaboration with the Treasury Board Secretariat in 1999, the objective of the proposed policy is to strengthen and support a consultative culture in the Government of Canada. The policy affirms the government commitment to involve Canadians in public policy-making, establishes guiding principles and responsibilities for directing this work, and provides practical guidelines for its application.

The policy has an annex of three documents that offer guidance with regard to: on-line consultation and engagement, participant funding and evaluation. Consultation principles and practices have underpinned the process of developing the policy itself, which has involved all federal departments and agencies, an expert advisory committee, and an external stakeholder committee. In addition, public opinion polling and focus group testing with a statistically representative sample of Canadians, have tapped citizens' interests and priorities vis-à-vis consultation and engagement. These findings have also been considered in the development of the policy. The draft policy package is currently with the Treasury Board Secretariat and is expected to be issued in Autumn 2001.

consultations undertaken, key stakeholders consulted, processes used and their outcomes be provided and that these be integrated with proposed recommendations to Cabinet. Requirements to provide opportunities for feedback from citizens may even extend to the background materials used in preparing government decisions (e.g. Norway's 1995 Instructions for Official Studies and Reports). Guidelines for consultation with indigenous peoples or "first nations" have been developed in Canada and New Zealand to assist public officials in developing appropriate procedures for consultation and dialogue.

Standards: The Australian Standard on Complaints Handling (AS4269) provides an interesting example of the use of standards in managing citizen input. It sets out three basic criteria for any system for dealing with feedback and complaints from citizens, which should be: visible, accessible and responsive (i.e. complaints should not only be invited but treated seriously).

Box 16. **United Kingdom: Public Consultation in Drafting New FOI Legislation**

Following the publication in 1997 of a White Paper on Freedom of Information entitled "Your Right to Know" the Government conducted a wide-ranging consultation exercise in which more than 550 responses were submitted. This led to the development and release of a draft Freedom of Information Bill in 1999. The draft FOI Bill itself then became the subject of parliamentary scrutiny and public consultation in which 2,248 responses were received. To support this consultation exercise, background information on the draft Bill was published and Parliamentary Select Committee Reports made available on the Internet together with the comments received from members of the public. This was one of the first pieces of legislation to undergo pre-legislative scrutiny in the United Kingdom.

Institutions for consultation and feedback

The first point of contact for citizens when making a complaint, providing a suggestion or lodging an appeal is usually a public institution. Legislation and policy documents will be of little effect unless governments also make efforts to provide suitable institutional arrangements under which citizens can apply these rights in practice. The design of institutional mechanisms for implementation and oversight is crucial in this regard.

Implementing laws and policies: One of the largest potential sources of feedback from citizens on government policies are their **complaints** and several OECD Member countries have established dedicated institutional interfaces or procedures for this purpose (e.g. Spain's complaints and suggestion book procedure which applied across the state administration). In Japan, the Ministry of Public

Management, Home Affairs, Post and Telecommunications (MPHPT) is responsible for the Administrative Counseling System by which citizens may lodge their complaints through the MPHPT's Administrative Evaluation Bureau, its local branches, administrative counselors and General Administrative Counseling Centres at department stores in major cities. Publicity campaigns on TV, radio and print media are organised frequently and an "administrative counseling week" is held twice a year, in order to raise awareness among the public of the avenues available to them in submitting complaints against administrative decisions and actions of national government.

Box 17. Italy: Establishing a Network of Offices for Relations with the Public

Dedicated offices have been established at all levels of government (central, regional and local) under Legislative Decree No. 29 of 1993 and act as first point of contact for citizens when requesting information, making enquiries and submitting complaints. They also regularly consult users on the quality of public services offered and are responsible for ensuring that their input enters the decision-making process. These offices have now been integrated into a national network in order to facilitate information exchange among administrative units, to ensure that good practices are shared and to better serve citizens information needs.

Several OECD Member countries have long-standing consultation arrangements in the form of **tripartite forums** of government, business and labour (e.g. Ireland, Italy, Luxembourg, Poland). Over the last decade in Italy, this "social dialogue" has been an important instrument to reach consensus with unions and business on government economic policies (e.g. on measures to meet the Maastricht criteria). Many have established permanent or ad hoc **advisory bodies, commissions and councils** to provide input to government in different areas of public policy. These bodies generally include representatives of public interests other than organised business and labour organisations. Examples include the United Kingdom's Race Relations Forum, Norway's Council on Disability and Korea's Presidential Commission on Government Innovation, which is routinely asked to review policy drafts prepared by the Ministry of Planning and Budget. These institutional arrangements allow government to access information from a wider range of sources when making policy and to receive feedback on the policy options it prepares.

Parliamentary committees also play an important role in many OECD Member countries by offering opportunities for public consultation. In New Zealand, public consultation during law-making now centres on the parliamentary select committee process. Once draft legislation is referred to a select committee of New Zealand's House of Representatives, it is advertised in all major newspapers and submissions from the public are invited. All citizens have the right to make representations and almost all select committee hearings are open to the public and media.

Ensuring oversight: The oversight role of the ombudsman, parliamentary commissioner or mediator has already been reviewed in relation to specific legislation on access to information, data protection and privacy. However, the mandate of such institutions is far wider and their general mission is to examine the legality of public administration actions and decisions and to undertake investigations in response to citizens' requests or on their own initiative. The figure of the Ombudsman is generally appointed by parliament and while its decisions are usually non-binding, its reports and recommendations often carry substantial weight with governments. They play an important role in ensuring that administrative procedure laws are respected in citizens' dealings with the public administration. The Ombudsman may be seized directly by citizens, except in the case of the UK's Parliamentary Commissioner, where citizens' complaints must be referred by members of parliament. Ombudsman institutions currently exist in half of the Member countries of the OECD. In some countries, parliaments themselves review the results of public consultation conducted by governments prior to the submission of a draft law (e.g. Denmark, Norway, Sweden).⁸

Box 18. **France: Institutions for Oversight**

Since 1973, the Mediator of the Republic has been responsible for reaching out-of-court settlements of conflicts between citizens and administration as a whole. However, the Mediator cannot intervene if the case has been brought before a judge or if the complaint deals with a disagreement between the administration and a public official. In addition, the Mediator formulates and submits proposals for reform to public authorities, thereby contributing to improved government relations with citizens. Since 1978, the Mediator of the Republic also names local delegates in each department who act as intermediaries at the local level. Since 1999, ministries with frequent contacts with the public have also begun to establish their own internal mediators, for example the National Education Mediator. A Children's Defender was established in 1999 to receive appeals relating to violations of children's rights (www.defenseurdesenfants.fr).

Active participation

“The aim of the Government is to create possibilities for the active participation of citizens which will promote the role of the State and the municipalities as well as civic organisations in attending to common issue[s]” (1998 Finnish Government Resolution).

Citizens can make an active and original contribution to policy-making, when their relationship with government is founded on the principle of partnership. Active participation represents a new frontier in government-citizen relations for all OECD Member countries, and different countries use different terms (e.g. co-production in the Netherlands, citizen engagement in Canada). “Engagement differs from more traditional forms of consultation by encouraging reflection and learning, allowing new options to emerge, providing the time and seeking the level of understanding necessary to find common ground” (Canada questionnaire). Active participation recognises the autonomous capacity of citizens to discuss and generate policy options; it requires governments to share in agenda-setting and requires commitment from government that policy proposals generated jointly will be taken into account in reaching a final decision. Last but not least, it requires citizens to accept a higher degree of responsibility for their role in policy-making that accompanies greater rights of participation.

A clear distinction between consultation and active participation may be difficult to draw in practice. Both require full and timely access to relevant, user-friendly information on the issues under discussion and the processes to be used. As a general rule, however, the timetable, format and issues for consultation are defined by government while in active participation the same factors are themselves the subject of discussion and joint decision. Some basic principles upon which active participation (or “citizen engagement”) is based include: “shared agenda-setting for all participants, a relaxed time-frame for deliberation, an emphasis on value-sharing rather than debate, and consultative practices based on inclusiveness, courtesy and respect” (Institute on Governance, 1998).

Interest in strengthening citizens’ active participation in policy-making is underpinned by several considerations: a) the governance challenges currently facing all countries require the mobilisation of all of society’s resources (human capital, policy ideas), not just those of government; b) citizens are increasingly demanding a greater say in defining policies affecting their lives and a larger role in managing public affairs; and c) the role of government is increasingly that of setting the frameworks within which individual citizens and groups may organise their own activities and relations within the market and civil society. Active participation approaches can enhance the capacity and legitimacy of government by unlocking untapped resources and reinforcing the role of government as an “enabler”.

A few OECD Member countries are beginning to explore approaches to policy- and decision-making based on active participation. For example, in its questionnaire response, Canada refers to “citizen engagement” as a recent area of attention for the federal government. The Netherlands notes that government attention has evolved beyond the consultation of citizens to “interactive government” where, “decisions are made in co-operation and consent between authorities and citizens – [and] increasingly seems to take the place of ‘participation’ in the process of preparation of decisions that are finally made by the authority only. In some cases the power to make decisions is – partly – transferred

to citizens' organisations, especially at the local grass-root level." Yet even in these countries, the experience to date is limited and has been undertaken on a pilot basis.

Legislation on active participation

Citizens are vocal and autonomous actors in a democracy and take an active part in public life using both formal and informal channels. Internationally recognised principles for citizens' rights of expression are to be found in the set of fundamental human rights established in the UN Universal Declaration of Human Rights of 1948, which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers" (Article 19).

Traditionally, citizens in some OECD Member countries have enjoyed the right to propose new legislation or policy proposals – and continue to do so today. The provisions and scope of such laws vary but include:

Popular legislative initiative: The right to propose legislation is granted by the constitution in some OECD Member countries (including Austria, Poland, and Spain). In Switzerland, citizens can request changes to the constitution by collecting 100 000 signatures of eligible voters within a period of 18 months. Their proposals may take the form of a general proposition or a fully-drafted constitutional text, which cannot be modified by either the parliament or the government.

Citizen-initiated referenda: The 1993 Citizen Initiated Referenda Act provides for the holding of referenda initiated by citizens to indicate the views held by the people of New Zealand on specific questions – the results, however, are not binding.

No other legal instruments for new approaches to active citizen participation in policy-making currently exist in OECD Member countries.

Policy for active participation

A few OECD Member countries have begun to develop policies for more active participation by citizens in policy-making, including:

- Canada: the development of a federal policy on consultation and citizen engagement is currently under way and will include a policy statement, guidelines for implementation, and annexes addressing participant funding, on-line consultation and evaluation.
- Finland: the 1998 Government Resolution on "High Quality Services, Good Governance and a Responsible Civic Society" sets out the Government's aims to "create possibilities for active participation of the citizens... in attending to common issues".
- Netherlands: Government policy in this area aims at, "maintaining, enlarging and improving people's involvement in matters of general interest by leaving or transferring responsibility to local authorities and citizens and their organisations".

A common element in these policy statements is the recognition that government should play an "enabling role" in creating opportunities for active participation – and that citizens and their organisations may play a major role in shaping policies affecting them.

Institutions for active participation

In most OECD countries, there is no single point of institutional responsibility for enabling and promoting active participation by citizens in policy-making. Experience is limited and the few examples that exist are dispersed across levels of government and policy sectors. At this stage of development, the greatest role for central government institutions may be to collect good practices, raise awareness, and develop guidelines for the public sector when engaging citizens in policy- and decision-making.

The Netherlands has taken a concrete step to support government units in adopting new approaches to active participation. Recognising that the trend towards a more horizontal, networked society and the rise of new forms of ICTs are opening up new possibilities for innovative policy-making

within the constitutional framework of representative democracy, the government established an “Expertise Bureau for Innovative Policy-making” in June 2001. The task of the Bureau is to collect know-how and experience regarding innovative decision-making, new relationships between the general public and the administration and the use of ICT applications as a decision-making resource. A key role will be played by the Bureau's website which is conceived as a virtual marketplace where clients (ministries, regional and local authorities) and suppliers (process supervisors, website and software designers) can be brought together on an interactive basis.

Box 19. **Canada: Partnering for the Benefit of Canadians**

The Voluntary Sector Initiative (VSI) is a joint undertaking between the voluntary sector and the Government of Canada. It recognises the voluntary sector as one of the three pillars of Canadian society, equal in importance to the public and private sectors. The long-term objective is to strengthen the voluntary sector's capacity to meet the challenges of the future, and to enhance the relationship between the sector and the federal government and their ability to serve Canadians.

The VSI is composed of several Joint Tables (co-chaired by government and voluntary sector representatives) mandated to study specific issues such as improving the sector's access to and use of information technology and developing new knowledge and skills within Canada's voluntary sector. Announced in June 2000, the federal government is investing \$CAD 94.6 million over five years in the following key priorities areas: an Accord – a framework agreement that will articulate the shared vision and principles for relations between the voluntary sector and the federal government; information technology and information management; financing; regulatory issues; capacity-building; public awareness; and volunteerism, including promoting the role of volunteers as a legacy of the United Nations' International Year of Volunteers 2001.

Table 4. **Overview of current legislation on key issues affecting government-citizen relations**
(See Table 29 for details)

Country	Freedom of Information	Privacy/Data Protection	Administrative Procedure	Electronic Data/Signatures	E-government policy	Ombudsman/Commissioner
Australia	X	X	X	X	X	X
Austria	X	X		X	X	X
Belgium	X	X			X	X
Canada	X	X		X	X	
Czech Republic	X	X	X	X	X	X
Denmark	X	X	X	X	X	X
Finland	X	X	X	X	X	X
France	X	X	X	X	X	X
Germany		X	X	X	X	
Greece	X	X	X	X	X	X
Hungary	X	X				X
Iceland	X	X	X			X
Ireland	X	X	X		X	X
Italy	X	X	X	X	X	
Japan	X	X	X	X	X	
Korea	X	X	X	X	X	X
Luxembourg		X	X	X		
Mexico				X		
Netherlands	X	X	X	X	X	X
New Zealand	X	X	X			X
Norway	X	X	X		X	X
Poland		X	X			X
Portugal	X	X	X	X	X	X
Slovak Republic	X	X				X
Spain	X	X	X	X	X	X
Sweden	X	X	X	X	X	X
Switzerland		X			X	
Turkey					X	
United Kingdom	X	X	X	X	X	X
United States	X	X	X	X		
EU	X	X		X	X	X

2.2. Developing tools and practices

“Tools supporting the activities of Government administration in the sphere of information provision, consultations with citizens and active co-operation increase systematically. Building interest among citizens... [and] mutual contacts is necessary and useful for the further development of democracy in Poland.” (Poland questionnaire response).

This section provides an overview of current practice and tools used by OECD Member countries to provide information, seek citizen feedback through consultation and actively engage citizens in policy-making. It also reviews some innovative solutions being introduced in this field. The section is followed by an examination of new tools for informing, consulting and engaging citizens offered by information and communication technologies (ICTs) (see Section 2.3).

The first step in the design of a successful information, consultation and participation exercise is to clearly define its objectives. The target group may then be defined and an appropriate approach or tool chosen. When using a mix of tools, their effective **integration** must be ensured in order to reach the whole target group (e.g. information provided via print, telephone, Internet).

One of the most important lessons to emerge from the questionnaire responses is that, “no one size fits all”. No single tool or approach will be suitable for every country or each situation, often a mix of tools and approaches will be needed.

Providing information

Tools are needed to support citizens’ access to information on demand (i.e. passive provision of information) and government’s efforts to disseminate information (i.e. active provision of information). The choice of approaches and tools available will depend upon the objectives, financial resources and human capacity of the government unit concerned.

Passive access to information: Effective information management systems are needed throughout the public administration if citizens are to exercise their rights of access. Document classification and archiving practices require uniform rules, uniformly applied across the public administration. Indexes and registers of public information need to be regularly updated and made easily available to citizens. Under Finland’s 1999 Act on the Openness of Government Activities, public authorities must also respond to citizens’ requests for specific sets of data. As a general rule, appropriate conditions for consultation of public documents (e.g. adequate office space, photocopying facilities) are also essential for citizens to make full use of their rights of access to information. New information and communication technologies (ICTs) have a major role to play in this domain (e.g. websites) and will be reviewed in Section 2.3.

Box 20. **United States: Tools for Access to Information on the Environment**

The Toxics Release Inventory (TRI) in the United States was created under the Emergency Planning & Community Right-To-Know Act (EPCRA). This law, enacted in 1986, was designed to help local communities protect public health and the environment from chemical hazards. Nearly 70 000 reports are received annually from more than 21 000 facilities covering 643 reportable chemicals. Unlike many public information programmes, public disclosure was an essential feature of the law that created TRI, not an afterthought.

The federal Environmental Protection Agency (EPA) publishes TRI data in a variety of forms: a CD-Rom containing all of the basic data; an annual printed report (the so-called “public data release”) which contains summary tables, fact sheets and an information kit. (See Part 2 of this report for full case study: “Access to Information on the Environment in the United States”).

Active provision of information: Governments use a wide range of tools to deliver information to the public. The range of potential products and delivery mechanisms is also extensive, as illustrated by the

concrete examples drawn from OECD Member countries' experience provided below (see Tables 5 and 6; see also Part 2 of this report for the case study: "Information and Consultation in the Field of Social Housing in France"):

- *Products*: a number of factors influence the choice of an appropriate format for active information dissemination, including: size and characteristics of the target group (e.g. all voters vs. the elderly), cost (e.g. leaflets vs. videos), duration of use (e.g. short-term awareness-raising vs. long-term reference source).
- *Delivery mechanisms*: the public administration may use its own means to communicate with citizens (direct) or rely upon those of the media, advertising agencies, and civil society organisations (indirect).

One of the key challenges is to ensure that citizens and public officials alike are familiar with the legal provisions and tools available for access to information. This is true even in countries with long-standing traditions of access and openness such as Sweden – where citizens have enjoyed the right of access to official documents for over two centuries – and which has recently launched an "Open Sweden" campaign (see Box 21).

Box 21. Sweden: The Open Sweden Campaign

The Open Sweden Campaign is a government initiative to enhance transparency in Swedish public administration and revitalise communication between the public institutions and the citizens. The campaign is run by the Ministry of Justice, the Swedish Association of Local Authorities and the Federation of Swedish County Councils. It is co-ordinated by the Council for Open Sweden, which consists of representatives of the national government, municipalities, county councils and some trade unions.

The objectives of the Open Sweden Campaign are (1) to achieve a better application of the Principle of Public Access to Information within the public services, (2) to improve public knowledge and awareness and (3) to encourage public involvement and debate. By May 2001 some 230 central government agencies, county councils and municipalities (out of 400) had joined (see: www.oppnasverige.gov.se).

Table 5. **Information products**

Products	Examples
Annual reports Provide citizens and civil society organisations with an overview of government activities and a tool to monitor their performance.	United Kingdom: Government's Annual Report 1999/2000 Intended to provide citizens with a clear set of benchmarks with which to judge the Government's overall performance against its policy pledges: available on-line and includes 10 films on the work of frontline staff. (See: http://www.annualreport.gov.uk/)
Brochures, guides, handbooks, leaflets A basic tool for public awareness- raising and civic education. Can be tailored for specific target groups (e.g. elderly, minorities).	Norway: Handbook on citizens' rights The <i>Samfunnsboka</i> is a comprehensive presentation of citizens' rights and obligations as members of society. (See: http://www.nlhas.no/00048448.htm) EU: Citizens' Guide on Rights in the Single Market The European Commission has produced a guide on "Enforcing your Rights in the Single European Market" and factsheets in 9 languages. (See: http://europa.eu.int/scadplus/citizens/en/inter.htm)
Catalogues, indexes, registers Allows citizens to identify and locate information materials produced by public administration units.	Belgium: Guide to Official Publications The Federal Information Service publishes a series of guides to facilitate access to information (e.g. to Official Publications, Information Centres, Federal Documentation). (See: http://belgium.fgov.be/shop/pd/pdf/frdf00.htm)
Education materials Allow citizens to acquire more in-depth understanding of issues. May include audiovisual aids (e.g. video) or interactive tools (e.g. quiz).	France: Preparing for the Euro Specialised brochures on the passage to a single currency have been produced for different target groups. The one for elementary school teachers includes a game for use in the classroom. (See: http://www.euro.gouv.fr/guidessepe/index.htm)

Table 6. Mechanisms for delivering information

Delivery mechanisms	Examples
Direct	
Direct mailing Delivering information directly to the citizen's doorstep.	Netherlands: Door-to-door information on Y2K In June 1999 the national government sent all citizens a paper describing the "millennium measures" to be taken.
Information centres Providing information desks in public offices, sector-specific information centres, one-stop shops.	Greece: Citizen's Information Centres Located in each Prefecture's building, in specially designed areas, with easy access, qualified staff and capacity to handle telephone enquiries. Japan: Global Environmental Information Centre Established by the Environment Agency with the United Nations University in 1996, to raise awareness of environmental issues in Japan and provide a platform for co-operation between government, business and NGOs. (See: http://www.geic.or.jp)
Telephone services Provision of toll-free telephone numbers, automatic telephone services and call centres.	Canada: Government Enquiry Centre This toll-free telephone service (1-800 O'Canada) provides callers with information on government programmes and services in the language of their choice, including TTD for the hearing-impaired.
Events Organisation of special events (e.g. exhibitions) and participation in trade fairs (e.g. information stands).	Poland: Explaining state reforms Recent initiatives to explain reforms of the state administration have included special events combining traditional debates (e.g. question and answer sessions) with quizzes and competitions.
Indirect	
Media Use of press releases and press conferences to solicit media coverage of government initiatives and policies (TV, radio, print).	Australia: Guidelines for Government Produced by the Government Communications Unit to ensure that public information campaigns employ the highest standards, are impartial and complete, contain feedback and evaluation mechanisms (See: http://www.gcu.gov.au/pdf/Government_Information_Activities.pdf)
Advertising Purchase of advertising space (on TV, radio, newspapers, billboards, posters) to reach a wide audience.	Ireland: Advertising in phone books Announcements in national and local telephone directories were used to promote public awareness of the 1997 Freedom of Information Act. Switzerland: Poster campaigns Several initiatives in recent years have focused on raising public awareness of health threats (e.g. AIDS, alcohol abuse) and promoting environmentally-friendly behaviour (e.g. greater use of railways).
Civil society organisations Use of intermediaries to reach specific groups in society – business associations, citizens' associations, trade unions.	US: Partnering with environmental NGOs The Right-To-Know Network (RTK-Net) is operated by two non-profit groups – initially funded by the Environmental Protection Agency as an outreach system for environmental information. (See: www.rtk.net)

Box 22. Italy: Using a Mix of Products and Delivery Mechanisms

In June 1999 the Department of Public Administration ran an information campaign for citizens in order to raise public awareness on new rules concerning self-certification. The new rules were enacted in February 1999 with the aim of extending the use of self-certification instead of certificates issued by certain public administrations (mostly municipalities) which are often required in transactions with other parts of the administrations. The campaign involved TV and newspaper announcement and the distribution of several million copies of a guide explaining how to use the new rules on self-certification as well as its publication on-line. Within a few weeks of its distribution, over 13 000 citizens had returned the coupon contained in the guide, asking to be kept informed about further innovations in government. (See: www.funpub.it)

Seeking citizen feedback

Citizens provide feedback by means of complaints and spontaneous submissions (unsolicited) or when invited to do so by government (solicited). In both cases, appropriate tools are needed to enable government to respond to, and benefit from, the information provided by citizens. (See Part 2 of this report for case studies on informing and consulting citizens: “Public Consultation on Education Policy in the Czech Republic”; “Engaging the Poor in Policy-Making on Poverty and Social Exclusion in Belgium (Flanders)” ; “Public Work Programmes in Hungary”).

Unsolicited: Public offices at all levels of government receive a steady stream of feedback from the public – which can yield valuable information on policy implementation and service delivery if subject to systematic assessment. Governments need to invest in measures to welcome and manage feedback and complaints (e.g. advertising a dedicated phone number for citizens) and regard them as a source of valuable information on performance. Analysis of requests for information may reveal the need for new information products and campaigns; reviewing complaints may indicate that adjustments to public policies and implementation mechanisms are needed; while proposals and submissions may contain useful propositions for consideration by decision-makers. A number of tools may be used for tapping this valuable information source, including: databases and software packages for data analysis; regular analytical reports on complaints received by front-line agencies (e.g. those engaged in service delivery). By publishing the results of their analyses of complaints and suggestions, public administrations may also demonstrate their commitment to transparency and accountability [e.g. Wolverhampton city council (UK), see: www.wolverhampton.gov.uk/finance/ltax/cs2000.htm). The UK Government offers best practice guidance on handling complaints through its “Service First” initiative (see: www.servicefirst.gov.uk/1998/complaint/index.htm)].

Solicited: Governments use a number of methods to acquire feedback from citizens on specific issues and to involve them in consultation. The choice of method will depend upon: the type of information required (e.g. broad, quantitative vs. in-depth, qualitative); the size of the target group (e.g. all taxpayers vs. youth); the time period available; and costs.

Both feedback and consultation are characterised by the prior definition of the issue under review by government – issues on which citizens are then asked to express their opinion. The essential difference lies in the degree of interaction and deliberation required, which is limited for feedback and significant in the case of consultation.

- *Feedback:* the use of opinion polls and surveys is well-established practice in many OECD Member countries and allows governments to obtain information on citizens' views on public policy issues which may subsequently be integrated into policy-making.
- *Consultation:* a wide range of methods are available which differ in their: duration (e.g. permanent or *ad hoc*), focus (e.g. policy sector), target group (e.g. individual citizens, civil society organisations); format (e.g. public hearings, laymen's panels, workshops).

Monitoring citizen feedback on, and for, reform in Italy: The Italian Department for Public Administration has established an Observatory on citizens' attitudes to the public administration reforms which have been under way for several years. The Observatory covers four different areas: the general relationship between citizens and the public administration; public perceptions of changes in the public administration; public knowledge of and opinions on specific reform measures; and their expectations for future reform. The Observatory aims to obtain feedback from citizens, opinion leaders, entrepreneurs, traders and professionals, civil servants and public managers on the concrete results achieved by the reforms and the degree of satisfaction among these various groups. The information collected is subsequently used in evaluating the reform programme itself.

Organising public debate in France: In 1997, France established a “National Commission of Public Debate”, to organise discussions and debates on specific environmental issues. The 18-member commission, appointed by the Prime Minister, manages debate through general public meetings, roundtable discussions on particular themes, response cards, input from a website, and a newsletter sent out periodically to summarise the debate and public reactions. As a recent example, the

Table 7. **Tools for seeking citizen feedback on policy**

Tools	Examples
<p>Public opinion polls</p> <p>Use established methodologies to obtain a statistically valid representation of the opinions held in a given population on a specific issue. Requires random samples, trained interviewers, and pre-tested questionnaires – which may use “closed” questions offering a choice between a predetermined set of answers.</p>	<p>Denmark: Gallup poll on trust in the public sector</p> <p>In 1998, the Gallup Institute polled 1 511 persons over the age of 15 to measure citizens' satisfaction with various public sector institutions, their trust in the public sector and its employees and their views on key public sector reforms (e.g. user charging, citizens' choice). The results showed that more than 70 per cent of Danish citizens stated that they trust public sector institutions, and approximately 65 per cent were satisfied or very satisfied with the public sector (See: www.fm.dk/udgivelses/publikationer/citizens_public_sector_1998)</p>
<p>Surveys</p> <p>Allow measurement of attitudes or characteristics of a group through use of a structured questionnaire applied to a representative sample of the population. Questionnaires may include open-ended questions allowing respondents to offer their own views.</p>	<p>Canada: Surveys on Health Policy</p> <p>In 1996, the National Forum on Health invited 500 randomly selected members of the public to participate in a telephone survey. The results showed that the background document did a good job of capturing and responding to the concerns, opinions and suggestions of Canadians collected in the initial round of workshops (See: Part 2 of this report for full case study: “Health Policy in Canada”).</p>
<p>Comment and notice periods</p> <p>Establish time limits and define methods for submitting comments on project documents (e.g. environmental impact statements), draft policy documents (e.g. White Books), draft legislation.</p>	<p>United Kingdom: White Paper on Schools</p> <p>To obtain feedback on the 1997 White Paper on “Excellence in Schools” from as wide a range of citizens as possible, a range of tools were used including: a telephone helpline, free information distributed through supermarkets and a 4-page pull-out section in a daily newspaper with wide circulation. A total of 10 000 responses were received, of which 3 500 came from individual parents.</p>

Table 8. **Tools for *ad hoc* public consultation in policy-making**

Tools	Examples
<p>Public hearings</p> <p>Aim to gather information and feedback on a specific topic. They may be:</p> <ul style="list-style-type: none"> • Focused on concrete policy proposals or be exploratory in nature. • Directed at experts or a broader public. • A single event or a series of encounters. • Presided over by a panel appointed by government, an elected body or nominated by stakeholders. • Based on presentations by stakeholders and discussion moderated by the panel. 	<p>EU: Consultation on environmental issues of PVC</p> <p>The European Commission launched a wide public consultation on its Green Paper on environmental issues of PVC. It organised a public hearing on 23 October 2000 – opened by the Environment Commissioner and the Enterprise Commissioner – at which manufacturing associations, retailers, and environmental NGOs made presentations. The minutes and submissions were then published. (See: europa.eu.int/comm/environment/pvc/minutes.pdf)</p> <p>New Zealand: Parliamentary hearings</p> <p>Most consultation during law-making takes place through the Parliamentary select committee process, under which most bills are advertised in major newspapers and submissions from the public are invited. Almost all select committee hearings are open to the public.</p>
<p>Focus groups</p> <p>Allow for the collection of comments and suggestions from representatives of certain target groups with a specific interest in a policy proposal or decision.</p>	<p>United Kingdom: Competitiveness White Paper</p> <p>Some 200 business leaders contributed to six competitiveness working parties and eight productivity seminars, and a number of their recommendations were included in the White Paper. (See: www.dti.gov.uk/consultations/)</p>
<p>Workshops and seminars</p> <p>Provide government with an opportunity to obtain feedback from a range of interest groups and citizens. Involves presentations followed by public discussion. May be organised as a series and held in various locations.</p>	<p>Ireland: White Paper on Rural Development</p> <p>A 1999 White Paper was prepared with extensive consultation among social partners, a broad range of interest groups and the rural community; a series of regional seminars were held throughout the country.</p> <p>Korea: Workshops on government reform</p> <p>Workshops to encourage greater public input to government reforms currently under way have been organised by government and attended by civil society organisations (CSO). Government officials also participate actively in seminars and workshops organised by CSOs themselves in order to learn more about citizens' demands.</p>

Commission was charged by the government to launch a public debate on the nature and siting of a new international airport during the period from April to October 2001. The government is considering expanding the use of this Commission in other policy areas and expects to undertake 20 debates per year.

Table 9. **Tools for ongoing public consultation in policy-making**

Tools	Examples
Open hours Provide a regular opportunity for citizens to gain direct access to decision-makers at specific times.	Iceland: Weekly consultation with ministers All ministers hold open consultation once a week, thereby providing individual citizens with an opportunity to influence development and implementation of public policies.
Citizens' panels Permanent groups composed of a representative sample of the target group (e.g. national population, youth) who are regularly consulted by government on different policy issues.	United Kingdom: The People's Panel Consists of 5 000 people randomly selected from across the country and is representative of the population in terms of age, gender, and region. Members of the panel are consulted on service delivery and cross-sectoral issues via postal and telephone surveys and interviews.
Advisory committees A group representing a particular set of interests, appointed by government bodies to provide feedback in the development of policies and legislation. Members reflect the full range of interests in a given issue, and are expected to interact with the wider constituencies they represent.	Denmark: Special committees for EU policy-making Established to ensure citizens' input to EU policy-making (e.g. through discussion of Commission proposals). There are 31 special committees covering different policy areas, chaired by the relevant Ministry; interest groups may be affiliated to, or permanent members of, committees. (See Part 2 of this report for the case study: "Engaging Citizens in the Danish Health Care Sector")
	Poland: National Advisory Council for the Disabled Chaired by the Government Plenipotentiary for the Disabled, members are drawn from central and local government, employer's organisations and NGOs.

Introducing a code of practice in the United Kingdom: In November 2000 the UK Government introduced its Code of Practice on Written Consultation, which is binding on ministries. It is principally concerned with written policy and regulatory proposals, but it also sets out a number of broader principles relating to consultation.

In particular, the Code of Practice:

- Stresses that consultation should always be genuine: where an outcome is inevitable, the pretence of consulting damages public trust.
- Urges initial consultations on as wide an agenda as possible.
- Emphasises the need to take active steps to reach groups particularly affected by proposals, even if they are hard to reach.
- In the interests of wide consultation, requires the general use of ICT in consultations (so that, for example, all consultation documents must be published on the Web, with a facility for e-mail responses) but also that they be integrated with other techniques so as not to exclude those without electronic access.
- Requires sufficient time for responses to consultations (the standard minimum response time for consultation documents is 12 weeks).
- Requires the provision of feedback on consultations when closed, together with an indication of why some options have been favoured and others not.
- Calls for an evaluation of consultations.

Consultation co-ordinators have now been appointed within each government department to ensure the code is followed, and facilitate exchange of best practice (for which a website is also being developed: see www.consultation.gov.uk). The code also announces the establishment of a central Internet register of links to all current UK Government written consultations (see: www.ukonline.gov.uk/online/citizenspace/default.asp?url=consultation/consult.asp) as part of Citizenspace.

Box 23. **New Zealand: Consultation with Maori on Policy and Law Review**

The Waitangi Tribunal (of which half the members are Maori and half are Pakeha) reviews cases of land confiscation and often travels around the country to hear cases. Discussions over government resolutions to land confiscation of the past have also been held in the tribal areas under debate and in traditional Maori meeting places. This approach allows a large number of people to be heard, in an environment in which they are comfortable; it shows respect for the people with whom the government is engaged, and greatly reduces the resources required from Maori groups to participate in the process. It allows the officials (or Tribunal members) to understand the context of the information being given to them by local people and makes them more responsive. (See: www.waitangi-tribunal.govt.nz/about/about.html)

The Law Commission is an independent advisory body established to conduct the systematic review of law in New Zealand. Its reviews are published as preliminary papers on which public submissions are invited. A Maori committee facilitates the Commission's consultation with Maori, to ensure that their perspectives are reflected in all aspects of the Commission's work. (See: www.lawcom.govt.nz/)

Engaging citizens in policy-making

Policy-making based on the principle of partnership between governments, citizens and civil society organisations is still rare in OECD Member countries and represents a “new frontier” for governments and citizens alike. The methods and tools to support this partnership have generally been developed for, and used in, decision-making at the local level and have been applied to policy-making at the national level only to a limited degree.

2.3. Integrating information and communication technologies (ICTs)

“Public servants must not only be trained to use ICT effectively, but they must do so in a culture which respects the rights of citizens within a framework of good governance” (Third Global Forum Communiqué 2001: Fostering Democracy and Development through E-Government, Naples, 15-17 March 2001 – www.globalforum.it).

All OECD Member countries regard new information and communication technologies (ICTs)⁹ as a promising tool for strengthening government-citizen connections. While the extent of their use varies considerably (see Annex, Table 30), all governments are taking steps to introduce ICTs into the public administration and promote their use in society at large. All recognise the potential of ICTs to provide better public services at lower cost, enhance the transparency and accountability of government and promote greater citizen engagement in democratic processes.

At the same time, their main strategic objectives vary considerably. Some governments place greatest emphasis on the use of ICTs in on-line service delivery (e.g. Australia, Ireland, Italy, France, New Zealand, Spain). Others focus on their potential application in strengthening public deliberation and participation in policy-making and, ultimately, the fabric of democracy itself (e.g. Canada, Finland, Iceland, Netherlands). Some use it widely for both purposes (e.g. the United Kingdom).

This section focuses on the use of ICTs as tools for providing information, seeking citizen feedback and engaging citizens in policy-making. It does not deal with on-line service delivery – which is the subject of another OECD report¹⁰ – nor with ICT applications to elections (e.g. e-voting) although some of the issues discussed here, such as providing information on-line, may be relevant for both.

The extent to which ICTs can strengthen government-citizen connections depends, to a considerable degree, on the respective levels of access to these new technologies of:

- *Governments*: the majority of OECD Member countries have made considerable investments in providing public servants with personal computers (PCs) which are now available to over 50 per cent of public sector employees – and to 100 per cent in some countries (e.g. Australia, Canada, Denmark, Finland, Netherlands, Switzerland). However, not all public servants with PCs have access to e-mail and Internet, which may depend on their tasks (e.g. policy development or back office support).

Table 9bis. **Tools for active participation in policy-making**

Tools	Examples
Citizens' Fora Provide a means to deliver policy proposals generated by citizens or their representative organisations directly to policy-makers.	Norway: Youth Forum for Democracy The Youth Forum for Democracy has 16 members between the ages of 15 and 26 who represent a wide range of youth organisations and interests all over the country. One of its responsibilities is to propose ways to promote the participation of young people in politics at the local and national level and suggest new structures and meeting grounds to help young people influence the development of society. The Forum can also draw attention to barriers preventing the active participation of young people and propose measures to remove these. Proposals were submitted to the Minister of Children and Family Affairs (See: odin.dep.no/bfd/engelsk/).
Citizens' Juries Allows a group of citizens – selected to reflect the population at large – to question experts in a quasi-courtroom setting and to offer recommendations after deliberation.	France: General review of the health system This review was launched by the Ministry of Health in 1998 and used citizens' juries composed of 10 to 15 persons to review a set of broad topics related to health and to develop recommendations. Candidates were recruited through newspaper announcements, surveys and word-of-mouth. Those selected for participation in the juries were to have no direct involvement in the health sector. The citizens' juries posed questions to experts in public discussions after which the jury prepared a synthesis and issued recommendations (See: www.sante.gouv.fr/index.htm).
Dialogue processes Enable governments to engage large numbers of citizens directly in the process of identifying needs and developing policy solutions. May involve a mix of tools.	Canada: The Rural Dialogue Designed as part of the Canadian Rural Partnership Initiative, the dialogue process provides citizens in rural and remote communities throughout Canada with the opportunity to contribute to the development of federal policies addressing rural needs. Almost 7 000 rural Canadians took part in the 1998 Rural Dialogue which involved: locally organised meetings, kitchen-table talks, individual submissions, completing a workbook (inviting citizens to suggest solutions) and over 30 formal facilitated workshops held across the country with rural residents, stakeholder groups, and community development specialists. These efforts led to a National Rural Conference in 2000. The Rural Dialogue is continuing through the Rural Exhibit Program, regional dialogue activities conducted by the Rural Teams, a quarterly newsletter "Rural Times" and Rural Dialogue On-line Discussion Groups (see www.rural.gc.ca/dialogue_e.html).
Consensus conferences Enable a panel of laymen (non-experts), with access to a range of experts, to discuss a complex issue over several days and report on its conclusions.	Denmark: Danish Board of Technology consensus conferences In the mid-1980s, the Danish Board of Technology developed this technique allowing citizens to provide informed input into technical and complex subjects and has organised at least 20 consensus conferences since. About 16 randomly-selected "lay-persons" (non-experts) are invited to meet over a four-day period around a pre-selected issue, first to hear experts' and policy officials' views, and then to deliberate among themselves. On the final day of the conference, they present their agreed upon, or "consensus" views. (See: http://www.tekno.dk/engelsk/methods/index.htm and also Part 2 of this report for the case study: "Consensus Conferences on Genetically Modified Food in Norway").

- *Citizens*: the share of the population with access to Internet varies considerably across OECD Member countries, where Internet subscribers may constitute over 20 per cent of the population (e.g. Canada, Denmark, Korea and Sweden) or less than 2 per cent (e.g. Czech Republic, Greece, Hungary and Mexico).¹¹ All governments recognise that measures to address the emerging "digital divide"¹² are a precondition for more extensive use of on-line service delivery and public participation.

While all OECD Member countries are making significant efforts to bring their governments and their citizens on-line¹³, few expect new ICTs to completely replace traditional methods for information, consultation and active participation in the foreseeable future. Most recognise the need to ensure that all citizens, whether on-line or not, continue to have access to high-quality services and enjoy equal

rights of participation in the public sphere. The important issue of the limits to the use of ICTs in strengthening government-citizen connections is addressed below. In this light, the **integration** of new ICT-based tools with existing, “off-line” tools becomes essential.

National **policy frameworks** for the introduction of new ICTs, where they exist, may be framed in terms of preparing for the information society (e.g. Denmark, Ireland, Sweden, Switzerland), the modernisation of public service (e.g. France) or the introduction of e-government (e.g. Italy, Norway, Korea).

The **legislative framework** regulating on-line government-citizen connections includes laws promoting ICT use (e.g. Korea’s 1995 Information Technologies Promotion Law), safeguarding privacy and data protection (e.g. Spain’s 1992 Law on the Automated Processing of Data), enabling on-line transactions (e.g. Italy’s 1997 Decree on Electronic Signatures and Documents) and updating existing access to information laws (e.g. the United States’ 1996 Electronic Data Law).

Finally, the **institutional framework** for overseeing implementation of these policies and laws in the public sector may be centralised or decentralised and led by ministerial departments (e.g. the Directorate for Information Policy for the Public Sector in the Ministry of Interior and Kingdom Relations of the Netherlands), agencies (e.g. Italy’s Authority for Information Systems in the Public Administration – ALPA), and special representatives (e.g. United Kingdom’s e-Government Minister of State).

Providing information on-line

Information and communication technologies (ICTs) offer powerful tools for searching, selecting, and integrating the vast amounts of information held by public administration as well as presenting the results in a form that can be used by individual citizens. It is therefore not surprising that OECD Member countries have concentrated most of their energies to date on the provision of information on-line.

This section will review the “how” and “what” of on-line information provision – how governments in OECD Member countries put information on-line and what kinds of information they make available. Several governments have adopted specific policy goals in this area. For example, a number of countries have pledged to put all relevant government information on-line by a certain date (e.g. Canada and Iceland by end of 2000). Others have specified the types of information to be put on-line first such as the Netherlands, where basic information on the democratic constitutional state is a top priority (e.g. legislation, regulations and parliamentary information).

How are ICTs used to make information available? The Internet is the tool of choice for OECD Member countries in providing citizens with access to government information anytime, anywhere. The most widely used options are currently:

- *Websites*: The proportion of national government units with their own websites was already high (80 per cent or over) in the majority of the countries participating in the PUMA survey in 2000 – and has certainly increased since then. Already in 2000, several countries reported all government units to have their own websites (e.g. Belgium, Canada, Czech Republic, Denmark, Ireland, Japan, Korea, Netherlands, United Kingdom). Some government websites provide options for “tailoring” the information presented to suit the particular profile of the user (e.g. a choice of formats designed for “teachers”, “principals” and “all users” on New Zealand’s Ministry of Education website (see: www.minedu.govt.nz/index.cfm).
- *Portals*: Many OECD Member countries have introduced single entry points to help citizens gain easy access to all on-line government information and services (e.g. Belgium, France, Ireland, Netherlands, New Zealand). Portals allow for the integration of information horizontally across ministries and services [e.g. Portugal’s Infocid (Interdepartmental Systems for Citizens’ Information) portal is accessed 200 000 times per month at www.infocid.gov.pt/] as well as vertically across levels of government (e.g. Norway’s portal at www.norge.no/english/). Some countries have introduced portals on a pilot basis in order to include citizens’ feedback in the design phase (e.g. United Kingdom’s Citizen Portal at www.ukonline.gov.uk). Integrating the “front-offices” of many government agencies via a single government portal poses few technical or organisational

challenges. But the full integration of agencies' "back-office" systems in order to provide seamless information and services represents a major challenge for all OECD Member countries as it touches core issues of agency structures, competencies and budgets (see Table 34 for links to the government portals of OECD Member countries).

- *Search engines*: Many government sites offer the possibility for citizens to locate information via simple keywords entered into powerful search engines (e.g. Austria's HELP site: www.help.gv.at/). The websites of Italy's Government (www.governo.it) and the Chamber of Deputies (www.camera.it) both offer search engines for other branches of government and for legislation. Canada's government portal offers several tools in both official languages including a frequently asked questions (FAQs) section, a central search engine and links to other departmental search engines (see: <http://search-recherche.gc.ca/cgi-bin/query?mss=canada/en/simple.html>).
- *Life events*: In putting information on-line some OECD Member countries (e.g. Denmark – see Box 24), aim to ensure that citizens can access all relevant information without needing to understand the structure of the public administration itself. By packaging information in terms of key "life events" (e.g. having a baby, moving house), governments may provide a seamless information interface for citizens (see Australia: www.healthinsite.gov.au/T.cfm?title=Life%20Events%20-%20Overview).
- *Kiosks*: Many governments provide access to their information services through kiosks installed in public offices (e.g. Greece's Infokiosks, located in prefecture buildings and accessible outside office hours) or other public places (e.g. Mexico has installed computer access points in airports). One of the first OECD countries to make extensive use of kiosks is Portugal whose Infocid system was inaugurated in 1993.
- *CD-Roms*: Many OECD Member countries disseminate government information in the form of CD-Roms (e.g. Norway, Portugal) for off-line consultation.

Why are governments on-line? Analysis of the survey responses shows that governments have a wide range of reasons for "getting on-line":

- *To establish a presence*: most responses show that the initial concern is to ensure visibility.
- *To act as a demonstrator*: this was often expressed as an objective, even though most governments are lagging behind other actors in the on-line economy.
- *To deliver information* more efficiently and effectively.
- *To deliver on-line services*: the survey revealed some significant pilot projects and initial steps to extend on-line service delivery.
- *To market information*: governments are clearly interested in the sale of their information resources to both citizens and businesses, and many are launching pilot projects to produce value-added and personalised information.
- *To enable consultation with citizens*: some examples of pilot projects were given by countries with strong consultative traditions.
- *To facilitate participation by citizens*: perhaps least developed except in issue areas where there are strong citizen concerns (e.g. environment) or where driven by long-standing citizen access to the web.

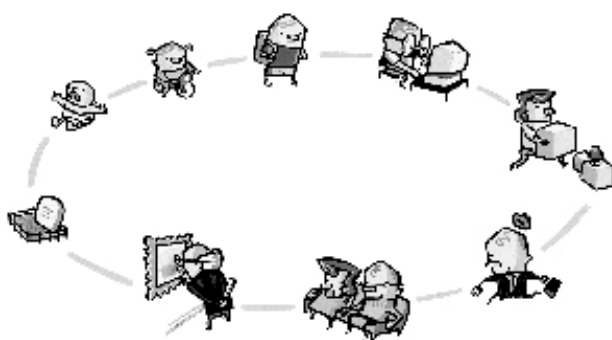
An interesting question raised by these results is the extent to which on-line connectedness of citizens drives a demand for better information, services, consultation and participation.

What types of information are available on-line? Governments are information-rich organisations and ICTs offer a convenient means of placing an unprecedented amount of data in the public realm – from national statistics to weather forecasts. OECD Member countries' governments also provide on-line access to information on decision- and policy-making of direct relevance to citizens, including:

- *Government structures and policy-making processes*: Basic information on citizens' rights, the structure of government and how policies are developed and laws passed is available through the websites of the main organs of the state (government, ministries, parliament, Ombudsman offices) in most OECD Member countries. Switzerland's main website for the Confederation describes citizens'

Box 24. **Denmark: Providing Information in Terms of Life Events**

Launched in 1997, the official home page of Denmark (www.danmark.dk) is managed by the Danish State Information Service and receives an average of 90 000 visitors a month. Over 1 200 articles provide information on issues of concern to Danish citizens, for instance how to apply for a student grant if you are a mature student or where to register a change of address. A directory of all local and governmental authorities and many private organisations provides useful information on about 8 500 organisations and 45 000 employees, including addresses, phone numbers and email addresses and, where possible, internet links to homepages. Another website (www.danmark.dk) lists legislative activity in the Danish Parliament by including daily updated information about bills, acts of parliament and departmental orders. Details of publications issued by agencies and governmental committees, such as white papers, reports and reviews, are listed along with information about how to order them. A news service highlights parliamentary initiatives reports, new web-based services, public debates, statistics and other information that might be of interest to Danish citizens.



The Life Circle illustrates various situations that most people are likely to experience throughout their lives, such as attending school, moving away from home, getting married, having children and becoming a pensioner. Using the life situations in the Life Circle as a starting point, users of www.danmark.dk can click their way to more than 1 200 articles containing useful information about each of these situations. Via the Life Circle, a user can find out at which office to register a change of address or how to apply for financial assistance and so on. In most cases there is

also an Internet link to the appropriate authority so that the visitor to www.danmark.dk can continue the search for information or simply contact the office via the World Wide Web.

Box 25. **Portugal: Ensuring On-Line Access for the Disabled**

A Council of Ministers resolution of 29 July 1999 requires the design of public administration websites to include accessibility features for people with disabilities to ensure that:

- a) reading can be performed without using sight, precision movements, simultaneous actions or pointing devices (e.g. a mouse);
- b) information retrieval and searching can be performed via auditory, visual or tactile interfaces.

Websites complying with these accessibility requirements must contain an indication to this effect in the form of a clearly recognisable symbol.

(See: www.acesibilidad.net/petition/government_resolution.html).

political rights and offers links to key legislative texts (see: www.admin.ch/ch/index.fr.html); Mexico's Federal Procedures Register (RFT) provides full information on government structures and administrative procedures (see: <http://www.rft.gob.mx:8083/>); NZGO, New Zealand's main government portal, highlights issues for which government is seeking to consult citizens (see: www.govt.nz/). Information on policy-making at the international level may also be available (e.g. the Czech Republic's progress towards EU accession – see: www.euroskop.cz/euroskop/site/aj/index.html).

– *Policy proposals and agendas:* All of the government websites of the OECD Member countries participating in the survey included press releases, and most also had speeches by government leaders. A large number reported posting transcripts of parliamentary debates on-line. Access to

information on agendas and timetables for upcoming policy discussions, government consultation exercises and public hearings are equally essential if citizens are to contribute to policy-making.

- *Current legislation*: The majority of OECD Member countries provide free on-line access to the stock of current legislation (e.g. Austria, see: www.ris.bka.gv.at/) or official gazette (e.g. Luxembourg – see: www.etat.lu/memorial/) in support of citizens' rights, and duty, to be informed of their obligations under the law. The EU also maintains a database of European Community legislation in force, available in all 11 official languages of the Union (see: europa.eu.int/eur-lex/en/lif/).
- *Draft legislation*: Several OECD Member countries' governments publish their draft legislation and regulations on-line (e.g. Austria, Denmark, France). In other countries, the parliament website is the main source of information on draft legislation (e.g. New Zealand's House of Representatives, see: www.gp.co.nz/wooc/npaper/select-committee-bills.html).
- *Budget*: The budget represents a key programming document in which policy objectives are implemented in concrete terms, and its contents have an impact on all citizens. At the same time, they are highly technical documents and remain incomprehensible to most. Many OECD Member countries recognise the importance of providing guides and brief reviews of national budgets (e.g. the United States' on-line "Citizen's Guide to the Federal Budget", see: www.whitehouse.gov/omb/budget/fy2002/guide.html).
- *Administrative procedures*: The transparency and accountability of government may be greatly enhanced by making information on administrative procedures available on-line. Mexico provides on-line information on each stage of the procurement processes undertaken by all units of the Federal Administration (see: www.compranet.gob.mx). The OPEN system of the city of Seoul provides citizens with on-line information on the processing of their applications for licences and permits (see: english.metro.seoul.kr/government/policies/anti/civilapplications and Part 2 of this report for full case study: "Using ICTs to strengthen government transparency and relations with citizens in Korea").
- *Personal data*: Governments collect significant amounts of data on individual citizens who, in turn, demand high levels of data protection, security and privacy. Data protection laws have been updated to cover electronic records in many OECD Member countries, while a few are now exploring on-line tools to allow citizens to monitor directly how government uses their personal data (e.g. Netherlands).

Box 26. **Austria: Building a Portal to "Help" Citizens**

The Austrian Federal Government has developed a single Internet platform to assist citizens in their interactions with public authorities, which is appropriately named "HELP". HELP links a large number of different federal, province and local authorities through its uniform solutions-oriented approach and gives support for about 50 different life events – the information for which is checked and approved by the competent bodies before being made available on the portal. HELP does not act as a "superauthority"; rather it serves as a hub which channels citizens to the competent body for each situation.

Citizens can access the HELP portal via private PCs and at kiosks installed on the premises of public authorities (i.e. municipal departments). A new initiative to extend citizens' access further still involves an agreement with tobacconists, who sell a large range of goods and are well-frequented, to allow citizens to download and print out forms available on HELP. There is a small fee to pay for this service (to reward the tobacconists for their effort, not for using HELP itself) and the first phase covers 750 tobacco shops throughout the country.

In line with "e-Austria" plans, HELP will provide electronic access to the most important transactions by 2003 and complete this transition by 2005 – at which point citizens will be able to handle all their dealings with public authorities in a single on-line procedure (see: www.help.gv.at).

Quality of on-line information delivery: Most OECD Member countries seek to harmonise the appearance and structure of government web pages, while a few have developed criteria and standards

for the technical characteristics of their IT-supported interface with citizens. For example, the United Kingdom has issued guidelines for government websites (see: www.e-envoy.gov.uk/webguidelines/index.htm) and Denmark conducts regular reviews of the quality of public home pages with the publication of the results in the form of a “report card” (www.bedstpaanettet.dk).

Quality of information delivered on-line: Some OECD Member countries have also focused on the content of public sector websites. For example, Switzerland has adopted five criteria for the information government provides on-line, which should be: reliable, useful, complete, objective and of easy access.

Box 27. **Australia: On-line Information Service Obligations**

Developed by the Department of Finance and Administration, the On-line Information Service Obligations (OISOs) establish minimum standards with which all Commonwealth department and agency websites must comply. They must, for example, include basic information on contact details, organisation, laws, press releases and speeches (see: www.govonline.gov.au/projects/standards/oiso.htm).

Box 28. **Netherlands: Quality Awards and Monitoring Public Web Sites**

In January each year the Webwijzer Award is given for the best public sector website; this has a considerable effect in terms of setting examples and encouraging certain approaches. More important still is the two-yearly Internet monitor to evaluate all public sector websites. This takes into account a range of detailed criteria with 25 questions on the quality of the website and 20 on the quality of its content – on the basis of which the websites are then rated.

Trends: All OECD Member countries provide an increasing amount of government information on-line. While the quantity and range of information available varies considerably among countries, it is likely to continue to expand rapidly. On the other hand, only some countries have made concerted efforts to evaluate the quality of their websites or of the information they provide.

On-line citizen feedback and consultation

ICTs provide new opportunities for government to receive feedback from, and consult with, individual citizens directly during policy-making – without the mediation of elected politicians or civil society organisations. While many OECD Member countries seek to solicit feedback and encourage on-line public consultation, only a few have made this an explicit goal of their information society or e-government policies (e.g. Netherlands, Norway, Sweden). In most cases, there is no single policy framework for on-line feedback and consultation, while practice varies considerably among government units. Finally, the incidence of ICT use by governments when seeking citizen feedback is far lower than that found in the provision of on-line information – and often it is used on a pilot basis only.

ICTs for feedback and consultation: A number of tools are available to governments intent on collecting citizens' views and suggestions on issues proposed for on-line consultation, including:

- *Websites and e-mails:* The most frequently used option for government websites featuring draft legislation or policy documents is to provide e-mail addresses to which visitors to the site may send their comments. In some cases, visitors can also read the comments submitted by others (e.g. the on-line consultations run by New Zealand's Ministry of Education). Another option is to provide interactive reply forms (e.g. offered by the United Kingdom's Department of Social Security in a recent consultation exercise).
- *Portals:* Some governments are developing “consultation portals” to provide citizens with a single point of access to up-to-date information on the range of consultation exercises (both on- and off-line) under way in government at any given time (e.g. Canada).

- *E-mail lists*: Web-based messaging systems can be used to circulate draft policy documents among interested parties for comments (i.e. those who register on government websites indicating their areas of interest). Iceland's Ministry of Communications has adopted this method for interaction with the public (see: www.stjr.is/interpro/samgongur/samgongur.nsf/pages/informations.html).
- *On-line chat events*: Denmark's Minister of Education takes part in a live net chat once a week, in which about 20 people are able to make comments and ask questions (see: www.uvm.dk). The Dutch Minister for Urban Policy and Integration of Minorities also holds a live chat session once a month. The EU also offers an Internet facility for multilingual on-line chats with European Commissioners (see: "Europa chats" at europa.eu.int/comm/chat/index_en.htm).
- *On-line discussion fora*: In developing its new government portal in 1999, France launched an on-line discussion forum to receive citizens' feedback and suggestions on key design features (see: www.internet.gouv.fr/francais/interactivite/portail.htm). Similarly, the Ministry of the Interior of the Czech Republic offers a forum for discussion of its public administration reform programme (see: www.mvcr.cz/reforma/index.html). Germany's Ministry of the Interior offers an on-line discussion forum for citizens on the modern state (see: www.staat-modern.de/forum/). Korea's Ministry of Planning and Budget (MPB) collects ideas and suggestions from citizens through its "Dialogue System on Governance" on the Ministry's home page, and receives over 4 500 comments in the course of a year (see: www.mpb.go.kr/index_eng.html).

Box 29. **UK: Government's Citizen Space**

In creating the United Kingdom's new government portal, ukonline.gov.uk, the designers decided from the outset that it should have a space for citizen-to-government and citizen-to-citizen interaction. This was called "Citizen Space" and the main purposes of this feature were to:

- Provide a gateway to government consultations.
- Facilitate public discussion of policy issues.
- Offer useful political and civic information that can help citizens navigate government.
- Create a space for e-democracy.

Citizen Space is currently divided into two parts: one provides public information (Know How) and the other is a gateway to consultation and discussion (Say So). The Know How section is an embryonic facility for democracy-related information, such as the name of one's MP, how to make a complaint and voter information. The Say So section provides an index of all government consultations (associated with the Code of Practice on Written Consultation, see above) and a discussion forum. The latter is currently the most used part of Citizen Space, with over 2 000 messages posted since its launch.

Citizen Space is potentially a key resource for citizens' interaction with Government and with one another. Once fully developed, it could constitute a showcase for e-democracy in action. Citizen Space is experimental at the moment and many valuable lessons have been learned from its operation. Over the coming months it is planned to radically redevelop the site and expand its facilities to include, for example:

- The creation of much better opportunities for citizens to take part in consultations and policy discussions with, potentially, four levels of participation.
- A major expansion of the information section, to include a comprehensive resource for adult civic education.
- Closer and better connections with all levels of representative institutions, including local authorities, Westminster and the assemblies, and the European Parliament.
- Opportunities for citizens to sign-up to be informed about upcoming policy issues, debates and events.

On-line feedback and consultation on what? The most extensive opportunities for electronic consultation in OECD Member countries are often found when developing national IT and communications policies (e.g. Denmark, Norway), draft laws on electronic commerce (e.g. Ireland, United Kingdom) or government portals (e.g. France). This may well indicate a higher propensity on the part of

government officials responsible for IT policy to *engage* in electronic consultation – matched with a greater willingness to *participate* in on-line consultation among those citizens already active on the web.

On-line consultation with whom? Governments may invest considerable efforts in setting up on-line feedback and consultation and yet have little guarantee that their target groups are aware of this opportunity or even have access to on-line consultation. While currently of limited scope, ICTs open up new possibilities for governments to interact with well-defined target groups on specific issues – provided, of course, that they are on-line. One way of ensuring interest is to involve target groups in the design phase itself – an option adopted by Canada’s Department of Citizenship and Immigration in developing a youth portal (called “Youthfluence”) on civic education and participation. This involved preliminary consultation with 16- to 30-year-olds across the country and the involvement of youth organisations in the development, content and governance of the website (see: www.youthfluence.com/).

Rules for on-line information, feedback and consultation? Citizens now have greater possibilities for direct interaction with individual civil servants whenever their e-mail addresses are published on-line. As technology reduces transmission times to a fraction of their former length (cf. postal times) and citizens’ expectations of a rapid response increase, the limits of the public administration’s capacity are exposed (e.g. organisational and human resource capacity). How are citizens’ access to information rights to be ensured in the on-line era? What aspects of government’s current structure, organisation and resource allocations need to change to respond to new standards in their interactions with citizens? The answers to these and other such issues will be explored in future PUMA work on e-government (see Section IV).

Increasingly, public officials are engaged in on-line consultation and deliberation. Long-standing rules on the accountability and responsibility of civil servants are ill-suited to the fast-moving on-line world. Several fundamental questions are raised such as: What is the scope of responsibility for civil servants in providing answers to citizens on-line? What is the status of a civil servant’s submission to an external electronic discussion forum? In response to such emerging issues, the development of a code of conduct for civil servants engaged in on-line consultations is currently under way in the Netherlands.

Box 30. **France: Official Guidelines on Answering E-mails**

One of the objectives of France’s Action Programme for the Information Society is to ensure that all public servants equipped with a PC have access to e-mail services and their own professional e-mail address. In 1999, a guide for public services in receiving and responding to citizens’ e-mails was published and training provided in each ministry in order to maintain high standards of quality and responsiveness in the face of the increasingly widespread use of e-mail.

(see: www.fonction-publique.gouv.fr/lactualite/lesgrandsdossiers/guidecourrierelectronique2/dire/intro.htm)

Trends: The use of ICTs for feedback and consultation is still in its infancy in all OECD Member countries, and its impact on policy-making is difficult to assess at this stage. While many countries clearly feel that it offers great potential for the future, today it remains complementary to more traditional forms.

Engaging citizens on-line

Governments’ use of ICTs to actively engage citizens in policy-making is extremely limited in all OECD Member countries at the national level. Only a very few countries have begun to experiment with on-line tools and discussion formats which leave citizens wide latitude in proposing opportunities for participation, setting the agenda for discussion, submitting their own proposals and shaping the final outcomes.

Most of the innovative examples in engaging citizens in policy-making are to be found at the local government level – mirroring the trend found in traditional “off-line” public participation. This finding

Box 31. Netherlands: Policy Framework and Handbook For Electronic Consultation

In 1998, the Ministry of the Interior and Kingdom Relations published a handbook for government bodies explaining various approaches to promoting on-line public consultation. It was recently followed up with a second handbook outlining a range of technical tools used in consulting citizens, case studies and suppliers' addresses.

In May 2000 the government issued a policy paper entitled "Contract with the future: A vision on the electronic relationship between government and citizen", reviewing the challenges facing government on-line in terms of ensuring accessibility, choice, privacy and participation. During its preparation expert sessions were organised to examine the changes taking place as a result of the information revolution.

After the publication of "Contract with the Future", a digital debate was organised in the Summer of 2000 in which anyone interested could participate. It was hosted on the personal home page of the Minister responsible for Public Sector Information Policy and was moderated by an independent, external person (www.ministervanboxtel.nl). Both public servants and the minister contributed to the discussion that was concluded by a live meeting of the minister, participants in the debate, civil servants, citizens and civil society organisations. The meeting was broadcast via the Internet and anyone could react via a live on-line chat. The report and summary of the discussion were sent to parliament so that political representatives might be made aware of the reactions and views of the public on this matter (see: www.minbzk.nl/international/).

further reinforces the observation that citizens will be more likely to devote substantial time and energy to public participation if it allows them to shape issues with a direct impact on their lives. National-level governments therefore face greater obstacles in getting citizens to participate in their on-line discussions of policy issues.

At the same time, citizens are increasingly using the Internet as a tool for on-line political debate and mobilisation through a wide range of independent web-sites, discussion fora and e-mail lists. Not all of these are expressly dedicated to policy debate or politics; indeed, they may be targeted for particular age groups or interests (e.g. music websites) but host on-line discussions of recent government decisions and policies. Language barriers notwithstanding, some of these discussions may be truly global in reach with contributions from citizens of different countries. These on-line fora reflect citizens' increasing propensity and capacity to organise, debate and act within a public "cyberspace" and without the goal of engaging with government. Such "virtual" meeting points and debating arenas may represent important sources of information for governments regarding citizens' policy preferences, proposals and views – and merit greater government attention than they have received to date.

Box 32. Canada: Citizen Expectations for On-line Engagement

A recent study of Canadians' use of electronic means to communicate found that 57 per cent of the respondents had visited a government website, 19 per cent had sent an e-mail to a government official, and 82 per cent expected that their use of the Internet would have a high or moderate impact on government decisions. Recent data show that 55 per cent of Canadian citizens believe that the Internet has the potential to enhance democracy (See Ekos Research Associates (2000), *Rethinking Citizen Engagement*: www.ekos.com/studies/citizen.asp).

In this context, national governments have several options in seeking on-line citizen engagement in policy-making: they may choose to "advertise" their own discussion sites with links from other websites (e.g. of local governments, or non-governmental websites) or take part in on-line discussions going on elsewhere (e.g. on youth websites).

A few concrete examples were offered by OECD Member countries participating in the survey. These include:

- *Government-led*: the city of Tampere in Finland has developed a web-based interactive “game” on city planning that provides participants with the opportunity to simulate different future growth options and to provide feedback on their preferences. This model has yet to be applied to policy-making at the national level (see: www.tampere.fi/tiedotus/viinikka/frames.htm).
- *Citizen-led*: in addition to its own websites, the Canadian Federal Government collaborates on external websites, such as the “Polarity” website (www.polarity.com) run by a partnership of public and private organisations which support the active participation of citizens in shaping public policy. The Polarity site provides private and public virtual work spaces on citizen engagement projects.

Open issues for government-citizen relations on-line: Even based on the limited experience to date, several issues for on-line citizen engagement have emerged which require careful consideration if ICTs’ potential as a tool for tapping into a rich source of policy ideas is to be realised:

- How will decision-making integrate the policy proposals generated through on-line public participation? How will governments manage citizens’ expectations and provide clear rules of “engagement”?
- What is the status of government officials when participating in on-line debates organised by others? How will traditional lines of accountability from civil servant to political administrators be ensured? What is the legal status of on-line consultations?
- How will citizens’ legitimate concerns regarding privacy and data security in their on-line interactions with government be addressed? How can the public sphere for on-line debate be strengthened and protected?

Box 33. Finland: Share Your Views with Us!

In February 2000 the Public Management Department at the Ministry of Finance launched an on-line open discussion forum called “Share your views with us” which features a series of issues which citizens are invited to discuss, as well as background material and links (see: www.otakantaa.fi). No registration is required to participate in the discussion forum, and visitors can choose to submit comments anonymously. During its first year of operation, the moderators have had to delete only a small number of inappropriate comments.

For one month in Autumn 2000, the discussion forum was run by the Youth Forum, which assists the Finnish Parliament’s Committee for the Future. During this period, they were responsible for the issues posted on the forum and acted as moderators of the on-line discussion. This represented a novel experiment in conducting on-line discussion in partnership with a non-governmental body. In general, however, the forum is managed by the public administration, in part to ensure impartiality and in part as a means of building commitment among civil servants.

Designed initially as a one-year pilot project, from the beginning of March 2001 the discussion forum will be extended to act as a common platform for all Finnish ministries to “hear the citizens”, and its administration will rotate among them for a one-month period each. The idea is that the issues discussed in the forum should be those in the early stages of preparation in the ministries – thereby providing citizens with the possibility of giving their views at an early stage in the policy-making cycle when their input can contribute to developing policy options.

Limits to on-line government-citizen connections and potential solutions

Limits: As we have seen, new ICTs can be powerful tools to increase the quality of public policy, citizens’ understanding of public policy issues, and their participation in government policy-making. However, these new tools also raise concerns of privacy and data security among citizens. OECD

Member countries are beginning to address these concerns by developing criteria for the release of public information that may contain personal or sensitive data as well as standards for identifying users and ensuring the validity of official documents. Governments will need to address these issues in order to encourage citizens to use new ICT channels for on-line service delivery and public participation.

As ICTs develop, they will become increasingly accessible, allowing electronic information to be delivered through familiar devices such as televisions and telephones without any specialised knowledge and at decreasing costs. In the meantime, however, governments in all OECD Member countries recognise the need to take specific actions to promote the development of ICT skills, especially among the most disadvantaged if the emerging “digital divide” within their societies is to be overcome.

Solutions: Many governments are actively seeking solutions to increase their use of ICTs in providing information, opportunities for consultation and active participation by citizens. These include:

- **Technical:** Many OECD Member countries are currently engaged in building secure systems to support on-line transactions with government. In several countries (e.g. Canada, Japan) these efforts focus on the introduction of public key infrastructure (PKI) to ensure authentication, confidentiality and integrity of data exchanges. Network solutions are also being introduced to ensure that all public administration units are able to communicate seamlessly, for example by means of Wide Area Networks (WAN) and Local Area Networks (LAN) (e.g. Japan). These solutions are also used to control levels of access depending on need and security clearance of public officials.
- **Legal:** The protection of personal data, the authentication of on-line users of government databases and services, and valid electronic signatures are all issues raised by the introduction of ICTs into the government-citizen relationship. Most OECD Member countries have taken, or are considering, amendments to existing legislation (e.g. Freedom of Information Acts) in order to account for the increasing use and exchange of electronic documents and to set out clear privacy standards.
- **Budget:** Governments are investing heavily in equipping their administrations and society at large with the technologies and systems needed to go “on-line”. Recent OECD studies suggest that the risks of failure associated with implementing large IT projects are significant and need to be identified beforehand and managed throughout (see OECD, 2000c). Challenges also lie in the fact that governments need to budget for IT investments across departments and over several years.
- **Organisational:** When applying ICTs on a large-scale in their relations with citizens, the main challenges for governments are organisational, not technical. The need to ensure co-ordination across levels of government within countries and between national governments internationally (e.g. the EU’s e-Europe initiative, see: europa.eu.int/comm/information_society/eeurope) while allowing for flexibility and decentralisation is a key element of a successful e-government strategy. Turkey aims to integrate the entire public service in a single network while allowing each institution to develop its own website through its “Public Net” project. France ensures co-ordination through an Inter-Ministerial Committee for the Information Society. Beyond the issue of adapting organisational structures lies the greater challenge of changing organisational cultures to cope with the new demands and expectations generated by an increasingly open, on-line government.
- **Skills:** The public sector faces stiff competition in recruiting sufficient numbers of skilled IT staff and the challenge of upgrading the skills of existing employees. It is not enough to ensure that all public servants are equipped with the hardware and software systems they need – governments must also provide high-quality training and support to the “wetware”, that is the human beings who will have to operate and manage the systems once installed. Governments are seeking to develop strategies to recruit and retain employees with critical skills, not least in order to manage outside contractors who often have an information a significant information advantage with regard to the systems they sell to and maintain on behalf of public institutions.

- **Digital divide:** Many OECD Member countries are taking concrete steps to ensure that a greater share of the population has access to, and the ability to use, Internet by means of:
 - **Access points:** Providing PCs and Internet access in public libraries (e.g. Denmark, Ireland, Netherlands), public schools (e.g. Canada), retirement homes for the elderly (e.g. Finland) and selected public places (e.g. Mexico).
 - **Awareness-raising:** Promoting familiarisation with new ICTs and their use in accessing government information and services on-line [e.g. a “Cyberbus” which tours the Netherlands, and a free telephone line in the United Kingdom for people to find out where their nearest UK online (community internet access) centre is located].
 - **Provisions for special needs:** Investing in the development of speech recognition technologies to assist the visually impaired (such as in Austria, Denmark) or providing special support to the elderly (as in Norway). Italy has adopted a directive on public administration websites which aims at universal accessibility. The main public websites, such as the Council of Ministers, the Department of Public Administration and the Chamber of Deputies, already meet the WAI standard (Web Accessibility Initiative). The Netherlands has launched a “Remove the Thresholds” project to put the theme of web site accessibility for the disabled firmly on the public agenda, to encourage Internet providers to take account of people with special needs and to inform the disabled of the potential uses of the Internet.

Bridging the digital divide: Several policies have been identified by the OECD as contributing to bridge the digital divide [see: OECD (2001c), “The Digital Divide: Diffusion and Use of ICTs” (forthcoming)]:

- **Network infrastructure:** Regulatory initiatives to enhance competition; basic infrastructure development; broadband infrastructure development.
- **Diffusion to individuals and households:** Access through schools; access through other public institutions; ICT for the elderly/disabled; access in rural/low-income areas.
- **Diffusion to businesses:** ICT support and training for small businesses; diffusion of information
- **Education and training:** IT education and training in schools; vocational training; teacher training
- **Government projects:** Government services on line; governments as model users of ICT
- **Multilateral co-operation**

Box 34. Germany: Ensuring Internet is for All

In the near future, the ability to use the Internet is going to be as important as reading and writing. For this reason the Federal Government in Germany intends to work together with the business community and the *Länder* (state) governments to ensure that modern information and communications technologies (ICTs) are used in education, job training, and in retraining programmes. In doing so the following priorities have been identified:

- All schools should be equipped with personal computers and have Internet access by 2002.
- Wide-ranging promotion should be undertaken for the development of software for schools, universities, and vocational education.
- IT training capacities are to be expanded and the number of computer science students doubled.
- In co-operation with the business community, strong efforts will be made to encourage the training of women in IT professions with a view to tripling the percentage of women employed in these professions by the year 2005 – reaching 40 per cent.
- Requirements and qualifications in IT training will be made more strongly practice-based and standardised.
- All public libraries shall have Internet access; in 2002 there will be a free Internet connection available in one out of every two public libraries.

Challenges in integrating and applying tools

Effective use of the wide range of “on-line” and “off-line” tools for information, consultation and participation available today requires close attention to the need to:

- **Integrate tools:** The design and application of new ICTs must not neglect the principles, practices and lessons of experience accumulated over many years of applying traditional tools for information, consultation and participation. An approach based on multiple channels is more likely to be successful in reaching and engaging citizens than a single medium (e.g. using websites, special events and call centres during an awareness-raising campaign or combining “face-to-face” and on-line discussion fora). The United Kingdom’s National Health Service website “NHS Direct” offers on-line information on a wide range of health issues, services and policy proposals, both via Internet and a 24-hour telephone service in order to reach all potential users (see: www.nhsgdirect.nhs.uk/). In Belgium, the Flanders Info Line provides citizens with a complete guide to the Flemish administration (signpost information, orders of government publications, support in crisis situations) through an integrated set of tools (by phone, fax, letter, e-mail and the Internet).
- **Incorporate the results of consultation into policy-making:** Governments need to account for the use made of information, proposals and ideas received from citizens through consultation and participation, and explain how they are incorporated into the policy-making process;
- **Build capacity:** the effective use of tools depends not only upon the availability of resources (financial, human, expertise) but also on the enabling environment in which they are used. Ensuring that the organisational structure and “culture” of government units are adapted to new tasks of building stronger relations with citizens is also a key factor in this regard.
- **Ensure political commitment:** explain the strengths and limits of available tools and the need for senior political figures to lead by example (e.g. in participating in a public roundtable or on-line chat event).
- **Adapt tools to change:** both the tools and the circumstances in which they are used are subject to rapid change – hence the need for regular review and updating of “tool-kits”.

Box 35. Canada: Building Capacity to Engage Citizens in Health Policy and Programming

Health Canada is committed to public involvement as an integral part of decision-making. As part of its efforts to strengthen the department’s capacity to ensure citizen engagement in policy development and programme delivery, it published a “Policy Toolkit for Public Involvement in Decision-Making” in 2000 (see Health Canada, 2000).

This practical manual sets out the department’s policy and defines five levels of public involvement in terms of the overall objective: to inform or educate; to gather information; to discuss; to engage; to partner. For each level a set of techniques and a case study are offered to illustrate their use in practice. Each technique is described in terms of its application, costs and limits.

Section III

DEVELOPING CAPACITY FOR EVALUATION

Ongoing review and assessment is crucial to government's continuous learning and improvement of its consultation processes.

(Canada questionnaire response)

All participating OECD countries recognise the need to develop tools and to improve their capacity for evaluation. There is a striking imbalance between the amount of time, money and energy which OECD Member countries invest in strengthening government-citizen connections and their efforts to evaluate the effectiveness of these measures and their impact on public policy-making. No OECD Member country currently conducts a systematic evaluation of their efforts to enhance access to information, citizen feedback, consultation and active participation – although all those participating in the surveys expressed an interest in improving their capacity for evaluation.

Why evaluate? Evaluation is needed to assess the relative incidence of successes and failures in public management initiatives, establish an overall picture of what worked and what did not, determine the possible side-effects and unexpected consequences – and provide a solid basis on which to make future choices.¹⁴ Perhaps most important for a relatively new sphere such as government-citizen relations is the “learning effect” of evaluation exercises. When undertaking evaluations, governments have the opportunity to take stock of where they stand with respect to their objectives for information, consultation and public participation and decide, on that basis, what steps they will take to achieve improvements in the future.

While there is no generally accepted evaluation framework for government-citizen relations, some indications of general principles and a set of tools for evaluation are offered by the concrete examples reported by several OECD Member countries. This section provides a brief overview of experience to date; it does not offer a fully-fledged framework for the evaluation of government efforts to inform, consult and engage citizens in policy-making, which will constitute one of the objectives of future PUMA work in this area (see Section IV).

Evaluating public information, consultation and participation

Several OECD Member countries provided examples of government efforts to undertake evaluation in specific instances or to develop general instruments for evaluating public information, consultation and participation. Much of this work is in its initial stages and the preliminary results reported here should be considered as indicative of the directions being explored rather than the definitive results. Some countries underlined the importance of evaluation and assessments conducted by bodies *other* than government (e.g. parliamentary committees in the United Kingdom, user associations in Italy). Of course, the final evaluation of government success in providing information, opportunities for consultation and active participation rests with citizens themselves.

Evaluation in practice

Evaluation rests crucially upon the availability of reliable and comparable data across ministries and government bodies on activities undertaken in the field of information provision, public consultation and active participation – as well as a measure of citizens' satisfaction with the

opportunities provided. Collecting such data constitutes an important first step in building effective evaluation mechanisms.

Access to information: Many governments take steps to collect data on requests for information, monitor the impact of their information campaigns and review the implementation of relevant legislation. Some concrete examples are:

- *Collecting data on access to information requests:* The Norwegian Central Information Service obtains monthly statistics of recorded documents, requests for access to documents, refusals of such requests and reasons therefor, and the processing time for requests for access, from all the ministries and the Prime Minister's Office. These statistics are published in annual reports on the implementation of the Freedom of Information Act. The purpose of these surveys is to increase the awareness in the central government administration of the requirements regarding openness in the public administration stipulated in the Freedom of Information Act and the Central Government Information Policy. In the case of the EU, no systemic evaluation has been conducted but statistics are collected on citizens' requests for access to European Commission documents.
- *Legal requirements for periodic review:* The 1978 Government Information Act and the 1992 General Administrative Procedural Act of the Netherlands both include provisions calling for an evaluation of their results five years after promulgation. These evaluations are carried out jointly by the national civil service and independent investigators. Evaluations of the Government Information Act conducted to date show that the publicity of public authorities' information has increased and improved. Recent inquiries by both Parliament and the media have indicated, however, that information of relevance to citizens has not always been published on time.
- *Using public opinion surveys:* After each referendum or election in Switzerland, a standard public opinion survey is conducted among a representative sample of the electorate to determine, *inter alia*, how they obtained information prior to the vote. The results provide an indirect evaluation of how the federal information campaign was received and show that the public information brochures produced by the Federal Council are generally well received. In Italy, the effectiveness of information campaigns conducted by the Department of Public Administration (e.g. on recent reforms with a direct impact on citizens and businesses) is evaluated by periodic surveys of a panel of 4 000 citizens selected to be representative of the population as a whole.

Box 36. Norway: Evaluating Access to Information

The 1971 Freedom of Information Act is regarded as one of the most important laws guaranteeing the public information as a precondition for citizens to participate actively in the development of government policies and services. The government submitted a Report to the Parliament (*Storting*) in Spring 1998 on the principle of public access to public sector documents, which constituted an evaluation of the Freedom of Information Act and its implementation in practice. The report was the subject of a debate in the *Storting* in Autumn 1998. The Parliamentary Ombudsman has also reviewed the way the Act is implemented in some ministries while the Government Press Centre conducts regular spot-checks of requests for documents. Journalists also make their experiences known in various ways. These reviews show that government bodies do not always live up to the principles established by the Act.

A number of steps have been taken recently to improve the way in which the Freedom of Information Act is put into practice. Some ministries have introduced organisational measures, such as stipulating that refusal of a request for access to information must be decided at a higher level than that responsible for compliance with such a request. Furthermore, some ministries have appointed special freedom of information co-ordinators responsible for seeing that the Act is complied with correctly, and have provided extra training to public servants.

Feedback and consultation: Evaluation of how government handles unsolicited comments and suggestions from citizens as well as its own efforts to solicit feedback and undertake consultation is less widely practised. Examples include:

- *Annual reports*: In Spain under the complaint and suggestion book procedure, all ministries and government agencies have a legal obligation to submit an annual report on citizens' submissions (e.g. complaints, proposals) to the Ministry of Public Administration.
- *Review of legislation*: In the Netherlands, an evaluation of the General Administrative Procedural Act showed that decision-making by public authorities often undergoes delay due to consultation processes as well as objection and appeal procedures – even in cases where timely action was needed. A report by sub-national public officials has confirmed this finding.
- *Review of consultation in practice*: In 1999, the United Kingdom undertook an evaluation of departments' use of the Cabinet Office's 1998 guide on "How to Conduct Written Consultation Exercises – An Introduction for Central Government". It found that "the quality of consultation documents varies between departments, suggesting lack of a common standard being applied. With one or two exceptions, most departments do not monitor centrally the quality of consultation exercises or check that best practice guidance is followed... An analysis of complaints made about consultation exercises shows inadequate response times, lack of background information, leading questions, and lack of feedback to be the main problem areas" (see: www.cabinet-office.gov.uk/servicefirst/2000/consult/code/evaluate.htm).

In Canada, the 1999 Annual Report of the Commissioner of the Environment and Sustainable Development assessed, in depth, the government-wide consultation activities associated with departmental sustainable development strategies. The Commissioner's recommendations have resulted in a number of new initiatives for policy, operational and skills development, thereby strengthening the consultative culture of the Canadian public service.

Active participation: As an emerging area in government-citizen connections, there are few examples of active participation – and fewer still of approaches to their evaluation:

- *Independent review*: A national expert committee was charged with the evaluation of the 1998 General Review of the Health System in France (see Table 9). It issued the following recommendations for future use of citizens' juries in policy-making: better clarify the objectives of public consultation with citizen juries; adopt a tailor-made methodology; improve representation on the juries and invest in their training.

Box 37. EU: The Common Assessment Framework

The Common Assessment Framework (CAF) has been developed as an aid for public administrations in the EU to understand and use quality management techniques. The main purpose of CAF is to provide a simple, easy-to-use framework which is suitable for self-assessment of public sector organisations across Europe (see: www.eipa.nl/CAF/Introduction.htm for more on the CAF).

Among the CAF's nine criteria, the one which most relevant here is: *Criterion 5c: Management of customer/citizen orientation and involvement* which reviews performance in terms of three main fields of action to:

- Improve openness and understanding
- Improve public access to services
- Actions taken to empower customers/citizens

Evaluating the use of ICTs

All OECD Member countries have high expectations for the use of ICTs in strengthening government-citizen connections, and as we have seen, many are making substantial use of these new tools in providing information via the Internet while some are beginning to explore their application to on-line consultation and active participation. Several countries indicated that, on the basis of incomplete and often anecdotal evidence, the introduction of ICTs had already had a tangible impact on interactions between the administration and citizens in terms of:

- *Quantity*: Several reported a significant increase in the amount of feedback received from citizens since the introduction of e-mail addresses on websites (e.g. Japan, Spain, EU).
- *Quality*: Others noted that exchanges between citizens and the administration via e-mail had become faster and more informal (e.g. Norway, Switzerland).
- *Costs*: Some countries (e.g. Denmark, Norway) observed that any cost-savings in producing and disseminating public information via the Internet and handling requests and interactions could be offset by: a) increasing demand for high-quality, up-to-date information on the part of citizens; b) increased pressure to provide rapid responses; c) recruitment of new specialist staff (e.g. webmasters).

However, it should be noted that such observations are seldom based on a comprehensive evaluation of the impacts on government and citizens in using these new tools nor of the effectiveness of ICTs for strengthening government-citizen connections.

The mismatch between governments' efforts to get "on-line" and their investments in evaluating their performance once there is significant in all OECD Member countries. Several reasons may be offered, including:

- *Too early*: ICT-based solutions are of very recent introduction and experience with their use is not yet sufficient to undertake systematic evaluation.
- *Too fast*: The ICT sector is itself changing so rapidly, that there is little point in developing frameworks for evaluating government use which will rapidly become obsolete.
- *Lack of models, tools and data*: Effective evaluation rests upon having a solid analytical framework which identifies the key causal factors determining success and defines a set of useful indicators for which to collect data. This is arguably the greatest impediment to the evaluation of government performance in using ICT to strengthen their connections with citizens at the present time.

Initial steps to evaluate the use of ICTs in government-citizen connections have been taken in a number of OECD Member countries, and focus on:

- *Collecting data on on-line requests*: Mexico's on-line Federal Procedures Register (RFT) has an in-built access identifier which detects which parts of the website citizens consult the most. Analysis of the questions citizens send to RFT staff by e-mail is also conducted.
- *Reviews of public websites*: Public sector websites in France are evaluated on an annual basis by an independent agency that uses an evaluation grid of 120 criteria and quality indicators. The first review was undertaken on the basis of a sample of 142 public websites and the report issued in Spring 2000 acknowledged the richness of the public information offered on-line but noted that there were still too many "shop window sites" and not enough services delivered on-line. The report's recommendations identified the need to: pay more attention to user needs when designing websites, mobilise managers, favour working in networks and pool competencies. The second annual review was conducted from March to June 2001 (see: www.fonction-publique.gouv.fr/ntic/evaluation.htm).

Lessons for evaluation: As we have seen, evaluation may be required by law or undertaken on the initiative of individual government units. It may focus on the effectiveness of particular tools or assess the overall impact of information, consultation and active participation on policy-making. For it to deliver useful results, the prospect of evaluation should be incorporated from the very beginning – for example, by defining the type and amount of data on performance to be collected (e.g. response times) as a function of the purpose of the evaluation (e.g. efficiency) as well as how it will be collected, processed and analysed. Human and financial resources must be assured as well as institutional responsibility for conducting the evaluation (e.g. a central government unit, an independent evaluator).

All participating OECD countries recognise the need to demonstrate the costs and benefits of information, consultation and participation initiatives as well as their ultimate impact and effectiveness. Building an appropriate framework for evaluation in this field requires the combined efforts of

Box 38. France: Self-Evaluation Guide for Public Sector Webmasters

A short self-evaluation guide consisting of a set of 20 questions has been published on-line (see: www.fonction-publique.gouv.fr/ntic/rtf/QuestAuto-eval.rtf) to help public administrations in France design user-friendly websites. The set of six key questions is as follows:

- Who is the website for?
- How is the website designed?
- Does the user have the necessary tools?
- What is the information content of the website?
- What links does it offer?
- What services does it offer?

multidisciplinary teams of “evaluation” and “consultation” experts. One explanation for the lack of well-developed evaluation frameworks may lie in the absence of clear goals on the part of government units when undertaking information, consultation and active participation. A first step in this direction is offered in the last section of this report, with the suggestion of a set of guiding principles against which to measure achievements in practice (See Figure 4, Section IV).

Section IV

LESSONS, CHALLENGES AND OPPORTUNITIES FOR THE FUTURE

Some of the common reasons given for the failure of a consultation process is that consultation is carried out for its own sake, rather than to genuinely shape policy. Another is that consultation takes place too late to have any real influence on policy decisions. Some consultation initiatives that were successful initially, have eventually failed because resources to support their continuation were withdrawn, reduced or were insufficient to begin with.

(New Zealand questionnaire response)

Measures to increase the quantity and quality of information provided to citizens as well as opportunities for feedback, consultation and active participation are increasingly accepted by governments in OECD Member countries as a necessary element of effective policy-making. These measures serve to strengthen representative democracy and are complementary to established systems for representing the public interest in policy-making, most importantly via the election of representatives to national legislatures. The extent, depth and priority given to such initiatives vary significantly – as do the specific legal, policy, and institutional frameworks, choice of tools and use of new ICTs. Meanwhile the lack of systematic evaluation by governments of their own efforts to inform, consult and engage citizens appears to be nearly universal.

This section identifies a set of key factors influencing government-citizen relations during policy-making based on the results of the empirical analysis, and proposes a checklist for public information, consultation and active participation. It also reviews a number of emerging issues expected to have an impact upon government-citizen relations in the future and outlines a number of directions for future OECD work in this area.

4.1. Initial lessons for strengthening government-citizen relations

Exploratory phase: The results of this initial mapping phase of the project show that governments are exploring new ways of interacting with citizens during policy-making. In no case, however, has the right (and duty) of democratically-elected governments to make decisions on public policy diminished in importance. Meanwhile, citizens are developing novel forms of collective action and exploring new ways of bringing their influence to bear on public decision-making – other than through the ballot box. At the same time, citizens expect governments to continue to perform the task they have been delegated to carry out, namely to make policy decisions on their behalf.

New pressures: Under these conditions, democratic governments are under pressure to adopt a new approach to policy-making – one that places greater emphasis on citizen involvement both upstream and downstream in the decision-making process. It requires governments to provide ample opportunity for information, consultation and participation by citizens in developing policy options prior to decision-making and to give reasons for their policy choices once a decision has been taken. Ensuring that these conditions are met requires more from governments than simply complying with existing minimum legal standards – it calls for a proactive approach to policy-making that will need resources and long-term commitment.

Identify expectations: Most important of all, it obliges governments to better identify the expectations and preferences of different categories of citizens (e.g. youth) before introducing new opportunities for receiving information, being consulted and actively participating in policy-making. The

relative weight given to civil society organisations (CSOs) representing citizens' interests and citizens' direct input into policy-making is another issue for careful consideration by governments when seeking to inform, consult and engage "the public".

While open, transparent and accountable policy-making processes are essential, limits to the use of consultation must also be recognised. Effective and inclusive policy-making based on information, consultation, and active participation by citizens entails striking a balance between the need to open issues to wide public debate and ensure closure. Clear definitions of these limits before a consultation exercise is an essential condition for establishing realistic expectations on the part of each partner (i.e. civil servants and citizens) and in ensuring success.

A number of key factors for successful information, public consultation, feedback and active participation are suggested in Table 10.

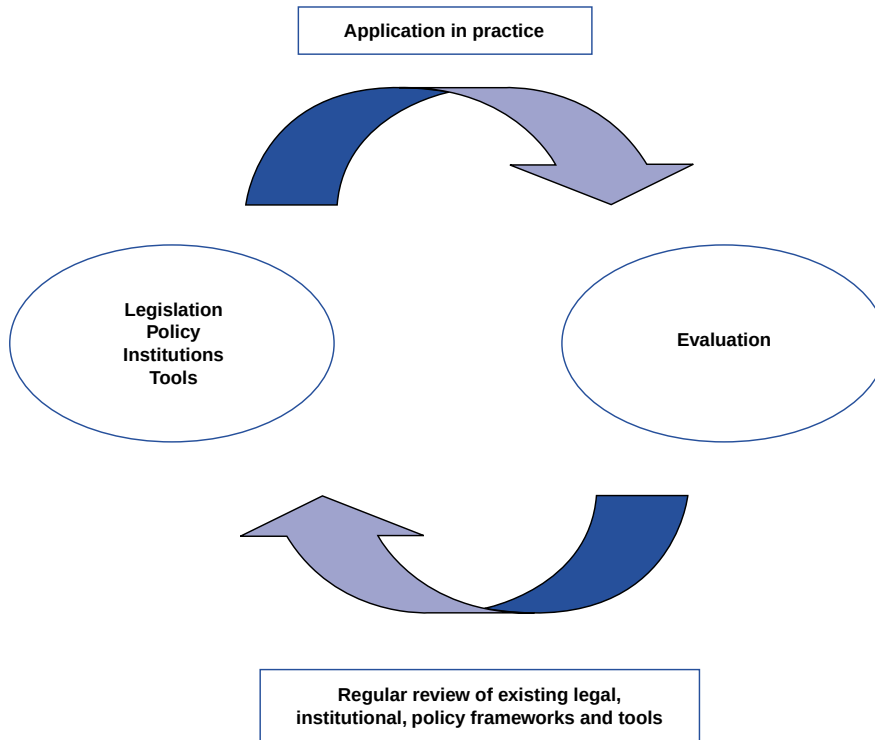
Table 10. **Factors affecting government-citizen relations in policy-making**

I. General framework for government-citizen relations in policy-making	
Constitutional and/or legal basis for basic civil rights	Yes/No
Basis for government-citizen relations	Law/Policy/None
Degree of public involvement in design of framework	High/Low
Reversibility of acquired rights	High/Low
Support at political level	High/Low
Support within the public administration	High/Low
Demand among citizens and civil society	High/Low
Provisions for periodic review and evaluation	Yes/No
Public involvement in evaluation exercises	High/Low
II. Specific cases of government-citizen relations in policy-making	
Why?	
Involvement of public	Obligatory/Optional
Political salience	High/Low
Who?	
Initiator	Politician/Public official/Civil society
Level of government	National/Regional/Local
Restrictions on participation	Yes/No
Participation	Open/Closed
Threshold for participation	High/Low
Support at political level	High/Low
Support within the public administration	High/Low
What?	
Legal basis	Law/Policy/Administrative decision/None
Interests affected	Diffuse and public/Specific and private
Urgency of decision	High/Low
Impact of decision (scope)	Restricted/Universal
Impact of decision (time)	Short-term/Long-term
Centrality of issue for specific policy field	Core/Peripheral
When?	
Timing	Early/Late
Duration	Short/Long
Frequency	Ad hoc/Ongoing
How?	
Resources available	High/Low
Tools used	Traditional/New
Channels	Bilateral/Multilateral
Impact on decision-making process	High/Low
Impact on content of final decisions	High/Low

Evolving relations: What emerges most clearly from this report is the dynamic nature of the relationship between governments and citizens – one which is undergoing rapid evolution. Under these circumstances, governments may soon find that they lack the legal basis, policy framework, institutional means, and appropriate tools to respond to new opportunities – for example those offered by new ICTs.

If they are to adapt, governments will need to devote more attention to developing and applying flexible systems for evaluation – which are themselves capable of regular updating. The results of such evaluation should, in turn, be integrated into regular reviews to determine whether, and where, changes in existing legislation, policy and institutions are needed (see Figure 3).

Figure 3. **Strengthening tools for evaluation to ensure adaptation**



Strengthening evaluation: While each OECD Member country will need to develop its own evaluation mechanisms and standards (adapted, for example, to meet the expectations of its own citizens), the report indicates a number of key conditions for success which appear to cross national boundaries. A ten-point set of guiding principles for public information, consultation and active participation based on the collective experience of participating OECD Member countries is proposed for consideration when developing national frameworks for evaluation (see Figure 4).

4.2. Government-citizen relations, good governance and the quality of democracy

At the very beginning of this report the issue of strengthening government-citizen relations was framed in terms of its contribution to a broader objective – that of achieving good governance and enhancing the quality of representative democracy – in terms of the following question:

How can governments improve the transparency, accountability, legitimacy, quality and effectiveness of their policy- and decision-making by enhancing information, public consultation and active participation?

We have seen many examples of how OECD Member countries have taken steps to reinforce their legal, policy, and institutional frameworks and develop better tools for information, consultation and active participation. But what are the returns on their investments in terms of greater transparency, accountability, legitimacy, quality and effectiveness of government and public policy? Some answers are offered below:

- **Transparency:** Providing citizens with more information on, and access to, government and its decision-making processes makes a significant contribution to greater openness within the administration.
- **Accountability:** Greater information and access, in turn, opens up decision-making to direct public scrutiny by individual citizens and indirectly via media and oversight institutions – all of whom will hold governments to account for their decisions and actions.
- **Legitimacy:** Introducing new rules for policy-making which ensure a greater degree of citizen involvement lends greater credibility to the process of government decision-making – even in instances where some citizens do not agree with its results.
- **Quality:** Greater citizen participation brings a wider range of information, perspectives, priorities and solutions to bear on a given policy issue and thereby contributes to raising the standards for decisions reached.
- **Effectiveness:** More information, consultation and participation in policy-making ensures better implementation by raising the level of awareness of, and compliance with, policy provisions – especially among target groups who have helped to define them.

Finally, it is worth reflecting on the consequences of taking no action at all. At the very least, postponing measures to strengthen government-citizen relations seems unlikely to halt the steady erosion in citizens' trust in government. At worst, it may contribute to exacerbating social divisions and disaffection with democracy as a form of government. All OECD countries have taken significant steps to enrich the quality of their democracies during the post-war period and increase the transparency and accountability of government. While much has been achieved, much remains to be done.

4.3. Challenges and opportunities for the future

Future challenges: While government-citizen relations have been subject to profound transformations in OECD Member countries over the past decade, they are likely to undergo even greater change in the next. Among the sources of new and emerging challenges for government in approaching this evolving relationship are:

- **Globalisation:** Citizens can no longer identify the locus of decision-making in an increasingly globalised world, while national governments are being held to account for policy decisions that are often made at the international and sub-national levels. Governments are open to public scrutiny and subject to direct and indirect pressure from citizens in other countries, notably via international media and the Internet – how they respond to such new influences when making policy decisions will be closely watched by external observers and their own citizens.
- **e-government:** The use of new information and communication technologies undoubtedly holds great promise in strengthening government-citizen relations. New technologies have not only increased government capacity, they have also raised citizens' expectations with regard to the scope, quality, and speed of government response. The advent of e-government also raises many concerns among citizens with regard to privacy and personal data protection. Without strong accompanying legal guarantees and institutional mechanisms for oversight, technological solutions alone will not suffice. Other emerging issues in this area are authentication and ICT convergence (e.g. digital TV). Governments will also need to devote more attention and resources to bridging the “digital divide” and ensuring the quality of on-line information, consultation and participation in the future.
- **Complexity:** The policy issues to be addressed in an increasingly interdependent world are ever more complex and governments are hard-pressed to develop integrated, horizontal and effective policy responses. The implementation of large IT projects to support the introduction of e-government are a good case of complex, inter-linked policy initiatives that carry with them a high risk of failure.¹⁵ At the same time, complexity cannot be used as a reason for withholding information or limiting public debate, and governments must make every effort to provide

Figure 4. Guiding principles for successful information, consultation and participation

1. Commitment

Leadership and strong commitment to information, consultation and active participation in policy-making is needed at all levels – from politicians, senior managers and public officials.

2. Rights

Citizens' rights to access information, provide feedback, be consulted and actively participate in policy-making must be firmly grounded in law or policy. Government obligations to respond to citizens when exercising their rights must also be clearly stated. Independent institutions for oversight, or their equivalent, are essential to enforcing these rights.

3. Clarity

Objectives for, and limits to, information, consultation and active participation during policy-making should be well defined from the outset. The respective roles and responsibilities of citizens (in providing input) and government (in making decisions for which they are accountable) must be clear to all.

4. Time

Public consultation and active participation should be undertaken as early in the policy process as possible to allow a greater range of policy solutions to emerge and to raise the chances of successful implementation. Adequate time must be available for consultation and participation to be effective. Information is needed at all stages of the policy cycle.

5. Objectivity

Information provided by government during policy-making should be objective, complete and accessible. All citizens should have equal treatment when exercising their rights of access to information and participation.

6. Resources

Adequate financial, human and technical resources are needed if public information, consultation and active participation in policy-making are to be effective. Government officials must have access to appropriate skills, guidance and training as well as an organisational culture that supports their efforts.

7. Co-ordination

Initiatives to inform, request feedback from and consult citizens should be co-ordinated across government units to enhance knowledge management, ensure policy coherence, avoid duplication and reduce the risk of “consultation fatigue” among citizens and civil society organisations. Co-ordination efforts should not reduce the capacity of government units to ensure innovation and flexibility.

8. Accountability

Governments have an obligation to account for the use they make of citizens' inputs received through feedback, public consultation and active participation. Measures to ensure that the policy-making process is open, transparent and amenable to external scrutiny and review are crucial to increasing government accountability overall.

9. Evaluation

Governments need the tools, information and capacity to evaluate their performance in providing information, conducting consultation and engaging citizens, in order to adapt to new requirements and changing conditions for policy-making.

10. Active citizenship

Governments benefit from active citizens and a dynamic civil society, and can take concrete actions to facilitate access to information and participation, raise awareness, strengthen citizens' civic education and skills, as well as to support capacity-building among civil society organisations.

citizens with clear and understandable information on the policy options available while avoiding the risk of oversimplification.

- **Time:** Governments are under pressure to respond within ever tighter time frames, while ensuring coherence within and across policy sectors and providing adequate time for information, consultation and participation. They are also faced with the need to develop coherent and long-term strategies to face policy challenges such as sustainable development, which raises issues of intergenerational equity.
- **Civil society organisations (CSOs):** Striking a balance between the role and relative weight of organisations representing sections of civil society with respect to views voiced by individual citizens and coping with the increasing fragmentation of public interest are issues that will require greater attention. At the same time, CSOs have great potential for contributing to the design (e.g. through development of alternative policy options), implementation (e.g. through the dissemination of information and delivery of services) and evaluation of public policy (e.g. by acting as “watchdogs” and independent monitoring of government activities).
- **Citizens:** Has the emergence of new and expanded rights to information, consultation and active participation in policy-making been accompanied by an equivalent increase in citizens’ responsibility for the success of public policies? What skills for citizenship will be required under these new governance arrangements and what forms of civic education will be needed to equip individuals for “active citizenship”?

The set of issues outlined above are all relevant to the wider question of whether traditional “representative democracy” will be reinforced – or overtaken – by the inclusion of these new elements of “direct democracy”. While an answer to this query remains beyond the scope of the current report, it is one of great topical interest for executives and legislatures alike. What appears certain at this stage is that enhancing the role of citizens in charting the future course of society, while respecting the constitutional framework of representative democracy, will require the contribution of both.

4.4. Future PUMA work

This report is part of a wider programme of OECD activities to support Member countries in building and strengthening effective, efficient and transparent government structures through its Public Management Service (PUMA). Its results will contribute to new and ongoing programmes of work, notably in the following areas:

- **E-government:** This new area of PUMA work was launched at the beginning of 2001 with expert support to the Third Global Forum on Governance “Promoting Democracy and Development through E-government” held in Italy (Naples, 15-17 March 2001 – see: www.globalforum.it). Initially this activity will focus on the type and depth of changes in administrative culture and processes with the shift to e-government over the short term, and the governance implications of these changes over the long term. It will also seek to assess the impact e-government will have on governments’ internal arrangements for accountability and transparency as well as its external relations with citizens, business and civil society.
- **Consultation with Citizens and Civil Society:** The first phase of the activities undertaken by the PUMA Working Group on Strengthening Government-Citizen Connections in mapping the current state of play in government-citizen relations has now been completed. These results provide a solid basis for the next stage of the work, planned for the period 2001 to 2002, on “Consultation with Citizens and Civil Society” which has the following objectives:

Objectives

- To identify practical **tools** for consultation and public participation in policy-making.
- To develop **methods for evaluation** of governments’ efforts to inform, consult and engage citizens and civil society organisations (CSOs) in policy-making.

- To highlight **innovative practices for involving civil society organisations** (CSOs) in policy-making at the national and international level and formulate policy lessons.
- To assess the opportunities and limits of **on-line consultation** in engaging citizens and civil society organisations in policy-making.

Products

- **On-line database** of methods and tools for engaging citizens and CSOs in policy-making through consultation and participation (including ICTs).
- **Review** of existing methodologies for evaluating consultation and OECD country experience in this field.
- **Country case studies** on managing inputs from civil society organisations during policy-making at the national and international level (e.g. framework agreements between government and third or voluntary sector).
- **Report** on OECD country experience in engaging citizens and civil society organisations in policy-making through new ICTs.

Through these activities and other ongoing work, PUMA will continue to contribute to strengthening relations between the administration and other key actors such as parliaments and civil society in achieving good governance. It will do so by developing tools and providing information exchange on good practice to support OECD Member country governments to integrate citizens' inputs into policy-making thereby improving the quality, legitimacy and implementation of public policies. Last but not least, PUMA will engage in policy dialogue with non-member countries to ensure widespread dissemination of the main findings and policy lessons of this programme of work.

Part 2

**FROM POLICY TO PRACTICE:
LESSONS FROM COUNTRY CASE STUDIES**

Section V

GOVERNMENT-CITIZEN RELATIONS IN ACTION

An important component of any public discussion, one that prepares the ground for future consultations, is the existence of a clear mechanism for providing feedback to the participating public. Attempting an 'ornamental' discussion, with no visible impact whatsoever, would be a safe way to discredit any such future efforts.

(Czech Republic case study)

The comparative overview of the legal, policy and institutional frameworks for government-citizen relations in OECD Member countries, as well as the use of traditional tools and new information and communication technologies (ICTs), presented in Part 1, provides important insights into the range and diversity of approaches on offer. Indeed, comparative surveys offer breadth but not depth – and are unable to capture the dynamic elements intrinsic to government-citizen relations. Recognising that the two comparative surveys launched in 1999 could be usefully complemented by more in-depth reviews of concrete cases of government-citizen relations “in action”, the Working Group decided to launch a series of nine in-depth country case studies which were undertaken over the period 2000-2001.

5.1. Country case studies in information, consultation and participation

The Working Group expressed an interest in conducting country case studies to illustrate concrete instances of consultation and active participation of citizens in policies affecting their everyday lives. The case studies completed reflect this orientation and cover a number of key policy sectors in government-citizen relations (e.g. health, education, social policy, environment). They also reflect the diverse contexts and traditions of the countries reviewed, namely: Belgium (Flanders), Canada, the Czech Republic, Denmark, France, Hungary, Korea, Norway and the United States.

The case studies centre on different stages of the policy-cycle – four focus on public participation in policy-making [Belgium (Flanders), Canada, Denmark, the Czech Republic] and four on citizen involvement in policy implementation (France, Hungary, Korea, United States). Examples of systematic citizen engagement in the evaluation of public policy are very rare in OECD Member countries – and only one country case study included reference to such an experience (Norway) (see Figure 5). Several country case studies made reference to efforts to evaluate government actions in providing information and undertaking consultation.

The preparation of the case studies was undertaken by experts working closely with the Public Management Service (e.g. national consultants, academics, government officials, or members of the Secretariat).¹⁶ Each author followed a standard format approved by the Working Group on Government-Citizen Connections, which included reference to: the national legal and institutional framework for government-citizen relations and its application in practice; the methods and resources used; the use of new tools and ICTs; the effective impact on decision-making; whether (and how) citizens' participation and satisfaction with the results are measured and evaluated by government. The case studies have now been published on-line and are available on PUMA's web pages (see: www.oecd.org/puma/citizens/).

This section provides an overview of the results of this empirical investigation by means of an analytical table summarising the key features of the country case studies (see Table 11) and an indication of the tools used (see Table 12). Each country case study begins with a brief executive summary highlighting the main issues examined in each.

The case studies show that achieving successful public information, consultation and participation is not easy and takes considerable time, resources and commitment. However, they also demonstrate that such efforts constitute important investments whose dividends are expressed in terms of the quality of public policy produced, greater awareness among citizens and public officials alike and enhanced legitimacy of (and citizens' trust in) public institutions.

Figure 5. Mapping the country case studies by stage in the policy cycle

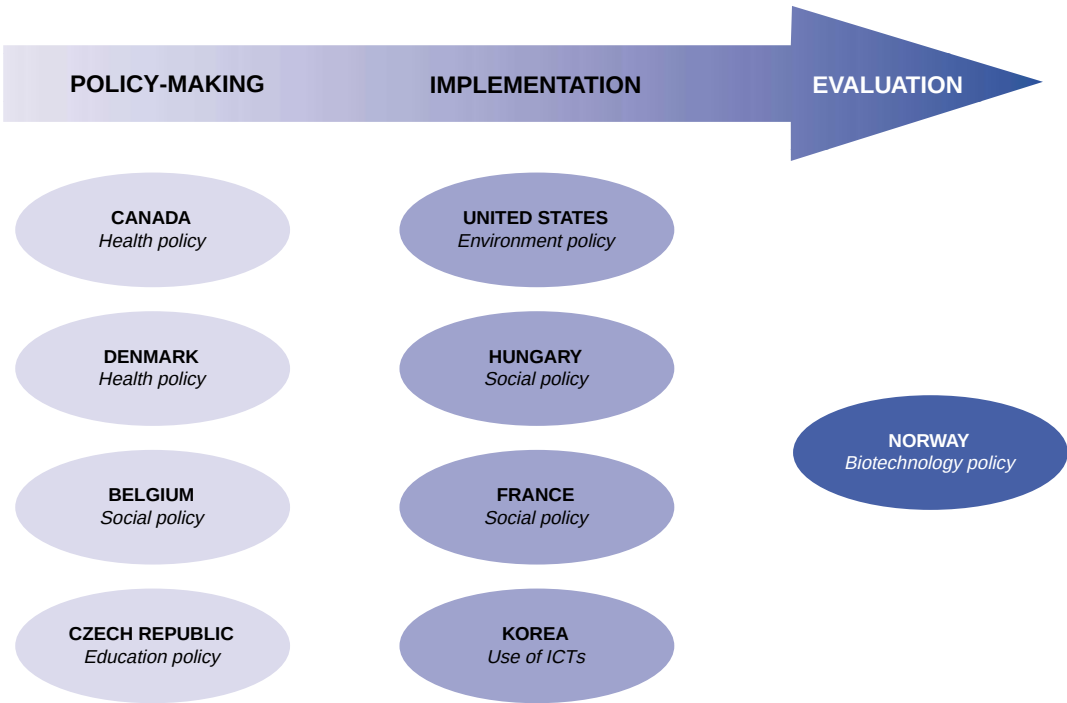


Table 11. Key features of the country case studies

	Canada	Denmark	Belgium*	Czech Rep.	United States	Hungary	France	Korea	Norway
Stage of policy cycle	Policy-making	Policy-making	Policy-making	Policy-making	Implementation	Implementation	Implementation	Implementation	Evaluation
Policy sector	Health	Health	Social policy	Education	Environment	Social policy	Social policy	Use of ICTs	Bio-technology
Key feature	Consultation; Participation	Feedback; Consultation	Consultation	Information and Consultation	Information	Information	Information and Consultation	On-line information	Consultation and evaluation
Level of government	Federal	National, Regional	Federal, Regional	National	Federal	National, Regional, Local	National, Local	Metropolitan	National
Objective stated?	To increase participation; achieve policy outcomes	To increase participation; achieve policy outcomes	To increase participation; achieve policy outcomes	To increase participation	To enhance transparency	To achieve policy outcomes	To achieve policy outcomes	To enhance transparency	To ensure laymen's input
Legal basis	Policy initiative	General primary legislation; sectoral law	Policy initiative	Policy initiative	FOI legislation, sectoral law, policy initiative	General primary legislation	Sectoral law	Policy initiative	Policy initiative
Initiator	Prime Minister's Office	Ministry of Health; county health authorities	Federal/ regional government	Ministry of Education	Environmental Protection Agency (EPA)	State Foundation for Employment (OFA), Ministry of Social and Family Affairs; local government	Ministry of Public Works, Transport and Housing	Seoul Metropolitan Government	National Committee on Research Ethics; Biotechnology Advisory Board
Organiser	Forum Secretariat	Ministry of Health; county health authorities	Federal Government	Ministry of Education; Institute for Information on Education	EPA Office of Environmental Information; State Emergency Response Commission	National Union of Moderate Rent Accommodation Federations	National Union of Moderate Rent Accommodation Federations	OPEN Development Team, Seoul Metropolitan Government	Biotechnology Advisory Board
Target groups	Individual citizens; local groups; NGOs; experts; media	Individual citizens; local groups; NGOs; experts; media	Individual citizens; NGOs	Individual citizens; experts; social partners; NGOs	Individual citizens; NGOs	Individual citizens; local groups	Individual citizens; tenants' organisations	Individual citizens	Individual citizens

* The case study presents the experience of Flanders.

Table 12. **Tools featured in country case studies**

	Canada	Denmark	Belgium*	Czech Rep.	United States	Hungary	France	Korea	Norway
Information	Extensive media activities, report, website	Website, information resource people, newspapers, announcements for meeting with ministers, special mail-out	Policy letters (published via media and Internet)	Bulletin, web-site, press conferences, roundtables	Website	National and local newspapers	National Agency for Information on Housing (ANIL)	Website	Introductory seminars; lectures from experts; question and answer sessions
Feedback & Consultation	Internet discussion group, reviews of submissions, public opinion polling, phone surveys, conferences, meetings with experts	Open meetings with ministers, parliamentary hearings, Gallup survey, user board, written comments, public meetings	House visits, group meetings, conferences, website	Local discussion groups, national conference, website	Website		National Commission for Consultation (CNC); public meetings	Surveys; e-mail options	Expert answers to written questions
Active participation	Discussion groups, public deliberation during the National Forum on Health	Consensus conferences					Neighbourhood assemblies		Consensus conference with a laymen's panel (1996)
Evaluation				Public opinion polling, phone surveys of teachers, media monitoring				Public opinion polling	Independent report (1997); survey of participants; follow-up consensus conference (2000)

* The case study presents the experience of Flanders.

CONSULTING ON HEALTH POLICY IN CANADA

by Laurie Ham

Executive Summary

This report begins by outlining the legislative framework in which Canadian health and health care are situated. The formation of the *Canada Health Act* is briefly outlined to illustrate that: (1) the evolution of Medicare has been widely supported by citizens, indicative of the depth of citizen involvement and investment in national health care, (2) the evolution of the system has placed hospitals and physician services at the heart of Canada's health care system and, correspondingly, (3) the evolution of Medicare has firmly established specific stakeholders – most prominently, physician and hospital associations – as central to the policy development process. This has resulted in the effective involvement of prominent stakeholders and “experts” in policy development for health, while the role of citizens – as individuals, coalitions and/or organisations – has only recently become more clearly defined and understood.

In 1994, the federal government committed to examining the health system in the Speech from the Throne. The National Forum on Health (“the Forum”), a federal initiative with the mandate “to involve and inform Canadians and to advise the federal government on innovative ways to improve our health system and the health of Canada's people”, was the fulfilment of this commitment. The main body of this report details the role and activities of the Forum, presents policy outcomes and outlines its challenges and achievements.

This study highlights several unique aspects of the Forum. First, the Forum involved both citizens and stakeholders and made deliberate efforts to incorporate and balance the views of both. Second, the Forum structured its public consultation in two phases. The first phase involved an initial scoping of concerns and ideas that Canadians had regarding the present and future direction of health and health care issues, and the second phase allowed the Forum to “ground test” its directions before becoming recommendations. Finally, the Forum made use of public deliberation as a tool for citizen engagement. The Forum illustrated that Canadian citizens are able to constructively inform policy development when supported by accessible and timely information. This finding is important in light of the widely held belief that policy development within Canada's health sector is too complex to allow citizens to be effective participants.

In February 1997, the Forum presented its recommendations to the government just weeks before the Budget. A number of recommendations made by the Forum were immediately acted upon. For example, the federal government established a *Health Transition Fund* of \$CAD 150 million over a three-year period to be allocated to the provinces to help them launch pilot projects to investigate new and better approaches to health care delivery, including approaches to home care, Pharmacare and primary care reform. An additional \$CAD 50 million over a three-year period was put in place to launch a Canada Health Information System, and several programmes to improve the health and well-being of children were announced. Finally, the federal government guaranteed a minimum level of funding in cash transfer payments to the provinces in support of health, post-secondary education and social services/assistance. Because the Forum had involved citizens and stakeholders from the start, it could assure the government that policy directions rooted in the Forum's work would be widely supported.

The report concludes by highlighting promising directions regarding citizen involvement in policy development, both within and beyond the health sector. Three directions of particular importance are: (1) Health Canada's recent efforts to establish a strategic policy framework for public involvement, (2) the Government of Canada's current initiative to develop a policy for engaging Canadians, and (3) a renewed federal/provincial/territorial commitment to work in a collaborative manner in setting and achieving social policy objectives as expressed in the recent signing of the Social Union Framework Agreement. **The case study was submitted to the Secretariat in 1999 and covers events up to that date.**

Introduction

It is widely acknowledged that Canada's public system of health care, the country's "crowning social policy achievement," is in the midst of great change (Canadian Medical Association, 1998). The cost of Canada's health care system, approximately 9 per cent of Canada's GDP, is the country's largest expenditure of public money (Health Canada, 1999a). As is currently the case in many industrialised nations, citizens and governments are taking a careful look at the allocation of health care resources to ensure the efficacy and efficiency of every dollar spent.

Changing demographics and increased citizen expectations, among other factors, are placing new demands on Canada's health care system. Canada's population, although relatively young in comparison to other industrialised nations, is rapidly ageing. Because the elderly historically use hospitals and health care services at a higher rate than a younger population, this demographic change is feared to place particular pressure on health resources and is gaining increased attention from policy-makers.¹⁷ Also, citizen expectation of what Canadian health care dollars should cover is in a constant state of flux, most often pushing for broader and more inclusive coverage.

These changes are pulling the health care system in new directions at a time when resources for social expenditure are increasingly scarce. The early to mid-1990s was a period of government restraint during which provincial health expenditures – and federal transfers supporting these services – decreased in real terms. Although this has been partially redressed in recent federal budgets, citizens have questioned government commitment to health care throughout the 1990s. Canadian citizens share anxieties regarding the impact of decreased funding on the resilience of their health and health care system (Graves *et al.*, 1998).

This public concern has played a significant role in catalysing citizen and stakeholder interest in health care policy. In fact, Canadian citizens desire an increased voice in decision-making across many sectors – not only health. Recent polls indicate that 88 per cent of Canadians would feel better about government decisions if they knew that governments regularly sought informed input from average citizens, and 86 per cent say that the government should consult and engage citizens more (EKOS, 1998). A significant body of literature has emerged which speaks to an eroding relationship of trust between Canadian citizens and elected representatives and the larger "decline of deference" (O'Hara, 1998).¹⁸

Provincial and federal governments, facing difficult decisions regarding the allocation of scarce resources, are responding to citizen interest in policy development and actively engaging citizens and collaborating with stakeholders on a wider variety of issues than previously. Governments hope to more effectively meet the needs of a changing population, to do so more efficiently, and to encourage citizen ownership of ensuing policy directions (National Forum on Health 1997).

Purpose

The purpose of the present report, one part of Canada's contribution to the OECD's work on government-citizen relations, is to consider how the Government of Canada informs, consults with and engages citizens – as individuals and as organisations – in policy development in the health care sector. In doing so, this report:

- Discusses the federal experience with public involvement in health policy.
- Presents a recent national consultation process, *The National Forum on Health*.
- Highlights promising trends in public involvement within health policy and across the federal government as a whole.

Information for this report was gathered from: (1) interviews with government representatives, health policy professionals and groups representing particular illnesses, consumers, physicians, and nurses, and (2) current literature concerned with health policy.¹⁹

Canadian context

Institutions for Governance

Canada is a constitutional monarchy, a federal state, and a parliamentary democracy with two official languages (French and English) and two systems of law (civil and common law). The federal state brings together divergent political groups under a common government for common purposes, while allowing for the creation of separate local or regional governments to reflect the particular needs of each region. Thus Canadians are governed by a central, federal government – parliament – which is seated in Ottawa in the province of Ontario, as well as a legislature in each province. Municipal councils exist to govern at the level of the community, town and city. Canada includes ten provinces and, as of 1 April 1999, three territories.

In 1867, The Constitution Act (formerly known as The British North America Act) established Canada as a federal state and divided the power to make laws between the federal and provincial levels of government.²⁰ Health care is defined as a provincial responsibility and provincial governments are, therefore, responsible for the primary delivery of physician and hospital services. Other key elements of the health system for which the provinces/territories are responsible include home care, long-term care, rehabilitation, and pharmaceutical programmes (Provincial/Territorial Ministers of Health, 1997).

The federal government has always played a central role in providing resources for health and health care. Through a variety of cost-sharing arrangements, the federal government has been able to ensure uniformity of health care coverage among provinces (Maslove, 1998). Provincial receipt of federal transfer payments is contingent upon the provinces meeting certain minimum standards of comprehensive coverage, accessibility of services, universality, portability and public administration. These five criteria defined in the Canada Health Act are considered the “pillars” of Canada’s health care system.

From the late 1950s, with the inception of national health insurance in Canada, to the late 1970s, the federal government reimbursed each province 50 cents on every dollar spent in the areas of hospital and medical care insurance. After renegotiating with the provinces, the federal government moved from the “cost-sharing” approach to a “block funding” formula which lasted almost 20 years (1977/78 to 1995/96). In the 1995 budget, the federal government announced the creation of the Canadian Health and Social Transfer (CHST). The CHST collapsed health, post-secondary education, and social assistance all into one cash transfer, giving the provinces greater flexibility to allocate funds where they see fit. At the time the CHST was established, there was also a significant decrease – more than \$CAN 7 billion – in federal funds transferred to the provinces.

Since 1995, there has been much written on the implications of the CHST for health care. When the CHST was introduced, it was the subject of considerable hostility and criticism from groups working within the fields of health care, education and social assistance (Maslove, 1998). Many groups made their concerns known in their submissions to the House of Commons Standing Committee on Finance during the course of public hearings in 1995.²¹ Most of these groups felt the CHST marked the demise of the federal government’s ability to ensure that the principles of the Canada Health Act are met (Steinhauer, 1995); others suggested it will have little impact on health care (Hurley *et al.*, 1995). Suffice to say, however, that the federal government’s level of funding of health care is largely seen – by citizens, stakeholders and provincial decision-makers alike – to be a signal of their commitment to health care and the principles embodied in the Canada Health Act.

Table 13 illustrates that Canadian health care is being delivered in increasingly diverse settings. Hospital expenditures declined from 39.3 per cent of total health expenditures in 1990 to 33.4 per cent in 1998, while public home care expenditures increased from 2.2 to 4 per cent of public health spending. Spending on drugs has also increased. These changes have taken place during a period of fiscal restraint. Between 1990 and 1994, public health spending rose from \$CAD 1 643 to 1 808 per person. However, in real per capita terms, funding for public health has declined since 1994.

Table 13. **Fact and figures about Canada's health system (in Canadian dollars)**

	1990	1994	1998
Total health expenditures as share of GDP (%)	9	9.6	9.1
Per capita total health expenditures	\$2 203	\$2 508	\$2 613
Public health expenditures (in billion dollars)	\$45.7	\$52.9	\$55.8
Per capita public health expenditures	\$1 643	\$1 808	\$1 821
Total health expenditures by use of funds (share of total in %)			
Hospitals	39.3	36.2	33.4
Home care ²²	2.2	3.1	4.0
Physicians	15.1	14.6	14.4
Drugs	11.3	12.7	14.0

Source: Health Canada, 1999.

The Social Union Framework Agreement

Throughout the 1990s, federal-provincial agreements have granted the provinces more power in the areas of social and economic policy. These agreements grow from long-standing and unresolved debates between the federal and provincial governments concerning the permanency of each government, where the majority of law-making power should fall, and whether or not Canada's federation should be highly centralised or decentralised. Canada's current Prime Minister advocates a "flexible federalism," which is able to accommodate provinces which have "distinctly different value orientations" (Lassey *et al.* 1997). While some provinces prefer strong federal involvement, others prefer greater provincial autonomy.

In the early 1990s, it became increasingly apparent that tensions between different levels of government might stall action on shared social priorities and threaten to erode already established social programmes. In February 1999, however, a new spirit of collaboration was ushered in when federal, provincial and territorial governments (with the exception of Quebec) signed the Social Union Framework Agreement (SUFA), an intergovernmental agreement "based on mutual respect between orders of government and a willingness to work more closely together to meet the needs of Canadians" (Intergovernmental Affairs, 1999). SUFA acknowledges that citizens have an important role to play in shaping their society. Among other commitments, within SUFA, governments agree to:

- Respect the principles of Medicare: comprehensiveness, universality, portability, non-profit public administration and accessibility.
- Work in partnership with individuals, families, communities, voluntary organisations, business and labour, and ensure appropriate opportunities for Canadians to have meaningful input into social policies and programmes.

Voluntary and non-governmental organisations have always played a central role in creating and strengthening the social fabric of Canada. Recent surveys indicate that Canada's 31 million citizens volunteer over 900 million hours annually, creating a diverse and textured voluntary sector. In 1996, there were 74 918 charities registered in Canada and it is further estimated that more than 100 000 organisations not registered as charities exist (Canadian Centre for Philanthropy, 1997). Many of these organisations focus on health promotion, health care delivery and other health care issues. For example, in 1996, there were 3 180 organisations supporting medical research and public health; 5 238 organisations categorised as "community benefit" (for example, Meals on Wheels and Humane Societies); and 10 317 public foundations and social service organisations focusing on children, family and the disabled, welfare and services, international assistance and relief.

However, over the last decade, challenges facing the voluntary sector have been heightened by economic restructuring, the rethinking of government services, and changes in the demographics of the Canadian population. A key limitation to voluntary sector involvement in policy development is the legal requirement which states that non-profit organisations must limit their advocacy work to 20 per cent or less of their budget to retain their charitable status. This legal constraint works as a financial

disincentive for organisations to become more involved in advocacy work and “in general, weakens the consumers’ opportunity to push for change” (Kushner and Rachlis, 1997). Indeed, many organisations that focus on advocacy work find themselves without the financial or human resources to engage in policy debates in any substantive way or track policy development processes as they become protracted.

Obstacles to the more effective involvement of voluntary organisations have begun to be addressed by the federal government. Furthering the important work of the Voluntary Sector Roundtable,²³ Joint Tables were convened in May 1999 to address three issues: building a new relationship, strengthening capacity, and improving the regulatory framework. Each table was composed of senior government officials and voluntary sector leaders, and the process was structured to ensure shared decision-making and ownership. A report, representing the culmination of the Joint Table discussions, *Working Together: A Government of Canada/Voluntary Sector Joint Initiative*, was released in September, 1999, and will form the basis for further discussion and an implementation plan (Voluntary Sector Task Force 1999).

The health care sector

Medicare was not born overnight. Nor was it the outcome of calm, reasoned discussions. Its history is fraught with false starts, difficult and sometimes acrimonious federal/provincial relations, and numerous confrontations between governments and health care providers and suppliers

(National Forum on Health 1997)

Growing from a citizen-based and supported movement, hospital insurance was founded in Saskatchewan in 1947. Several more provinces soon followed, and the National Health Grants programme, which offered matching grants to provinces for hospital construction, was approved at the federal level in 1948 (Lassey *et al.*, 1997). By 1961, provincial hospital insurance had been made available in all provinces and a nationwide insurance standard was firmly established. Finally, the *National Medical Care Insurance Act* (which is known as Medicare) was enacted in 1966 and initiated in 1968. The programme provided 50 per cent federal matching for provincial insurance and required universal coverage, comprehensive services, portability, public management and reasonable access to services. All ten provinces had established Medicare by 1971 and “the legislation creating this program was among the most widely supported parliamentary decisions ever undertaken in Canada” (*ibid.*).

The *Canada Health Act* was passed in 1984. It consolidated, amended and replaced several of the separate laws that had been developed over the previous two decades and provided for additional federal monitoring, including limitations on user fees and extra billing by physicians. Box 39 (below) outlines the principles of the *Canada Health Act* (1984), while Box 40 outlines the primary features of Canada’s health care system.

It is beyond the scope of this report to provide a detailed account of the formation of Canada’s health care system. However, this short history highlights that:

- The evolution of Medicare was widely supported by citizens, indicative of the depth of citizen involvement and investment in national health care – an investment that continues today.
- The evolution of the system – occurring over a period of decades – placed hospitals and physician services at the heart of Canada’s health care system. Health policy analysts cite this as a primary reason for Canada’s escalating health care costs. They argue that the provision of health at the level of community and household and via health care professionals and providers other than doctors would be a more efficient use of resources.
- Correspondingly, the evolution of Medicare has firmly established specific stakeholders – most prominently, physician and hospital associations – as central to the policy development process. This has resulted in the effective involvement of prominent stakeholders and “experts” in policy development for health, while the role of citizens – as individuals, coalitions and/or organisations – has only recently become more clearly defined and understood.

Box 39. **Principles of the Canada Health Act**

Under the Canada Health Act, the following five criteria or principles must be met for a province to receive its full federal transfer payment.

- **Universality** – The provincial health insurance plan must cover 100 per cent of eligible residents on uniform terms and conditions.
- **Comprehensiveness** – All medically necessary services provided by hospitals and physicians must be covered.
- **Accessibility** – The plan must provide reasonable access to insured services with no user fees.
- **Portability** – Residents are entitled to coverage when they move to another province within Canada or when they travel within Canada or, on a limited basis, abroad.
- **Public Administration** – The plan must be administered and operated on a non-profit basis by a public authority accountable to the provincial government.

Source: Health Canada, 1999a.

Box 40. **Primary Features of the Canadian Health Care System**

Hospital and physician services are covered by provincial health insurance – without significant co-payments at the point of service after a deductible amount.

The provincial health plan is the only payer for medically necessary hospital and medical services. Funds are derived from personal, sales and corporate taxes. Seventy-five percent of all health care costs are paid from public sources. Private insurance is not allowed for basic services.

Citizens are free to choose their doctor and hospital.

Physician practices are largely private and independent, with a fee-for-service payment system based on rates negotiated by physician organisations and provincial governments. A standard billing form is used by all physicians.

Hospitals are largely public and non-profit, with financing based on an annual global budget. Virtually all major surgery and high-technology diagnostic tests are provided in hospitals, with only a few recent exceptions.

Essentially all high-technology available in other advanced countries is also accessible in Canada. However a provincial planning process limits the distribution of high-cost technologies, such as CT scans and MRIs, to regional hospitals.

Source: Lassey *et al.*, 1997.

Public involvement in the Health Care Sector

Stakeholders in health

Traditionally, decision-making in health care has relied heavily on medical expertise. However, as Canada's health care system transforms, difficult power shifts must be accommodated between "traditional" stakeholders and relatively new sources of input for policy development, including citizens and community-based groups. Current reforms are refocusing the health care system towards "primary care, health promotion, home care, and community-based services" (Lassey *et al.*, 1997). In such a system, physicians play a less influential role and policy-makers, nurses, and public health professionals who deal with the causes of good health might become more influential, and community centres cornerstones of health delivery (Janigan, 1995).

Further, the input of citizens as individuals is increasingly being sought as governments recognise that the current decisions being made about health care are not only technical in nature, and therefore

in the realm of experts, but value-laden and could be informed effectively by citizens' views and priorities.

Some of the more prominent stakeholder organisations in Canada's health care sector include:

- *Associations*: including The Canadian Healthcare Association (formerly the Canadian Hospital Association) which represents the nation's hospitals; The Canadian Medical Association which represents most physicians and works towards quality improvement, improved co-ordination/communication with other provider groups and organisations; The Canadian Association for Quality Health Care which serves as a forum for health professionals and provider organisations to consider quality improvement issues; The Canadian Public Health Association which is composed of health professionals from over 25 health disciplines and is active in conducting and supporting health and social programmes both nationally and internationally; the Canadian Nurses Association which represents professional nurses; and the Canadian Pharmacists Association which is the national organisation of pharmacists committed to providing leadership for the profession of pharmacy.
- *Accrediting Bodies*: including The Canadian Council on Services Accreditation, which is responsible for the accreditation of health care organisations, professional colleges, and Canadian medical practitioners.
- *Organisations associated with specific illnesses*: including the Canadian Cancer Society, the Heart and Stroke Foundation, and Canadian AIDS Society, which attempt to shape the medical research agenda through policy interventions.
- *Coalitions of non-governmental organisations*: including the Health Action Lobby (HEAL) which is a coalition of national organisations dedicated to protecting and strengthening Canada's health care system.²⁴ HEAL is a diverse group of approximately 30 organisations, including professional associations (several whom are mentioned above), consumer organisations (Consumers Association of Canada) and groups associated with specific illnesses.

Other stakeholders in health policy, although not focused on health *care* specifically, include the many groups whose work focuses on the broader determinants of health, such as homelessness, poverty and unemployment. Canadian groups such as the National Anti-Poverty Organisation and the Canadian Labour Congress address health issues in the context of their other priorities.

Complexity and policy development

Is policy development within Canada's health sector too complex to allow citizens to be effective participants? This belief is embodied by some researchers and decision-makers who suggest that health care is of limited interest to most individuals until they become patients or "consumers" of health care. Lomas (1996) states:

The average citizen (as opposed to the self interested patient or provider or manager) has so far shown little interest in contributing [to dialogue surrounding health care] and rarely has the requisite skills for most of the tasks asked of him or her.

This point of view is contested by evidence that suggests that citizens hesitate to get involved in policy development because of the obstacles to doing so and the perceived lack of legitimacy of some consultation processes, rather than their own complacency or disinterest (Kushner and Rachlis, 1998). Many Canadian examples exist of effective citizen interventions and government initiatives that have influenced policy, including:

- The efforts of breast cancer survivors to network, lobby and influence public policy at the National Breast Cancer Forum in Montreal in November 1993.
- The formation of the Seniors Citizens' Consumer Alliance for Long Term Care Reform in Ontario in the early 1990s, which resulted in new legislation being introduced which closely mirrored advice put forward by the Alliance.²⁵

- The *National Forum on Health*, a national consultation process which deliberately and effectively created space for both stakeholders and citizens and found that citizens were able to constructively inform policy development when supported by accessible and timely information.

Challenges to public involvement

There are a number of key challenges to effectively involving the public in policy development. They include:

- Balancing the viewpoints of “experts” – for example, physicians and policy analysts – with those of citizens and patients. This is especially challenging given the centrality of medical expertise to health policy development and the complexity of the subject matter.
- Differentiating between “concentrated” interest (those who have a direct stake in how well the health care system operates, including patients, physicians, etc.) and “diffuse” interests (citizenry at large whose considerations involve competing public priorities, including tax cuts and economic growth).
- Ensuring that citizen and consumer groups are accountable to their constituencies and membership and ensuring that there are mechanisms in place to ensure this accountability.²⁶
- Capturing the diversity of Canada’s size, demographics, economic activities and ethnicity – particularly challenging in a national consultation.
- Making space for citizens to be involved in consultations as civic-minded individuals rather than only as members of an organisation or stakeholder group.
- Ensuring that consultation processes, when necessary, will have credibility and relevance for different levels of government.

In the following section, the National Forum on Health is presented in detail to illustrate how the federal government approached and often met the challenges outlined above. Following the account of the Forum, policy outcomes are presented, challenges are revisited, and achievements of the Forum are highlighted.

The National Forum On Health

In 1994, the federal government committed to extensive dialogue surrounding health and health care in the Speech from the Throne.²⁷ The National Forum on Health was the fulfilment of this commitment. Launched by the Prime Minister in October 1994, the Forum’s mandate “was to involve and inform Canadians and to advise the federal government on innovative ways to improve our health system and the health of Canada’s people” (Governor General of Canada, 1994). The mandate dictated that the Forum work to engage Canadians in dialogue.

Canadians were ready to be involved. As previously highlighted, in 1994, public concern about the federal government’s commitment to Medicare was at an all-time high. Fuelling this concern was a growing voice for various forms of privately administered health care facilities and services. Although the federal government stated repeatedly that they were absolutely and unequivocally committed to the principles of Medicare, their actions spoke differently.

Although the Forum completed its work in early 1997, it had many important outcomes that continue to impact policy development within the health sector. The following factors made the Forum particularly unique:

- The Forum approached its work in two phases. During the first phase, Forum members gathered input from citizens and stakeholders to shape the Forum’s work. The second phase involved the Forum checking back to ensure that what they put forward as recommendations correctly reflected citizen and stakeholder views and priorities.
- The Forum provided space for both citizens and stakeholders to provide input. In fact, in the second phase of the process, citizens and stakeholders were brought together at the same conferences. This allowed areas of divergence as well as common ground to be discovered and

clarified. Further, this allowed the Forum to assure decision-makers that their recommendations enjoyed widespread support from a diverse audience, and action growing from these recommendations would be supported.

- The Forum used a deliberative process. Deliberation, unlike debate, encourages reflection and learning, promotes collaboration and a focus on common ground, and allows new options to emerge. While polling gets at “top of mind” answers, deliberation allows citizens to work with the complexities, constraints and trade-offs facing health decision-makers today.

Background

The Prime Minister was the Chair of the Forum, and the Federal Minister of Health its Vice Chair. The provinces were initially very cautious of the Forum. As the primary providers of health care, many provinces felt that a national consultation process would unduly raise citizen expectations in a time of reduced federal and provincial spending for health. The credibility and usefulness of the Forum was immediately at stake; many felt that without the main providers of health care – the provinces – on board, it was questionable what the Forum could actually accomplish. Other critics felt that the dialogue was only a “smoke screen for [the] Finance Minister[’s] steady erosion of Ottawa’s contribution to health care costs” (Gray, 1994). Eventually, the provinces decided to take on observer status *vis-à-vis* the Forum’s activities.

Despite this, the federal government moved ahead with the Forum. Twenty-four individuals were chosen to make up its main body, and an arms-length Secretariat was established in Health Canada to support the Forum’s work. The Forum included economists, health policy analysts, physicians, health care providers, lawyers, academics, business people, and community activists. These individuals were all held in high esteem, and their collective credibility silenced much of the anti-Forum sentiment in the initial months of their tenure (McGregor, 1995). Forum members made it very clear from the start that they didn’t see themselves as “mouthpieces for stakeholders” (Gray, 1994). Their credibility as a group was further enhanced as they confirmed that they engaged in the process as individuals and as volunteers.

Representatives from the provinces were invited to attend all aspects of the Forum’s process and three official representatives did so on a regular basis. In turn, they reported back to their provincial counterparts. All publications, information and discussions throughout the Forum’s tenure were made available to the provincial governments. Several officials from the Forum Secretariat as well as the Ministry of Health also made deliberate efforts to communicate with provincial ministries throughout the duration of the Forum.

The Forum was initially given \$CAD 12 million and four years in which to fulfil its mandate and report back to the Prime Minister. Immediately, the Secretariat and Forum members began to work at defining overall objectives and establishing broad parameters for dialogue. Four main themes emerged from this preliminary stage of work which guided all subsequent investigations of the Forum. The areas, indicative of the breadth and depth of the Forum’s mandate, were:

- *Values*: The Values working group sought to understand the values and principles that Canadians hold about health care, so that the system continues to reflect and respond to these values.
- *Striking the balance*: This group considered how to allocate limited resources within the health sector, and between the health sector and other sectors of the economy.
- *Determinants of health*: The Determinants of Health working group considered what actions must be taken to allow Canadians to continue to enjoy a long life and possibly increase their health status.
- *Evidence-based decision making*: The Evidence-Based Decision Making group considered how individuals, practitioners and policy makers can have access to and utilise the best available evidence in making decisions.

The Forum began its own work with a review of the previous 20 years’ experience in health policy analysis, including the findings of Royal Commissions and Task Forces across the country. They also

commissioned more than 40 academic papers from experts in various fields and examined health expenditures and outcomes in Canada and in other jurisdictions (Ferderber, 1998).

Engaging Canadians

The overall structure of the Forum emphasised multiple avenues of input and knowledge. One of these avenues was the extensive citizen engagement exercise that ran parallel to the Forum's own investigations and research work. The consultation effort was structured so that it was able to inform the Forum's work throughout the process, rather than just being "tacked on" at the end. The Forum decided to consult individual Canadians, voluntary organisations and stakeholders.

Early in the Forum's process, several decisions were made around the structure of the consultation. First, it would use a study circle approach involving a nine-hour time commitment for each participant. Study circles are a policy-making and consultative tool that differs from both focus groups and standard polling in that they rest on the premise that citizens have a responsibility to become informed on an issue, as well as a right to comment on it (Democracy Education Network, 1994). Study circles allow citizens to become involved in a policy process to a depth beyond that afforded by more traditional consultation; which may be important with complex policy issues such as health. The circles provide for a structured, facilitated and in-depth deliberation that encourages participants to consider each other's viewpoints in a non-confrontational manner (Ferderber *et al.*, 1997). The Forum called their study circles "discussion groups".

The Forum also decided that the consultation would be divided into two phases. The first was an initial scoping of concerns and ideas that Canadians had regarding the present and future direction of health and health care issues; the second phase would "ground test" the directions of the Forum before these directions were concretised into recommendations. The purposes of these two phases were as follows:

Phase I:

- To engage Canadians in a dialogue on health and health care and on the changes and improvements needed at the national level.
- To examine issues as they relate to the health of Canadians.

Phase II:

- To seek views on the Forum's proposed directions and options.
- To solicit advice on approaches to implementation.

Phase I: Identifying key issues

Between November 1995 and April 1996, discussion groups were held in 34 different communities. Interested individuals were asked to register in advance of the discussion groups and commit approximately nine hours of their time, usually over two to three sessions. A private firm was contracted to organise the consultation and endeavoured to work with local community groups to set up the discussion groups. These were preceded by the broad distribution of the consultation document, *Let's Talk*. The consultation document formed the basis for dialogue in the discussion groups, and could also be completed by individuals who were not taking part in the discussion groups. Over 1 000 copies of the consultation document were returned. The consultation document contained data, information and some preliminary analysis, all organised under the four broad themes initially outlined by the Forum. As such, the consultation document was an educational tool which provided timely, objective and accessible information to support informed dialogue on health, both in the discussion groups and across the country.

During the discussion groups, people were eager to bring up local and regional issues, that fell outside the mandate of the Forum. Talk of local hospital closures, regional funding issues and the

ongoing *Inquiry into the Blood System in Canada* (the *Krever Inquiry*), 1994 to 1997, were never far from mind. Forum members were also encouraged to attend the community meetings and many did so. Their presence at the discussion groups was often greatly appreciated by participants who felt more assured that their comments would be taken up in the development of the Forum's report.

By the end of the first phase, 71 discussion groups had been expertly facilitated and 1 300 Canadians had been involved. Although the Forum made a sincere commitment to capturing the diversity of Canada's size, demographics, economic activities and ethnicity, it was challenging to engage the "average" Canadian in discussion groups. Several stakeholders contacted believed that the study circles were dominated by those with a direct stake in health care (physicians, patients, care-givers) rather than those with more diffuse interests. Other stakeholders felt that the Forum very successfully engaged Canadians from all avenues of society.

The Forum also deliberately engaged a variety of communities that might otherwise experience barriers to participating, including homeless men, street children, new Canadians, low-income mothers, senior citizens and First Nations (aboriginal populations). The latter involved working with community leaders and band members as well as the translation of the consultation document into Inuktituk.

Key stakeholders were also involved. In April 1996, a conference in Toronto brought together representatives of local, regional, provincial and national organisations with a specific interest in health and health care. More than 200 people attended the conference and, while there, participated in professionally facilitated groups to discuss the Forum's four key issues. These were how to:

- Allocate and organise resources in health and health care.
- Move from research to action on the determinants of health.
- Encourage evidence-based analysis and research in decision-making about health and health care.
- Identify the values Canadians hold about health and health care and ensure that these values influence decisions.

The conference marked the end of the first phase of consultations. Following this, the Forum distributed a report on their dialogue with Canadians. The report highlighted what they had heard in the discussion groups. Comments included:

- Broad support for a publicly funded national health care system in accordance with the principles of the Canada Health Act.
- Divergent opinions on how the system should be financed and whether non-essential services could be accommodated on a private basis within a public system.
- Endorsement of new models of health care which might focus on wellness promotion and illness prevention, home care support and community health centres.
- Recognition that the health of people is influenced by economic factors such as the availability of employment, adequate income, education and sufficient local resources.
- Concern regarding the accessibility and accuracy of diagnostic and treatment health information (National Forum on Health, 1996a).

Phase II: Feedback on proposed directions and options

From the beginning of the first phase, the Forum was committed to revisiting each of the 71 discussion groups to present what had been formulated as broad directions before any recommendations were made to the government. However, between the first and second phase of consultations, the federal government requested that the Forum complete its work by December 1996 in order for its timing to better correspond with the demands of the budget and election cycles, thus shortening their mandate by approximately one year.

This request required the Forum and Secretariat to remodel the latter stages of the Forum's work. Given the new timeline involved, it would now be impossible to revisit the discussion groups that were

engaged in Phase I, yet Forum members were committed to testing their strategic directions with citizens. This second consultation phase was reshaped to include a phone survey and two regional conferences in Vancouver and Montreal.

Conference participants were drawn from both the public discussion groups and the stakeholder groups. Approximately 200 people attended each conference. Taking into consideration input from the public discussion groups, previous conferences, meetings with experts, commissioned academic papers, letters and briefs, the Forum prepared a background document, *Advancing the Dialogue on Health and Health Care* which outlined the Forum's thinking in three broad areas: preserving the system while doing things differently, transforming into action knowledge about what makes people healthy, and using better evidence for better decisions (National Forum on Health, 1996b). This document was distributed to all conference participants. Individuals who could not attend the conferences were invited to respond to a telephone questionnaire.

The Vancouver and Montreal conferences were unique in that they brought together more than 200 citizens and stakeholders at each meeting. There was no explicit weighting of public and professional views and the conferences served to give a general sense of where members of the two groups agreed or disagreed with the interpretations and views of the Forum members.

In addition to the conferences and telephone questionnaires, 500 randomly selected members of the public were also invited to participate in a telephone survey for the purposes of comparison. This all happened within a six week period in the fall of 1996.

Both the conferences and phone interviews verified that *Advancing the Dialogue on Health and Health Care* did a good job of capturing and responding to the concerns, opinions and suggestions of Canadians as provided in Phase I. While there was strong support on proposed directions for change, there was less support for the proposed methods to implement these directions. Conference participants offered useful alternatives and discussion at the conferences further informed the Forum's crafting of their final report (Ferderber *et al.*, 1997).

Forum members also reviewed the findings of the consultation and found a strong degree of consensus between the views of the public and stakeholders in both phases of consultation. Further, consultation participants expressed a high degree of satisfaction with the Forum's consultation process; approximately 75 per cent of the questionnaire respondents were satisfied with the opportunity to express their views during the Forum's process of consultation (Ferderber *et al.*, 1997).

Outcomes

On 4 February 1997, the Forum presented its findings to the Prime Minister. The two-volume report, *Canada Health Action: Building on the Legacy*, was well received by citizens, practitioners, and administrators alike. Everyone who had participated in the process – from stakeholders to citizens – could see themselves in the report and, in turn, the Forum was able to assure decision-makers that initiatives growing from Forum recommendations would enjoy widespread citizen and stakeholder support and buy-in.

The Report's release date, just two weeks before the 1997 Federal Budget, allowed the federal government to respond to Canadians by speaking to some of the Forum's key recommendations in the Budget. Further, the report landed on politicians' desks at the end of their mandate, which is a politically opportune time. It should be noted, however, that the shortening of the consultative process and the subsequent decision to not revisit discussion groups meant that citizens were not engaged at the level they initially believed they would be. This did not appear problematic; efforts of the Forum secretariat to "check in" and report back via the conferences and phone interviews appeared to have fulfilled citizens' expectations of the process.

Forum recommendations

General findings

The Forum's final report, *Canada Health Action: Building on the Legacy*, presented key recommendations for change. The Forum found that the Canadian health care system was fundamentally sound and

advocated that its core characteristics remain unchanged. Forum members believed that first-dollar coverage (i.e. no user fees) for medically necessary services financed through general taxation ensures that Canadians receive medical attention when they need it and avoids the duplication, overlap and inefficiencies of a system made up of hundreds of private plans. Instead, the current system of 12 interlocking medical insurance plans reduces administrative costs and provides more consistency and bargaining power in dealing with health care providers and the health care industry. The Forum strongly stated that the profit motive has no place in Canadian health care; it is “both inconsistent with a view of health as a public good and moreover leads to high administrative costs and inequities in access and quality” (National Forum on Health, 1997).

In 1997, when the report was released, the Forum estimated that Canadians were spending \$CAD 72 billion annually, or \$CAD 2 500 per capita on health care – one of the most expensive health care systems in the world. The Forum stated that there was already enough money in the health care system and any perceived “crisis” was not due to reduced funding. Citing unexplained Canada-wide variations in rates of surgical procedures, hospital days being used by those who do not require acute care, and the inappropriate use of drugs – to name only three examples – the Forum pointed out that resources could be used more efficiently within the system, thus improving the system with little change in funding levels. In its recommendations, the Forum remained aware of the fact that the report was being tabled in an environment that was very concerned with reducing the country’s deficit.

Priority One: Preserving our health care system by doing things differently

The Forum recommended that Canada’s health care system be preserved by doing things differently. The “single payer” model with public funding for medically necessary services, the five principles of the Canada Health Act, and strong federal/provincial collaboration and partnership should all be preserved. What did the Forum say should be done differently?

First, they recommended that the reduction in federal-provincial transfer payments be halted and a floor established below which the transfer payment would not sink. This would give the provinces some certainty and stability in funding arrangements, as well as ensure that the federal government could still enforce the principles of the Canada Health Act.

Secondly, the Forum recommended the expansion of coverage for medically necessary drugs and home care. Currently in Canada, pharmaceuticals are provided at no charge while a patient is in a hospital; however, once he or she is discharged, these costs are out-of-pocket expenses. The Forum noted that the cost of drugs was the most quickly increasing cost in health care – Canadians spend nearly as much on drugs as they do on physicians’ services – and concluded that there could be cost savings and better access to medically necessary services for Canadians if pharmaceuticals were brought under the coverage of Medicare (see Table 13). To achieve this, the Forum recommended establishing a national drug information system as well as undertaking careful studies to analyse the best way to control costs while integrating existing private insurance plans and provincial Pharmacare (which provide varying levels of coverage) plans into a publicly administered system.

Similar recommendations were made regarding home care. Home care involves caring for post-acute, chronic care and palliative care patients at home; a system that can be cost-effective and less stressful for the patient if the proper support mechanisms are in place. Again, like drugs, many services are offered in a hospital and long-term care settings, but have to be paid for out of the patient’s pocket when the patient is discharged. The Forum recommended that these out-of-hospital services be made an integrated part of publicly funded health services; thus the maxim, “fund the care, not the provider or the site.”²⁸

Thirdly, the Forum recommended that primary care – the first point of contact between a patient and the health care system – be carefully examined and reformed. The Forum did not put forward any particular model, but suggested that any reform of primary care include the following key elements: (1) realignment of funding to the patients, not services; and (2) a remuneration method that is not based on the volume of services provided by physicians but promotes a continuum of preventive and treatment services and the use of multidisciplinary teams.

The Forum recommended that the federal government establish a \$CAD 50 million/year transition fund to support innovation in the directions outlined above. The fund would fund pilot projects, disseminate results and promote implementation of the best models.

Priority Two: Transforming our knowledge about health into action

The Forum acknowledged that there is much more to health than only health care, and made a number of recommendations to improve the health of Canadians at a broader level. The Forum recommended:

- A broad, integrated child and family strategy consisting of both programmes and income support.
- Collaboration among the federal government, the private sector, and existing foundations to strengthen community action.
- An Aboriginal Health Institute to help Aboriginal communities find solutions to their health problems and take action.
- Explicit acknowledgement of the health and social impact of economic policies, and action to help individuals who are trying to enter the workforce.

Priority Three: Using better evidence to make better decisions

Trends such as the growing focus on population health and its determinants, greater fiscal pressures, new information and knowledge created by research and advances in technology, and the health and health care reform movement, are demanding better decision-making. Evidence-based decision-making is the systematic application of the best available evidence in the evaluation of options for decision-making in clinical, management and policy settings. To foster an environment of evidence-based decision-making, the Forum recommended that:

- A nationwide health information system be established which would bring together a standardised set of longitudinal data on health status, determinants of health and health system performance, and would ensure patient privacy and confidentiality.
- A comprehensive research agenda be established to advance the knowledge base and produce high-quality content for the health information system. This would involve undertaking a strategic overview of the current state of health-related knowledge, identifying the best mechanisms for promoting analysis, synthesis, translation and dissemination and uptake of existing data, and ensuring that funding for research is balanced between basic clinical research and non-medical determinants of health.

Mere weeks after the Forum presented its final report, the federal government presented its 1997 Budget. A number of recommendations made by the Forum were immediately acted upon. The federal government established a *Health Transition Fund* of \$CAD 150 million over a three-year period to be allocated to the provinces to help them launch pilot projects to investigate new and better approaches to health care delivery, including approaches to home care, Pharmacare and primary care reform. An additional \$CAD 50 million over a three-year period was put in place to launch a Canada Health Information System and several programmes to improve the health and well-being of children were announced. Finally, a cash floor was placed on the CHST (the transfer of funding to the provinces from the federal government in support of health, post-secondary education and social services/assistance) of \$CAD 11 billion, below which the cash component of the transfer would not fall. This cash component was raised to \$CAD 12.5 billion later that year, as recommended by the Forum. This assured the provinces that they would have predictable and stable funding.

Current directions for health

Almost three years have passed since the Forum tabled its final report. It is clear that citizen input shaped the Forum's final report. But did the Forum's report have any impact on policy? The true

effectiveness of the Forum rests in whether its recommendations for change were used to inform policy development and catalyse changes to the health care system.

Many initiatives rooted in the work of the Forum are being realised today. For example, an Aboriginal Health Institute and Canadian Health Information Network have both been established. In November of 1999, legislation was announced to create the Canadian Institutes of Health Research, an institute which will be responsible for organising, co-ordinating and funding health research at the federal level and furthering evidence-based decision-making.

Forum recommendations falling under their first priority, *Preserving our health care system by doing things differently*, were the most politically delicate to put forward. These recommendations, touching on home care, Pharmacare and primary care reform, have direct implications for provincial actions in the areas of health and health care delivery, as well as implications for several powerful stakeholder groups, including physicians, hospitals and the private insurance industry. Further, there is widespread concern about the potential cost of insured home care and pharmaceutical programmes. Because of these factors, there are divergent perspectives on home care and Pharmacare; some characterise movement in these areas as painstakingly slow, while other stakeholders state that Medicare must be strengthened and stabilised before there is an expansion of coverage to include home care and Pharmacare (Canadian Medical Association, 1998).

There has been some movement on these initiatives, however. In early 1998, three national, invitational conferences were held which considered national approaches to Pharmacare, Home Care and Health Info-Structure, respectively. The federal Minister of Health and a provincial counterpart hosted the conferences, funded by the Health Transition Fund. Each conference shared the common objective of fostering dialogue among stakeholders on the complex issues associated with each initiative. Therefore, dialogue has begun on each of these issues but no national plans for Pharmacare or home care have been put in place yet.

Challenges and achievements of the National Forum on Health

- *Balancing viewpoints*: The Forum's work emphasised multiple avenues of input and knowledge. Stakeholder conferences, expert reports, citizen discussion groups and academic papers all fed into the work of the Forum. One of the Forum's major challenges was to produce an accepted set of recommendations from this variety of experience, background and input. The explicit weighting of viewpoints was up to the Forum members in the crafting of their final report, and although regional conferences in 1996 assured the Forum that they had captured and reflected input from citizens, experts and stakeholders, there were still groups who felt that they had not been given sufficient "air time" throughout the Forum's work. Whether this is inevitable in policy development processes or avoidable remains unanswered.
- *Representation in discussion groups*: Capturing the diversity of Canada's population is particularly challenging. Several groups contacted reported that the discussion groups were dominated by those with an immediate stake in health care, such as physicians or recent patients. Others did not share this point of view and felt, largely through efforts to work with local organisations grounded in local communities, the Forum reached the "average" Canadian. This remains a challenge central to all consultation processes, particularly those of national scope and characterised by such diverse stakeholders.
- *Government and citizen commitment*: Prime Ministerial, Ministerial and senior departmental support was vital to the Forum's credibility and legitimacy. Further, the Forum illustrated that Canadians are willing to commit a considerable amount of time to policy-relevant discussions that are of meaning and value to them.
- *Adequate time and resources*: Effective consultation requires adequate time and resources, both human and financial. Because the highest levels of the federal government were committed to the Forum's work, the process was well resourced and supported by a secretariat of more than twenty individuals. The budget and human resources required reflected the breadth, depth and

complexity of the subject matter under investigation as well as the geographic vastness and diversity of Canada itself.

- *Deliberative processes work*: A deliberative process, when well structured, professionally facilitated and supported with factual and easily understood information, works to create a dialogue. Dialogue differs from debate; dialogue encourages reflection and learning, promotes a focus on common ground and collaboration, and allows new ideas to emerge. Most discussion group participants were prepared for the discussions and felt comfortable to modify their views as the discussions continued. Many participants left the process with a greater capacity to analyse and make more informed decisions about policy issues than they had upon entering the process. In this sense, deliberation leads to greater civic literacy. Equally important is that participants felt ownership for the Forum's proposed directions and, as such, realised that they had a role to play in implementing the directions and ensuring the government took action.
- *Ensuring outcomes are embraced by multiple governments*: Initially, the Forum struggled with a lack of provincial involvement. This was of particular importance because the provinces are responsible for the delivery of health care, and recommendations from the national consultation were sure to have implications for provincial operations. The provinces were rightly nervous about raising citizens' expectations in a time of decreased social expenditure. However, even if it may not be possible to have all levels of government involved, the Forum did demonstrate that both informal and formal lines of communication and a commitment to transparency can build trust and keep all players informed.
- *Forum members engaged as individuals and volunteers*: Discussions in Canada of health and health care policy can be highly politicised. The Chair of the Forum's Steering Committee stated "We're a group of people interested in national issues, not a federal government agency... there is an intense desire among us to keep the Forum non-political, but obviously we need a grasp of the political context" (as quoted in Gray, 1994). Because Forum members engaged as individuals and volunteers, rather than representatives of stakeholder groups, they were credible with citizens, government officials and many stakeholders.

Given these challenges and achievements, it can be clearly stated that the Forum did fulfil its mandate. Not only did the Forum present "actionable" recommendations that many stakeholders and citizens were able to endorse, it successfully heightened the level of dialogue surrounding health and health care issues across Canada.

Promising Directions

A number of promising directions regarding citizen involvement in policy development can be identified. Three of particular importance include: (1) Health Canada's recent efforts to establish a strategic policy framework for public involvement, (2) the Government of Canada's current work on a policy for engaging Canadians, and (3) a renewed federal/provincial/territorial commitment to work in a collaborative manner in setting and achieving social policy objectives.

Health Canada: Developing a strategic policy for public involvement

Since 1998, Health Canada has been actively developing a strategic "*Corporate Framework and Guidelines for Public Involvement*". In doing so, Health Canada is striving to become a more "people-focused" department and has committed to ensure public input into processes which affect the policy development and programme delivery of Health Canada; achieve accountability, better decision-making and increased public understanding; and assume that interested and affected parties may want to be involved in an issue and informed of its progress (Health Canada, 1999b).

While the strategic framework is still in its developmental phase, the increased commitment of Health Canada to public involvement, transparency and accountability was repeatedly cited as a promising direction by stakeholders in the current research – yet whether this translates to an increased transparency in policy development remains to be seen.

Government of Canada: A policy for engaging Canadians

The Privy Council Office, in collaboration with all federal departments and agencies, is currently developing a *Federal Policy Statement and Guidelines on Engaging Canadians*. This policy statement will replace the existing federal consultation guidelines (1992). The purpose of the policy is to affirm the government's commitment to public consultation, to define general guiding principles and practices for the effective engagement of citizens in government decision-making, and to outline roles and responsibilities in supporting a consultative culture in the federal government.

The federal government commitment is intended to result in: policies and programmes that are responsive to public priorities, needs and concerns; well-informed, sound and broadly accepted decisions; accountability to decision-makers and the public; ongoing improvement of federal consultation processes; and increased confidence in federal institutions.

Federal/Provincial/Territorial Collaboration: A renewed commitment

The Governments of Canada have a number of mechanisms in place to ensure that social policy objectives pursued at different levels of government are not working at cross purposes. Conferences of federal-provincial-territorial ministers occur at least annually, and more regularly at the level of deputy minister or assistant deputy minister.

In September 1999, the Annual Conference of Federal-Provincial-Territorial Ministers of Health resulted in a firm commitment to joint action and collaboration on a number of key health issues, including commitments to maintain a financially sustainable, publicly funded health care system; collaborate on health and human resource planning; collaborate on work on population health approaches to improve the health of Canadians; and promote the development and effective use of information technologies.

The provincial Minister of Health and Social Services, Prince Edward Island, stated of the meeting, "in addition to jurisdictional duties, Ministers also have a clear responsibility to work together to meet the health needs of all Canadians." The Federal Minister of Health stated that the, "federal, provincial and territorial ministers made real progress here on a broad range of health issues... we will continue working together to ensure that all Canadians have access to high quality health care and that they have the information they require to make well-informed decisions to promote their own health and well-being" (Canadian Intergovernmental Conference Secretariat, 1999). These comments, specific to the health sector, reflect the broader commitment to collaboration as expressed in the recent signing of the Social Union Framework Agreement.

Conclusions

These emergent trends are timely as the Federal Budget delivered on 16 February 1999 included a five-year plan to increase funding to the health care system. In 1998-1999, the total CHST transfer to the provinces was \$CAD 26.3 billion (\$CAD 12.5 billion in cash and \$CAD 13.8 billion in tax point transfers). The 1999 Budget committed an additional \$CAD 11.5 billion in CHST cash over the five year period of 1999-2000 to 2003-2004. This represents a substantial investment in health care, although the cash component of \$CAD 15 billion for 2001-2002 and subsequent years is less than the \$18.5 billion in cash transfers prior to the introduction of the CHST in 1996-97. Most popular with the provinces was the announcement that an initial \$CAD 3.5 billion would be allocated to the provinces on an equal per capita basis over a maximum of three years, and each province would have full flexibility to spend the money at the rate of their choice.

Although this increased money is welcomed by all levels of government and by citizens, it must be noted that the Forum did conclude that Canadians were spending enough money on health care, and that the problems that exist are not caused by insufficient funds. However, when discussing expenditures, the Forum always spoke of the mixture of public and private spending. Therefore, when the Forum recommended that the public system be broadened to include home care and drugs, it was

actually calling for increased public spending, therefore allowing decreased private spending. It remains to be seen if the “fix” the health care system needs is a financial or a structural one.

Regardless, all signs point to increased collaboration between governments, the voluntary sector, stakeholders and citizens, both in the health care sector and across the federal government. This can only lead to more informed policy dialogue and decisions and represents a positive trend in government-citizen relations in Canada.

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ENGAGING CITIZENS IN THE DANISH HEALTH CARE SECTOR

by Daniel Blume

Executive Summary

The report examines how Denmark approaches “government-citizen connections” – provision of information, consultation and active engagement of citizens – in the public debate over the provision of health care. The study includes a special focus on the role of patient groups, because of their growing number and impact on the policy debate.

The report begins by providing a review of the structure of the Danish health care sector and of recent developments. The Danish health care sector is characterised by substantial consensus around certain basic values, namely that all citizens should have free and equal access to public health care services and free choice of a primary care doctor and of hospitals. Debate tends to focus on issues around the margins of these basic agreed values, such as the extent to which private insurance and private hospitals may play a role in the system; who takes on responsibility for what services; and where resources should be focused.

The report goes on to outline the evolving roles of doctors, patients, administrators and political representatives. Alongside the traditional reliance on medical expertise for decision-making in health care, the influence of patients – at both the point of service and policy-making levels – is increasing. Among the most important vehicles are “patient groups” formed around concerns about particular diseases or health problems (e.g. heart disease). Initially restricted to education and awareness-raising, many of these patient groups have now explicitly taken on policy advocacy as an important role, and the largest ones are routinely invited to participate in parliamentary committee hearings and to comment on draft proposals by the Ministry of Health.

Denmark has introduced a range of practices aimed at promoting stronger citizen involvement and balanced public input into health care policy decisions:

- *Consensus conferences* in which “lay-persons” (non-experts) meet to hear experts’ and policy officials’ views on a selected issue, to deliberate among themselves and deliver a consensus view.
- *User surveys* conducted by the national and regional governments whose results are used in the management of the services as well as in the development of medium-term plans for health care.
- *User boards* for obtaining input on the quality of services, monitoring complaints and highlighting user concerns for particular institutions (e.g. hospitals) or services (e.g. psychiatric care).
- *Patients’ choice* which provides important feedback on the overall quality of the public health care system and reflects user preferences.
- *Specially designed mailings, written comments and public hearings* have also been used in the development of four-year county plans for health care.

The challenge for Danish policy-makers today is to make effective use of the range of tools available for obtaining input into their decisions while ensuring that they are both responsive to the range of public interests, and that these decisions also make good public policy. This entails obtaining advice from policy analysts and medical experts, feedback from users, the view of stakeholders with much to lose and gain from decisions, and the opinion of the average citizen. At the same time, safeguards are needed to ensure that during decision-making the inputs received by these various groups are balanced against the broader public interest, which may call for a different allocation of resources either within the health care sector or between sectors (e.g. education or social services). **The case study was submitted to the Secretariat in 1999 and covers events up to that date.**

Introduction

This study examines how Denmark approaches “government-citizen connections” – provision of information, consultation and active engagement of citizens – in the public debate over the provision of health care. The study includes a special focus on the role of patient groups, because of their growing number and impact on the policy debate. It seeks to highlight key challenges of democratic decision-making in the Danish policy development process, promising practices for informing and involving citizens, and issues for further debate.

A country of 5.3 million people, Denmark is known in public management circles for having remarkable support for its public institutions. Voter turnout for parliamentary elections has exceeded 80 per cent for each of the last six elections and rose to 88 per cent in 1998; participation in county council elections hovers around 70 per cent; and turnout for municipal elections has ranged between 75 per cent and 87 per cent over the last 15 years. Comparative surveys of 13 countries conducted by the World Values Institute and supplemented by Danish Government-sponsored surveys show average confidence in Danish public institutions in the range of 65-70 per cent over the last two decades, ranking along with Iceland and Norway at the top of the list. Only 8 per cent indicate dissatisfaction overall with the public sector.

Denmark in 1998 had the second highest public expenditure across all levels of government within the OECD, behind Sweden (55.1 per cent of GDP, according to the *OECD Economic Outlook*). Even so, citizens indicate a willingness in some cases to raise taxes even further in exchange for additional services, as well as support for current levels of taxation.²⁹ Among a range of public sector responsibilities, the health care system is one of the best supported of all: a 1997 Eurobarometer poll comparing all EU countries indicated that 90 per cent of Danes were very satisfied or reasonably satisfied with their health care services, higher than in any other country in Europe.³⁰ Moreover, actual users of the system report higher average levels of satisfaction than non-users, whether for emergency care, primary care or hospital treatment.

Yet, not everything is going as well as such surveys might imply. There has been a growing focus in the media on problems in the health care sector, according to those interviewed for this study. Patient groups in particular have highlighted areas where waiting times for treatment and mortality rates in relation to certain diseases compare unfavourably to other European countries, and the Danish average life expectancy, while growing, has fallen behind most OECD countries in recent years. As expensive new technologies and treatments become available, new demands for increased expenditure are also emerging. Yet health care expenditure decreased in real terms in the late 1980s and early 1990s, but more recently (through 1997) was growing by 1 per cent to 3 per cent per year in real terms, slightly behind Danish GDP growth. All of these developments appear to have taken a toll on the public debate over what many indicated is the number one or number two issue of concern in Danish politics. Thus, debate over Danish health care policy is taking place within a seemingly contradictory environment of high overall levels of satisfaction while at the same time experiencing critical examination of how further improvements could be made.

Purpose and Limitations

The factors cited above make the Danish case – and the health care sector in particular – a rich and promising subject for comparison with other country experience as part of a series of case studies being undertaken within the PUMA activity on “Strengthening Government-Citizen Connections.” The aim of this report is to highlight issues where further consideration and debate could be beneficial, and to provide information and analysis on practices and approaches from which other OECD countries can learn.

However, this study does *not* seek to conclude how well the health care system and policy development processes are working overall. The OECD has not developed an agreed framework for such an evaluation, and the number of interviews conducted for this study was necessarily limited in scope due to resource constraints. The study is based on interviews with representatives of some

20 organisations cutting across Danish national government (members of parliament and civil service), county government (Aarhus County), stakeholder groups representing patients, the elderly, pharmaceutical companies, doctors, the media and academic research, along with related written material.³¹ Resource constraints also precluded comprehensive treatment of the issues across the national, county, and municipal levels. While focusing mainly on the national level, the study partially addresses health care at the county level, where most services are provided, through a look at several practices within Aarhus County that appear to be innovative and promising. The municipal level is not addressed because it plays a relatively minor role in health care provision (responsible for home health care, nursing homes, dental care and some preventive services).

The Danish Context

As noted above, Denmark has a history of strong support for, and confidence in, the public sector and open government, and a view that its democratic institutions function relatively well. Any citizen can request and have a meeting with Parliament or a minister, though in practice most consultation with parliamentary committees is by invitation. Danes are said to be “joiners” of organisations, and benefit from a well-educated population and active civil society, though membership in groups and political parties, as in most countries, is declining. Policy-making tends to be based on the building of consensus; several people interviewed made reference to waiting until an issue is “ripe” before acting on it.

Local government plays a strong role in the Danish approach to democracy. Denmark experienced continuing waves of devolutionary public sector reform in the 1970s and 1980s, as services in a variety of areas were decentralised to the county and municipal levels of government. Regional planning, primary health care services, care for the disabled, secondary schools, environmental quality, and public transport moved from the national level to the counties, while social security became a municipal responsibility. These changes were part of a wider OECD trend toward devolution, supported by a view that placing decision-making responsibilities closer to the level where services are delivered can facilitate democratic participation, responsiveness to citizens’ wishes, and strengthen the link between those at the management and decision-making levels. The 14 county and 275 municipal governments in Denmark have the authority to set their own tax rates, and their activities represent approximately half of public spending. While the national level maintains responsibilities for setting overall spending targets and negotiating overall expenditure and revenue agreements with the county and municipal level in the pursuit of a national macroeconomic policy, the counties and municipalities have significant independence.

At the national level, 179 members of parliament are elected on a proportional basis to serve in the unicameral parliamentary system. A coalition of two “centrist” political parties, the Social Democrats and Social-Liberals, currently form a minority government. The majority opposition is split between groups to the left and to the right of the governing coalition, providing the government with flexibility to move toward the left or toward the right to obtain a majority on legislation.

Within the government, the Ministry of Finance plays a strong guiding role in determining national fiscal and economic policy, including expenditure levels for each policy sector. It co-ordinates development of the budget, which requires parliamentary approval. The ministry also plays an important role in managing relations with the county and municipal levels, serving as the lead negotiator with the association of counties and association of municipalities in annual budget target agreements. These agreements not only establish overall spending targets in the various policy sectors at both national and sub-national levels, but also include a range of performance targets for achieving other national policy objectives. Other ministries, including health, also participate in these negotiations. In negotiating on behalf of the counties, the Danish Association of County Councils must reach consensus among all 14 counties. The National Association of Local Authorities in Denmark is also involved in consensus agreements on economic and service objectives at the local level. These annual agreements are not formally binding, but do indicate the broad lines of government policy for the short term (one year) and medium term (four years). Parliament also has a role in their implementation: some initiatives agreed upon between the parties in the negotiations require parliament to pass new laws or to change

existing laws in order to take effect. Parliament also decides on block grants amounting to approximately 10 per cent of total local government expenditures.

Danish laws regarding provision of information to the citizen are quite open, though subject to some important exceptions. Under the Danish Access to Public Administration Files Act, any person may demand access to documents received or issued by an administration authority in the course of its activity. This applies, for example, to all letters received from private citizens and businesses and replies sent by governments. Furthermore, subject to specific exceptions, any person whose personal circumstances are referred to in a document may demand access to such references. Notable exceptions include documents used in internal decision-making processes, documents prepared in connection with consideration of European Union proposals, and information on the private circumstances of individuals or businesses, including where protection of private or public interests are needed because of the special nature of the matter. The Law on Organisation in the Municipalities requires municipal councils to account to the public on all important municipal benefits that are provided or planned.

The Public Administration Act also imposes important restrictions on transmission of personal data from one public authority to another, including information on race, religious belief, membership in political or other societies, sexual behaviour, criminal offences, health, and severe social problems such as drug abuse.

Legislation tends to be less specific and prescriptive regarding public consultation, allowing public authorities some flexibility on how they consult.

Interest groups are considered to be having an increasing influence on policy, not only through direct participation in policy debates, but also through a growing sophistication in working with the media to promote the appearance of articles that support their causes. While no data were available on the overall number of non-profit groups existing in Denmark, it was noted that there are some 180-200 non-profit groups representing different interests within the health care sector alone.

While there are many signs of a strong democracy in Denmark, Danes also maintain a critical outlook, focusing on ways to further improve its functioning. One indication of this is the Danish Parliament's decision in 1997 to establish an independent steering committee to oversee a six-year study of the state of Danish democracy, costing DKK 50 million (6.7 million Euro). The purpose of the study, according to the 1997 report of the Parliamentary Committee for an Analysis of Democracy and Power in Denmark, is "to illuminate the function of democracy in broad terms, including the influence of organisations, movements, and economic power structures in society, as well as the consequences of internationalisation as far as transparency of decisions, influence and power in society is concerned." The study builds upon research traditions and frameworks established through a Norwegian study of power in the 1970s, and by a 1980s Swedish study on these issues. The study is motivated, among other things, by a sense that democracy no longer works as it did in the classical descriptions of Danish democracy, due to such factors as advances in information technology and communications, internationalisation of policy-making, and other changing social conditions.³²

Background on the Danish Health Care Sector

The Danish health care sector is characterised by the existence of consensus around certain basic values:

- That all citizens should have *free and equal access* to health care services.
- That this service should be furnished *primarily by public health-care services* and financed almost entirely through tax revenues.
- That users of the system should have *free choice* of a primary care doctor (within 10 kilometres of their residence with exceptions granted in certain other instances), and of hospitals.

The national level establishes the overall budget framework and national goals, as well as legal requirements for provision of health care. Counties run most of the services (through public hospitals and contracts with primary care doctors), and have flexibility to set priorities and allocate resources to be responsive to local demands within the overall national framework. Municipalities are responsible for

home health assistance, nursing home care, dental care and some preventive services. Finally, two private hospitals and a number of private clinics provide an alternative to the public system, generally paid for through private hospital insurance. Only about one-fourth of 1 per cent of the population have opted for fully private health insurance, but some 10 per cent are covered by a “critical illness” insurance that pays a specific amount for such critical illnesses. This sum is not linked to private hospitals and can be used freely.

Total public health expenditure, which was DKK 56.9 billion (7.6 billion Euro) in 1997, has grown relatively slowly in Denmark, by an average of 1.3 per cent between 1980 and 1997, including spending decreases in the late 1980s and early 1990s. Government health spending as a percentage of total government spending also dropped between 1980 and 1997, from 10.7 per cent to 8.9 per cent. Public and private health spending as a share of the total economy dropped during this same period from 7.3 per cent to 6.3 per cent. When some care for the elderly is added to make spending figures comparable on an OECD-wide basis, Danish health spending as a percentage of GNP in 1996 ranked eighth out of 19 countries at 8 per cent. Countries with slightly higher spending included Iceland, Portugal, Sweden, and the Netherlands, while Germany and France spent significantly more at close to 10 per cent of GNP, and the United States was at 14 per cent (Danish Ministry of Health, 1998, pp. 32-35).

Aside from some patient co-payments on medicines, dental care, glasses, hearing aids, and supplemental health and casualty insurance, the vast majority of health care services – 82 per cent – are entirely paid for through public funds. There are no patient co-payments required for doctor or hospital visits. Primary care doctors provide an important restraint on spending, however, by serving as the gatekeeper for referrals to specialists and hospitals. Approximately 98 per cent of citizens subscribe to the basic service for doctors, while 2 per cent subscribe to a reimbursement plan that provides greater flexibility in choosing primary care doctors and private specialists, subject to additional supplementary fees.

Democratic debate tends to focus on issues around the margins of these basic, agreed values and elements, such as the extent to which private insurance and private hospitals may play a role in the system; who takes on responsibility for what services; and where resources should be focused to address perceived problems in treatment.

Policy Development in the Danish Health Care Sector

Key recent issues on the political agenda

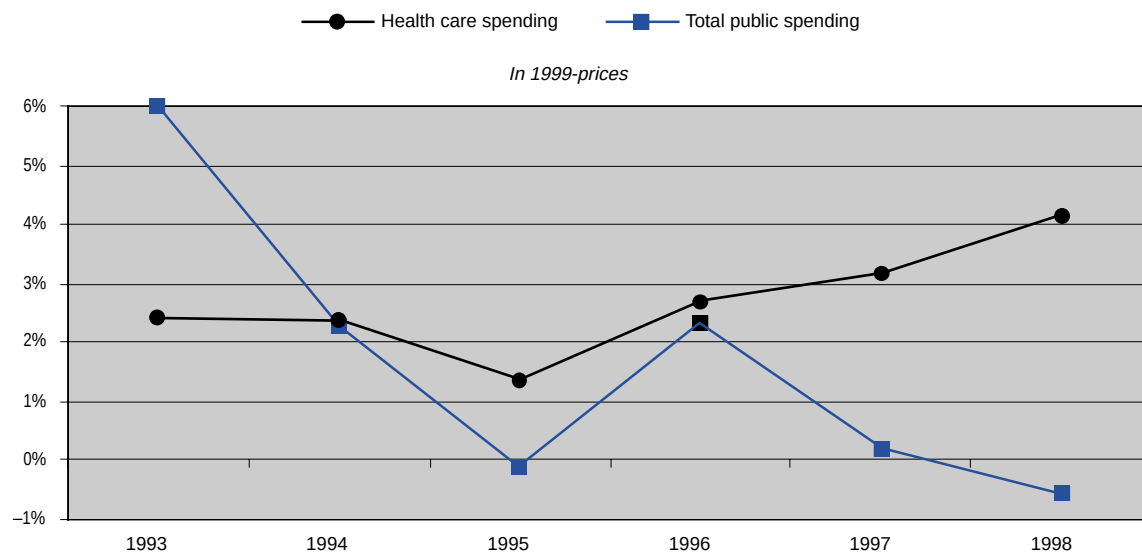
Following a period of relatively slow spending growth in the late 1980s and early 1990s, pressures to increase the rate of spending have increased in recent years. From 1993 to 1996, health spending grew in the range of 1.3 per cent to 2.7 per cent per year in real terms, fairly similar to the overall growth in public spending. More recently, Denmark has adopted larger health spending increases of 3.1 per cent in 1997 and 4.1 per cent in 1998, far exceeding the growth in overall public spending (see Figure 6 below).

Those within the health care system state that recent spending increases and calls at the national level to reduce waiting lists for various treatments have started to pay off: waiting lists have started to diminish over the last few years (see Figure 7 below).

However, many observers of the political debate in Denmark suggest that it remains largely critical and focused on problems, such as lack of coverage for certain new medical treatments or medicines, ongoing problems with waiting lists, and statistics that show certain areas of treatment lagging behind those of “comparable” countries such as Sweden and Norway.

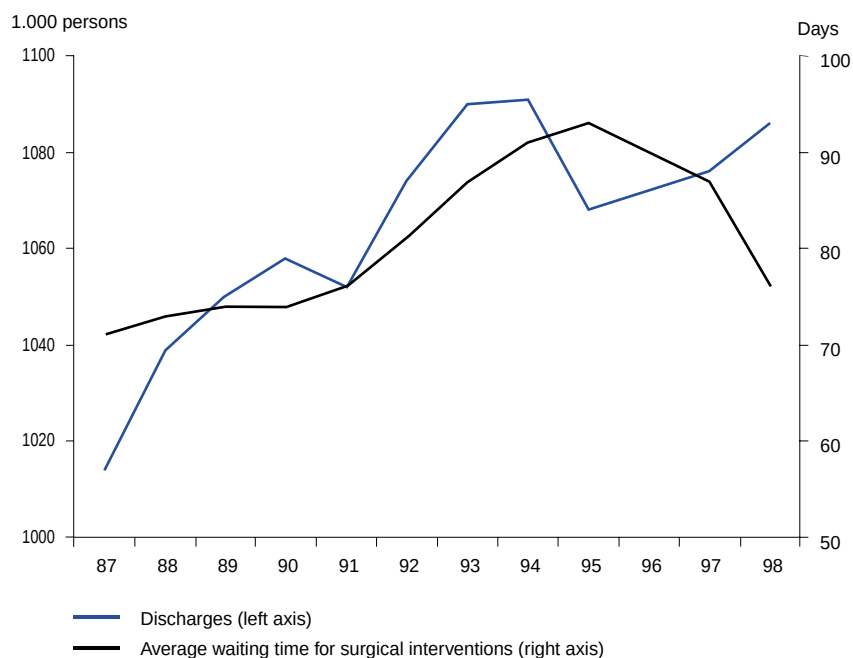
Debates over where to reduce waiting times or improve treatments very often come down to questions of resource allocation. In the early 1990s, the government decided to develop a heart treatment strategy for the entire health sector in response to complaints that Denmark lagged behind other countries. Although data were not available on actual spending on heart disease research during this period, data do indicate that the proportion of deaths in Denmark attributable to heart disease

Figure 6. Changes in Danish health care spending and total public spending



Source: Danish Ministry of Finance.

Figure 7. Number of discharges and average waiting times for surgical interventions



Source: Danish Ministry of Finance, 1999.

dropped sharply between 1990 and 1996, from 31 per cent to 24 per cent, accelerating a downward trend that had already begun in the 1980s.

However, by raising the priority of heart disease, other groups felt that their concerns had been implicitly reduced in priority. The Danish Cancer Society, noting that deaths from malignant tumours had increased during the same period and had become the leading cause of death in Denmark at 25.6 per cent in 1996, conducted a sustained campaign to develop a similar type of strategic plan to fight against cancer. Parliament ultimately decided last year to require the development of a strategic plan for cancer, and also decided that mammogram screening for women over the age of 50 should be covered on a biannual basis. The focus of public debate has also turned recently toward whether to pay for new medicines, including drugs for treatment of sclerosis and arthritis.

Public involvement in the health sector

Effective public consultation requires the balancing of potentially conflicting inputs and interests. In health care, these inputs and interests include striking the right balance between:

- “Expert” views of medical professionals, independent research findings and policy analysts, versus the non-expert views of users of the system and the citizen at large.
- Those with an immediate stake in strengthening the system (doctors, hospitals, patient groups, and other users), versus the overall public interest to balance spending on health care with other public priorities such as education, welfare and budgetary policies in support of economic growth.
- Investment of the time and resources necessary to ensure that public information is easily accessible and understandable, and that citizens are actively consulted and considered in the policy development process, versus an interest in more efficient and timely decision-making processes.

Additional key challenges include:

- Determining what the public will is among complex and often conflicting preferences (e.g. more health spending versus policies in support of economic growth).
- From the national perspective, ensuring accountability for national decisions through effective implementation at the sub-national level.
- From the local perspective, being held accountable to local voters whose priorities may be different from those set at the national level.
- Overcoming the resistance of those who lose out when decision-makers wish to reallocate resources to new priorities.

As Denmark wrestles with achieving the appropriate balance among these sometimes conflicting objectives, its approach to public involvement in the decision-making process has been undergoing a gradual evolution. This section discusses how many of these issues are being addressed at a general level in Denmark, followed by a section describing concrete attempts to deal with them through a range of promising practices.

The evolving roles of doctors and patients

Traditionally, decision-making in health care has relied strongly upon medical expertise. Though basic values and resource levels are determined politically, i.e., health care budgets, laws ensuring universal coverage, patient rights, patient choice and the respective roles of primary care doctors and the public hospital system, medical experts have played an important role in the system’s development. The Board of Health, which reviews emerging health care issues and aims to educate the citizenry on public health concerns, is made up of health care professionals and other medical experts. Other advisory boards within the Ministry of Health also tend to involve health care professionals and academic experts on health care issues. Patient groups such as the Danish Cancer Society and Heart Foundation, as mentioned above, have also found their influence strengthened through the support and involvement of the specialist doctors who work in these fields.

Within the system itself, the individual doctor-patient relationship remains critical to the quality of care and range of choices available to patients. Primary care doctors provide the initial point of contact for the citizen (and full treatment in up to 90 per cent of the cases). Doctors establish priorities through decisions they make on referrals for treatment, according to the premise that they are in a better position than elected officials to make such judgements based on the medical expertise and the case-by-case review required for such decisions. Such decisions nevertheless are not democratically accountable (though the patients' right to choose their doctors provides incentives beyond professional ethics and medical training for keeping the patients' interests at heart).

However, the patient's influence on this system – at both the point of service and policy-making levels – is beginning to increase. On the most direct level, patients are demanding a greater say in the kinds of treatments they receive, and where they go for it. The new patient is better informed, wealthier, and less respectful of authority than in the past, according to one media observer. Recent government initiatives have attempted to strengthen the power of the patient in this regard, by facilitating access to information for patients and their families. This is achieved through a website that provides information on waiting lists (average wait times) for different procedures or treatments, available for each hospital; and by hiring of information resource people at the county level who can help patients and their families get the information that they may need. A private website called the “Web Doctor” provides on-line medical advice, giving patients an alternative source of information to direct contact with their doctor. Recent legislation further consolidated patient rights. Counties also have implemented a national law requiring that each hospital have a board of users with an input into the decision-making process.

The growing role of patient groups

Perhaps the greatest influence of patients has come through “patient groups” formed around concerns about particular diseases or health problems such as heart disease, cancer, arthritis, diabetes, or sclerosis, to mention a few of the largest groups. These groups were initially preoccupied mainly with promotion of medical research and education of the public about good health practices. In the past decade or so, many of these groups have explicitly taken on policy advocacy as an important role, and there was consensus among those interviewed that their influence in the policy-making process has increased considerably. By one estimate (Monday Morning weekly magazine), there are currently 137 patient groups with about 750 000 – 800 000 members. Many of these groups are quite young and quite small, with 37 starting up since 1990. A few groups advocate a wider range of interests, such as the DaneAge Society, which represents the elderly, but among those interviewed, none indicated the existence of any interest group seeking to represent the broad range of citizen interests in the health care system. As one parliamentarian put it, “That’s our job.”

The influence of patient groups is both direct and indirect. The largest patient groups are routinely invited to participate in parliamentary committee hearings. The Ministry of Health, after developing a draft proposal in the health sector, generally sends it around to a list of stakeholders, including patient groups, for their comments. On an indirect level, patient organisations interviewed noted the importance of obtaining media coverage for their findings and viewpoints. While direct lobbying may be focused on the decision-makers and policy elite, one NGO representative was told by a Parliamentarian that what mattered most in terms of motivating action was the view of the other “90 per cent” of the public who were not among the policy elite. For this, media coverage is a crucial factor in influencing the policy debate.

While media coverage is one channel for influencing policy, patient groups also considered large membership numbers as a factor influencing political decisions. The DaneAge Society, for example, considered one of the more influential groups in health care politics, has 410 000 members, or 8 per cent of the Danish population. Other large groups include the Heart Foundation, with 70 000 members (and claims of indirectly representing 450 000 Danes with heart and circulatory problems); and the Cancer Society, with 260 000 members, the largest budget of any non-profit group in Denmark, and claims to represent “every Dane” through their work to support cancer prevention. Each of these groups cited the

presence of elected boards and local chapters that help to ensure that their policy positions are responsive to membership opinion.

But questions have also been raised about the representativity of patient groups. No laws oblige these groups to disclose where their funding comes from, and a number of recent articles and commentaries have noted links between funding from private interests (doctors, pharmaceutical companies), and patient group positions in support of increased funding for coverage of medicines and treatments which these funders could benefit from. The 50-member Danish Pharmaceutical Association noted that its position is that any funding from its individual members for research or patient groups should be announced publicly and be transparent in nature. From their point of view, alliances between groups with common interests are a natural part of the political process, but it is important for such processes to be transparent so that the public can make its own judgements as to the credibility of the research findings or positions taken by particular groups.

Greatest influence is achieved by the largest, best-known and most well-funded groups. This is often achieved through the formation of coalitions with doctors or across patient groups. Those entirely at the grassroots level, working independently of the health care professional sector, tend to be much smaller, with non-paid volunteer staff, and it therefore is a far greater challenge for them to navigate the different decision-making structures at the national, county and municipal level, and to have an influence. The larger groups, backed by larger memberships and operating budgets that enable them to maintain a professional staff, are generally invited to participate in Parliamentary hearings of relevance to their concerns, while this is quite rare for the smaller ones.

A key question is, should such influence by interest groups be considered a problem or flaw in the functioning of democracy in Denmark? In one sense, the involvement of patient groups represents a progression toward broader public involvement, beyond that of health policy experts and professional organisations involved in providing care, to more strongly include client or customer viewpoints. On the other hand, some critics suggest that further steps are needed to prevent patient organisations from obtaining too much influence in the health care prioritisation process. Each patient group represents a specific interest, and their political force may not necessarily be correlated to societal priorities as a whole for different medical care or public health initiatives. There is a growing view that prioritisation should be based on better decision support and more balanced input.

Denmark has established other institutions and decision-making processes and structures to promote a balance between stakeholder priorities and overall economic and social objectives. One media representative asserted that devolution reduces the influence of special interests, which are often centralised at the national level. It often is easier for the average citizen to have an impact at the local level through both informal and formal contacts (for example, running into one of the 31 county council representatives at the supermarket or attending a local public hearing). Most decisions on health continue to be taken at the county level.

Denmark's annual negotiations to set expenditure limits and policy targets

Denmark's process for setting its overall economic policy, including spending and output targets within the health care sector, appears to make it easier for decision-makers to balance various interests. These annual negotiations between the national government and association of counties, and – separately – between the national government and association of municipalities, allow representatives at all levels of government to take into account the broad (and sometimes conflicting) range of interests. Public spending limits are sought to encourage overall economic growth and avoid raising taxes, while targets are set for outputs in the various sectors that are responsive to a range of political demands for improvements in public service. The negotiation process is in a sense shielded from special interests, as well as direct participation from any interested citizen. On the other hand, those involved in the negotiations are doing so on behalf of elected county representatives and ministers from the democratically elected government. They may consult freely with their constituents, as they may do in other law development processes. The results of these negotiations, though not formally ratified by parliament, are addressed by parliament through law changes that may be necessary to enable their

implementation, and by parliamentary decisions on block grant funding. Citizens also have the ability to hold the governments accountable for these policies through their votes at election time in support of or against the officials that developed the policies.

However, there are additional challenges involved in ensuring that such decisions remain democratically accountable. The targets are not legally binding, and so counties are not legally obligated to follow them. The national parliament decides how to allocate the block grants and could – in principle – attach certain conditions to the specific allocation of the block grant. Getting counties to meet non-budget targets, such as reductions in waiting list times, can be more problematic, because national funding is largely given through block grants, and counties have the flexibility to allocate funds to their preferred priorities.

In one sense, this budget negotiation process enables public officials to more easily make difficult decisions involving resource reduction or reallocation, because the process attempts to balance competing interests within a single decision-making process, and because many of the most difficult prioritisation decisions are deferred to the local level. This has been particularly evident in earlier moves to cut health spending as part of overall budget deficit reduction measures, when many of the difficult details of managing budget cuts were left to counties to implement.³³ The flip side of this is that when national governments wish to increase spending for new priorities, counties have some leeway to shift funds to their own, sometimes differing priorities.

Parliamentarians may express frustration when county priorities differ from the national priorities that they have established, but from the county perspective, this ensures a higher quality of democratic responsiveness to local demands. The problem in terms of democratic accountability arises when it is not clear who is responsible for an action – the national or local level. With health care near the top of the political agenda in Denmark, all levels of government would like to take credit for success, and no one is eager to accept the blame for failures. Several patient organisations suggested that Denmark sometimes suffers from a lack of clear accountability regarding allocation of health care resources, because budget decision-making is split between three levels of government. Under these circumstances, only the most sophisticated of groups can determine where it may be most effective to apply pressure.

While the annual expenditure negotiations do not provide for direct democratic participation, no one interviewed suggested that such negotiations reflect a democratic deficit in Denmark. The public is considered to be supportive of overall macroeconomic policy goals that include constraints on public spending. Their support (albeit largely tacit) for this process indicates an environment in which there is trust and confidence in public officials to represent the public interest. In addition, these negotiations, though not subject to direct public input, are ultimately subject to democratic accountability because the ministers who negotiate them for the government are directly accountable to the voters, and because counties and municipalities must act separately to implement them.

Promising Practices

Danish political leaders and public officials have established and experimented with a range of practices aimed at promoting stronger citizen involvement and balanced public input into health care policy decisions. These examples, though they do not reflect a comprehensive review, were cited by government officials as potentially promising approaches, and can provide some indication of innovations that could be of interest for other OECD countries.

Accessibility of ministers and parliamentary committees

Based upon a long tradition of open access to the political level, several Danish ministers schedule open meetings on most Thursdays, to which any citizen may come to voice their concerns. Most of these are held in the capital, but at least one minister, the Minister of Culture, frequently goes on tour to conduct these consultations. Some exceptions are made to the weekly meeting policy, but notices of the meetings or lack of meetings are published in the newspaper to keep citizens informed.

Parliamentary committees also have a policy that any citizen may request and be granted an audience to raise an issue of concern to them. Citizens do make use of this right to raise issues of concern, but these meetings tend to occur more frequently at the invitation of the committees. The only exception to the open meeting policy is the Budget Committee, which has determined that the multitude of stakeholders concerned with annual budget decisions affecting the full spectrum of public policy issues would make open invitations to all unmanageable. Such consultation is considered easier to manage around single-issue concerns of other parliamentary standing committees.

These consultations at Parliamentary level are supplemented by earlier consultations conducted by the responsible ministries during bill preparations. In health care, the Ministry of Health consults with the National Association of Local Authorities, the Association of County Councils, patient organisations and other interested stakeholders during the policy formulation process, before bills are submitted to Parliament.

Danish Board of Technology (Teknologirådet) consensus conferences

The Danish Board of Technology, which advises parliament and seeks to inform public debate on science and technology issues, has adapted a technique known as a “consensus conference” for more closely involving citizens on specific questions on the political agenda. About 16 randomly-selected “lay-persons” (non-experts) are invited to meet over a four-day period around a pre-selected issue, first to hear experts’ and policy officials’ views, and then to deliberate among themselves. On the final day of the conference, they present their agreed upon, or “consensus”, views. However, unlike a jury, which must agree on a single position of “guilty” or “not guilty,” the consensus conference framework allows for nuanced viewpoints and citizen-defined framing of the issues that can indicate how a position may shift, depending upon different conditions or situations. According to programme officials, this supports an understanding of the thought process of a broadly diversified group of citizens, rather than merely public opinion poll statements of viewpoints, or the sometimes more extreme viewpoints portrayed in the media. It also provides a way for citizens to be able to provide informed input into technically complex subjects without having to defer solely to the judgements of technical experts.

The approach originated within the medical profession for assessment of new medical technologies, relying upon a group of experts who would convene to review evidence and work toward a consensus on their evaluation of the technology. The Council adapted the technique for democratic purposes in the mid-1980s and has organised at least 20 such conferences since then, addressing such subjects as fertility treatment, human genome research, gene therapy, and risk assessment thresholds. The Danish Board of Technology approach, using randomly selected, non-expert citizens, has shown enough promise to be picked up in a number of other countries: Australia, Canada, France, Japan, the Netherlands, New Zealand, Norway, the Republic of Korea, Switzerland, the United Kingdom, and the United States (city of Boston).

Among the challenges associated with expanding the use of such conferences are funding [(each conference costs DKK 500 000 to 1 million (about 65 000 to 130 000 Euro) to organise]; integrating them into the decision-making process (some members of parliament attend parts of the conferences to hear citizens’ views, while others interviewed for this study were not familiar with the conferences); and dealing with heightened expectations of citizens who become heavily involved in an issue for several days, but who then have little opportunity for involvement in the issue thereafter.

Responding to patient demands: user surveys, user boards and patient choice

Because nearly every citizen is a user of the health care system at one time or another, Danish efforts to obtain user perspectives are relevant not only in terms of managing service delivery, but also as a democratic input into the policy process. As noted in the preamble, the Danish Government has conducted extensive surveys of Danish citizen attitudes towards the full range of public services, and tracked views in relation to both users and non-users of the services. In the health sector, as in other sectors, actual users of the system have expressed more positive views than non-users. For example, in a Spring 1998 Gallup survey commissioned by the Ministry of Finance:

- Sixty-three percent of users said they were satisfied or very satisfied with emergency services, while only 38 per cent of non-users reported being satisfied or very satisfied (with 43 per cent answering “don’t know”).
- For hospitals, 78 per cent of users reported being satisfied or very satisfied, compared to 64 per cent of non-users (17 per cent said “don’t know”).
- Satisfaction was highest of all for users of general practitioners, with 91 per cent of users very satisfied or satisfied. Fewer than 5 per cent of respondents indicated that they were non-users, and of these, 77 per cent said they were satisfied or very satisfied (while 9 per cent answered “don’t know”).

Several government officials hypothesised that the less positive non-user perspective is the result of press coverage focusing on exceptional problems, while more routine medical care that is administered without problems receives no media attention.

Supplementing these national surveys, regional governments such as Aarhus County conduct their own user surveys that provide more detailed feedback regarding different aspects of health care services. Aarhus County, whose population of 650 000 makes it the second most populated region in Denmark after Copenhagen, is now committed to conducting systematic surveys of all of its medical institutions to track user attitudes over time. Results feed both into discussions of the management of the services with health care administrators and professionals, as well as into the development of the next four-year county plan for health care. Aarhus County officials noted the importance of developing indicators not just of user satisfaction, but also of quality of care. One official cited a study that found that users actually reported higher satisfaction levels in cases where errors in treatment had occurred, because doctors spent more time making sure the patient was satisfied in such cases. Thus, over-reliance on user perspectives risks missing out on the full picture.

Aarhus County officials have some aspirations that such indicators of quality and user satisfaction could eventually serve as a national model that other counties could adopt to enable comparisons to be made more easily. Ultimately, such information could be made entirely public through the Internet in order to strengthen incentives for improvement as well as the information available to patients to support them in their health care choices. Already, information on the length of waiting lists for specific procedures is available on the Internet. For those who cannot access it directly, counties have information specialists available to provide this information to anyone who asks for it.

User boards represent another channel for obtaining input on the quality of services, monitoring complaints and highlighting user concerns. In addition to a hospital user board established nine years ago, Aarhus County more recently began regular consultations with two separate groups representing psychiatric patients.

Aarhus County’s interaction with users of psychiatric services is of particular interest. One group represents current psychiatric patients and their relatives, while a second organisation formed more recently represents past users of psychiatric services who are now more or less cured. Seeking to change the traditional approach in which doctors provided treatment for psychiatric patients with relatively little input from the patients themselves, the county adopted a policy two years ago to involve users in decisions regarding those services at three levels: the policy level; daily living; and individual treatment. The Director of Psychiatric Services has four meetings a year with these two groups. This approach has been supplemented by an active effort to ensure that patients and their families have access to independent information on psychiatric maladies and their treatments obtainable through a county information unit. Public meetings are also organised on particular subjects related to psychiatric treatment: one public meeting on schizophrenia attracted more than 200 people. Other counties are in frequent contact with Aarhus County as they consider how to develop their own programmes to attain greater public involvement.

Important challenges remain, however, to promote effective interaction: the need to change the culture among doctors who may not be used to sharing larger amounts of information and participating in a more mutual decision-making process. Such decision-making also requires more time than the

traditional approach. In addition, psychiatric patients themselves often are not used to participating in groups and democratic processes, while professional care-givers may not be skilled in encouraging their involvement. Training can help both groups to interact more effectively.

All of the efforts to provide better information to users – whether on quality of care, user satisfaction, or treatment options – are part of a general trend toward greater empowerment of the patient to make effective choices in using the health care system. Underpinned by the patient's right to choose their own doctor, and in turn to choose a hospital through a referral from their doctor, patients' choices provide important feedback on the overall quality of the system. An increasing number of patients have recently begun opting for private hospital insurance and opting out of the public health system (this number has doubled in the last few years, according to the Ministry of Finance, but exact figures were not available). Some officials expressed concern that if this trend continues, it could undermine the public hospital system. Indeed, trends in choices of public and private hospitals can be seen as an important, indirect means of providing information on user preferences and influencing public health policy considerations that will be closely watched in the future.

Policy consultation in the development of health plans (Aarhus County four-year plan)

All Danish counties are required to develop four-year plans that set out priorities for health care provision. The Law on Public Health Insurance requires counties to consult with the municipal councils, health care practitioners and specialists before presenting their health plans to the county council (but consultation with citizens and patients is not required at this stage). Nevertheless, Aarhus County undertook a much more active consultation process in developing its plan for the years 1998 – 2001. Public input was sought through a specially designed mailing to all citizens, intended to make the plan easy to understand for non-experts. The mailing requested written comments and invited citizen participation in a series of six regional public hearings. An average of 100 people attended each of the six hearings, and 250 written comments were received. Citizens expressed overall support for the plan, but also sought and received some changes, including the creation of the county's first hospice, and development of plans for more care of vulnerable families, including those afflicted by alcoholism and psychiatric problems.

In developing its next four-year health plan, Aarhus County intends to repeat this consultative process, while supplementing it with new information obtained through more systematically developed health care user surveys and other indicators being developed on health care quality.

Conclusions

It can be sobering to realise that even in an extensive effort to consult with the public, as Aarhus County did in developing its four-year health plan, little more than 0.1 per cent of the county population actually attended hearings or provided written feedback. Other feedback was available through user satisfaction surveys, informal contact between elected representatives and citizens, and groups who spoke on behalf of larger populations of stakeholders (health care professionals, patient groups, user boards, etc.). Nevertheless, the large majority of citizens do not provide direct feedback on their preferences regarding county health care policies and spending priorities.

This underscores a great difficulty that all OECD countries face in making their democracies work: most citizens do not become actively involved in individual policy decisions, but rather delegate decision-making through elections to their political representatives. The lack of active participation is not necessarily a problem, if citizens perceive that they have adequate information and opportunities to participate and have their views taken into account, if they wish to do so. Likewise, politicians will not consider a lack of active citizen participation a problem if they continue to have adequate tools to gauge public opinion and the public perceives that their decisions reflect the overall public interest.

Good public information and public consultation processes that provide citizens with the opportunity to become involved if they wish, or alternatively to allow others to act on their behalf, will continue to be a fundamental underpinning to democratic quality. The Internet is having a positive

impact in Denmark in increasing the availability of health care information, particularly for direct users of the health care system, but its use as an interactive tool for policy consultation remains an area for further development.

The challenge for elected representatives is to be able to make effective use of the range of tools available to them for obtaining input into their decisions to ensure that they are both responsive to the range of public interests, and that these decisions also make good public policy. This includes obtaining advice from policy analysts and medical experts, feedback from users, and the views of stakeholders with much to lose and gain from decisions, as well as interactions with the average citizen who may have a less immediate stake in those decisions. The examples cited above – ranging from public hearings to user surveys, user boards, user choice, input from patient groups and other organised stakeholder groups, to more innovative approaches such as the Danish Board of Technology consensus conferences – can all play a role in improving the quality of democratic decision-making.

These are supplemented by independent sources of expertise – benchmarking comparisons across counties and internationally, review of medical research on cost-effectiveness and quality of emerging treatments and technologies, and measurement of performance against both broad-based and specific objectives for efficiency, quality, and responsiveness to users.

As Danish decision-makers continue to wrestle with how to most effectively involve the public and other inputs into their decision-making processes, this study points to a number of conditions and practices that have facilitated achievement of these objectives. Among the factors favouring effective democratic decision-making in Denmark are:

- A relatively small population (5.3 million people) and devolved responsibilities that allow decisions about most public services to be taken at the local level, where informal contact with decision-makers and local democratic participation may be easier to achieve.
- A well-educated public and active civil society. Denmark has strong traditions of participation in groups and the political process, and confidence in its public institutions. This trust re-enforces its traditions of openness, since information obtained is more likely to be used constructively in efforts to reach consensus, rather than to generate conflict and policy stalemate.
- High trust and public satisfaction levels that provide the government with some leeway to develop policies internally before subjecting them to public scrutiny, without unduly raising suspicion that the public interest will suffer. This provides some insulation from excessive influence by stakeholder groups that may not represent the full range of interests in a particular policy.
- Government attention to user attitudes toward public services through customer satisfaction surveys and overall opinion polls provide an additional instrument for considering the overall public interest and countering potential over-representation of stakeholder groups or non-representative media coverage in the policy-making process.
- A strong interest in and openness to learning from international experience in this area. Many of those interviewed for this study – both within and beyond government – cited lessons from international experience as contributing to their own thinking and initiatives. Indeed, the Danish government agreed to participate in this OECD study in part to provide a vehicle for comparing Danish experience to others through the OECD's series of country case studies being conducted on "Strengthening Government-Citizen Connections" in a range of policy sectors (including the Canadian health sector – see previous section).

Despite these favourable factors, the improvement of democratic quality in Denmark will remain a continuing challenge. A number of issues and questions remain an ongoing concern, and there are no easy answers for addressing them. For example:

- Is there a way to clarify sometimes unclear lines of accountability between national, county, and municipal levels of government to increase democratic responsiveness?
- Where is the exact balancing point between too much public consultation and not enough? Is there a need for more direct democracy to improve the quality of democratic decision-making, or

are other measures, such as more transparent, accessible and better-quality information and existing opportunities for public input sufficient?

- How much should the government rely on alternative sources of information on citizen viewpoints such as opinion polls, information on user choice, and media reports rather than on their direct participation?
- Should additional steps be taken to require stakeholder groups who participate in policy debates to disclose information on who they represent (members), and who they are funded by, in order to facilitate public judgements on how to balance their interests versus others?

The OECD is not in a position to resolve such questions, which are best addressed according to consideration of Danish national interests. The fact that Denmark maintains a positive environment for debating such questions is a factor that works in its favour when addressing these challenges in the future.

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ENGAGING THE POOR IN POLICY-MAKING ON POVERTY AND SOCIAL EXCLUSION IN FLANDERS (BELGIUM)

by Anja Claeys

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Executive Summary

The report begins by describing why participation of the poor in policy-making is both challenging and important. The poor experience social exclusion more strongly, have access to fewer channels through which to exercise their rights, and meet with greater barriers to participation than other citizens. Not only does participation of the poor in policy-making imply their recognition as fully-fledged citizens and as being capable of contributing to the development of society – it also contributes to designing more effective policies against poverty and social exclusion. The report argues that participation by the poor could be used as a benchmark against which government policy and initiatives to strengthen government-citizen relations may be evaluated – those measures which prove successful in engaging the poor may well be valuable in fostering greater public participation on the part of all citizens.

The report goes on to review the legal and institutional development of the Belgian welfare state and the status of public participation in social policy. It charts the emergence of a “rights-based” approach to welfare from the mid-1970s, which made establishment of conditions for human dignity a prime objective and called for the active participation of the poor in the design of policies and services. The report also describes how participation by the poor has been fostered in practice in Flanders. In particular through the establishment of a permanent consultative forum in 1989 (VICA – Flemish Intersectoral Committee for Poverty Reduction) whose “theme groups” saw the active participation of the poor and their representative organisations. The important role of initiatives taken by local authorities and by the voluntary sector in overcoming social exclusion and poverty and ensuring effective participation of the poor in decision-making is also highlighted.

The case study itself focuses on the engagement of the poor in preparing the 1994 General Report on Poverty in which the “dialogue method” was used for the first time. This method aims to provide people living in poverty with the opportunity, through the associations in which they meet and have their say, to actively participate in the discussion of particular themes and, ultimately, in the formulation of policy proposals. It takes place on two main levels: a *social dialogue* between the poorest people, their associations, and the representatives of local welfare organisations which identify key issues and draw up proposals, followed by a *political dialogue* between the poor and their associations, representatives of local welfare organisations and policy-makers. A number of steps have since been taken to institutionalise this form of dialogue between the key actors – notably with the establishment of a Centre against Poverty, Social Insecurity and Social Exclusion in 1999.

The case study identifies several major challenges to engaging the poor in policy-making at the local and national level, such as: establishing the conditions for dialogue (which requires both time and commitment); coping with diversity (as the poor are not a homogeneous group); and raising the capacity of the poor to participate (e.g. by encouraging self-organisation by the poor and ensuring that the issues

and conditions of dialogue are explained and understood). The report concludes with a number of concrete policy lessons based on the experience of Flanders (Belgium), including the need to:

- *Ensure transparency* – the underlying policy vision, objectives and methods should be made explicit.
- *Provide clear and accessible information for all* with particular and continuous attention for those groups that cannot be fully reached through commonly used information channels.
- *Include opportunities for participation* in all phases of policy development and implementation.
- *Provide for more systematic and formalised participation channels* instead of an *ad hoc* approach.
- *Allow enough time, room and support* to conduct a full social and political dialogue with the poor.

The case study was submitted to the Secretariat in 2001 and covers events up to that date.

Introduction

The question of participation is important, as it is linked with the right to integration and citizenship. Participation implies the recognition of people as fully-fledged citizens and assumes they can substantially contribute to the development of society. Participation therefore implies respect and the recognition that people are competent in all aspects of personal and social life. This competence is not static, but takes shape based on different (and sometimes contradictory) experiences and interpretations. This is true for all citizens.

It is specific to the poor, however, that they meet with greater barriers to participation in our society. The poor, more than others, are confronted with the complexity of the society we live in. They more strongly experience exclusion than other citizens, because they do not have, or have less access to, other, alternative and socially accepted channels to exercise their rights (e.g. appeal to a lawyer). Starting from the observation that certain groups in society, such as the poor, are socially excluded, specific measures may be introduced. However, these measures are often taken without consulting the people concerned. Consequently, many of these measures prove inadequate and ultimately have no effect at all.

Problems concerning participation therefore conceal an underlying problem, which holds for all citizens: namely, the difficulty experienced by citizens when trying to understand the society they live in, the interrelations present within that society, and how to link their own personal experiences with current social structures. For example, most people experience their life situation in its entirety, whereas people living in poverty experience exclusion in different aspects of life (e.g. living, working, learning, health) at the same time. As a result, a fragmented policy with measures addressing each individual aspect will not be recognisable as such by the poor, nor will it reverse their overall situation of poverty.

This report will discuss the participation of disadvantaged citizens in policy-making in general, as well as their participation in policy-making for poverty reduction in particular. Concretely this means that politicians, the government and the administration should take action on all levels to ensure transparent policy-making and administration, and provide clear information to all citizens. This information should cover the overall vision of a given policy, and the policy options available, and should be accompanied by procedures to ensure the effective dissemination of this information.

Experiences with participation of the poor in policy-making may then be taken as a benchmark for developing measures to strengthen the relationship between citizens and policy-makers. As stated in a recent report on local development plans, “If the governmental policy stands the test of the poor, we can assume that this is quite applicable to other population groups as well and may therefore reach a larger part of the population” (Antwerps Platform Generatiearmen, 1999).

The ultimate aim of participation is the establishment of a policy from which all citizens rightly benefit. Participation of citizens, in this case the poor, relates to different phases in the development and implementation of policies: the definition of the problems, the formulation of possible solutions, implementation and follow-up of measures taken and, finally, evaluation.

Background of the Belgian Political System

Belgium is a federal state, composed of three Communities (the Flemish, the French and the German-speaking Communities) and three Regions (the Flemish, the Walloon and the Brussels Region), under which are the provincial and municipal levels. On the federal level, the parliament – of which the majority of its members (190 out of 221) are elected directly by all citizens aged 18 and over having Belgian nationality – exercises legislative power. The King and the government exercise executive power.

As this case study is drawn from Flanders, we will only discuss the Flemish institutions here when reviewing the level of Regions and Communities (Bouckaert and Van Hoecke, 1998). The Flemish Parliament, of which the majority of members (118 out of 124) are elected directly, and the Flemish Government exercise legislative and executive powers respectively. At the provincial level, the provincial council – whose members are elected directly by all inhabitants of the province having

reached the age of 18 – has legislative power, while the continuous deputation and the governor both have executive powers.

Finally, on the municipal level, the main political institutions are the town council (whose members are elected directly by all citizens who are over 18, are nationals of a member state of the European Union and living in the municipality) and the bench of mayor and aldermen.

Poverty and Participation in the Belgian Welfare State

The welfare state as it has developed in Belgium reflects how our society has dealt with “social problems” in the past and still does so today. Poverty was first seen as a matter of “personal guilt” (Vranken and Geldof, 1993, pp. 31-32). Later it was considered to be the result of a “personal accident” (such as illness, handicap). Measures were of a repressive or charitable nature and were intended to discipline the poor. Through a system of private insurance, citizens had to guarantee themselves against personal risks such as illness or accidents. Later, social rather than personal factors were identified as being the root cause of poverty (e.g. the economic climate). A “social accident model” emerged and influenced the development of the Belgian welfare state.

The definition of poverty used for the purposes of international comparisons, is: “the number of people living in families with less than half the median equivalised family income”. Under this definition, in 1985 a total of 4.4 per cent of the population lived in conditions of poverty in Belgium (Förster, 1994, Table 1, p. 10).

Over the last few decades in Belgium, poverty has been considered from a structural point of view, based on the so-called “social guilt model” which holds the view that the very structure of society causes poverty. The generally accepted definition of poverty now runs as follows: *“Poverty entails a network of social exclusions, which spreads over several fields of individual and collective existence. It separates the poor from the accepted modes of living of society. The poor cannot bridge this gap by themselves”* (Vrancken and Van Mexel, 1997, p. 35). This definition is also used in the Flemish “Action Plan for Poverty Reduction” approved by the Flemish Government on 23 February 2001 and is part of the Belgian “National Action Plan for Poverty Reduction”.

The transition from a “social accident” model to a “social guilt” model is connected with a fundamental change in society’s view of poverty: the transition from a ‘way of thinking focused on care’ to a “way of thinking focused on participation”. The “rediscovery” of poverty in the late 1960s (i.e. the realisation that poverty persists, in spite of a well-developed welfare state) led to the participation of the poor being proposed as a guideline for the future development of the welfare state. This could be given legal basis by incorporating the idea of participation as set out in the law on the Public Centres for Social Welfare and Article 23 of the Belgian Constitution. Recently, however, charitable approaches and the notion of “personal responsibility” (cf. the idea of activation) have begun to reappear in the discussion of poverty and the fight against it.

Legal and institutional framework

In Belgium, the social security system is based upon “labour”. Each working citizen pays a National Insurance contribution, which is deducted directly from wages and salaries. The starting point for this system is “compulsory” solidarity, upon which persons that are (temporarily) incapable of working due to illness or retirement can count.

On 7 August 1974, for the first time, an income was guaranteed for all Belgian citizens as a “subsistence minimum” and this measure was, at the time, intended to be the cornerstone of the social security system (Seynaeve and Simoens, 1995, p. 5). The implementation of that law was entrusted to the Public Centres for Social Assistance (C.O.O.), which were replaced by the Public Centres for Social Welfare (O.C.M.W.) in 1976.

The 1976 law on the Public Centres for Social Welfare entailed a fundamental change in Belgian social policies. Article 1 of the law on the Public Centres for Social Welfare stipulates that “each human being has the right to social care” which should “enable people to lead a life of human dignity”. Until then assistance was considered as a “favour” for the “bona fide” poor; this law redefined the former

relation of dependence between the social workers and those requesting assistance into a legal relationship based on human dignity and rights (Verhellen, 1992, p. 3). It established that in case of disputes concerning the right to social service and the right to a subsistence minimum, the industrial tribunal would be the competent authority to judge such cases.

The Public Centres for Social Welfare are obliged to give a reasoned answer to each request and as such cannot decide arbitrarily on the needs of those that ask for assistance, or clients of the social services. Focusing attention on “human dignity” as an autonomous value fundamentally implies an expression of respect towards people who ask for assistance and their recognition as citizens. In executing the right to social care, criteria for welfare, or criteria for “human dignity” can be established with the co-operation of the people concerned (Claeys, 2000). People then no longer merely think in “material terms” (i.e. “asking for assistance indicates material shortages”), but in terms of possibilities to become independent, to be able to cope for oneself, to obtain psychological ease and a certain freedom of choice to organise one’s own life (Bouverne-De Bie, 1997).

The services offered by the Public Centres for Social Welfare today therefore go beyond the reduction of poverty and the provision of (financial) assistance (Geldof and Luyten, 1998, p. 23). For example, they offer a number of services for senior citizens and also play a role in housing, in medical services, in offering legal assistance and in the search for employment by people living on a subsistence minimum.

Today, anyone with personal problems of a social, psychological or medical nature can appeal to a Public Centre for Social Welfare. However, we have observed that since the law was adopted, (financial) assistance has, once again, come strongly to the fore. A broader debate on welfare and poverty has been, in many ways, reduced to a discussion on “minimum standards” for the provision of support. Those requesting assistance are, to a lesser extent, encouraged to bring their own criteria regarding welfare and human dignity, into the discussion.

Moreover, for such reasons as high caseloads and limited capacity, the services of the Public Centres for Social Welfare are often restricted to offering individual assistance or else a bureaucratic interpretation prevails (Bouverne-De Bie *et al.*, 2000). The development of criteria for human dignity and bringing these criteria into the social debate are not top priorities. The fundamental significance of the law on the Public Centres for Social Welfare is increasingly being pushed into the background. Consequently, the Public Centres for Social Welfare are in danger of increasingly being considered as “poor relief institutions”, responsible for paying out the subsistence minimum, rather than as local institutions that should guarantee all citizens their right to welfare.

Article 23 of the 1994 Constitution enshrined these principles by establishing the following social rights:

- The right to labour and the free choice of professional work within the framework of a general employment policy that aims at, among other things, securing the highest and most stable employment level possible, the right to reasonable conditions of employment and reasonable pay, as well as the right to information, consultation and collective action,
- The right to social security, health protection and social, medical and judicial assistance,
- The right to proper housing,
- The right to protection of a healthy environment.
- The right to cultural and social development.

The “enforceability” of these fundamental social rights entails that the government is assigned an active task in this matter. The recognition of the right to a dignified life implies that one objective is to ensure policy implementation that helps all citizens in a dignified way. This means that policy implementation should be in line with the personal views and experiences of the people concerned, and that these people should, in turn, be able to influence the implementation of policy.

The exact significance of these fundamental rights is subject to discussion. We can distinguish between a “minimalist” and a “maximalist” approach. “Minimalists” believe that the constitutional

provision has no direct consequences. A “maximalist” interpretation, on the other hand, regards each regulation or treatment that is considered inconsistent with human dignity as potentially unconstitutional (such as arbitrary discharge or the exclusion from the right to an unemployment benefit or the minimum of subsistence) (Hubeau, 1995, pp. 157-166). In the last coalition agreement of July 1999, the Flemish Government once again emphasised the role of the poor as the main partners in the policy to fight poverty (Government of Flanders, 2000, p. 226).

Participation in practice

Participation in national policy-making on poverty reduction

In 1989, the Flemish Government adopted a policy document on poverty reduction. In this document the problem of poverty is considered a structural problem involving several aspects. Provision is made for the development of a policy for the underprivileged. Within this framework, the Flemish Intersectoral Committee for Poverty Reduction (VICA) was established in the same year with representatives from administrations, cabinets and organisations operating in this field, and has been an important consultative forum ever since.

In 1992, “theme groups” were set up within VICA to work on specific aspects of policy for the underprivileged with the objective of gaining a more in-depth knowledge of the problem and to propose relevant policy solutions (Vercammen, 1999, p. 19). The poor and their representative organisations were actively involved in most of the theme groups, which were established for welfare, youth, culture and sports, housing, health, education, employment and social renewal.

For the poor and their representative organisations, as well as for the public administration and policy-makers, these theme groups represented a means of learning about mutual differences in logic and exploring how agreements can be reached. The “culture” of policy-making (e.g. language usage, structures, channels) was also made more transparent to the poor and their organisations who gained more insight into, and gained a better understanding of, this piece of social reality. The representation of different “parties” in the working groups (administration, cabinet, voluntary sector, social partners, associations and the poor themselves) was an important factor in this.

New approaches

With the establishment of a new government, VICA has largely abandoned this way of working. From now on, the co-ordination of policy-making on the Flemish level is provided in the plan of action. Instead of the working groups, the associations in which the poorest people take the floor, other welfare organisations and other people concerned will now be informed and interviewed twice a year. In Spring 2001, this feedback was to have been organised within the framework of the “Progress Conference”, on the occasion of which all Flemish ministers could explain those aspects of their policy that relate to the fight against poverty. In Autumn 2001, the broader perspectives of the policy on poverty will be discussed. Such “symposia” have the advantage that a lot of people concerned can be informed and consulted at the same time. On the other hand, fears have been voiced that the choice to work only through plenary sessions in the future will lead to more generality and vagueness as the methodology is far more noncommittal, and that an important channel for participation will be lost.

Lessons learned

The experience with VICA illustrated a number of difficulties and obstacles, which serve as important lessons for the future:

- *Continuity in the process of participation* is important. Sufficient means should be allocated to provide the necessary support and personnel for the administration and to guarantee the continuous contribution of the poor and their organisations. It is proposed to appoint permanent contact persons in all administrations, who will follow developments in the field of poverty and the fight against it.

- *Support for the representative organisations* in which the poor take the floor is necessary to be able to hold effective social dialogue.
- *Opportunities for participation should be built into the policy-making process* at all levels – in addition to plenary hearings and information and discussion meetings. Co-ordination and co-operation are key elements of successful policy dialogue.
- *Clear information* about the future activities and the goals of consultative fora (such as VICA) must be provided to organisations representing the poor.

Participation in local development

Local government is the level of government closest to citizens, and is also searching for methods to involve different groups of the population in making plans and policies. Different views on participation are to be found and different methodologies are used. There are also issues regarding the participation of “specific” population groups such as the poor, immigrants, children and youth.

This process is also reinforced by the policy agreements between the Flemish Government and local governments, which form the basis for granting drawing rights to the latter under the Social Impulse Funds (SIF). These policy agreements are to be drawn up for each municipality, in co-operation with the town council and the Public Centres for Social Welfare. They should indicate how, at the local level, efforts are made to improve the quality of life and of the environment of marginalised areas and municipalities and to fight poverty and social exclusion. The decree on the SIF does not mention how participation should be carried out locally, but it does say that it is necessary. The policy plan should indicate the procedures the local government will follow. Another example of legislation which uses drawing rights as a lever and focuses on planning and participation is the decree on local youth work.

Participation through associations

The voluntary or third sector occupies a central place in Belgium, while the Belgian welfare state also includes a large variety of private initiatives (Bouverne-De Bie, 1996, p. 35). Recent research also demonstrates that participation in associations is very strong in Flanders. Approximately half of the population are active members of at least one organisation while 22 per cent are members of more than one organisation, 42 per cent are members of a trade union, and 20 per cent does volunteer work. Participation in associations is unequally distributed: men are more often members of clubs than women, higher skilled people are more active than semi- and unskilled people. Social integration and social exclusion seem to have a cumulative nature: people who have received little schooling also have fewer opportunities on the labour market, and participate less in associations and in cultural life (Elchardus *et al.*, 1999, p. 97). Consequently, those who are not “organised” also have fewer opportunities to participate in policy-making through associations.

In the past few decades a number of associations have been established in Flanders that describe themselves as associations in which the poor take the floor. They consist of groups of poor people and poor families that meet together with volunteers and, in some cases, also with professional social workers. Together they organise leisure and cultural as well as educational activities. They work together to improve their situation, to better inform the broader public of their situation and to influence those people who can help them solve their poverty problem (social workers and policy-makers).

However, not all initiatives that present themselves under this common denominator are really associations in which the poor play an active role and are able to take the floor – and it is often difficult to pass a clear judgement. Emphasis is placed on activities organised *by* and *with* the poor families themselves and not *for* the poor (e.g. food banks, second-hand shops or relief organisations). Over the last few years six criteria have been established in co-operation with the associations themselves, which indicate the approach such initiatives should adopt in seeking:

- *To get the poor organised:* to bring the poor together with other people in an independent non-profit organisation with the aim of breaking through the social isolation of the poor.

- *To let the poor speak*: to create the conditions to allow the poor to take the floor and, ultimately, to become fully-fledged discussion partners in society.
- *To work for the social emancipation of the poor*: to help the poor enjoy their civil rights to the full and to make society aware of the equality of poor with others in society.
- *To reform social structures*: to stimulate involvement of the poor in policy-making and to encourage evaluation of the social structures by the poor.
- *To promote dialogue and education*: to pursue solidarity between the poor and society. To achieve this the poor should organise educational activities and actively look for partners in society to exchange knowledge about poverty, based on the experience of the poor, and to overcome misunderstandings, prejudices and exclusion.
- *To actively reach out to poor people*: associations should show an active openness towards other people that live in poverty, even those who are most isolated.

There are approximately 40 associations receiving subsidies from the Flemish Government and they generally meet three or more of these criteria. This support is intended to enable co-operation in policy-making, participation in working groups, and provision of advice and support (e.g. costs of child care, transport). Associations in which the poor take the floor also continuously make sure that not only representatives but also poor people themselves participate in the working groups and consultations held with government.

A number of large associations, such as A.T.D. “Vierde Wereld Vlaanderen” (“A.T.D. Fourth World Flanders”) and the “Beweging van Mensen met een Laag Inkomen en Kinderen” (“Movement of People with a Low Income and Children”) also directly reach a larger group of poor people. The most important feature of these associations, however, is that they fulfil functions (e.g. documentation, education) that extend beyond the local level and closely follow policy developments at the Flemish, federal and European levels. Clearer agreements with these larger associations are being developed with regard to their tasks and functions – which often concern specific policy fields (e.g. education, housing, health care) or the organisation of direct participation of a group of poor people in a given policy-making process (e.g. discussion of a draft law).

Overview of the Case Study

This case study was carried out in different phases. First of all, the current situation regarding opportunities for public participation in policy-making in Flanders was reviewed, by means of relevant literature and documents. In the second phase, experts were consulted on the matter. The research findings were brought together and resulted in a number of conditions or criteria for the participation of citizens, and specifically, the poor.

Interviews were conducted with several experts acting at different levels or with different lines of approach to the issue. Representatives from the policy-making sphere (local, Flemish and federal), the voluntary sector and universities, as well as from associations in which the poor themselves take the floor, were also interviewed. The interviews were recorded on tape and the respondents received a report of the conversation. Observations and supplementary information from the respondents were also incorporated into this report.

The 1994 General Report on Poverty

In 1992, the federal government ordered the elaboration of a report on poverty. The poor and their representative organisations played a specific role in the process of drafting this report, as all those dealing with poverty and the poor (e.g. policy-makers, social workers, etc.) were required to make contact with them.

The 1994 General Report on Poverty is the result of two years of intense mobilisation and dialogue, a process engaging the poor and their associations, those working in the sector, and policy-makers from all parts of Belgium (Vrancken and Van Menxel, 1998, p. 197). This dialogue method became the basis

for all further actions. The General Report resulted in over 300 policy proposals – some of which were small, but some of which included radical and structural principles, such as those on equality of wages, labour market policy and the right to work. At the end of 1994, this report was submitted to the government. A number of initiatives have been developed since then, including: consultative bodies, Interministerial Conferences for Social Integration, legislative initiatives, and awareness-raising campaigns.

The General Report on Poverty put the fight against poverty and social exclusion high on the political agenda and created a stimulus for the federal government, as well as the governments of the Communities, Regions and local authorities, to take poverty-reducing initiatives, each in their own policy domain. The creation of this new political dynamics is probably the greatest merit of this report.

In the Flemish Government coalition agreement of 1995-1999, the follow-up of the General Report on Poverty was set out as an explicit goal (Government of Flanders, 2000, p. 224):

- In the period 1995 to 1999, five Interministerial Conferences for Social Integration were held, on which occasions key problems as well as policy proposals were discussed and approved in principle by all competent ministers.
- In 1995, the Anti-Poverty Unit was established within the federal administration to prepare the Interministerial Conferences. This was done in co-operation with the Centre for Equality of Chances and the Reduction of Racism (C.G.K.R.) which was charged with involving the organisations representing the poor in the preparations.
- In May 1998, the governments of the federal state, the regions and the communities signed the “Co-operation Agreement on the Continuation of the Policy on Poverty” (Official Gazette of Belgium, 1999) whose objective was to establish the permanent monitoring of the General Report on Poverty. This agreement institutionalised the dialogue between the associations in which the poor take the floor on the one hand, and the local authorities, the public administration and the social partners on the other (Government of Flanders, 1999, p. 8).

To this end a Centre against Poverty, Social Insecurity and Social Exclusion was established, replacing the former Anti-Poverty Unit. This Centre is charged with involving the associations in which the poor take the floor in a structural and continuous way, and drafting a two-yearly report containing concrete proposals for the reduction of poverty and social exclusion in all fields of policy.

The dialogue method

The dialogue method was used for the first time in preparing the General Report on Poverty in partnership with people living in poverty, as well as their associations (Otjacques and Luyts, 2000). The “dialogue method” aims to provide people living in poverty with the opportunity, through the associations in which they meet and have their say, to actively participate in the exchange and discussion of a particular theme and, ultimately, to formulate policy proposals (Antwerps Platform Generatiearmen, 1999). This method is based on respect for the rhythm of the groups on the ground as regards programming and decision-making. The ultimate goal is the elimination of the structural causes of poverty.

The dialogue method has a number of different steps:

1. *Social dialogue* between the poorest people and their associations on the one hand, and the representatives of local welfare organisations on the other, is established by means of several meetings:
 - *Preparation*: individual experiences are gathered through house visits and group meetings. At these meetings it is also decided which themes will be elaborated further. A “dialogue compilation” is prepared, which brings together shared experiences and proposals.
 - *Dialogue*: the dialogue between the poor and representatives of local welfare organisations is established in consultative meetings in which a delegation of the former submits the “dialogue compilation” to the latter. The local welfare organisations then prepare answers to the proposals.

In the last stage, a final text is drawn up, containing both proposals and answers. Feedback information is provided to the broader group of poor people on a regular basis.

2. *Political dialogue* between the poor and their associations, representatives of local welfare organisations and policy-makers is then organised:
 - *Preparation*: on the basis of the final text resulting from the social dialogue, the policy-makers prepare their answers (e.g. concepts for new legislation).
 - *Dialogue*: these answers and concepts are discussed and explained in consultative meetings. Agreements about the follow-up and an evaluation of the measures proposed are made in advance. This dialogue continues during the implementation and evaluation stages.

Box 41. Using the Dialogue Method with Poor Families in Ostend

Over a period of three years, nearly one hundred poor families in Ostend have tried to describe their experiences, especially as regards the placement of their children and the settlement of their debts. In order to structure discussions with these families on such subjects, three “work compilations” were developed, including testimonies of poor families that were included in earlier publications produced by associations of the poor. Each work compilation was discussed with a group of about 40 families, in their homes as well as at monthly meetings. Once the discussion of a work compilation was finished, a “dialogue compilation” was drawn up on the basis of indications from the families in which 75 proposals and suggestions were brought forward. These were discussed in the course of five meetings with 15 regional services and bodies who responded to the proposals of the poor families (Decock, 2001).

It must be emphasised that participation of the poor in policy-making through the dialogue method is a very intensive process for all parties involved. Before the real dialogue with the policy-makers and representatives of welfare organisations takes place, it is necessary to address the target group directly and convince them to participate in the process. The fact that people living in poverty are given an opportunity to be heard is itself important – and is considered by many participants to constitute personal recognition by policy-makers.

Since the publication of the General Report on Poverty in 1994, the number of organisations in which the poor take the floor has increased considerably. Some organisations are established by the poor themselves – whereas others originate, and are embedded in, existing initiatives (such as community work) that have already been working with specific target groups at the local level for many years.

Co-operation agreement

The Co-operation Agreement signed on 5 May 1998 by the Prime Minister and the ministers of the Federal State, the Flemish Region and the Flemish Community, the French-speaking Community, the German-speaking Community, the Walloon Region and the Brussels Region represents the continuation of the policy on poverty. The Co-operation Agreement was intended to bridge the gaps that existed between levels of government, each with their own competence in the fight against poverty, and to avoid fragmentation. Furthermore, it intended to legally embed the dialogue method as used in drafting the General Report on Poverty.

The Co-operation Agreement also provided for the establishment of the Centre against Poverty, Social Insecurity and Social Exclusion, which was opened in July 1999. The Centre is to provide all governments and people concerned with the possibility to participate in developing, elaborating and evaluating policies to reduce poverty – including those who live in poverty. It is a trilingual institution, working on the federal level, with a management committee composed of representatives from all levels of government. At present, the Minister of Social Integration chairs the Committee. In its first year of existence the Centre mainly functioned as a consultative platform between associations of the poor and

policy-makers, officials and experts, for discussion of a number of themes concerning juvenile justice and social security.

The Centre is also charged with drawing up a two-yearly report evaluating the policy on poverty pursued at the different levels of government, as well as on the degree of co-operation between them. The report is to be elaborated through dialogue with the various actors concerned. To this end, a number of working groups are set up and the material gathered at the local level systematically processed and compiled, as a basis for the dialogue. The activities of the different working groups of the Centre therefore depend partly on developments and initiatives at the local level. The dialogue process in the different working groups is reported as exhaustively as possible in order to give those who have not participated directly in the dialogue process the opportunity to follow the discussions.

The advantage of such an official report, with obligatory reading and reactions, is that one can always return to it and as such can always trace its impact on future policy-making. The first evaluation report is expected by June 2001.

Lessons for participation by the poor in national policy-making

Obstacles and challenges at the national level

This case study illustrates that there are many obstacles to the effective inclusion of poor citizens in policy making, which arise in several areas including:

- a) Establishing conditions for dialogue
 - *The organisation of dialogue takes time and needs preparation.* The poor should be given the chance to formulate their experiences. Individual experiences should become shared experiences and should be tested against the social reality. Knowledge of a particular theme should be acquired and there should be a possibility to identify potential bottlenecks and develop proposals. Policy-makers do not always realise how much time it takes to achieve a fruitful dialogue – it could vary from a few months to a year. If one wishes to have a dialogue from one day to the next, one risks that individual experiences and subjective perceptions become the norm of the discussion or that the poor are merely participating as a cover (De Keeting, 2000).
 - A major impediment is the *great reluctance of the poor to participate* in a dialogue with other partners, which is due to their personal experience of exclusion, isolation and shame.
 - *Expectations are often higher than the results.* Many poor people are sceptical about the channels for participation offered. The fact that the changes brought through policy dialogue are slow or imperceptible is discouraging.
 - Organisations engaged in community work or associations in which the poorest people take the floor are often regarded as “*participation specialists*”, to which policy-makers or other organisations can turn when they need to undertake dialogue. However, concern for and direct attention to participation should be the responsibility of all public authorities.
- b) Coping with diversity
 - The *poor are a very heterogeneous group*, and as a result it is difficult to achieve representative participation.
 - There are a *large variety of organisations and associations* in which the poor people take the floor. They work in different ways and different fields, and in so doing they emphasise different aspects. Diversity stimulates discussion and is therefore positive, but without mutual communication it may become an impediment.
 - The *main interlocutors change frequently* both among policy-makers and welfare organisations, as well as within the associations themselves, which hampers continuity.
- c) Capacity of the poor to participate
 - *The poor often appear difficult to organise.* Other citizens appear to be better equipped to link up with organisations or associations that, in one way or another, defend their interests. There is some

discussion about the need for a specific sectoral approach for the poor as a group. Without specific efforts the poor remain out of touch or difficult to reach. On the other hand, with specific measures there is the risk that the poor as a group will be treated as a “special” case and that the differences between poor citizens and other citizens will be reinforced.

- *Differences in education and language usage.* Lack of knowledge of social structures on the part of the poor, and of the world of experience of the poor on the part of policy-makers and welfare organisations, are significant challenges in establishing conditions for dialogue.
- *The very difficult living conditions and urgent problems* that are time- and energy-consuming often hamper the commitment of the poor to participate in such dialogue. They face a continuous struggle to avoid being overwhelmed by problems that urgently demand a solution and yet leave space for collective reflection.

Policy lessons for the national level

A number of policy lessons are offered by this case study on engaging the poor in policy-making, many of which may be applicable to other national contexts or policy areas, these include:

a) Support

- *Adequate guidance and support* should be provided for people participating in the dialogue. Participants should be able to rely on individual support and on the group as necessary.
- *Dialogue at the grass-roots level is a necessary condition* for holding effective dialogue at the national level. Financial and political support to grass-roots organisations is essential to guarantee the “social dialogue”.
- *Initiatives should be taken on different levels of government and in different policy fields.* The Centre against Poverty, Social Insecurity and Social Exclusion provides for the official participation of the poor in developing policy on poverty. To reach a more general level of participation of the poor in overall welfare policy, however, other channels are also necessary.

b) Full information and transparency

- *Providing information about the method and the conditions of the dialogue* to policy-makers and professionals should be an ongoing concern. Reliable reports and dissemination of information are necessary to allow associations to consult their members and allow a wider circle of people to comment.
- Continuous and clear *information on the development and follow-up of the measures* taken as a result of the policy dialogue is needed.
- *Regular contacts and the exchange of information* between the poor that participate directly in the consultation and those that do not are essential (e.g. through house visits and “daily accessibility”).
- *Information flow and mutual co-operation* between different organisations in which the poor participate is necessary to identify both the diversity, and common elements of, the experience of the poor and help put them on the political agenda.

c) Time and commitment

- *Significant and long-lasting commitment* is needed in order to establish a relationship based on mutual trust. Attention should be paid to the first contact. Long-lasting commitment of “professionals” operating in different social fields in engaging with the poor is necessary in order to develop shared insights.
- *Special efforts should be made to encourage better co-ordination* among organisations and associations in which the poor take the floor (and among the poor themselves). A lack of co-operation among organisations should not be used as an excuse by policy-makers for excluding the poor from the policy-making process.
- *Specific and repeated efforts should be made to involve the poorest citizens* in policy-making and in society by policy-makers and other relevant organisations.

d) Training

- Considerable efforts are necessary to ensure that people living in poverty form their own opinion and express that opinion in a language understandable to all. *Training and information tailored for poor citizens is essential* to achieving this (e.g. information about the rights of tenants when discussing the theme of housing).
- On the other hand, *actions should be taken to achieve a long-lasting and active willingness to listen on the part of public officials*. Here too, training of professionals and of policy-makers that directly or indirectly come into contact with poor citizens is necessary. Poverty is still too often considered as a mere financial problem. Knowledge of the different aspects of poverty is needed in order to be able to develop effective measures for reducing poverty.

e) Empowerment and results

- It is important that people living in poverty are involved in the intermediate steps and have a say in the entire course of the decision-making process. Due to the slow pace of most policy changes, tangible improvements that are clearly felt in daily life and are long-lasting are also needed. Working methods that give poor people participating in policy-making more power and knowledge, that they can put to use in their own lives are essential.

Lessons for participation by the poor in local decision-making*Obstacles and challenges at the local level*

While it is true that local government is closer to the individual citizen than the national level, this case study also revealed a number of obstacles to participation of the poor at the local level. These included:

a) Local decision-making cultures

- *Direct participation of citizens themselves is not yet part of the culture* of municipal decision-making in many areas. The idea that all actors (local welfare actors, organisations and inhabitants, including the poor) should be considered indispensable partners in the development of local plans for social and welfare services is still not widespread. Local welfare organisations and inhabitants are often not involved in the preparation, implementation and evaluation of such programmes. Local decision-makers, welfare professionals and other officials are not accustomed to beginning with the participation of the people concerned.
- Decisions to allow public participation are often based on *a defensive or a problem-oriented stance*. A proactive approach, that starts from the conviction that participation is an essential condition for developing and implementing policies and that takes the positive contribution of each individual as fundamental, appears to be rare in practice.

b) Capacity to manage public participation

- Local decision-makers may be willing to let people participate, but they *lack the knowledge and the skills* to organise public participation effectively. Local decision-makers often expect citizens to participate by adopting “classical” ways of working, e.g. by providing written comments on printed documents, oral reactions in consultative meetings, comments on maps showing plans for the development of a district. Many citizens, including the poor, are unfamiliar with these ways of working and the language used and meetings are not always geared to their needs. Knowledge of specific techniques for managing public participation may be lacking at the local level.
- *Differences in approaches to problem solving* between local decision-makers and the poor may undermine participation. Decision-makers often think in terms of distinct “policy fields” while for most citizens, and particularly for the poor, experiences and problems are contextually interrelated. Consequently, negative experiences with participation may lead local officials to take this difference in logic and tempo as an excuse for excluding the poor from participation in local decision-making.

c) Meeting expectations

- *Local governments often wait too long* before opening up decision-making to the public, and when opportunities for participation are offered they often relate to the details and not to the essence of the issue under discussion. If citizens, including the poor, are only allowed to take part in deciding on details (e.g. the choice between a flower box or a parking space) they are not being taken seriously by the decision-makers and are not considered to be competent as regards their own personal and social experiences.
- *Lack of information about the objectives and future impact of public participation exercises* prevents participants from formulating reasonable expectations. Such information is not always provided, nor is feedback given on the results of participation processes and their impact on the decisions made.

Policy lessons for the local level

A number of lessons for local decision-makers may be drawn from this case study, including the need to:

a) Develop partnerships

- Local decision-makers should *recognise that welfare organisations and associations representing the poor are their partners*. Participation should not be considered merely as a means to solve problems, but should be regarded as a necessary condition for the development, the implementation and the evaluation of local programmes. This implies a change in mentality among local officials, as well as a willingness to change established practices that will require training and awareness-raising.

b) Explore new methods

- There is an urgent need to *develop, and experiment with, alternative methods for participation*. Methods for participation that have traditionally been used should be reconsidered creatively and should link with tools that people use every day but may not recognise as such. For example, one way of inquiring about people's experience is to show them pictures. Even when “classical” channels of participation are used, enough time and room should be allowed.
- The *ultimate aim of the participation channels and methods chosen should be clear* to both parties. Requesting an opinion is more noncommittal than the joint analysis of a problem and the formulation of solutions. This should be made clear to the people involved from the outset.

c) Link levels of government

- Obstacles identified, or proposals made, by people at the local level which fall outside the competence of local government, should be passed on to the competent person(s) at other levels (provincial, Flemish, federal or European). Ideally, local governments should act as partners and actively assume their responsibilities by ensuring a liaison between levels of government in order to achieve better solutions over the long term.

Recent Developments

Experts in experience

Another means of involving the poor in policy-making is to work with “experts in experience”. These are people who themselves used to be very poor and who gradually learn to deal with their experiences and extend them to the experiences of other poor people. Once they have dealt with their experiences and have generalised them, they are trained to use them in a professional way in the fight against poverty. They are also provided with methodologies to bridge the gap between the poor and policy-makers. This training is essential. The point of departure in such training is that the poor themselves should not necessarily follow the entire process from contributing their experiences to the elaboration of proposals and laws. The poor should provide content and should be involved in the follow-up and feedback of the policy-making process, but the translation of this content into laws and specific

measures may, for example, be the task of “experts in experience”. At the moment, this methodology is still under preparation and its applicability is still being investigated.

National plans of action and indicators

On 1 June 2001, at the initiative of the Belgian Government, the Member States of the European Union each submitted a national plan of action to fight poverty and social exclusion and agreed to develop common poverty indicators to measure the progress of this policy. The Belgian Presidency of the European Union makes reference to the need to directly engage the poor in its Work Programme (now available on the official web site, see: www.eu2001.be):

On 1 June 2001 all the Member States submitted a National Action Plan on Social Inclusion in which they explain how they will try to achieve their goals. These plans also describe the indicators and monitoring methods to be used to assess policies. Analysing these national action plans should make it possible by the end of the year to formulate an initial set of conclusions on future European collaboration on *the fight against poverty and social exclusion*. This collaboration will allow the Member States to teach each other – through the application of “good practice” – ways of organising the dialogue with the players involved: NGOs, the social partners, the poor and socially excluded groups. ... The commitment of the target group itself is critical: the use of indicators is not based solely on technical expertise, but also on a platform supported by all interested parties, which includes the poor and the socially excluded.

(Belgian Presidency of the EU 2001)

Two events related to the reduction of poverty and social exclusion are planned: a two-day conference (14-15 September 2001) on “social indicators”, chaired by Minister Vandembroucke (Belgium’s Minister of Social Affairs); and an initiative concerning “National Action Plans for Poverty Reduction” on 17 October 2001 (International Day on the Eradication of Poverty).

The Flemish Government has linked its own plan of action to the Belgian national plan. In parallel with the work of a scientific team engaged in developing practical poverty indicators, an action research programme will start in 2001, in which the associations “in which the poor take the floor” will look for qualitative indicators for evaluating the policy to fight poverty. In the course of this research, the dialogue method will play a central role.

New Flemish legislation

The Flemish Government plans to submit a new decree on poverty reduction to the Flemish Parliament for approval in 2001. This legislation should guarantee that a plan of action is drawn up on a regular basis and that the permanent co-ordination between all policy domains runs smoothly. In this decree, the participation of the poor is made possible by means of financial and professional support to associations of the poor at the grass-roots level and through a Forum of such organisations. This proposed legislation will also cover training and employment of “experts in experience” as regards poverty, research and the encouragement of municipal plans of action for fighting poverty and social exclusion with participation of the poorest citizens. Poor families and their associations were involved in the development of this draft legislation through several informal contacts and several information sessions.

Evaluation

In the context of this case study, the term “evaluation” may be applied in two ways:

- Evaluation as a phase in the policy cycle (policy-making, implementation, evaluation) and the participation of citizens in the evaluation of public policies.
- Evaluation of existing channels for participation.

Evaluation of policy measures by the poor

The evaluation of policy measures does not always happen systematically, and policy-makers do not always include in the process opportunities for public participation. However, the participation of

citizens, and in particular the poor, in the evaluation of policy measures is a necessary phase in the follow-up of policy implementation. The reality of exclusion is often more sophisticated than the policy measures themselves. It is the poor that, on the basis of their daily evaluation of the measures taken, are able to tell policy-makers what works and what does not. The following example from Belgium clarifies this point: considering that everyone has the right to a minimum level of energy supply, electricity companies were prohibited from cutting off electricity supply to homes. At the same time, however, the same companies were not given a “command to connect”. As a consequence, the electricity companies refused to reconnect people that had moved until the entire debt was paid from their previous residence.

Follow-up and evaluation of policy measures on a regular basis should be provided from the beginning. To involve citizens, and in particular the poor, in the follow-up and evaluation of policy implies, for example, that the policy options and measures taken are made more explicit and are motivated. This type of follow-up is an essential element in open and communicative policy-making and should be a continuous exercise, given that situations and target groups also change over time.

Evaluation of existing participation channels for the poor

Systematic evaluation of the current channels for public participation in general, or for the poor in particular, is not currently carried out in Belgium. The 1994 General Report on Poverty was first and foremost a stimulus for the federal, the regional and the local governments. The report also gave rise to a number of services and organisations as well as several projects (e.g. on special youth care, social housing, community health care). To date, however, a systematic and general evaluation of the report has not been carried out.

Among the evaluation efforts that have been conducted, the following are worthy of note:

- *Regular government “progress reports”* are prepared for the Interministerial Conferences on Social Integration, in which the conclusions and proposals of the 1994 General Report on Poverty are always taken as a point of departure. The two-yearly report of the Anti-Poverty Unit on the state of affairs in poverty reduction policy is also based on the General Report and the “rights” stipulated therein.
- The *“Yearbook Poverty and Social Exclusion”*, prepared by Antwerp University and published under the authority of the Flemish Government, is an important reference on poverty in Flanders, with respect to both the collection of data and policy evaluation and prospects for the future.
- *Individual research studies* on poverty-related issues, most of which take the 1994 General Report on Poverty as a frame of reference as regards the point of view of poor people themselves.

It is, at present, an open question as to which criteria should be taken as a basis for evaluation. Some of the conditions, as described in the case study above, could be taken as a starting point in developing criteria for active citizen participation. At the same time, criteria for the final outcome of participation cannot be laid down in advance.

Further elaboration and a general discussion on these criteria with the various actors concerned is necessary. More emphasis could be laid on the role of universities and research centres in conducting evaluations as one of their key tasks. As a first step, a systematic inventory of the existing material should be made and an evaluation of the “dialogue method” as a tool for public participation conducted.

Conclusions

Participation means recognition and respect for people, and implies that they are considered and approached as competent with regard to their personal situation and the social context in which they live. Consequently, the potential fields for participation cover all aspects people come into contact with, and have gained experience in. It is not merely a matter of opinions, but also of experiences. To allow people to make their opinions and experiences explicit and to bring these together in a social dialogue

which provides input into policy-making, support is needed. An open approach to policy-making, structural provisions, concrete opportunities and channels for participation are all essential.

However, participation is much more than the application of ready-made methods. It starts with making the policy vision more explicit. Participation further means setting up processes according to an overall plan, in which citizens, including the poor, are involved in the different phases of the development and implementation of a given policy. This includes the policy's preparation (gathering data, social analysis and problem definition), the definition of policy objectives and concrete measures, and its follow-up or evaluation. Central issues are the inclusion of opportunities for dialogue and the question of whether each citizen equitably benefits from the policy.

It can be claimed that the change in mentality of those who participate in such a dialogue is as important a result as the amendment of a law or a policy document. Such dialogue gives the poor the chance to regain control of their own lives and experience, and to become part of society once again. Dialogue with the poor can also enrich the personal and social vision of those engaged in the administration and in policy-making.

For public sector managers, the following are important conditions for strengthening relations between citizens and the government and ensuring the participation of citizens, especially the poor:

- *Ensure transparency* with regard to the underlying vision, objectives and methods of the policy.
- *Make explicit* the underlying vision, objectives and methods of the policy.
- *Provide clear and accessible information for all* with particular and continuous attention to those groups that cannot be fully reached through commonly used information channels.
- *Include opportunities for participation in all phases* of policy development and implementation.
- *Adopt a proactive approach* in which public participation is considered as a necessary precondition for effective policy-making.
- *Provide for more systematic and formalised participation channels* instead of an *ad hoc* approach to public participation.
- *Train* those who are working on poverty reduction policies as regards the reality of poverty.
- *Allow enough time, room and support* to conduct a full social and political dialogue with the poor.

The obstacles and policy lessons described in this report indicate that the debate on participation channels for the poor should also be linked to a wider reflection on the general conditions for the development of a more participatory democracy. Indeed, lessons learned from the experience of fostering participation by the poor should be the basis for extending and/or reconsidering the possibilities for participation in public decision-making by *all* citizens. The definition of policy objectives should always be linked to a social debate in which the government aims at achieving an ongoing commitment of as many citizens as possible. This commitment should be considered as a valuable objective in its own right, not only as a means. Formal and informal participation channels may then be considered as important policy networks that help to develop interactive policy-making and implementation (Redig, 2000). This requires public officials to adopt a proactive position and assume the responsibility of ensuring conditions for participation by the poor in policy-making.

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PUBLIC CONSULTATION ON EDUCATION POLICY IN THE CZECH REPUBLIC

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Executive Summary

This report begins with a brief overview of the legal and institutional context for access to information and public consultation in the Czech Republic. Traditional means of providing public information originating from government (such as newsletters or radio broadcasts) and feedback by citizens (such as letters and petitions) have recently been strengthened by the first appointment to the post of Ombudsman in December 2000. The report charts the growing use of websites and portals by the public administration at the national, regional and local levels to provide information to citizens – but notes that the use of the Internet for on-line consultation remains rare.

The case study itself focuses on a recent public information and consultation exercise called “A Challenge for 10 Million” conducted during the preparation of the Government White Book on Education Policy in 1999 to 2000. Information on the policy proposal and opportunities for public consultation was provided via a special bulletin, press conferences for the media and a dedicated website. A series of public discussion sessions and roundtables were organised throughout the country by schools and educational establishments. Important roles in assisting the Ministry of Education in the organisation of this extensive information and consultation programme were played by an independent public institution operating in the field of education and by a prominent non-governmental organisation.

The case study offers an evaluation of the public information and consultation campaign based on independent reports and additional interviews with key participants. It finds that the public participation exercise was largely focused on education professionals (such as principals and teachers) and that less attention was paid to providing information to, or soliciting the views of, the general public (including parents and students). Finally, it recognises that these initial efforts to introduce broad-based public consultation in national policy-making represent an important cultural shift and positive contribution to strengthening government-citizen relations in the Czech Republic.

The report concludes with a number of concrete policy lessons based on the Czech Republic's initial experience of engaging citizens in policy-making, including the need to:

- Provide full public information on the policy issue under discussion, the consultation schedule and official contact points.
- Raise the capacity of the public administration to plan, manage and evaluate public information and consultation exercises.
- Overcome citizens' diffidence towards the public administration through concerted and repeated efforts to engage them in consultation.
- Build trust in the process by providing feedback on contributions made to the discussion.

The case study was submitted to the Secretariat in 2001 and covers events up to that date.

Introduction

The first part of the report provides a brief overview of the legal and institutional context in which communication between government and citizens takes place in the Czech Republic. Special attention is paid to how the government makes use of new information and communication technologies (ICTs) in providing information to the public.

The second part of the report is a case study. It reviews experience in conducting public consultation in 1999 and 2000 during the preparation of the government's White Book on Education Policy. It traces four stages of the public consultation exercise and identifies the impact of each stage on the subsequent one, both in terms of the documents produced and the methods used in guiding the discussion. Most attention is devoted to the second stage, for which a detailed project proposal was prepared – including a plan for its realisation and the evaluation of its results. The case study concludes with a summary of the obstacles to and benefits of public consultation as identified by participants, and identifies a number of conditions for holding successful public consultation for policy-making.

The case study required the collection of a number of documents from various institutions, whose analysis provided an overall picture of the public consultation. The project proposal for “Stage Two” and the related evaluation documents were among the primary sources of information. Relevant websites and periodicals publicising information on the public discussion were monitored, and this work was complemented by 11 structured interviews with those directly involved in the process – drawn from among both the organisers and the participants. Finally, participation in the National Seminar held in November 2000 allowed for the first-hand observation of one form of discussion used in the process.

Background of the Czech Political System

The Czech Republic is a parliamentary republic and a unitary state. Under the 1993 Constitution, state power is exercised by the legislative, executive and judicial branches respectively. The Parliament has two chambers: the Lower House (Chamber of Deputies) and the Upper House (the Senate). The President is elected by both houses of Parliament for five-year terms, and has restricted and mostly representative responsibilities. The President appoints the Prime Minister, members of the government, ambassadors, and the chief of staff of the military, and signs laws. The President may return laws to the Lower House, but a presidential veto can be overridden by an absolute majority of all members of the Lower House.

The Lower House has the power to pass laws by a simple majority of members present during any given session, to cast a vote of no confidence against the government, and to override the vetoes of the President and the Upper House. The Lower House has 200 members, elected for four-year terms under a proportional electoral system. The Upper House has limited legislative power, and is only authorised to act upon legislation from the Lower House. Its 81 members are voted in for six-year terms through a majority electoral system. Elections are held every two years to replace one-third of the members, thereby rotating membership.

The Czech Republic is divided into municipalities that are the basic territorial units of self-government and administration. There are 6 232 urban and rural municipalities. The 1990 Act on Municipalities distinguishes between two types of municipal competences: “competences of self-government” where the municipality is bound to fulfil public duties specified in acts and legal regulations, and “transferred competences” consisting of those functions delegated by the state administration to the municipality. Citizens elect the Municipal Council once every four years, which in turn elects the Mayor and the Municipal Board to exercise executive power in the municipality.

The regions represent a higher level of local government. Since 1997, the country has been divided into 13 regions plus the capital city of Prague. The Act on Regions (No. 129/2000) defines two types of regional competence in a manner similar to that of the Act on Municipalities: the region has duties of self-government and is also responsible for the state administration of the territory. The Council of the Region is elected for a four-year term and, in turn, elects the head of the region (*Hejtman*) as well as the Board to serve as the executive branch of the region. The first regional elections were held in 2000.

Prague, the capital city of the Czech Republic, has a unique position within the Czech system of local government, which is defined by a special law (most recently amended by law No. 132/2000).

The District Office is a body of state administration only. It fulfils its functions on the level between the municipality and the region, on the territory of the district. There are 77 districts in the Czech Republic. This administrative unit is to be abolished under the framework of the public administration reform programme.

Legal and Institutional Framework for Public Participation

The basic preconditions for public participation are assured by the 1993 Constitution, which characterises the Czech Republic as a sovereign, unitary, and democratic state based on the rule of law and respect for human rights and freedoms. These constitutional rights have been given greater definition in a series of laws having an impact on public participation (e.g. on access to information). In practice, the first half of the 1990s did not witness many significant government efforts to engage in consultation with the public. Recent public discussions, such as that on the public administration reform programme and the Government White Book on Education Policy (which is the focus of this case study), however, demonstrates the increased attention paid by the government to this issue.

Legal framework

The following are among the principal laws defining rights to information, consultation and public participation in the Czech Republic:

- *Law on free access to information* (No. 106/1999 Sb.): this law came into effect on 1 January 2000 and establishes the obligation of public administration and its territorial agencies to provide the public with information (except information defined as secret under special law) as well as the conditions of this service. Administrative offices are obliged to make information available in a place generally open to the public and to respond to citizens' requests within clearly defined conditions (e.g. time limits and costs).
- *Law on the protection of personal data* (No. 101/2000 Sb.): regulates the protection of personal data of physical persons and establishes the rights and responsibility for processing such data.
- *Administrative Procedures Code* (No. 71/1967 Sb.): dates from 1967, was most recently amended in 2000 (No. 29/2000 Sb. and No. 227/2000 Sb.). A new Code is currently being prepared and is expected to be approved by Parliament by the end of 2001.
- *Law on the Ombudsman* (No. 349/1999 Sb.): under which the Ombudsman is charged with protecting individuals from actions of administration and other institutions, insofar as these are inconsistent with law and democratic principles. The first Ombudsman of the Czech Republic was elected by the parliament on 12 December 2000 (see: www.ochrance.cz).
- *Law on Environment Impact Assessment* (No. 244/1992, amended by No. 132/2000): establishes the right of interested members of the public and non-governmental organisations (NGOs) to participate in the process of conducting Environment Impact Assessments.
- *Law on the right to information on the environment* (No. 125/1998): sets out the duty of public administration and local government to inform the public on the state of environment and natural resources in a timely and complete manner.

A number of policy initiatives, including a "State information policy document" adopted in 1999 (with Government Resolution No. 525/1999), have also been taken; they complement this legal framework.

Institutional framework

The application of this set of legislative provisions is ensured by a number of institutional mechanisms to provide information, opportunities for feedback and active participation:

Information

When providing the public with important information, the public administration (central and local government) makes primary use of its administrative buildings, periodicals, and occasional publications such as news reports and bulletins. Radio and television are also used in a number of towns and regions. To a growing degree, state administrations (ministries, district offices), as well as regions and municipalities, are developing their own Internet websites, which facilitate rapid information provision and interaction. Several websites now offer the possibility for citizens to access information from all public administration agencies as well as the local government offices of municipalities and regions (including www.statnisprava.cz and www.centralni-adresa.cz – the latter is called “Central Address” and offers access to all the information services of various parts of the public administration in a single portal).

Feedback and consultation

Opinion surveys carried out among citizens on behalf of the public administration represent the main form of feedback on public affairs. Public consultations through public hearings, interviews with deputies, roundtables, and other forms of face-to-face discussion are a relatively new practice in the Czech Republic. The most frequent initiators and organisers of such events are non-governmental organisations (NGOs), often aimed at community or environmental activities. Co-operation between NGOs and regional administration in organising, for example, public hearings on issues affecting a given town or region is not unknown. Another form of feedback may also be found in the formal complaints submitted by citizens to the local mayor, the municipal office, the ministries and the president. The newly established Ombudsman office, based in Brno, will provide citizens with an additional means of lodging complaints and seeking redress.

E-mail messages and on-line discussion forums provide a new way for government to receive citizens' opinions and comments. This type of on-line discussion forum was launched by the Ministry of the Interior at the beginning of 1998, when it was preparing a public administration reform programme. At the beginning of 2000, when the package of laws on local government was passed by parliament, the web pages on which the forum was hosted underwent restructuring, following which it will be relaunched.

Active participation

One form of active participation by citizens in policy-making is represented by membership in the various commissions, committees and advisory bodies established by both local and central administrations – although membership in such bodies is usually reserved for experts. The Czech Government has approximately 30 such commissions and committees, while the ministries, local and regional governments also have their own initiatives and advisory bodies.

Local referenda and petitions represent another traditional form of active participation available to all citizens. Other innovative methods that bring citizens into direct contact with the decision-making process, such as consultation forums with specific groups in society, scenario workshops, youth and child councils, are only rarely adopted by the public administration.

An important role in promoting more frequent use of citizen engagement in decision-making is played by foreign NGOs and institutions (e.g. Agora, EastWest Institute, and the Open Society Fund). These actors often contribute know-how, personnel and financial support to specific projects to promote the active participation of citizens, which also involve local governments and NGOs.

Use of new information and communication technologies (ICTs)

The 1999 Law on Free Access to Information states that all information which government offices are obliged to make publicly available as a standard service must, as of 2001, be fully accessible not only in physical locations but also through the Internet.

According to a recent report, by 1999 all of the ministries had developed their own websites on the Internet which provided information on: legislation in designated spheres, policy documents, up-to-date information on programmes, grants, funds, and the integration of the Czech Republic into the European Union, as well as general materials mapping out the state of society in fields covered by the relevant departments (Czerná and Jungová, 1999, pp. 28-29). By the end of 2000, all the ministries' websites offered e-mail, two-thirds used hypertext references and over half included useful search engines and information services for citizens (e.g. on job opportunities through the Employment Office). This may be considered as a positive indication of an increasing openness of ministries and an ability to communicate with citizens. At the same time, even on the level of ministries, on-line discussion forums are a rare occurrence.

The websites of the territorial bodies of public administration, such as district offices and municipalities have also developed rapidly. In March 1999, 37 per cent of the district Offices had still not developed their own website, and 27 per cent used the server of the state administration. By November 1999, 84 per cent of the district offices were already running their own websites (Czerná, Marešová and Chum, 1999, pp. 28-30).

Today, all district offices have their own websites. While some are extremely simple, underdeveloped, and more reminiscent of a telephone directory (offering only telephone numbers, postal and e-mail addresses) others are well prepared and user-friendly, with a number of interactive windows, references to sources on laws, applications, tourist information, and even information on institutions abroad. They also include detailed lists of statements from the district office and information on email addresses of employees to facilitate direct contact by citizens.

At present, the information content of district offices' websites is set to some degree by the Law on Free Access to Information, in effect since January 2000 (e.g. on service fees, the opportunity for e-mail contact) but also offer information on other matters deemed suitable (Czerná, 2000, pp. 24-25). However, the information flow between citizens and the state administration remains, for the time being, largely one-sided. Citizens now receive more information, but its selection is determined by the public administration. In the case of smaller communities, the situation depends on the skills and enthusiasm of local citizens, especially young people, thanks to whom a number of smaller communities have developed very good websites (Czerná and Jungová, 2000, pp. 26-27).

A rapid glance at the above-mentioned websites today confirms many of the same insufficiencies observed in 1999, namely lack of information on when the site was last updated, old information, and no information on current issues.

Overview of the Case Study

In April 1999, the Government of the Czech Republic adopted the "Concept for Education and for the Development of Education Policy in the Czech Republic" prepared by the Ministry of Education, Youth and Sports (hereafter Ministry of Education). At the same time, the government set the Ministry of Education the task of initiating a public discussion whose results would be used for working out a strategic document on education policy (entitled "The National Programme for the Development of Education in the Czech Republic") by the end of 2000. This document was later renamed "The White Book", and was developed in an interactive manner with public consultation under a programme entitled "A Challenge for 10 Million".

From the viewpoint of the Minister of Education, the purpose of the White Book was to determine the overall framework for national education policy, its long-term goals and their order of importance, to propose concrete measures for achieving these goals, and to set out decisive steps for bringing them about.

The Ministry of Education prepared and launched a nationwide public discussion of the White Book in four main stages (see Table 14 below).

Table 14. **Timetable for preparing the Government's White Book on Education Policy**

Stage	Dates	Output
One	May to October 1999	"Concept for Education and for the Development of Education Policy in the Czech Republic"
Two	October 1999 to February 2000	Seven background studies on specific areas of education policy
Three	February to June 2000	Thematic projects and key points of the National Programme
Four	June to December 2000	Draft versions of the White Book

Stage One: preparing a new education policy

On 13 May 1999, the Ministry of Education made available to the public through the Ministry's website the 'Concept for Education and for the Development of the Education System in the Czech Republic', which had been prepared by a team of experts in the Ministry (see: www.msmt.cz). In the preface, the Minister of Education appealed to the public to participate in the discussion of the document. On 25 May 1999 the Concept was published in the periodical "Teacher's News" (*Učitel'ske noviny*) along with the Minister's appeal, which was of a general nature and did not specify the concrete measures by which to participate.

Twenty contributions to the discussion of this first, general document were published on the discussion web page: individuals submitted six, and the rest came from various institutions and associations (six pedagogical associations, three elementary and secondary schools, three faculties of education, and two unions). The length of the comments in each contribution runs from between two to nine pages, and the majority were submitted between May and October 1999.

The first stage concluded with the approval of a detailed project proposal for the second phase entitled, 'Stage Two in the Preparation of the National Programme for the Development of Education and the Related Public Discussion and Information Campaign'. The Institute for Information on Education (*Ústav pro informace ve vzdělávání* – or UIV) (see: www.uiv.cz) drew up this document on behalf of the Ministry of Education, under whose authority and budget the Institute falls. The proposed programme of activities was to run to the end of 2000 with a budget of 2 million CZK (57 890 Euro). This initiative also received support from the Education Support Project of the Open Society Fund Prague (OSF), part of an international non-profit organisation dedicated to promoting the development of an open society in Central and Eastern Europe and worldwide (see: www.osf.cz). In this way, a non-governmental organisation became a working partner of the Ministry of Education – contributing both to the project team and to covering 50 per cent of the planned expenses.

The main management structures of the project included:

- *Council for Education Policy* – the Minister's advisory body, composed of two representatives from the Ministry, two independent experts, and thirteen representatives from other institutions and organisations (parliament, unions, employers, professional associations).
- *Executive Council* – the main management body for the project, headed by the first deputy minister and including in its membership heads of other organisations participating in the project, a media employee from the Ministry, and a representative from the Open Society Fund.
- *Basic Team* – led by Ministry of Education with representatives of institutions dealing with education issues [Centre for the Study of Higher Education (CSVs), Research Institute of Professional Education (VUOS), Centre for Education Policy (SVP) and the "Teachers' News" newsletter (UN)]. This team was responsible for the preparation of documents for public consultation and for their revision following evaluation of the public discussion. The team also co-ordinated the working teams responsible for the seven background studies.

A project team led by the director of the Institute for Information on Education (UIV) was responsible for managing and organising the public consultation and information campaign.

Stage Two: conducting public consultation

On 26 October 1999 the Ministry of Education held a presentation in Prague in which it declared its intention to launch a society-wide discussion in preparation of the White Book on Education Policy. The detailed plan and suggested topics for public discussion were also made public on the same day through the Internet and in the weekly periodicals “Teachers’ News” and “Public Administration” (*Verejna sprava* – or VS).

A set of seven background studies, each dealing with a specific topic (e.g. pre-school education, higher education), had been developed on the basis of comments received in the first stage. These were published over the period November 1999 to January 2000 and served as the basic documents for the subsequent public information campaign and consultation exercise.

An Office of Public Discussion was set up at the Institute for Information on Education (UIV), in order to collect all the responses and comments submitted by fax, post and email, to conduct an initial evaluation of the comments and to forward them to the individual working teams working on specific topics. The Office of Public Discussion also organised a series of roundtable discussions in Prague – the topics for which were selected in accordance with discussion themes proposed by the Minister, and so as to be of interest to the general public, journalists, and education professionals. The Office also maintained the “Challenge for 10 Million” website and provided professionals and the general public with information on the course of events through the web and a special bulletin (see below). During the autumn of 1999 and the first few months of 2000, school administrations, pedagogical associations and others organised discussion meetings throughout the country.

The main vehicles used in the public information campaign and consultations may be summarised as follows:

- *Special bulletin for education professionals* (“A Challenge for 10 Million”): this was issued as a supplement to two periodicals “Teachers’ News” and “Public Administration”, and distributed directly to public administration and education establishments as well as the media. Each 8-page bulletin included a summary of one of the seven background studies, a commentary, opinions and comments from the public, a debate between two professionals on a given topic and information related to forthcoming roundtables and seminars. A total of seven issues of the bulletin were published with 45 000 copies of each issue. It is estimated that 90 per cent of top management in the field of education, and four out of five teachers, read the Bulletin. A lesser impact was had among other key groups such as public administration officials, unions, communities, and employers.
- The *media* played a prominent role in disseminating information about the “Challenge for 10 Million” and were provided with information through distribution of the Bulletin and a total of seven press conferences. The transcripts from some of the discussion campaigns and from all of the six roundtable discussions also were made public. From the Open Society Fund’s evaluation report and documents supplied by the Institute for Information on Education (UIV), it appears that most of the information presented by the media appeared in print format, particularly in the national and regional daily newspapers. According to OSF, national newspapers took up 49 per cent of the share in informing the public, regional newspapers 35 per cent, periodicals and weeklies 10 per cent, and radio and television 6 per cent. The most information on the topic was provided by the national daily newspaper *Mladá fronta Dnes*. According to the UIV’s analysis, the intensity of media coverage grew gradually from October 1999 when the public consultation was officially launched and peaked at the beginning of 2000 (Friedman and Vrzáček, 2000). In total, 440 articles on the topic were published, of which 235 were printed in national daily newspapers and weeklies, and almost 200 in regional and local newspapers. Radio stations with nationwide broadcast capacity addressed the topic within 34 programmes, while television covered it in 23 programmes.
- The Internet was also used to disseminate key documents, starting with the original “Concept” posted on the website of the Ministry of Education in May 1999. It also offered a means for on-line

public discussion through a website created for the “Challenge for 10 Million” (see: www.10milionu.cz). This site contains an introduction by the Minister of Education; information on how the public consultation was organised and how to contribute; full texts of the seven background studies; comments submitted on-line during the first and second stages of the public consultation; transcripts from the roundtable discussions; up-to-date information on events and contact details for further information. Links to this website featured on the home pages of school administrations in several districts as well as on those of the Ministry of Education and the Institute for Information on Education (UIV). According to the latter, between November 1999 and February 2000, the “Challenge for 10 Million” public discussion website was accessed 231 013 times, and 11 203 unique visitors were recorded. It is estimated that roughly 15-20 per cent of participants in the discussion used the Internet (see Box 42 for selected comments). This figure reflects the fact that access to Internet is not yet widespread in the Czech Republic – indeed only one-third of the elementary schools are linked to the Internet while in secondary education the situation is better, with Internet used in 80 per cent of schools.

- *Public discussion events and roundtables* played an important role as channels for information and consultation, and were organised throughout the country by school administrations and education institutions as well as the Ministry of Education. During the period from December 1999 to February 2000, the Institute for Information on Education (UIV) organised a total of six roundtable discussions in Prague with the participation of education specialists, media representatives, education professionals and the general public. Throughout the entire Czech Republic, discussion forums were organised on various topics related to the reform of the education system. The Ministry of Education reports that during the second stage of the discussion, over 100 public discussions were organised by research institutes, school administrations, associations, and pedagogical interest organisations, with a total of 6 000 participants. According to the OSF's evaluation report, between 25 October 1999 and 18 February 2000, a total of 46 organisations arranged 71 public discussions in which 2 904 individuals participated.

The primary target group of the public consultation exercise consisted of teachers and education professionals – and this group was also the best informed. The participation of social partners (e.g. chambers of commerce, employment agencies) in the discussion was markedly weaker. Originally, the project planned to distribute information brochures and leaflets in order to reach a wider public outside the field of education professionals – including parents and students. However, this did not materialise and the Internet remained the main instrument oriented toward the public at large – both professional and lay. However, given that levels of Internet access among the general public remain low, this has meant a limited impact.

The public had several possibilities for presenting their opinions and comments on the available policy documents, all of which were used: *traditional means* of communication, in the form of faxes and letters (e.g. a total of 181 written responses were addressed directly to the Office of Public Discussion of the UIV); *e-mails* to the website, to the Office and to individual team members; and *direct contact* during the roundtable discussions and other events held throughout the country.

Stages Three and Four: Drafting and discussion at the National Seminar

Upon conclusion of the second stage in February 2000, the Ministry of Education decided to take over the organisation of the project itself. The character of the preparatory process for the White Book also changed as the Ministry substantially withdrew from broad public discussion, and directed its attention to consultation with professional circles and drafting of the White Book itself. The dedicated public discussion websites also ceased to operate, whereby the process of informing the public of the course of preparation of the document was substantially circumscribed. Based also on the results from the public consultations conducted in Stage Two a collection of thematic studies was prepared, during which several professional seminars were held (Summer 2000).

The first version of the White Book was completed on 10 September 2000, and submitted to the Council for Education Policy and internal management at the Ministry. Comments from the Ministry were

Box 42. **Selected comments submitted by the public
to the “Challenge for 10 Million” website**

This material (the Concept) may on the whole be positively perceived as a “step forward”:

- “Overall we view the material submitted as being comprehensive and conceptual, capable of pushing Czech education significantly forward...” (Elementary school, Litvínov)
- “We praise the introduction of the Concept and consider it to be a renewal of hope for a substantial and necessary change.” (NEMES – Independent Interdisciplinary Group)

Nevertheless, the document is criticised for its too general, and at times incomprehensible, character:

- “...The overall impression is destroyed by too many general ideas,...an excessive use of foreign expressions...” (Teacher)
- “The study is too general and not very provocative” (Association of Elementary Education Teachers)

The contributions often contain a positive evaluation of the initiation of public discussion:

- “...It is necessary to highly and positively praise this effort, among other reasons because it is accompanied by a formed public discussion, which is an entirely new situation. Those behind this work are consciously submitting their proposal for public evaluation, which means undertaking a certain amount of risk.”
- “...We welcome the efforts of the Ministry of Education to work out a long-term strategy, and we consider it to be a proper and democratic step that the issue has been opened for public discussion” (PAU)

Equally, some fears are expressed over the success and results of the planned discussion:

- “This public discussion should not be merely a formal one as in previous cases...the comments should genuinely be taken into account” (ANO – Alliance of Non-governmental Organisations for Childrens’ Rights)
- “The guided discussion of the Concept, and the fact that this material is on the government agenda provide hope that the efforts of the creators of the Concept and its commentators will not be wasted as has been the case in previous conceptual phases” (Association of School Managers)

included in the next version of the White Book, which was completed by the end of September. On 24 October 2000, this second version of the White Book was made available on the Ministry’s website together with an e-mail address for submitting proposals and comments. In addition, information on two workshops on post-secondary education and regional education as well as a National Seminar planned for November was provided.

The National Seminar

The National Seminar aimed to reach a consensus among the academic and teaching public, employers, unions, state administration bodies, and local administration. It was held on 21 November 2000 at the Ministry of Education, and approximately 120 people participated. At the seminar, it was reported that about 30 comments on the second version of the White Book had been received from individuals and various institutions. Suggestions and comments were also collected during the discussion sessions of the National Seminar. After the seminar, the national daily newspaper *Mlada fronta Dnes* dedicated 8 pages to information on the White Book.

A third version of the White Book emerged out of this stage of discussion and was posted on the Ministry of Education website on 6 December 2000. According to media reports, the government approved the fourth (and final) version of the White Book on Education Policy on 7 February 2001.

Table 15. **Tools used for public information and consultation in preparing the White Book**

Tools	Number of participants (estimated)	Period of time	Number of Encounters
Bulletin*	315 000	3 months	7
Website	11 203	4 months	231 013
Discussion group	6 000	4 months	100
Round tables	480	3 months	6
Press conference	140	3 months	7
National Seminar	120	1 day	1

* Estimate based on distribution of seven issues of the bulletin at 45 000 copies each.

Evaluating Public Information and Consultation

In February 2000, two evaluation reports were prepared on the second stage of the public discussion and the preparation of the White Book. One was a summary report prepared on behalf of the Basic Team and the Open Society Fund (Koucký and Kovařovic, 2000) and the other was an internal evaluation by the Open Society Fund team (Friedman and Vrzáček, 2000).

5.1. Evaluation reports

Both reports were intended for the Executive Council and both reports made use of largely the same sources. In particular, they referred to the results of seven empirical investigations into the attitudes and opinions of the key actors in the public consultation (members of the public, authors of the studies and organisers of the public discussion events) conducted by SOFRES-FACTUM, a polling agency, under the auspices of the Open Society Fund's Educational Support Project (PORVYV). The difference between the two evaluation reports lies in their scope and in the way in which the polling results were used. From these analyses it was possible to respond to practical questions related to the second stage of the public discussion and the preparation of the White Book. The Ministry of Education has not undertaken its own evaluation of the information campaign and the public consultations conducted under the "Challenge for 10 Million" initiative, nor are there plans to do so.

Methodology: The method used in the SOFRES-FACTUM assessment of the consultation procedure was based on a set of empirical surveys:

- *Targeted field research* among the professional (pedagogic) and lay public conducted by means of questionnaires after studying the relevant background studies. The selection of localities and schools corresponded to the regional divisions of the Czech Republic. The research took place during the period 4-18 February 2000. The resulting sample was composed of 171 respondents – of which the professional pedagogic public made up roughly 60 per cent and the lay public 40 per cent of total respondents. Respondents were selected proportionally according to the types of schools (15 per cent nursery schools, 45 per cent elementary schools, 10 per cent secondary grammar schools, 10 per cent secondary technical schools, 10 per cent secondary vocational schools, 5 per cent technical colleges, 5 per cent universities). After checking and coding the questionnaires, the data were statistically evaluated by means of SPSS statistical software.
- *Interviews of organisers* of the discussion meetings that took place in the course of the second stage of the public discussion, and of those who were responsible for the activities taking place at the Institute for Information on Education. Questionnaires were gathered from 40 organisers and their responses subject to statistical analysis.
- *An opinion survey* was carried out among the education professionals concerning the Public Discussion Bulletin. The survey was conducted with the use of CATI (Computer Assisted Telephone Interviewing). Between 15-18 February 1999 a total of 207 respondents were interviewed, selected proportionally according to regions in the Czech Republic and types of schools (in the same proportions as for the field research). One-third of the respondents were

comprised of school principals and directors, or their deputies, and two-thirds were made up of teachers. The data collected was processed using SPSS statistical software.

- *Written interviews* that followed after publication of the background studies. The following sets of questionnaires were processed without the use of any special statistical software: eight questionnaires completed by members of the Council for Educational Policy, seven completed by administrators of the background studies, seven filled in by members of the Basic Team, and four from high-level officials from the Ministry of Education.
- *Media monitoring* prepared by the Institute for Information on Education, which covered the period between 10 January 1999 and 15 February 2000. In total, 239 media items were analysed. Information taken from the monitoring was formalised with the help of special forms, which were later processed by means of SPSS statistical software.
- *An opinion survey of the general public* – two questions were asked within the regular FACTUM Omnibus Survey. From 28 January to 4 February 2000 a representative sample of 981 citizens of the Czech Republic over 18 years of age responded to the questions. After checking and coding, the questionnaires were processed by SPSS.

Main findings: As regards the subject of the consultation itself, namely education policy, the majority of citizens are inclined to feel that the system of education does need a change. This attitude is most notable among the younger generation and the younger middle-age generation, and among people with secondary school education and university degrees.

Table 16. **Citizens' attitudes to reform of the education system reform according to age (%)**

	18-29	30-44	45-59	60 and more
Well-informed about discussion	55.6	56.4	51.6	39.0
Feeling the need for change	66.7	66.5	52.3	50.7

Table 17. **Citizens' attitudes to reform of the education system according to levels of education (%)**

	Primary	Secondary	University
Well-informed about the discussion	45.6	61.3	68.4
Feeling the need for change	55.0	67.9	70.7

The background studies have been, on the whole, been rated positively by the public. Six to seven out of every ten people who read the individual studies would recommend them to others for reading. Some of them evaluated the ability of the studies to trace future directions in development as somewhat better than their ability to diagnose the state of the Czech system of education. Readers judged the studies to be more difficult for the lay public than for the professionals, primarily owing to the frequent use of professional terminology. The non-professional public perceived the comprehensibility of the studies for the lay public less critically, and at the same time formulated the minimum amount of comments.

Table 18. **Evaluation of background studies: level of difficulty for the lay public (% respondents)**

	Very difficult	Difficult	Neither difficult nor easy	Easy	Very easy
All readers	10.0	37.6	41.2	10.6	0.6
Education professionals	12.9	42.6	39.6	5.0	0.0
Lay public	5.8	30.4	43.5	18.8	1.4

Table 19. **Evaluation of background studies: level of difficulty for the professional public (% respondents)**

	Very difficult	Difficult	Neither difficult nor easy	Easy	Very easy
All readers	0.6	5.4	32.9	48.5	12.6
Education professionals	1.0	7.1	28.6	55.1	8.2
Lay public	0.0	2.9	39.1	39.1	18.8

Professional public

It may be said that the Bulletin became a suitable medium for informing the professional public. Nevertheless, all the possibilities offered through it have not yet been fully used. Only one-half of respondents felt that the Bulletin could help them to become familiar with the state of the system of education. The results showed that two-thirds actually obtained a copy of the Bulletin, while less than one-half of these read more than five issues, and roughly one half read one to four issues. The most frequently read material was the introductory text of the Minister of Education, and the background studies on Pre-school and Elementary Education. Management-level employees were not only the most informed, but they also had the most frequent access to professional journals and the Bulletin.

Table 20. **Sources of information about the ongoing discussion**

	Total respondents	Directors and deputies	Teachers
Professional journals	67.1	77.8	60.4
Press	57.9	55.6	59.4
Television	42.1	34.9	34.7
Colleagues	36.6	25.4	43.6
Radio	34.8	34.9	34.7
Internet	18.3	23.8	14.9
Friends	18.3	15.9	19.8
School authorities	4.3	9.5	1.0
Seminars, courses	3.7	6.3	2.0
Other sources	9.6	12.8	8.0

Table 21. **Number of sources of information used**

	Total respondents	Directors and deputies	Teachers
1	26.2	23.8	27.7
2	23.8	20.6	25.7
3	16.5	17.5	15.8
4	14.0	20.6	9.9
5 and more	19.5	17.5	20.8

Ex post evaluation of the background studies revealed some weak points in this process. Problems appeared concerning the format of the final (abbreviated) version destined for the lay public. One-half of respondents from the Basic Team had the feeling that the working teams did not have sufficient capacity and support for the task. The research also showed that during the preparation of the studies not much regard was given to the fact that even the most painstaking and scientific work must first of all attract attention, otherwise it cannot become the foundation for broader discussion.

Role of the media

The insufficient interest in the public discussion shown on the part of the media can to a large extent be explained by the lack of interesting or provocative topics offered by the campaign. The media

has little interest in providing information on general ideas and visions of education; information it provided tended to be vague, public discussion was perceived as a specific problem belonging to education, and attempts to link it with the surrounding society were lacking. The Internet did not manage to come across in the public discussion of the White Book as a dominant communication channel. As one organiser commented, “People still work more with paper. Making copies of something and then distributing them is the main way of passing on information”.

Media monitoring showed that 90 per cent of the information on the ongoing public discussion was provided by the printed media, primarily state-wide and regional daily newspapers. The role of radio and television was smaller, which to a considerable degree corresponds to the low number of specialised media in the area of education. The number of items appearing in the media between October 1999 and February 2000 shows an overall increasing trend. Usually these concerned news items, and also interviews and comments. The authors of the contributions usually provided information from a neutral position, while the comments contained therein were generally positive. Among the institutions connected with the public discussion of the White Book, those with the highest profile in the media were scientific institutions (institutes, academies, universities) cited in 34.3 per cent of the cases, followed by associations, unions and centres (27.0 per cent of cases), with the Ministry of Education in third place (24.1 per cent of the cases).

Lack of media coverage and sustained efforts by the Ministry of Education to engage members of the general public (including parents and students) explain the restricted scope of the public consultation, which remained largely confined to the community of education professionals (e.g. teachers).

5.4. Participation by the general public

Among the public at large, half of the citizens were aware of the ongoing discussion on reform in education. Most frequently these were people aged 45 or less, and people with higher levels of education. The organisers of the discussion managed to arrange meetings to familiarise participants with the contents of the studies. In their opinion, these efforts did result in a general awareness in the country of the fact that the public discussion on the National Programme for the Development of Education was under way.

However, it became apparent that it is difficult to integrate the lay public into the public discussion. This is also connected with the most frequently employed forms of advertising activities, such as personal invitations and the Internet. The traditional unwillingness of the public to actively participate in processes of this type must also be mentioned in connection with the limited participation of individual citizens in the public discussion sessions. There are several reasons behind such unwillingness. First of all, people remain sceptical towards events of this type; they have a lack of faith in the ministries and in state institutions generally, which stems from previous negative experiences. People do not believe that their comments hold any weight. Another problem is that participation in this type of discussion demands a great deal of effort, it necessitates the formulation of specific comments, their repeated assertion, and an equally consistent follow-up on whether and how the comments have been dealt with. Few people, and not all civil society organisations, have the capacity for this kind of systematic and demanding work.

Several observers have noted that given the fact that this was the first project of this type to be run in the Czech Republic at the national level, it is possible to consider the public consultation programme a success. The exercise was less positively evaluated by representatives from the field of education and civil society organisations, who felt the public discussion was weak and insufficient, and was even incapable of actually providing the public with information. In the opinion of one participating non-governmental organisation (NGO), society-wide discussion was lacking altogether, as the project never managed to address the public outside the field of education, due to the fact that the entire issue was framed incorrectly. The chairman of another NGO (The Union of Parents) describes his impressions from the discussion campaigns thus: “After witnessing the first public meeting I realised that this is really a challenge for a dozen, after a year maybe for hundreds, but by no means for ten million”.

On the basis of the existing evaluation reports, and additional interviews with several key participants in the process, it is possible to confirm that the holding of a broad public discussion with the intention of creating a new form of education policy in the Czech Republic has been quite positively received by the public on the whole. The introduction of this kind of broad-based discussion is perceived as an important cultural shift in the area of communication between state administration and the public. Neither the course nor the outcome of the discussion has been evaluated altogether negatively, even though both have received criticism from a number of quarters.

The discussion sessions organised throughout the country were positively evaluated, particularly by those who organised them. The significance of personal contact in the discussion on a new education policy, and also the fruitfulness of these debates, deserves emphasis here. Of equal importance is the fact that a large proportion of these activities were organised and initiated from the bottom up, for the most part by school administrations, pedagogical centres, teachers' associations and schools. According to research from the SOFRES-FACTUM agency, which surveyed forty organisers of discussion sessions, these sessions were considered to be very useful. In contrast, the roundtables organised in Prague were perceived to be more focused on presentations of the White Book itself, often for the benefit of the media, than on providing real opportunities for discussion.

Finally, it is of interest to note that politicians expressed little interest in the public discussions on the White Book, as evidenced by their limited participation in the parliamentary seminar held in February 2000, where the only members of parliament present were those scheduled to speak. While it had originally been planned to hold three parliamentary seminars, only one was ultimately organised.

Conclusions

The eleven years of societal transformation in the Czech Republic have witnessed some cases of two-way communication between the government and citizens. Neither of the two partners is accustomed to such communication, nor have they developed the necessary skills to effectively engage in it. In the case examined here the main target of the central administration's communication efforts consisted mostly of other administrative bodies, and the bulk of such communication has been fairly direct. The public is only gradually being perceived as a necessary partner for consultation in government policy-making. Such developments on the government's side have been paralleled by an equally slow process of maturation on the part of citizens. Time has been needed to develop the level of civic self-confidence necessary for such a dialogue to be possible and become fully emancipated from the passive attitude towards the state and public administration that prevailed in the country for half a century. Submissive silence and distrust have gradually been substituted by a more active approach but, as this case study illustrates, a long process of trust-building will be needed to mutually strengthen government-citizen relations.

Innovative aspects and enduring obstacles

These first attempts to generate public discussion at the national level in the Czech Republic, as represented by public consultation on the White Book on Education Policy, have represented a valuable learning experience. Among the positive aspects of the public information and consultation campaign the following may be highlighted:

- The very fact that the Ministry of Education, as part of the state administration, made the decision to initiate this kind of discussion, to open itself up to the public and attempt to break through the barriers of distrust.
- This kind of project is a new experience, both for the organisers and for the general public – the “Challenge for Ten Million” “stirred up” the professional community, and to some degree even the lay public, and brought enough attention to the subject of national education reform that even the media gained an interest in it.

- The innovative form of co-operation established between a ministry and non-governmental organisations (such as the Open Society Fund) in organising public information and consultation may be seen as an important and promising development.

At the same time, the experience of public consultation on the White Book illustrates that a number of obstacles to achieving effective public participation in the Czech Republic still remain, including:

- An enduring distrust on the part of citizens toward the public administration and policy documents that have, for the most part, been prepared and adopted without the participation of the public.
- Citizens are not used to being asked to actively participate in public discussions in policy-making.
- The public administration is inexperienced in managing public consultation exercises.

Conditions for successful public information and consultation

This case study illustrates how several factors contribute to successful public consultation, and identifies the need for:

- A structured discussion oriented to a clearly defined target population based on concrete topics and using appropriate tools.
- A detailed project plan which calls for evaluation of the results achieved.
- Sufficient financial resources and a clear budget.
- Professional and enthusiastic management.
- Full public information on the issue under discussion, the programme of consultation and official contact points.
- Feedback on each contribution made to the discussion – to build trust in the process, everyone must be informed about the fate of his or her contribution.

Public consultation should be regarded as an important measure not only to inform, and be informed, on specific issues for policy-making – but also as an important tool for building trust between the key participants. For public discussion to be used effectively as a tool to develop greater trust in government-citizens relations, an appropriate methodology is needed. To be effective, it requires sufficient professional expertise, equipment, financial resources and time.

The decision to launch public consultation during the preparation of the White Book proved to be right, and the information gathered represented a useful input into the policy-making process. The public response was positive, although not as intensive as had been initially expected. While the professionals involved were motivated and readily reacted, it was more difficult to engage the public at large in the discussion. To be successful in this respect, the issues have to be expressed in a comprehensible way so as to attract the attention of lay persons as well. An important component of any public discussion, one that prepares the ground for future consultations, is the existence of a clear mechanism for providing feedback to the participating public. Attempting an “ornamental” discussion, with no visible impact whatsoever, would be a safe way to discredit any such future efforts.

Of course, the scale and methods of the consultation have to be tailored to the policy problem in question and also to the available organisational and financial resources. The campaign analysed in this case study was probably rather exceptional as regards its ambitious scale and structure. Future public consultations – should they become a more frequent practice – would probably have to make do with a more modest approach.

Several national-level policy issues are now, or will soon be, emerging in the Czech Republic for which a broad public discussion would be desirable. One example is the reform of the pension system which is overdue given the rapidly ageing Czech population and whose social and political impact looms large. On the local level, public consultation should be a generally accepted stage in the process of spatial planning, particularly in urban areas and if environmentally sensitive issues are concerned.

Public consultation organised in the Czech Republic during the preparation of a Government White Book on Educational Policy was one of the first large-scale efforts to draw both the professional as well as the general public into the process of public policy-making. The lessons learned during this public discussion, the methods used to communicate with both the professional and general public, and the procedures used for the assessment of the consultation can thus become a source of inspiration for organising discussion on other public policy issues. They may also be of interest for policy-makers in other countries, of course, with due respect to differences in national contexts.

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ACCESS TO INFORMATION ON THE ENVIRONMENT IN THE UNITED STATES

by Franklin S. Reeder

Executive Summary

The report sets out the United States context, which is characterised by a long tradition of public access to and participation to government. Significant mechanisms that strengthen public access are:

- Statutes such as the Administrative Procedure Act, the Freedom of Information Act, the Federal Advisory Committee Act
- *Committee Act* and other laws which give the public more tools to learn about and to influence the activities of their government.
- Public initiatives like *Access America* that focus on providing public access to information via the Internet and electronic services.
- Private initiatives such as *America Speaks* that establishes electronic “national citizens’ fora” to assist citizens in eliciting and expressing their needs directly to the national institutions.

Non-governmental organisations (NGOs) also play an important role in the US political system. However, the role of interest groups in the US policy-making process has recently come under particular scrutiny with regard to advocacy activities and campaign finance reforms.

The report also illustrates the context of the US Environmental Protection Agency (EPA). Being a relatively recent administrative creation, the EPA was devised to consolidate the federal government’s environmental programmes under the jurisdiction of a single agency. The wide variety of laws for which EPA is responsible, as well as complex federal-state-local relations on environmental matters, have brought about a fragmentation of environmental programmes. EPA has sought to address the potential inefficiencies and conflicts inherent in such as structure both through its regional offices and through the use of information strategies.

The importance placed on information and public participation is evidenced by the perception of EPA as a relatively open and transparent agency. Two information strategies are in particular noteworthy:

- *Toxics Release Inventory*: The most important attribute of this programme is that, unlike many other public information programmes, public disclosure was an essential feature of the law that created TRI, not an afterthought. TRI data are available in several different forms. They are also transmitted to the public through two intermediaries – the Right-To-Know Network and the Environmental Defence Fund’s Environmental Scorecard. EPA publicises the existence of these alternative ways of getting EPA information.
- *Envirofacts*: Unlike TRI, which is a statutorily based programme, Envirofacts grew out of an administrative initiative to improve the quality and utility of environmental information. Originally conceived to create a common interface for the various environmental databases of various EPA programme offices, the nature of the project changed to provide broad public electronic access to environmental information. Today, Envirofacts allows individuals to search a variety of EPA data, including TRI, by postal code in order to find information on their own neighbourhood.

At least in the short run, the increased availability of information about the environment appears to be having a greater effect on private behaviour than on public policy. However, the need for traditional approaches to consultation has not diminished, and may in fact increase as a result of greater electronic access to the policy process. **The case study was submitted to the Secretariat in 1999 and covers events up to that date.**

Introduction

This case study examines the participation of citizens (as individuals and through groups) in the activities of the United States Environmental Protection Agency (EPA), as part of the OECD Public Management (PUMA) Committee's activity on "Strengthening Government-Citizen Connections." Specifically, the study examines two EPA initiatives, Envirofacts and Toxics Release Inventory (TRI), to determine the extent to which those systems have affected the manner in which the public interacts with its government.

The methodology employed in this study was to review relevant documents and websites and to interview public officials and public interest groups representing the spectrum of interests from the environmental community to the regulated industries. A list of those interviewed, relevant web sites and publications are listed at the end of the report.

The United States Context

As a representative democracy operating under a 210 year-old Constitution, the United States has a long tradition of public access to and participation in government. In some rare instances, primarily at the local level, citizens participate directly in government decision-making through periodic community meetings, a phenomenon that has come to be known as the New England³⁴ town meeting. But the framers of the Constitution, concerned that geography would preclude this sort of pure, direct democracy, and perhaps a bit distrustful of the citizenry, created a representative form of government. Initially, while the lower house of the national legislature, the House of Representatives, was elected from population-based, single-member districts, members of the upper body, the Senate, were elected by the legislature of the state they represented. The Constitution was later amended to provide for direct election of senators.

While there is little question that the framers of the United States Constitution created some distance between the public and their government, developments of the latter two-thirds of the 20th century have served to strengthen public access and shorten that distance. Apart from the direct election of senators, the congress has enacted a series of laws, each of which gives the public more tools (a) to learn about; and (b) to influence the activities of their government. Among the most significant of these are:

- *The Administrative Procedure Act (APA)* This law responded to the explosive growth of government in the 1930s. With the creation of many social and economic programmes, there was an increasing tendency to enact general laws that gave agencies great discretion to develop regulations that had substantial effects on citizens and industry but that were not subject to the usual scrutiny of the legislative process. The APA required that agencies that did not have formal public rule-making processes, like the regulatory bodies that grant licences, must use a process that has come to be known as "informal rule-making," despite its obvious formality. Under informal rule-making, agencies must publish proposed rules, allow a reasonable period for public comment, and then take account of those comments in their final determinations.
- *The Freedom of Information Act (FOIA)* Reacting to growing concerns over governmental secrecy, this 1965 law requires that agencies (a) publish general directory information about how they are organised and about their routine processes; and (b) respond to public requests for agency records in a timely fashion. The law creates a legal presumption in favour of disclosure; agencies may not withhold records unless they fit within one of the exemptions enumerated in the act (e.g. properly classified for national security reasons, disclosure would constitute an "unwarranted" invasion of privacy, or trade secrets); even then, the withholding of information is discretionary unless otherwise required by law.
- *The Federal Advisory Committee Act (FACA)* Growth of government also caused a proliferation of boards and commissions with substantial authority and the growing use of informal advisory groups. These advisory committees often wielded substantial influence over policy by virtue of their secret, direct access to decision-makers up to and including the President. FACA gives the

public access to the deliberative processes of so-called multi-member agencies (e.g. regulatory boards, commissions, and advisory committees). It requires that agencies declare the existence of any advisory bodies that they create, and that those committees be “representative” of the affected constituencies. It further requires that meetings of boards, commissions, and advisory committees be announced and open to the public. Agencies may close meetings only if they fit within one of a series of exemptions similar to those in the FOIA. But even then, agencies must announce that such a meeting is planned and the reason for not allowing it to be open to the public.

- Other laws, including the Paperwork Reduction Act and the Electronic Freedom of Information Act, have expanded and strengthened the public’s right to know about, if not to influence, public policy.

Beyond the enactment of laws, the landscape on which the citizen and government interact has been changed by virtue of a series of initiatives, public and private, enabled by the dramatic changes in the capability and availability of modern information and communications technology. Four of these efforts, one public and three private, are illustrative and, in and of themselves, worthy of further review:

- *Access America* This is an undertaking of Vice President Al Gore’s National Partnership for Reinventing Government (previously known as the National Performance Review) and the Government Information Technology Services Board. Access America focuses on providing greater access to public services via the Internet. One public official interviewed said that, with respect to public access to information “...the glass is 90 per cent full; we are now focusing on electronic services.”
- *America Speaks* This programme seeks “to create and make workable effective mechanisms for ensuring that the actions of the elected office holders reflect the will of the citizens. [It seeks to] strengthen [US] democracy by creating mechanisms that are accessible to the public and reflect the realities of the 21st century..America Speaks will take the next step in its mission by bringing together, through tele-conferencing technologies, large numbers of citizens representative of eight to ten communities across America. The goal is to elicit and express their needs directly to the national institutions. This electronic ‘national citizens’ forum’ will combine state-of-the-art communications technology with the very best of large group change processes to enable these citizens to engage in collective deliberation and action.”
- *Transactional Records Access Clearinghouse* (TRAC) “The purpose of TRAC is to provide the American people – and institutions of oversight such as Congress, news organisations, public interest groups, businesses, scholars, and lawyers – with comprehensive information about the activities of federal enforcement and regulatory agencies, and the communities in which they take place.” It does so by obtaining large public databases and then creating a rich analytic capability that allows the public and the press to analyse these data. This capability has been used most extensively to date in looking at law enforcement, but its applicability to environmental data is obvious.
- *Web, White and Blue* This is another privately funded initiative to engage the public in the electoral process by creating “single click access to some of the best... online election directories and voter information sites across the Internet.”

Non-governmental organisations (NGOs) have three distinct, and important, roles in the United States:

- *They aggregate and mediate public opinion for formulating public policy.* Typically, it is not the average citizen or businessperson who lobbies the US Congress; but organisations, such as Public Citizen, the AFL-CIO, Chambers of Commerce, the National Federation of Independent Business, or the Environmental Defense Fund.
- *They inform the public and often serve as an instrument of policy implementation.* Many older Americans, for example, learn about the latest changes in Medicare or Social Security by reading American Association of Retired Persons publications.

- *They independently fund and deliver services*, such as Salvation Army assistance to the needy and church-run schools.

The role of interest groups in the US policy-making process has recently come under particular scrutiny in several ways. First, a small but highly vocal faction in the US Congress has been advocating that NGOs that engage in any form of advocacy should lose their tax-exempt status and/or that severe restrictions be placed on advocacy by any group that receives public funds. Under current law, organisations that receive public funds may not use those funds for advocacy – but they are otherwise free to do so. A second area of controversy deals with the larger question of campaign finance reform. While proposals to limit political campaign contributions are not aimed at traditional NGOs *per se*, support for reform is beginning to develop among corporate donors who, in recent articles, are beginning to reveal their resentment at elected officials who make it clear that large contributions are a requirement to gaining access to the policy debate – what the corporate leaders refer to as “political blackmail.” To the extent that the field has always been unbalanced (corporate and trade group donations historically far outstrip those of NGOs and their supporters), the current debate over campaign finance reform could be very important in giving NGOs a larger voice by muting the voices of others.

The Environmental Protection Agency (EPA) Context

The US Environmental Protection Agency (EPA) is a relatively recent creation. Reorganisation Plan No. 3 of 1970 was devised to consolidate the federal government's environmental regulatory activities under the jurisdiction of a single agency. President Richard Nixon transmitted the plan to Congress on 9 July 1970 and EPA formally came into existence on 2 December of that year. EPA annually spends approximately \$US 8 billion and has a staff of 18 000. The mission of the EPA is “to protect human health and to safeguard the natural environment – air, water, and land – upon which life depends.” It is worth noting that EPA is an administrative creation. While environmental laws enacted since 1970 have acknowledged its existence by assigning responsibilities to it, no organic law establishing EPA has been enacted. Indeed, various efforts to create EPA as a cabinet-level department have failed, although presidents have used their discretion to give the administrator of EPA cabinet status. The organisational structure of EPA can be found at its website (<http://www.epa.gov/epahome/organization/>). In addition, EPA operates through a series of ten regional offices. Each EPA regional office is responsible within selected states for the execution of the agency's programmes, considering regional needs and the implementation of federal environmental laws.

EPA is responsible for a wide variety of laws designed to deal with specific environmental threats or to protect particular media (*e.g.* air and water), some of which pre-date the creation of the agency. Among these are the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act (or Superfund – to handle hazardous waste clean-up), the Toxic Substances Control Act, the Federal Insecticide, Fungicide and Rodenticide Act, the Safe Drinking Water Act, and the Emergency Planning & Community Right-To-Know Act.

This complex of statutes has created what most acknowledge to be a rather fragmented set of programmes, with a series of programmes and organisations devoted to addressing the requirements of a specific statute or dealing only with a particular medium. EPA has sought to address the potential inefficiencies and conflicts inherent in such a structure both through its regional offices and through the use of information strategies. One such initiative, EnviroFacts, is described in greater detail below. Another, currently in the process of being implemented, is the decision of the current administrator to create a new office of information, headed by an associate administrator who would report directly to her. This new Office of Environmental Information is headed by a new assistant administrator. As of this writing, staff are being reassigned and an internal structure has been created [<http://www.epa.gov/info-org/office.htm>]. The new office is intended to improve the quality and accessibility of environmental information and to promote a more cross-media view of environmental information. This development, while beyond the scope of this case study, is certainly worth watching.

The importance placed on information and public participation as part of the agency's overall strategy is evidenced by the fact that one of the ten strategic goals in the EPA's fiscal year 2000 annual performance plan is "expansion of Americans' right to know about their environment". The plan says, in part:

Easy access to a wealth of information about the state of their local environment will expand citizen involvement and give people tools to protect their families and their communities as they see fit. Increased information exchange between scientists, public health officials, businesses, citizens, and all levels of government will foster greater knowledge about the environment and what can be done to protect it.

Beyond organisational change and the two projects described here, Envirofacts and TRI, the EPA commitment to using information as a strategic tool is evidenced in several other projects, such as:

- *Surf your watershed*: A service to help citizens locate, share, and use specific online environmental information by providing specific information about watersheds and states.
- *Sector facility index project*: An initiative to standardise facility identifiers to allow the agency and public to aggregate data by facility across media and programmes.

Federal-state-local relations on environmental matters are complex. At least notionally, environmental matters are the province of the states. The Constitution provides that any authority not specifically granted to the federal government shall be "reserved" to the states, and the Constitution, a 1789 document, does not speak of the environment. The federal government, nonetheless, has used its authority to regulate interstate commerce to intercede in environmental matters. The pressure to do so arises from several directions. First, there is the natural fact that environmental phenomena do not respect state boundaries. Air blows across states and waterways cut across political subdivisions. Second, industry often supports federal pre-emption to avoid the cost and complexity of having to comply with multiple and sometimes conflicting state regulations. Third, environmental groups have pushed for federal action since it is often difficult to galvanise the political system in a state to regulate an industry where that industry may be a dominant economic force and source of employment. As a result, states vary widely in the extent to which they are willing or able to intercede in environmental matters. In a recent case, NGOs in the State of Louisiana sued successfully in federal court to compel the US EPA to develop a clean-up programme for their state.

EPA works closely with its "state implementing partners" through the Environmental Council of States (ECOS). ECOS is the national non-profit, non-partisan association of state and territorial environmental commissioners. The mission of ECOS is to improve the environment of the United States by providing for the exchange of ideas, views, and experiences among states and territories, fostering co-operation and co-ordination in environmental management, and articulating state positions to Congress and the Environmental Protection Agency on environmental issues. One of ECOS's priorities is its environmental information management initiative, a joint effort with EPA to build locally and nationally accessible environmental information systems.

The environmental policy landscape in the United States is populated with a wide range of NGOs, some very old and based intellectually if not organisationally in early 20th century conservation movements, like the Sierra Club and the World Wildlife Fund. Others are of more recent origin, focusing more on the re-awakening in the 1960s to the dangers to the environment posed by modern technology and lifestyles, like the Environmental Defense Fund and a growing number of locally-based groups. These groups, now numbering well into the hundreds, each follow their own agendas although they come together in coalitions either around specific issues, like the risk management plan controversy discussed below, or areas of common interest, like community right to know. They range from groups that work closely with and largely in support of the EPA mission, to others who work outside of the system in a more adversarial role. The groups vary widely in their level of financing from well-financed national groups to mostly volunteer, locally based groups. Similarly, NGOs vary widely in their capacity to obtain information, smaller groups often relying on large national groups or networks or coalitions to which they belong to keep them apprised.

Even its most vociferous critics admit that EPA is a relatively open and transparent agency. It goes well beyond its legal obligations, under the Administrative Procedure Act (for regulatory development), Freedom of Information Act (for public access to information) and Federal Advisory Committee Act (for public access to advisory meetings) to make itself and its policy-setting processes open. As of the most recent annual report, EPA had 24 formal advisory committees, a number that has remained relatively constant over the past several years. It is worth noting here that both critics and supporters of the Federal Advisory Committee Act (FACA), described above, realise that, while it assures openness in the consultation process, in doing so it imposes an administrative burden on the establishment and conduct of such committees. That burden and the general pre-disposition of political administrations, including the current US Administration, to hold down the number of committees as a way of reducing costs, causes a dilemma for agencies. They find themselves having to address competing objectives, pressured to consult more extensively while holding down the number of formal committees. Despite earnest efforts to be open and accessible, there were some complaints from the NGO community that industry has disproportionate access, even in an administration perceived to be more favourably disposed to environmental interests than its predecessors. To address this perception, the current EPA administrator has instituted what has become known as “glass window” policy of making the calendars of senior EPA officials available upon request.

EPA's website (www.epa.gov) is widely acknowledged to be among the best in the US Government both for the richness of the substance and ease of navigation. One often critical NGO representative complimented the agency for making sure that pertinent documents were available on the agency's website. The agency uses the site as one of several tools to publicise both substantive and administrative proposals. The recent effort to seek public views on the creation of the new office of information is almost unprecedented. Most agencies would have treated this as an internal management issue and not have sought public views. Political and career staff are generally accessible and are frequent participants in meetings convened by all parties. Even during periods when the incumbent political administration was seen to be hostile to environmental interests, career staff managed to maintain constructive relationships with all parties. This is not to suggest that any of those parties expressed total satisfaction with the policy outcomes.

Toxics Release Inventory (TRI)

The Toxics Release Inventory (TRI) was created under the Emergency Planning & Community Right-To-Know Act (EPCRA). This law, enacted in 1986, was designed to help local communities protect public health, safety, and the environment from chemical hazards. EPCRA itself grew out of the tragic events in Bhopal, India and the revelation that plants with toxins not unlike those released in Bhopal existed in the US as well. The fact that, in many instances, the surrounding communities and even local emergency preparedness officials had no knowledge of what existed in their back yards caused a swift and strong political reaction.

EPCRA required each state to appoint a State Emergency Response Commission (SERC). The SERC's were required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee (LEPC) for each district. Broad representation by fire fighters, health officials, government and media representatives, community groups, industrial facilities, and emergency managers ensures that all necessary elements of the planning process are represented. Title I of the Act deals with emergency planning and notification. Title II establishes a much broader requirement:

The owner or operator of a facility subject to the requirements of this section shall complete a toxic chemical release form ... for each toxic chemical listed [under rules set by EPA] that was manufactured, processed, or otherwise used in quantities exceeding the toxic chemical threshold quantity established by {EPA} during the preceding calendar year at such facility. Such form shall be submitted to the administrator and to an official or officials of the state designated by the Governor on or before 1 July 1988, and annually thereafter on 1 July and shall contain data reflecting releases during the preceding calendar year.

While the law initially specified a list of chemicals, established reporting thresholds and defined the industries to be covered, it gives the administrator of EPA broad authority to expand or modify those lists under criteria set forth in the law. Perhaps even more importantly, the law established strong requirements for public disclosure:

The release forms required under this section are intended to provide information to the federal, state, and local governments and the public, including citizens of communities surrounding covered facilities. The release form shall be available... to inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes.

As one observer interviewed noted, TRI has several important and unique attributes: it (1) is facility-specific; (2) is chemical-specific; (3) provides time series data to show trends; (4) is designed for proactive dissemination in multiple media; and (5) produces data at national, state and local levels. Perhaps the most important attribute of this programme is that, unlike many other public information programmes, public disclosure was an essential feature of the law that created TRI, not an afterthought.

Nearly 70 000 reports are received annually from more than 21 000 facilities covering 643 reportable chemicals. The list of chemicals has been expanded since the law was first enacted. For the current (1998) reports, EPA has expanded the industrial sectors that must report to include mining and power companies, and a proposal to reduce reporting thresholds is under consideration.

TRI reports are submitted annually to the states and EPA on 1 July for the preceding calendar year. EPA then enters the data into its database – approximately 70 per cent of the forms are now submitted electronically. The data then go through an extensive quality control process. EPA takes the need to provide accurate data seriously. Staff take the position that it is not sufficient to claim that they have accurately recorded a report if the report was wrong. They look for anomalies and question apparently inaccurate data. Several mentioned, somewhat ruefully, an incident several years ago when a facility entered the wrong standard industrial classification code and misplaced a decimal point with the result that releases of that chemical were grossly overstated. Even though EPA had correctly captured what had been in the report it received, EPA staff asserted that their duty to ensure the integrity of the information went beyond mere accurate transcription. Summary TRI reports are issued as soon as EPA completes its transcription and verification processes. The report on the 1997 data, received by EPA in July of 1998, was issued in March of 1999 – more than eight months after the data was received and 14 months after the reporting period. EPA indicates that it expects to improve on that performance for the 1998 data, which it hopes to publish in early 2000.

TRI data are available in a number of different forms:

- Some states establish their own databases and make data available to the public. An excellent example is the Pennsylvania site, which has garnered a number of awards (<http://www.dep.state.pa.us/>).

EPA publishes TRI data in a variety of forms.

- A CD-Rom that contains all of the basic data.
- A printed report – the so-called “public data release” – containing summary tables.
- State fact sheets.
- TRI information kit.
- Fax service.
- Envirofacts (discussed below).
- Intermediaries.

Two efforts of intermediaries in disseminating TRI data are especially important.

- *The Right-To-Know Network (RTK-Net)*. Operated by two non-profit groups – OMB Watch and the Unison Institute – this project was initially funded in part by EPA as a way of creating an outreach

system for environmental information. It continues to be funded by various government agencies and foundations, according to its website. Initially driven by the opportunity created by the existence of TRI, RTK-Net now describes itself as providing “free access to numerous databases, text files, and conferences on the environment, housing, and sustainable development. With the information available on RTK.NET, you can identify specific factories and their environmental effects; analyze reinvestment by banks in their communities; and assess people and communities affected.”

- *Environmental Defence Fund's Environmental Scorecard*. This initiative is entirely the work of an NGO; no direct EPA funding was involved but EPA staff did provide technical consultation as they would with any user seeking to use EPA data.

Both projects serve local activists and other NGOs and each, in different ways, seeks to make EPA more “user-friendly” and thereby to encourage action based on the information. Comparing the two, perhaps in part because it is entirely independently funded, the EDF scorecard tends to be more contentious. EPA publicises the existence of these alternative ways of getting EPA information and, in interviews, staff consistently emphasised this diversity of sources and perspectives as an important component of EPA's information strategy.

Envirofacts

The Envirofacts Warehouse is a database that includes information on Superfund sites, drinking water, air pollution, toxic releases, hazardous waste, and water discharge permits. Through Envirofacts, one can get lists of facilities in one's neighbourhood are releasing pollutants or are legally handling hazardous materials, where any Superfund sites are located and what their cleanup status is, and more. In many cases, you can link to more information about the chemicals involved at the listed sites, and find out whether they are potentially harmful.

Unlike TRI, which is a statutorily based programme, Envirofacts grew out of an administrative initiative to improve the quality and utility of environmental information. Initially dubbed “Gateway”, the project was conceived in the early 1990s with the objective of creating a common interface for the various environmental databases maintained by various EPA programme offices. The client, at least initially, was perceived to be EPA offices who, up to that point, did not have the tools to look across media or programme lines.

Several factors intervened to change the nature of this project. The development of the Internet and web-based technology caused the developers to abandon their mainframe computer, hard-wired network technical approach and allowed them to create a capability that could be made available to the public. Then, as part of the Clinton Administration's reinventing government effort, in March of 1995, Vice President Al Gore declared that ensuring public electronic access to environmental information was to be one of 25 key environmental actions.

Today, Envirofacts is a powerful tool that receives on average more than 50 000 requests daily. An even better indication that the system is used by more than web surfers is that, according to EPA staff, they receive hundreds of calls whenever the system is down for any reason. It allows individuals to search a variety of EPA data, including TRI, by postal code (or zipcode).

Impacts on Public Participation

The implications of projects like TRI and Envirofacts on citizen participation in government are difficult to measure. Upon closer examination, these initiatives really have two different effects:

- They provide information that will allow the user to adjust her/his behaviour. In the case of environmental information, that may affect an individual's decision on where to locate or vacation. Or it may cause changes in the behaviour of a manufacturer when it is disclosed that a plant is releasing large quantities of some toxic substance.
- They provide information that allows stakeholders to influence the actions of government. This may take the form of new laws or pressure to step up the enforcement of existing laws.

Evidence of the former (i.e., changes in private behaviour) is substantial and impressive. The latest (1997) TRI reports show that, since the first reports were issued cover 1988, total releases of the toxic chemicals has fallen from 3.4 million to slightly less than 2 million pounds. The most dramatic reduction was in air releases, which reportedly fell from 2.2 million to 1 million pounds, a drop of 55 per cent. While there is some disagreement as to the meaning of these numbers, there is little question that releases have dropped and that TRI reporting is, at least in part, the cause of that reduction.

Several explanations are offered as to why TRI could have caused these changes. Both EPA staff and industry representatives acknowledge that, in many cases, the reporting and subsequent publication of release data was the first time that company management, especially those higher in the executive ranks, had seen the volume of releases from their plants. Simple economics drove them to try to recover more of the substances being released. A second explanation is that those running the plants want to be good corporate citizens and, economics aside, wanted to look better in the public eye. A third explanation is that the data helped focus agency enforcement actions.

Evidence of changes in public agency policy or behaviour is far harder to come by and, to the extent that it exists, is purely anecdotal. No instances could be found where, as a consequence of the TRI data, there was an empirical basis for new legislation at the federal or state level. In one case, an industry representative privately acknowledged that TRI data had been instrumental in helping stop a proposed law to regulate some substance, but more specific information was not available. TRI has been used effectively, however, at the local level, to bring pressure to bear on agency enforcement activities. One community activist reported an instance where, using TRI data on plant releases, an organisation was able to focus its energies in an area where a plant appeared to have an inordinately high number of accidental releases. By asking members of the community to keep diaries of instances when they noticed noxious odours or became ill and comparing those to reported releases, the community organisation was able to identify violations (e.g. failures to report or unusual patterns of accidental releases) and EPA ultimately took action by fining the offenders. Community activists also report that, because the affected community was in a low-income area, the affected residents were not economically in a position to relocate and put themselves out of harm's way. Thus, changing private behaviour was not an option.

Annual publication of TRI data invariably produces a great deal of interest in the press, especially in those states and communities where there are large volumes of toxic releases. States are anxious to see where they rank and all parties prepare carefully for the annual press barrage. Again, it is not clear to what extent these annual stories result in any sustained reaction in the political system.

A crude measure of the importance of efforts like TRI and Envirofacts is the effect they have on Freedom of Information Act (FOIA) requests. FOIA is largely a passive statute, requiring individuals to identify records that they wish to see and then to request them. This can also be costly from the agency's perspective since each request is a unique transaction or case – albeit patterns emerge. One EPA staff person reported that, as a result of efforts like Envirofacts, the volume of FOIA requests that it receives in his area has decreased. Overall EPA FOIA requests have remained level over the past several years but, it was the impression of staff working on TRI – no statistics were available – that TRI FOIA requests had gone down.

Issues and Concerns

Meetings with EPA staff and other stakeholders raised a range of issues and concerns:

- *Developing a constituency for access.* An early challenge, especially for Envirofacts, was the absence of an organised constituency and funding in support of these initiatives. Efforts to release information, especially to cross-organisational lines, met with indifference and occasionally hostility within the agency. That changed to some degree when information dissemination became a priority for the political administration. When those currently involved with the system were asked whether they feared that a change in administration could result in a serious retrenchment, especially if it was seen as the relic of a previous political regime they asserted that the system was now widely accepted and valued and not quite as vulnerable. TRI, on the other

hand, because it was grounded in a legal mandate, faced no similar problems. While the regulated community may not have been enthusiastic about reporting, it was difficult to make that argument publicly and reporting was seen as a preferred alternative to more aggressive regulation.

- *Public understanding and use of what is disclosed.* Stakeholders on all sides raised a common concern: the inability of the affected publics to understand what is being disseminated and therefore, to make rational use of the information. This issue arises in two ways. Industry is concerned that release is seen as being the same as risk, and thus even what they would argue to be benign releases will sometimes cause great public consternation. Others would agree, in part, but would assert that the real answer is better data integration, e.g. release public health toxicity information along with the release information so that individuals can make an informed judgement as to the risks.

A related problem, voiced by a number of information-providers, is the public's ability to comprehend complex statistical information and the concept of risk (Paulos, 1990). One public official expressed dismay and frustration that there was not greater public use of these data. Intermediaries, like the Environmental Defense Fund through its Environmental Scorecard, play a significant role in helping the public interpret the data provided by EPA. Yet another factor militating against use of TRI data is the fact that the major sources of toxic releases in a community are often also major employers and important to the economic well-being of the community.

- *Retail vs. Wholesale.* While many argue that agencies should provide more explanation, interpretation and analysis like TRI to prevent misunderstanding and undue alarm, others contend that such analysis encourages politicisation. Instead, they contend that intermediaries, especially NGOs, should provide the analysis.
- *Timeliness of information release.* A consistent complaint among the NGOs was the time lag from the reporting period to submission to release – TRI data are submitted six months after the end of the year and not released until nearly nine months after that, or 15 months after the year that they describe. EPA argues that it needs that amount of time to clean up the data. Some NGOs argue that the basic data should be released within 60 to 90 days and that any analyses should be produced subsequently.
- *Information vs. regulation.* While there was little contention about the importance and utility of systems like TRI and Envirofacts, some in the environmental community expressed concern that information disclosure programmes alone were not sufficient but might be seen as alternatives to more interventionist regulatory strategies, such as standard-setting and permitting. Indeed, one industry representative acknowledged that the existence of TRI has been used as an argument against other, more regulatory approaches. One NGO representative described it as a “complementary strategy” with enforcement and noted that “requiring the generation of information is a unique role of government” that can create important tools for concerned groups to bring pressure for action.
- *The “mosaic” issue.* A concern raised by critics of TRI and other similar systems that provide information on potential threats to a community is that the information will be used by terrorists. This issue came to the fore recently in connection with the publication of “worst case scenarios.” Under the Clean Air Act Amendments of 1990, certain chemical facilities must report risk management plans (RMPs) to prevent and respond to chemical accidents in the United States. Each facility's Plan must include, among other things, a worst-case chemical release and more-likely “alternative release” scenario, as well as information about chemical accidents that have occurred in the past five years. The statute specifically required that these be shared with the community. The initial publication of RMPs raised great concern in the law enforcement community and great pressure on EPA to restrict dissemination. Advocates for disclosure argue that terrorists will be sufficiently resourceful to obtain what they want and that any restrictions will more likely inhibit the ability of public interest groups to analyse risks and potential abuses. In the case of the RMP issue, in the Summer of 1999, the US Congress enacted legislation to amend the Clean Air Act and significantly curtail the release of the plans (see <http://www.epa.gov/ceppo/whatnew.html>). According to one NGO spokesperson: “Industry has been

making headway in re-framing the debate and undermining right to know by legitimising the 'mosaic' effect notion that disparate pieces of information can be brought together and used for a harmful purpose."

Conclusions

This study, albeit limited, suggests several conclusions about how the role of information is changing the nature of citizen participation in government:

- Technology has undoubtedly increased the volume of information available to citizens and especially to NGOs. Whether this effort at electronic openness has altered the perception of fairness remains to be seen.
- Increased availability of information may heighten the need for NGOs and other intermediaries to help individuals and small groups sift through the data now available. This assistance is required both to find the information and to understand and interpret it.³⁵
- At least in the short run, the increased availability of information about the environment appears to be having a greater effect on private behaviour than on public policy.
- The need for traditional approaches to consultation has not diminished and may in fact increase as a result of greater electronic access to the policy process.

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PUBLIC WORK PROGRAMMES IN HUNGARY

by Philippe Gustin

Executive Summary

The report focuses on policies and practices for the information, consultation and participation of citizens (whether as individuals or as groups) in the field of “public work” in Hungary and makes particular reference to the concrete experiences that have been conducted at the local level.

The report first briefly presents the general background to government-citizen relations in Hungary, and to the labour market. These preliminary remarks provide an idea of the particular nature of the “public work” programme and *a fortiori* of the efforts being made to strengthen government-citizen connections under this specific form of employment policy. This programme aims to reduce the unemployment rate by stimulating work of public interest, partly subsidised by the state. The fields in which it is active include: infrastructure expansion and renovation, environmental protection, and development of backward regions. The “public work” projects consist therefore in giving temporary public sector work to the most disadvantaged members of the unemployed population (long-term unemployed, young people who have never worked, low- or unskilled persons) or members of the gypsy minority.

While strengthening government-citizen connections is not the primary goal of the “public work” programme, careful examination reveals certain secondary objectives which, although modest, are relevant to that process, including: granting aid; integration of marginalised populations; integration of the gypsy minority; awareness-raising among elected officials. To which may be added: changing attitudes and raising citizens awareness regarding contacts with the administration.

What is particularly striking in the policies for strengthening government-citizen connections conducted within the “public work” framework is the level of co-operation that develops among the various actors, namely: deconcentrated government representatives, local officeholders, the gypsy authorities and the Chamber of Trades. The media, especially the local and national press, also play an important part in delivering information to citizens on the opportunities offered by the “public work” programme.

The last part of the report outlines the progress made by Hungary in the field of strengthening government-citizen relations since 1990 and identifies a number of obstacles – encountered by all countries in the course of transition, such as the weakness of organised civil society, the weight of long-established attitudes and habits inherited from the past, and a low level of interest among citizens for public affairs.

The case study was submitted to the Secretariat in 1999 and covers events up to that date.

Introduction

Hungary, within the framework of the OECD Public Management Service's work on strengthening government-citizen relations, agreed to conduct a case study on citizen (whether individuals or groups) information, consultation and participation policies and practices in the field of "public work".

This paper recounts the observations and findings of an investigation carried out in Hungary in June 1999. It draws on the conversations held by the consultant with some forty people from very different walks of life – central and local government officials, national and local officeholders, union and association representatives, journalists and academics.

The paper is divided into four parts:

- The first briefly presents the *general background* to government-citizen connections in Hungary, and to the labour market. These preliminary remarks should give the reader a better idea of the particular nature of the "public work" programme and *a fortiori* of the efforts being made to strengthen government-citizen connections under this specific form of employment policy.
- The second part gives an exact *definition* of the field chosen by Hungary for the case study, i.e. "public work". A brief chronology shows how this concept has evolved in the course of time. The account is completed by a description of the projects currently in operation.
- The third deals with the *case study* itself. After outlining the goals pursued by the "public work" policy in relation to the strengthening of government-citizen connections, it goes on to describe the action taken in this regard and the "tools" used by the different stakeholder groups. The study is illustrated by concrete examples observed during the field phase of the assignment. The section concludes with an appraisal of the action noted by the consultant.
- The fourth part attempts, by way of conclusion, to analyse the Hungarian situation as regards the strengthening of government-citizen connections. It describes the progress achieved by Hungary since 1990 and lists the obstacles encountered.

The names of those interviewed and a short bibliography may be found at the end of the report.

General Background

General background to government-citizen connections in Hungary

Hungary has never really had a tradition favouring government-citizen connections, whether the citizen is considered individually or as part of a group. The Communist ideology in power in the country until the end of the 1980s denied the very notion of citizenship, the absence of democracy being the most flagrant proof of this. The government's relationship towards the population was one of force and authority. As to the citizen, his relation with the government changed from the sense of fear in the 1950s to the defiance shown towards the end of the Communist régime. If the Hungarian system is compared with those practised in the other People's Democracies in the region, however, it can be seen that "Kadarism" allowed people a certain amount of latitude in their daily life. A legalised "fending for oneself" took precedence over regimentation. In 1988, a third of the country's farm population, for example, worked on plots of land cultivated by families outside of their official work programme.

Hungarian citizens inherited from this period a certain passiveness with regard to their government. This passiveness inhibits them today from asserting their rights. On the other hand, the legalised "make-do" system helped citizens to cope with the reforms of the 1990s.

The record of the efforts made during the last decade by successive governments to establish a legal framework and institutions for enhancing government-citizen connections is by and large positive.

During this period of political transition, emphasis was laid on introducing a democratic institutional system equipped with impartial public management watchdog agencies, including the State Bureau of Audit, the Constitutional Court, and Ombudsmen. With regard to the strengthening of government-

citizen connections, the ombudsmen play a key role in making the government's action more intelligible and transparent. The information passed on by the Ombudsmen to not only the various government departments but also the public at large is helping to alter public service attitudes towards citizens.

Chief among the reforms are important decentralisation measures which have led municipalities to modernise their management systems. Municipalities are now invested with public authority based on independent management; they can make public decisions on local matters; and their key function is to organise or supply public services locally. With this decentralisation, the generally rural context of Hungarian local bodies has made it possible to set up local administrations that are human in scale and close to the citizen.

General background to the labour market and employment policies in Hungary

The unemployment rate, mirroring the sharp drop in GDP (down 20 per cent 1989 to 1993)³⁶, soared from 0.4 per cent to 14 per cent of the economically active population over the same period. It then declined, and is now stable at about 10 per cent. At the end of April 1999, 422 000 unemployed persons were registered with employment agencies. What is particular about Hungary's unemployment is the relatively high proportion of long-term unemployed – 108 000 of those registered at the end of April 1999 had been out of work for over a year. What is more, the number of economically active persons has fallen and the activity rate for men has declined over the last ten years from 80.3 per cent to 68.4 per cent. Meanwhile, the number of economically non-active persons per hundred active persons has risen from 106 to 141.

Unemployment does not affect all of Hungary to the same extent. The west of the country, e.g. around Lake Balaton, is not much affected whereas the east, where ageing mines and steelworks are located, suffers from mass unemployment. The east is also badly lacking in infrastructure, especially a road and motorway network linking it to the rest of the country. It is also traditionally turned towards the Ukraine and, further away, Russia which have not always been very creditworthy trading partners. The East's location at the borders of three countries (the Slovak Republic, Ukraine and Romania) has been a factor in the growth of a large "grey" economy.

The "transition" has brought about radical changes on the labour front, and the resulting social transformations are of major importance. Phenomena hitherto unknown in Hungary – like exclusion, organised crime, and drugs – have begun to appear. At the same time, the levels of social status which were the very foundation of the former régime have disappeared along with the single Party and labour union system. A few strata of society, such as the small business community, have managed to make their mark. For the most part, however, there is a drift towards the extremes which underscores even more dramatically the lack of a middle class in the country.

The rapid growth in unemployment has produced a startling reversal of attitudes. Unemployment, which was stigmatised as "deviant behaviour" and punished under the former régime, was still considered by 40 per cent of Hungarians in 1990 as being freely chosen. Today unemployment has become so familiar that jobless workers now inspire feelings of compassion. Yet Hungarian unemployment has another peculiarity, which is the strong inclination to indulge in black labour. It is estimated that a quarter of Hungary's unemployed persons work more than six hours a day and that half work over four hours a day.

In concluding this section aimed at explaining the context surrounding the "public work" programme in today's Hungary, we may remark that the economic problems facing the country during the transition period have produced a sociological divide which is not very conducive to the emergence and consolidation of a "civil society" – despite the government's efforts, crowned by the establishment of democratic institutions and a congenial legal framework, to strengthen its connections with citizens. The associative movement is still in its infancy and the unions seem unable to regain their credibility, especially at grass-roots level. This is the difficult situation in which the government developed the "public work" programmes, defined and described in the next section.

Public Work in Hungary

Definition of “public work”

“Public work” is a programme aimed at reducing the unemployment rate by stimulating work of public interest, partly subsidised by the state, in areas such as infrastructure expansion and renovation, environmental protection and development of backward regions. The “public work” projects consist therefore in giving temporary public sector work to the most disadvantaged members of the unemployed population (long-term unemployed, young people who have never worked, low- or unskilled persons) or members of the gypsy minority.

History of “public work”

In the beginning, the term “public work” was applied in Hungary to work financed by the taxpayer's money in the fields of construction, roadworks, railways and inland waterways. From the 18th century on, public works and public transportation were, as all over Europe, organised to serve industrial expansion. With the growth of technology in the 19th century, the field of public work broadened and it became a driving force in the country's economy. Public works were a means of fostering economic development through improved infrastructure while at the same time offering a source of stable mass employment.

Later, “public work” came to be considered as the work performed by large numbers of workers engaged in building roads, embankments, etc. for no pay. The law, that is to say, obliged certain citizens “on the dole” to carry out this sort of work.

Between the wars, “public work” formed part of a policy to aid the poor. As there were no unemployment benefits, the policy drew a distinction between people out of work and people unfit for work. The ideology prevailing at the time conceived of the poor as those, on the one hand, who could not earn their living for the moment owing to adverse economic conditions and those, on the other hand, who lived below the poverty line. “Public work” was performed without pay by these people in exchange for welfare assistance. The work done was not supposed to compete with the private sector.

Example of the Budapest Public Work Council

The Budapest Public Work Council, created in 1870 along the lines of the English Metropolitan Board of Works, was charged with helping in the development of the newly-created Budapest, which had been formed by uniting the three towns of Buda, Pest and Obuda. The council was composed of 18 members, of whom half were appointed by the government and half by the city from among the elected members of the communal assemblies. The mission of the public work council was recorded in contemporary documents. It was to contribute to making Budapest “a really great city which, by its economic energy and renown, would attract tradesmen, shopkeepers, investors and nobility alike.” It was up to the council to decide what public work projects would be carried out: embanking the Danube, creating major thoroughfares, building the underground railway. The Act of 1868, setting up the public work council, enabled many of the capital city's major landmarks to be erected. Several bridges, the Parliament building, the fishermen's “bastion”, Heroes' Square were among the achievements of the public work policy.

After being abolished by the commune in 1919, the public work council was reinstated in 1920, but it never recovered its former vigour. Under the German occupation, it was again abolished. After the Liberation, it was once more revived to speed along the process of reconstruction. An Act dissolved the council yet again in 1948; its assets were transferred to the municipality of Budapest and its functions taken over by the City of Budapest's Directorate for Public Works.

After 1945

After the Second World War, the public work councils tried to impose three-year plans for the jobless through the introduction of a piece-work system. At the end of 1948, the government decided to

create a National Manpower Management Office whose tasks were to register the labour force, assess needs, ensure a degree of labour turnover and combat unemployment. The Office assumed all the manpower prerogatives of the previously competent bodies (ministries, unions, etc.), with the aim of offering compulsory employment to the unemployed in exchange for welfare assistance. This form of “public work” was abolished in 1949.

In March 1996, the government decided to re-establish a public work council to solve employment problems. The budget allocated to the work programme increased from HUF 1 billion in 1996 and HUF 4 billion in 1997 to HUF 5.7 billion in 1998³⁷. An estimated 60 000 people were involved in the programme from 1996 to 1998. In 1996, the subsidised projects were for the most part initiated by Ministries. They included forest plantation, flood prevention, the creation of industrial estates, and infrastructure development. Beginning in 1997, local land use councils and municipalities were in turn able to benefit from subsidies for public work projects.

The present state of “public work”

The change in government in 1998 led to important changes in the management of “public work”. Until then, the full “public work” procedure – tendering, selection, evaluation – had been the responsibility of the public work council, placed under the authority of the Ministry of Labour and composed of delegate representatives from all the Ministries (except Foreign Affairs), the Office for Ethnic and National Minorities, the national Authority for the Gypsy Minority, as well as management and labour representatives.

The public work council had in 1997 been granted a budget amounting to HUF 3.8 billion, to which may be added HUF 1.4 billion in internal funds owned by the applicants for subsidies, and HUF 2.4 billion of miscellaneous resources. In 1997, 30 per cent of the funds were allocated to municipalities or their public services, 27 per cent to departmental land use councils and 34 per cent to the different ministries.

The changes introduced in 1999 concerned chiefly the selection of projects. Selection is now carried out by seven regional public work “fora” which draw up a list of projects ranked by order of priority. The list is communicated to the Ministry for Social and Family Affairs, which has now become the supervisory Ministry. The fora group, at regional level, representatives of the Departmental land use councils, the Departmental chambers of economics, the gypsy authorities and the Departmental employment agencies. Management and labour are not represented. The national public work council has been abolished. The proportional weighting among the different regions is decided by the services of the Ministry for Social and Family Affairs. The overall budget envelope for 1999 will probably not exceed HUF 1.7 billion. It will be apportioned among the different regional employment agencies, these being responsible for managing the projects that have been chosen and duly notified in the Official Gazette, the official local bodies newsletter and a national newspaper.

The goal of the “public work” programme remains that of supplying an answer to long-term unemployment as it affects vulnerable segments of the population (youth, low- or unskilled persons, the gypsy minorities, etc.) and promoting projects of benefit to the public. Decree 49/1999 (III.26) lists the fields eligible for “public work” projects. They are the development and maintenance of rail and road networks, environmental protection, water resource projects, treatment of wastes, preparation for industrial estates, erection and renovation of public buildings, and improving gypsy living conditions. In 1997, 55 per cent of the projects chosen concerned water resource management, 16 per cent road maintenance and 10 per cent social services. The average duration of public work in 1998 was 6.1 months compared with 4.7 months in 1997. In 1999, as has been said, the budget for “public work” projects was HUF 1.7 billion, sharply down from previous years, and 6 200 persons should be involved.

The new government, in severely curtailing the “public work” budget, is calling the programme's existence itself into question. According to recent declarations by the Prime Minister, “public work” must in the future be regarded within the broader context of reviewing methods of unemployment compensation. This review is motivated by the need to make budget savings. Uncertainty over the fate

of the programme was palpable throughout the conduct of the case study, the description of which follows.

Strengthening Government-Citizen Connections within the Public Work Framework

Objectives

While strengthening government-citizen connections is not the primary goal of the “public work” programme, a careful examination reveals certain secondary objectives which, although unspectacular, are relevant to the process of strengthening government-citizen connections.

Granting aid

The civil servants interviewed at various levels of the Hungarian administration believe that the simple fact of offering a job, by means of the “public work” programme, to long-term unemployed suffering from multiple disadvantages is the be-all and end-all of their effort to strengthen their connections with citizens. Offering work, usually in the public interest, to the jobless not only provides them with a wage, it also involves them in government action aimed at the well-being of all.

Integration of marginalised groups

The different aspects of “public work”, besides preventing exclusion and its effects, give citizens living on the fringes of society a chance to improve their circumstances. The citizen who is a “public worker” is concerned in projects initiated by the different organs of government (Ministries, deconcentrated services, municipalities, etc.). These may be programmes for repairing the accommodation of out-of-work gypsies, building or renovating premises for community social services (e.g. dispensaries or schools), or more ambitious schemes with an ecological purpose such as reforestation, canal maintenance or establishing centres for sorting reusable wastes. In this way, the “public worker” plays a part in improving the environment.

Integration of the gypsy minority

The projects specifically aimed at the gypsy minority have more precise goals. They are intended to use work as a means for integrating members of this minority into society and furthering their socialisation by letting them work alongside other gypsies and Hungarians.

Raising awareness among elected officials

These specific projects are drawn up in collaboration with the minority’s local and national elected authorities. The programmes thereby help in developing the sense of responsibility of these officeholders.

Altering attitudes

In a country where only ten years ago unemployment was regarded as a form of deviancy punishable by law, the “public work” programme enables the central government to show citizens, whether unemployed or not, that it is doing something to fight the disease. The “public work” programme is presented as a means by which the jobless concerned can temporarily escape their condition as people living on aid and recover their full status as citizens – involved moreover in projects of public interest.

Closeness between the citizen and government

The local levels of government, be they deconcentrated or decentralised, are probably the ones which most strongly feel the need to strengthen connections with citizens in the “public work” field. The deconcentrated management of the “public work” programme and the rules governing the preparation

of projects require consultation among the different local protagonists (deconcentrated state services, officeholders, foundations, associations, ethnic and gypsy minority authorities). They thus join in the goal of meeting the needs of citizens affected by unemployment, at the most local level, with the background objective of pursuing an energetic land use policy capable of benefiting economically blighted areas.

Raising citizen awareness of the public interest

On another level, the “public work” programme is a weapon in the fight against black labour and the grey economy. Both of these pose a threat to national growth. The various levels of the administration view this as a priority task of which the citizen must be made conscious and with which he must be associated.

Examples from the field of “public work”

Most of the examples given here were observed during the provincial leg of the study tour conducted in the Department of Szabolcs-Szatmár-Bereg. This department, with 38 000 registered unemployed (18.8 per cent of the economically active population), is one of the hardest-hit victims of unemployment, especially long-term unemployment. The department is very rural in character, sorely lacking in infrastructure and hard to reach by road or rail. Tucked at the borders with the Slovak Republic, Ukraine and Romania, its economy has been traditionally Eastward-oriented. It has the second largest gypsy community – 13 per cent of the population – of any department.

The “public work” programme in the Department involved 5 500 persons in 1998 and disposed of a budget amounting to HUF 1.4 billion. Under the new system of regionalised programmes, Szabolcs-Szatmár-Bereg has been united with two East Hungarian Departments to make up a region which will receive only HUF 350 million in 1999 for “public work”.

Refurbishment of accommodation

Of the “public work” projects decided upon in the Department in recent years, the refurbishing of unemployed persons’ homes is certainly one of the most original. The work site visited during the study tour was a social housing estate occupied by gypsies. The project, superintended by a contractor working to the Mayor’s office, provided work for about a hundred unemployed in 1998. It involves them in doing up both their own flats and the communal facilities. These little-skilled or unskilled unemployed persons are supervised by qualified tradesmen. There is a plan for the estate’s inhabitants to build a “house of culture” as part of the “public work” project. The idea is to create a place where people can meet, especially gypsy women. Although the women are for the moment excluded from the project, they are an indispensable factor in any policy designed for integrating the gypsy community. Representatives of the local gypsy authority were associated with the project from its outset. They assist in the selection of applicants and the monitoring of the programme. As essential partners of the government, they alone can guarantee the operation’s success.

This programme is a good example of citizen involvement, through representation, in the development and management of projects that are of personal interest. More details on a concrete example of the involvement of gypsies in public work are given in the box below.

Waterway maintenance and flood prevention

In the department, the first employer to use “public workers” was the Regional Water Directorate. About 1 800 unemployed were given work in 1998 to perform maintenance on 78 000 km of canals and 300 km of river. Most of them were poorly skilled workers employed for heavy manual labour such as scouring canals, creating artificial lakes and repairing the buildings owned by the Regional Water Directorate. It will be remembered that the “public work” system has a tradition going back for more than a century – it was introduced around 1870 in the early days of the monarchy to redevelop flood-prone areas and provide seasonal work for people who might have been tempted to emigrate. The project

Box 43. Participation in preparing and managing a renovation project in Nyiregyhaza

In 1998, the town of Nyiregyhaza initiated a project for refurbishing two social housing estates occupied by gypsies, most of them unemployed. The project involved not only renovating living quarters (33 very run-down flats out of the 232 flats in the two estates were completely refitted) and communal facilities (stairwells, cellars, attics, roofing) but also building hitherto lacking infrastructure (footpaths, tar-sealing of roadways, extension of the public transport system).

Living conditions were improved, charges were lowered and tenants were made to feel more responsible by the installation of water meters, and new windows and doors. The renovations were accompanied by the necessary sanitation measures (rat and insect eradication, for example).

The Nyiregyhaza gypsy authority took part in the project's preparation. The authority also selected the unemployed people to do the work and acted as intermediary between the municipal services, the tradesmen supervising the work and the gypsy community members engaged in the project. The town of Nyiregyhaza has filed a new "public work" application for the years 1999-2000 in order to complete the renovation work already started and build the "house of culture" which the town still lacks.

drawn up by the Regional Water Directorate is heir to this tradition, except that its purpose now is to protect the ecosystem. The floods experienced by the region during the 1998-99 winter prove how important it is to maintain the canals and waterways.

This public benefit programme makes it possible to involve the unemployed in projects for improving their environment and allows them, by the same token, to participate in their region's economic development.

The natural environment

The projects that probably make the strongest impression on an outside observer are the ones connected with forestry. In this rather impoverished rural region, with its sandy soil, reforestation has both an economic and an ecological purpose. At issue are the creation of an environment congenial to the development of forest-related activities (tourism, hunting, timber industry) and, concomitantly, the protection of a tenuously balanced and long-neglected ecosystem. The projects have the merit of associating a multitude of local stakeholder groups: deconcentrated employment services, officeholders, unions of timber producers, tourism operators, regional development associations, and ordinary citizens who need to be made environmentally-conscious. The projects have the further advantage of concerning a poorly skilled population; the necessary know-how can be acquired very quickly.

This programme, unlike the one described previously, can concern citizens other than those out of work. An information campaign is being conducted among the owners of small parcels of non-productive land close to the new tree plantations to induce them to take part in the reforestation projects.

Sorting of wastes

There are other "public work" projects worth particular mention in this case study on the strengthening of government-citizen connections. They have to do with the establishment and management by "public workers" of sites for collecting and sorting reusable wastes. In a country like Hungary where ecological awareness is relatively new, these kinds of experiments can help in raising citizens' awareness of the need for environmental protection and drawing them into the action undertaken.

The programme in question, while it employs some jobless persons, is interesting in that it occupies the whole of a village's population in an activity of public interest. A particular effort is made

to raise the consciousness of school pupils, who take an active part in the management of the waste-sorting sites.

These examples confirm the remark made earlier that government-citizen connections are supposedly strengthened by the mere fact of giving work to out-of-work people suffering from various disadvantages. There is little indeed in the “public work” programme detailing information, consultation and participation policies which the central government might pursue. The emergence of a concern for strengthening connections with citizens is to be observed above all in policies conducted at local level, whether by deconcentrated state services or by local bodies.

Stakeholder groups and tools

What is particularly striking in the policies for strengthening government-citizen connections conducted within the “public work” framework is the co-operation that springs up among the different protagonists. This is especially true at the local level by reason of the greater proximity that unites them.

From the moment when bodies interested in managing “public work” projects are invited to apply, the emphasis is laid on the role that the local gypsy minority authorities should play in the projects' preparation and running. Priority is also given to projects of interest to a number of local bodies. Similarly, the regional “public work” fora entrusted with the final selection of projects are composed of deconcentrated government representatives, local officeholders, the gypsy authorities and contractors from the Chamber of Trades.

The unions, which used to be members of the former national “public work” council, are not present in the new fora. The unions endorse the “public work” programme, however, to the extent that the jobs created do not replace other public sector jobs. They are also members of the Boards of Administration of such foundations as the National Foundation for Employment (OFA), which provides additional funds for the “public work” programme.

The associations are not very active partners of local government. The OFA, which is in fact a State foundation attached to the Ministry of Labour and run by a tripartite Board of Management representing the State, employers and labour, plays an all-important role in information. It is consulted before projects are launched and can provide them with supplementary aid. The associations, on the other hand, are far from dynamic at local level – to the point where local employment agencies have organised an enquiry to gain a better idea of what the associations want and involve them more closely in future.

The local employment agencies are, in fact, the relay stations for information coming from the Ministry for Social and Family Affairs. These deconcentrated structures enjoy considerable independence. Where the “public work” programme is concerned, they are key players to whom local bodies, applicant organisations and the unemployed must address themselves. The local employment agencies, along with the chosen organisations, select workers on the basis of a file prepared by their services.

The media, especially the local and national press, also play an important part in delivering information to citizens on the opportunities offered by the “public work” programme. The journalists interviewed spoke, however, of the indifference of the media towards these questions. Employment is not considered to be a “hot” subject. The only TV documentary to be produced on “public work” was aired well outside prime time and generated little audience reaction.

The academics contacted feel rather left out of the thinking being done on “public work” and on unemployment in general. They blame the government for not adopting a scientific approach to these matters and for the lack of coherence in the policies pursued.

Trends in policies for strengthening government-citizen connections in the field of “public work”

Budget uncertainties over the past year has damaged the image held not only by citizens but also by the deconcentrated services and the “public work” programme management organisations. The uncertainties weighing on the future of “public work” in Hungary are sapping the confidence of these different partners.

The deconcentrated services and local bodies counterbalance these uncertainties by their vitality and commitment on behalf of citizens afflicted by unemployment. Certain local bodies, reacting to the reduction in appropriations for the “public work” programme, have initiated their own programme. In the town of Nyirlugos, for example, gherkins have been planted on communal land, developed and equipped by local unemployed persons. Each family is responsible for cultivating a half-acre plot under an agreement concluded with the commune. At the end of the season, the commune pays the family a sum corresponding to the crop, which is sold to Swedish and Belgium companies under contract with the town council.

The most encouraging findings of the case study are, without any doubt, the drive and enthusiasm of these local officials anxious to meet citizen expectations regarding employment, and the professionalism of the local employment services which have an excellent knowledge of the labour market in their areas.

Conclusion

Observation of how government-citizen connections work in Hungary – in general as well as in the particular instance of “public work” chosen by the Hungarian authorities for the case study – sheds valuable light on the subject of the Public Management Service’s programme on “strengthening government-citizen relations” as it concerns a country in transition. In Hungary, representative democracy, probably owing to its recent introduction, has not yet suffered from the erosion experienced by the older democracies, where governments have had to develop more direct forms of government-citizen connection. Given this context, strengthening government-citizen connections is not at present viewed as a necessity, much less a priority, by either the central government or citizens themselves. Measures have been taken, however, to enable the citizen to assert his rights with regard to the government. The question of strengthening these connections sometimes arises in very practical fashion at local government level, when projects whose success depends very largely on citizen acceptance and participation are launched. In the OECD countries, where thinking about the quality of government-citizen connections is most advanced, the effort of reflection generally grew out of concrete experiments, especially in such areas as the provision of services or policy implementation. Be this as it may, a more ambitious plan for strengthening the citizen’s role in Hungary would today encounter certain country-specific obstacles which this paper has tried to describe.

Priority for establishing and consolidating representative democracy

Hungary had never before in its history experienced a system of representative democracy. The country has made it a priority to introduce and strengthen the institutions and procedures required by the system, particularly those that guarantee the citizen’s participation in public life through free elections. Praiseworthy efforts have been made in this direction by the three governments that have taken office since 1990.

For the citizen, the simple fact of being able to express themselves by the voice of representatives which have been freely elected is a revolution in comparison with previous situations. For the present, this essential step in the development of democracy seems enough to satisfy policy-makers and citizens alike. It allows citizens to express their political choices and, through his representative, maintain a connection with the spheres where decisions are taken. It is certain that the organisation of free elections has led to an improvement in the information provided to citizens, established communication with candidates for public office and opened the way, for citizens to directly participate in the management of public affairs. Only after this very considerable progress has been assimilated will new needs for strengthening government-citizen connections be able to find expression.

The legal framework for government-citizen relations exists

A number of important measures have been taken to ensure citizens’ rights with regard to the administration. Examples are the generalised institution in 1991 of legal redress against government

decisions and the creation of the office of Ombudsman. These measures increase the range of external controls over the administration. Through these new institutions the citizen can appeal against government action that he considers unlawful or wrong.

A system of government decentralised to local community level, brought in following the first municipal elections in 1990, has also helped in drawing the government closer to the citizen.

There is a strong need in some cases for closer government-citizen connections

Efforts made include the Act of 7 July 1993, providing for the election of gypsy authorities at local and national level. There is nothing surprising in the fact that several “public work” projects are chiefly aimed at gypsies when it is remembered that in some East Hungarian villages 90 per cent of the gypsy minority are jobless. It is now realised that integration of this minority requires that its members be involved, through their representatives, in the preparation and management of the programmes that concern them.

The various measures taken over the past ten years have helped in establishing and strengthening government-citizen connections in Hungary. But obstacles still lie in the way of a more goal-oriented policy if such a policy is attempted.

The force of habits inherited from the past

The biggest hurdle lies in changing ingrained habits both of government towards the citizen and the citizen towards government. It is a matter of striking a fine balance in which each of the parties is equally aware of its rights and duties towards the other. Today, it is difficult to establish relations of trust between an administration still often not very interested in developing a customer approach and citizens still unfamiliar with the workings of democracy and wary of voicing their wishes or criticisms, individually or through their representatives.

Lack of a real civil society capable of sustaining a relation with the government

The government needs to make an effort to enter into a dialogue with citizens. Citizens, for their part, need to participate more in the traditional representative structures, i.e. unions or associations, and thereby help in the emergence of a civil society – something that has never really existed in Hungary. Admittedly, the economic difficulties experienced by the country since 1989 have done little to foster the development of an influential middle class able by its very existence to form a civil society capable of engaging in dialogue with the government. In the “public work” field, it may be observed that connections between the central government and the citizen, as individual or as a group, are still in their infancy and show all the signs of inexperience. The unions are absent from the new regional “public work” fora entrusted with choosing projects, just as little heed is taken of scientific studies on employment policy issues. This does little to encourage involvement on the part of the social partners and academics, the traditional stakeholder groups, in the central government's deliberations.

Poor citizen motivation for public management

Another barrier lies in the difficulty in Hungary of awakening civic consciousness in a population mainly intent on improving its material well-being. Ten years after the coming of democracy, citizens are already deserting the polling booths. Hardly 53 per cent bothered to vote in the last parliamentary elections in 1998. This lack of interest is cause for concern, and will be remedied only if an effort is made to involve citizens more in the decision-making process. It is probably easier to do this at local level, for obvious reasons of proximity. Yet the central government should not on that account be exonerated from pursuing more systematic citizen information and consultation policies. In the field of “public work” for example, it is hard to feel that the central level – despite the fact that the government acts as the prime mover, especially as regards the budget – has a real information and communication strategy directed at citizens, whether they are beneficiaries of the programme or not.

Strengthening government-citizen connections is the subject of practical experiments at local level

The hopeful signs may be found rather at local level, whether deconcentrated or decentralised, where citizen information, consultation and even decision-making participation policies are being conducted with what resources can be mustered. This is true of the housing renovation work done by ordinary individuals and is more generally true of what is being done for the gypsy minority. Ten years after the establishment of a democratic system in Hungary, the country's local administrations are more and more coming to the view that the desires of citizens must be taken into account and that citizens must be associated with the framing and carrying out of policies.

Hungary's rural character works in favour of the emergence of territorial bodies that are human in scale and can practice locally-based management with the people under their jurisdiction. They take public decisions on matters of local interest and, as the case study on "public work" shows, have an important role to play in economic and social development. Strengthening citizen connections is probably not a primary local body objective, but it is often one means among others for successfully putting decisions into effect. Meanwhile, policies and practices may create or strengthen ties between local government and citizens. A project for refurbishing a dispensary or nursery school is more likely to succeed if it involves the population of the commune in its conception and execution.

For all the reasons given, the experiments outlined in this study may seem insignificant to readers hailing from countries with an old democratic tradition. But two factors should not be forgotten: one is the situation of Hungary, and of the other countries in transition, at the end of the previous régime; the other is the amount of ground that has been covered since then. This paper should be seen as an encouragement for a process – that is already under way – of connecting with the citizen.

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INFORMATION AND CONSULTATION IN THE FIELD OF SOCIAL HOUSING IN FRANCE

by Philippe Gustin and Clarisse Dubois

Executive Summary

The report examines how France approaches “government-citizen connections” – provision of information, consultation and active engagement of citizens – in public policy-making and includes a special focus on the role of information and consultation in the implementation of social policy.

The report begins by presenting the general background to government-citizen connections in France and their evolution. During the 1970s, the government advocated openness and treating the user as a partner while in the 1980s, the accent was laid on quality with the user being viewed as customer. Since the 1990s, the government has begun to stress the idea of the user-citizen, to whom both the political and the administrative spheres must respond. This new respect for the user-citizen signals an important shift in the concept of citizenship. This change in attitude has had several consequences, including the disappearance of the old cliché of the individual as slave to government, and a revival of government legitimacy. As a result, the relationship between government and citizens has become more than just a set of obligations and the provision of benefits. A “civic” relationship has come into existence, whereby the citizen is involved to a greater degree in government action. Such developments have also had an impact on the specific field of social housing. A brief chronology shows how this concept has evolved in the course of time in France. The case study begins by outlining the goals pursued by social housing policy in relation to the strengthening of government-citizen connections, and goes on to describe the action taken in this regard as well as the “tools” used by the different protagonists. The study is illustrated by concrete examples such as the National Habitat Council which is composed of all professionals in the habitat and property sector as well as wage earners’ unions, and also includes representatives of tenant organisations. The Council is consulted on all regulations concerning habitat issues. Under the 1998 Act on Fighting Exclusion, its make-up has been enlarged to include associations engaged in combating exclusion.

The fact that social housing policy impetus, design, setting of objectives and methods are a national matter has meant that the trend in France towards stronger government-citizen connections – especially the emphasis laid in the 1990s on the concept of the user-citizen – has quickly found expression in the production of social housing laws and regulations. Concern with the quality of government-citizen connections has gradually permeated social housing policy in step with the general shift in thinking about government action. Violence in the suburbs has starkly revealed the absence of dialogue or its poor quality. It has almost certainly hastened the realisation that improving dialogue would ensure greater success of policies for greater social cohesion.

A new Act on Solidarity and Urban Renewal (SUR) of 13 December 2000 introduces arrangements strengthening the involvement of residents and tenants’ associations and contributing to settling matters out of court. The Act also stipulates that consultation plans should also include financial and human resources to allow tenants’ representatives to carry out their duties.

The report concludes by noting France’s efforts to improve government-citizen connections at all levels, in social housing as in other fields and identifies its major point of strength as lying in the combination of political will at the central government level and innovative local experiments.

The case study was submitted to the Secretariat in 1999 and covers events up to that date.

Introduction

France, within the framework of the OECD Public Management Service's work on strengthening government-citizen relations, agreed to conduct a case study on citizen (whether individuals or groups) information, consultation and participation policies and practices in the field of social housing. The rioting and outbreaks of strife that recurrently trouble the suburbs of the main French cities are symptoms of how difficult it is to establish such connections between the administration and the public in this particularly sensitive area.

This paper recounts the observations and findings of an investigation carried out in France in June-July 1999. It draws on the interviews held with people from very different walks of life – central and local government officials, national and local officeholders, union and association representatives, and academics.

The paper is divided into three parts:

- The first presents the general background to government-citizen connections in France.
- The second gives an exact definition of the field chosen by France for the case study, i.e. social housing. A brief chronology shows how this concept has evolved in the course of time in France.
- The third deals with the case study itself. It begins by outlining the goals pursued by social housing policy in relation to the strengthening of government-citizen connections, and goes on to describe the action taken in this regard as well as the “tools” used by the different protagonists. The study is illustrated by concrete examples observed during the field phase of the assignment. The section concludes with an appraisal of the action observed by the consultants.

General Background to Government-Citizen Connections in France

In France, ordinary citizens have traditionally played one of three roles in their dealings with government and state. They can be citizen-voters, in which case the relation is a political one; they can be user-subjects, bound by administrative obligations (taxes, compulsory schooling, etc.); or they can be user-citizens of public services. Until quite recently, government habit was to adopt a provider's logic and largely ignore the user. Public services were defined one-sidedly and users were not regarded as individual persons.

Over the last 15 years or so, the French administration has shifted from a public service supplier type of thinking to one of demand for public services, with the implication that more attention should be paid to individual situations, and that the idea of commitment to service should replace the idea of obligation. The concept of the citizen and the public has superseded the notion of user. The government-citizen connections picture has been considerably modified by a spate of legislation, ranging from the Decree of 28 November 1983 on government-user relations to the bill currently being debated on the right to administrative information.

A gradual change began in the 1960s, with an increase in participation and the emergence of the user-actor. During the 1970s, the government advocated openness and treating the user as a partner. In the 1980s, the accent was laid on quality with the user being viewed as customer. Latterly, in the 1990s, the government has begun stressing the idea of the user-citizen, to whom both the political and the administrative spheres must address themselves. This new respect for the user-citizen has had a direct effect on the existing relation between the political and social worlds and signals an important shift in the concept of citizenship.

This change in attitude has had three tangible consequences:

- The disappearance of the old cliché of the individual as slave to government, and a revival of governmental legitimacy.
- The government-citizen relation has become more than a set of obligations and the provision of benefits. A “civic” relation has come into existence, whereby the citizen is involved in governmental action.

- The administrative system, on the other hand, has been destabilised by social unrest.

At all events, France has abandoned the historical and traditional model based on representation, which accepts only at a very advanced stage in the decision-making process opinions bereft of juridical value. Henceforth, consultation comes into play at a much earlier stage in the process – raising a certain number of problems of different types, for example:

Technical problems:

- How to define the citizen, the public, the occupant, in the case of social housing?
- How to deal with consultation? How to use it in the decision-making process?

More fundamental problems:

- How to foster participatory procedures?
- How to reconcile individual and collective demands?
- How to provide decisions with a different kind of legitimacy?
- What should be the relation between consultation and protest? If there is genuine consultation, can the same right to *post factum* legal protest be maintained?

All these various problems pertaining to the general issue of strengthened government-citizen relations are to be found in the field of social housing chosen by France as the subject of its case study.

Social Housing in France

Definition of social housing

It was decided, so as to have a clearer idea of whom to interview, to limit the case study to the rental social housing administered by the HLM (*habitations à loyer modéré* – “moderate rent accommodation”) services.

The HLM services occupy a commanding position in national building economics. They have constructed and they manage 3.9 million units of rental housing, i.e. over 41 per cent of all French rented accommodation. They provide homes for a quarter of the French population.

The National Union of HLM Federations groups five federations, namely the National Federation of HLM Offices (OPHLM and OPAC), the Federation of HLM Companies and Societies, the Federation of HLM Co-operatives, the Federation of the Housing Loan Companies of France, and the Federation of Regional HLM Societies.

For our purpose, we shall consider only the three major types of management services: the Offices – the Public Offices for Development and Construction (OPAC), the Public Offices for Moderate Rent Accommodation (OPHLM) – and the HLM Companies.

- The Public Offices for Development and Construction (OPAC) are public establishments with industrial and commercial status. They were founded by the Council of State Decree of 22 October 1973, transforming the existing Public HLM Offices. They are responsible for building and managing HLMs and are entitled to pursue the same activities as the Public HLM Offices (building restoration, provision of services, operations involving building subsidies).
- The Public Offices for Moderate Rent Accommodation (OPHLM) are public establishments with administrative status founded under the Act of 23 December 1912. They may be set up by Council of State Decree at the instigation of local bodies (department, commune, union of communes), and are run by a 15-member Board of Administration serving on a voluntary basis.
- The HLM Companies were instituted under the Act of 12 April 1906. They are governed by company law and the HLM regulations. Their creation depends on the private action of social agencies (Family Allowance Fund, Savings Fund) or of occupational groups wishing to lodge their employees. They carry out rental housing programmes for low-income groups, or home ownership schemes in conjunction with housing loan companies. They benefit from government loans on the same terms as the Public Offices.

Whereas the legislature defines the framework for social housing policy and the administration³⁸ sees to the policy's correct implementation, the HLM services remain the citizen-user-occupant's principal talking partner.

Chronology

France, in the aftermath of the Second World War, was faced with a housing crisis due in part to bombing (500 000 housing units destroyed, a million damaged) and in part to previous policy, which had failed to anticipate massive desertion of the countryside.

It was in the 1950s, in a context of economic modernisation and the ensuing changes in land use, that the State felt bound to intervene in the housing field. It did so primarily by supplying public funds for the construction of social housing.

In 1953, the introduction of a mandatory employer's contribution to the building effort (1 per cent of the wagebill – called the “housing 1 per cent” – for firms employing more than ten workers) supplied added resources for social housing construction. In 1954, the government, under pressure from public opinion following Abbé Pierre's campaign, launched a programme for building 12 000 new dwelling units to house homeless families or individuals in “emergency states”. The Enabling Act of 7 August 1957 attempted to frame a comprehensive housing policy by establishing a five-year HLM construction programme. Its target was to build 300 000 dwelling units per year.

The following period was characterised by the need to meet quantitative requirements. It was not until the 7th Plan (1976-1980) that emphasis was laid for the first time on the need to improve the quality of housing conditions. The government authorities, supported by the findings of the 1975 Barre-Nora Report, decided to direct their policy towards improving the quality of the existing housing supply. The Report acknowledged the success of the existing housing schemes, under which enough accommodation had been built to solve the problems of the 1950s, but criticised the social and economic efficiency of housing subsidies in the context of the 1970s.

The 1982 and 1983 decentralisation laws, in their clauses relating to housing, stipulated that “the communes, Departments and regions shall establish their habitat priorities within their respective spheres of competence.” The Act of 1983 provided for a Departmental Habitat Council to replace all previously existing commissions. The laws also gave communes the power to draw up a local habitat programme defining their priorities and, more especially, their action in favour of needy and inadequately housed persons.

New policies came to the fore in the 1990s, intended to secure the key principles underlying the public services and maintain the major socio-economic equilibria for which the State is responsible. Two Acts partly offset the effects of decentralisation.

- The “Besson Act”³⁹, aimed at instituting the right to housing, states as a principle in its Article One, “Guaranteeing the right to housing is a duty of solidarity incumbent upon the whole nation. Any person or family experiencing peculiar difficulties, in particular owing to inadequate resources or living conditions, shall be entitled to community aid, as provided under this Act, in order to accede to and remain in decent independent housing.” The Besson Act mandates the drawing up of a departmental action plan for lodging those most in need. The plan is devised and implemented by the prefect and the president of the general council, in conjunction with the local bodies, financial backers, Family Allowance Fund and humanitarian and welfare associations. It defines the categories of persons concerned, ascertains needs and sets the objectives to be attained per population zone. The plan is to be made public. It sets up a Housing Solidarity Fund, co-financed by the state and the department, to enable financial subsidies to be granted to persons in need.
- The Urban Framework Act of 1991⁴⁰ was aimed at ensuring a “right to the city” for all citizens. The Act required “local bodies to provide living and dwelling conditions which will foster social cohesion and enable conditions of segregation to be avoided.” The Act expressed a political concern, that of combating exclusion and the reflection of exclusion in terms of space. The gamble

underlying it was to counter the modern tendency towards urban area over-specialisation by imposing a blend of private and social housing in the larger cities.

Since 1995, new measures have been taken to strengthen the right to housing and “free up” the HLM supply. They include a solidarity rent surcharge, tax incentives for putting vacant inhabitable premises to use and the requisition of vacant institutionally-owned housing. These measures are supplemented by the current reform in the attribution of rental social accommodation.

Case Study

Legal framework and institutional structures

In the social housing field, the framework for government-citizen relations differs in accordance with the distinction between government services proper and the landlord agencies.

Connections between citizens and government services proper

Legislators have introduced structures intended to improve government-citizen relations in the social housing field. The Ministry of Housing is also trying, through circulars or implementing decrees, to make headway in this area.

The National Council on Cities, set up in 1988 at the same time as the Interministerial Urban Delegation, is a proposal-making body initially composed of local officeholders and state representatives. Since 1997, the state has withdrawn from this body and left its place to representatives of town-dwellers. They hold 15 seats, the other 20 being occupied by the officeholders. The Council's brief is to help in reshaping urban policy by, in particular, promoting citizen involvement in decision-making.

The National Habitat Council is composed of all professionals in the habitat and property sector as well as wage-earners' unions, and also includes representatives of tenant organisations. The Council is consulted on all regulations concerning habitat issues. Under the Act on Fighting Exclusion, its make-up has been enlarged to include associations engaged in combating exclusion. At the departmental level, the Departmental Habitat Councils have limited attributions and do not act as a forum for discussion.

The 1998 Framework Act on Fighting Exclusion⁴¹, in the Section dealing with housing, states that “the possibility open to each individual to live in decent accommodation constitutes an objective with Constitutional value.” Among the more important measures for strengthening government-citizen connections taken in pursuance of the Act may be mentioned the creation of a system for preventing eviction for arrears of rent and, more especially, a reform in the method of allocating social housing. Its aim is to make the allocation rules more transparent and ensure equal opportunity of access to social housing. The reform includes:

- A section specially devoted to people in dire need. Collective agreements (departmental and local) are planned for handling the different aspects – the social aspect in particular – involved in coping with these groups.
- A more general section stressing the need for transparency and respect for individual rights in the allocation procedure.

Practically speaking, the reform, which is being tested in ten departments, should by the end of 1999 lead to:

- The attribution of a single Departmental number to each social housing applicant.⁴²
- Advance notice of the striking off of an application.
- The right to a reasoned explanation in the case of refusal.
- The right to priority treatment in the case of “abnormal” delay.
- The right to check on the progress of an application.

- Institution of a conciliation Board representing the Prefect, the landlords, and housing rights associations.

The Prime Minister, in a Circular addressed to the Prefects in 1998⁴³ on the subject of Town Contracts (concluded between the state and local bodies) for the period 2000-2006, issued the following reminder in an Article 8 devoted to citizen participation:

Participation by the population, which lies at the heart of urban policy, must reach new heights when the next Town Contracts are being prepared. Greater involvement is essential to the success of the Contracts. In particular, steps should be taken to allow the population to have a say, before projects are shaped, on action plan priorities where their everyday living environment is concerned. The population should also be associated with the planning, carrying out and ongoing evaluation of any action decided upon by the Town Contract partners. From 1999 on, strong support should therefore be given to initiatives promoting the practice of citizenship, user participation in the operation of public services, participatory management procedures and action encouraging town dwellers to speak out and express themselves collectively. Promoting citizen participation, especially among the young, requires the ability to listen, take note of the concerns voiced, and provide practical solutions wherever possible. Citizen participation thus engages the credibility of our institutions' capacity to deal effectively with the things that matter most to people. The services of the State must make every effort in this regard.

The framework for citizen-landlord relations

The Building and Housing Code⁴⁴ defines the relations between the HLM services and housing beneficiaries. The first chapter defines the terms for allocating housing and charges the Prefect, after obtaining the opinion of the Departmental Habitat Council, with drafting a departmental regulation stating how the priority rules will be applied. Title 6 of volume 4 deals with advisory bodies, especially the HLM Higher Council working with the Minister of Housing, which advises on all HLM matters and draws up an annual report on its own activities, those of the Departmental Habitat Councils and those of the HLM services. The HLM Higher Council does not include any user representatives among its members.

Landlord-tenant relations are a matter for private law. Prior to the Quillot Act of 1982, there were no specific statutes governing the tenancy relation between proprietors and rent-payers. A fairly reasonable balance for both sides was struck with the Mermaz Act of 1989, which replaced the Mehaignerie Act of 1986, which had itself amended the Quillot Act. There are, in fact, fewer disputes in the HLM accommodation pool than in the private one. The reasons for this are a wider recourse to conciliation, and the heavy bond of dependence tying tenants to the HLM Office, which makes them less willing to express their grievances.

The Mermaz Act, moreover, provides for tenant representation on the HLM Office Boards of Administration. The Boards have 15 members – five represent the local body, five are designated by the Prefect, three are elected by the tenants, one represents the Family Allowance Fund and one the “housing 1 per cent”. The Chairman of the Board must be a local body representative, usually the Mayor or his Deputy for Housing. The tenant representatives are elected once every three years by householders who have signed a rental contract. The elected members, who serve on a voluntary basis, have voting rights. Those who are not EU nationals are allowed to vote in the election of members.

In 26 departments out of 100, and two regions out of 22, a joint HLM service-tenant commission has been set up. Its task is to inform, negotiate (e.g. on situation reports, or renovations) and settle disputes by conciliation (three disputes out of four are settled). Where no local joint commission exists, its role is exercised by the national-level joint commission. The Mermaz Act further provides that landlords may, at HLM Office level in the field, propose the conclusion of agreements with tenants on such matters as the upgrading of alterations or the installation of door codes.

The 1992 “Lienemann Circular”⁴⁵, repealed and replaced in 1993 by the “Charette Circular”⁴⁶, makes it compulsory for the Offices to consult tenants on building renovation projects that receive State funding. Associations must be supplied with full and accurate information at each stage in the development of the project: detailed account of the work envisaged, estimated costs, timetable,

financing scheme, possible impact on rents. The Circulars set the terms under which a project may be accepted or rejected by the tenants. If at least one tenant association agrees to the project, it will be adopted unless more than half the tenants notify their opposition within the following month. Consultations with the associations cannot be regarded as a substitute for the information to which each individual tenant is entitled. All applications for subsidies must contain a note describing the various stages and methods of consultation as well as the associations' positions on the work to be undertaken. This is a necessary prior condition for the granting of subsidies.

The bill on town planning, habitat and transportation currently being drafted will attempt to introduce consultation arrangements that ensure closer contact with the population. At present, a National Consultation Commission offers its opinion on legislation and tenancy relations, but its recommendations are often out of step with reality. The new Bill, largely based on a Report submitted by the Chairman of the National Consultation Commission will probably provide for new fora for consultation and discussion at housing estate, or even apartment block, level. The difficulty here is not to mix up individual complaints and collective demands. The Union of HLM Organisations, which has no desire to see a proliferation of contractual relations, is lukewarm towards this project.

Action on behalf of citizen information, consultation and participation

Citizen information runs into difficulties inherent in the field studied

The trio “information, consultation, participation” guides all the OECD’s research work on strengthening government-citizen connections. When it is applied to the subject of French social housing, it is evident that, of the three, the citizen information phase is the most awkward one to put into effect. While many structures are prepared to dispense information, genuine access to it remains a problem owing mainly to the nature of the population concerned.

Information structures differ according to the kind of demand

People in need of social housing generally apply to the town hall and only rarely to the HLM organisations. This is the first source of difficulty. Which town hall to choose, and how to find the right person to speak to? Homeless persons, for example, who are not registered in any municipality (although the new Act on Fighting Exclusion intends to remedy this omission by deciding the attribution of a “place of residence” to homeless persons) or those wanting to settle in a commune other than that of current residence find that they have no one to talk to – since apparently local worthies practice a highly unofficial form of selection, giving preference to people who have lived for a long time in the municipality. A sharp distinction between two groups emerges here: people aspiring to social housing, and people already occupying social housing. The first group has trouble obtaining information, while the second group finds a talking partner more easily.

Access to information is certainly less of a problem for occupants. They usually address themselves first to the HLM Office. Yet the rate of satisfaction with the information supplied at this stage is relatively low. The next step therefore, even if landlord-tenant differences are a matter for private law, is to seek information from the Ministry of Housing’s Directorate-General for Building, Habitat and Town Planning (DGHUC). The DGHUC has a telephone and telematics service for this purpose (“Housing Information Unit” in liaison with the National Agency for Information on Housing – ANIL, presented later). The Unit’s goal is to make the housing regulations in force more readily available to private citizens. It is not therefore specifically concerned with rented social housing. The Unit’s activity report moreover shows that a majority of questions (62 per cent, according to the 1997 report) concern private accommodation, and only a fairly small minority (19 per cent, according to the same source) the HLM sector. The HLM information sought is mostly of two kinds: details on how super-rent is calculated, and urgent requests for Ministry intervention in the attribution of HLM accommodation.

There is another structure capable of providing information on housing. The network of the National Agency for Information on Housing (ANIL) and the Departmental Agencies for Information on Housing (ADIL), supported by the Ministry in charge of housing, offers private citizens full and free advice on all

housing problems – legal, financial and fiscal. This network is, again, not exclusively devoted to rented social housing. It nevertheless directs some of its action towards social housing problems. The 1998 activity report stresses, for example, that, following the passage of the Act on Fighting Exclusion, “the ANIL made a special effort in the direction of the ADILs and its partners to inform them of the often highly technical provisions of the Act’s housing clauses.”

Obstacles to providing information

Although the structures for supplying information are in place, it should not be assumed that the citizen information system is complete. The circulation of information in this area is confronted with a serious problem. Because of the difficulties pertaining to the population at issue, the demand and supply of information on social housing rights and obligations are inferior to their real potential. Very often, the people most in need of plentiful amounts of information do not know to whom to turn, or they feel completely helpless faced with a mountain of bureaucratic formalities. The ANIL points out, for example, that its requirement of arranging an appointment for obtaining information paralyses the population most in difficulty. Many of these people are incapable of making such an appointment. To remedy this, the ADILs are testing an “open hours” system without appointment.

Publicising their existence is also a far from easy task for these citizen information structures. They have a genuine self-advertising problem. It is a subject where communication concerns only a limited number of households, so that the spreading of information on a wide scale is not justified. In any case, widely broadcast information would probably not reach the populations most liable to be interested, given the extent to which they are cut off from the media.

Communication on social housing rights and obligations, while not conducted on a large scale, has two salient features. It tends to be *ad hoc*, and is usually ensured by the network of field workers. The *ad hoc* provision of information may be illustrated by the visible effort made to let people in danger of eviction proceedings know what their rights are. In 1997, a charter was signed with the bailiffs, who promised to tell people threatened with eviction of the existence of the Housing Solidarity Fund (FSL). This does not solve, however, the problem of making legal papers intelligible to the people in question. Bailiffs are therefore asked to enclose “alerting documents” (explanation of rights) with the summons to pay and the summons to evacuate the premises. The task of disseminating information in the field is carried out by associations and social workers. A guide for the use of social workers has been distributed to this end. Strengthened connections in the field are reflected in the spread of decentralised agencies and of jobs such as caretaking, security patrolling and social counselling (heading off rental defaults, advising families on how to manage their finances, etc.). The result in the field is a growing number of reception centres and methods of approaching people. This promising trend is not, however, accompanied by much in the way of co-ordination.

The real obstacle hampering the proper dissemination of information is almost certainly lack of knowledge concerning the target population. This is why the Act on Fighting Exclusion lays stress on methods for analysing this population. Knowledge of the public concerned would seem essential if the right information is to be delivered to the people who need it and whose difficulties hinder them from obtaining it in the normal way.

Inequality between partners and difficulty in identifying the public interest

The consultation process is strongly marked by the inequality between those on either side of the table. Occupants or people in search of social housing are, on account of their dependent position, at a disadvantage when it comes to dialogue. While efforts are being made to set up joint (landlord-tenant) conciliation and consultation bodies, tenant dissatisfaction remains high. A genuine recognition of needs on the part of the contractors who construct the housing or the landlords who own it does not appear to rank high on their priority list, owing to their dominant position with regard to their users or potential users. The conditions for debate are therefore loaded in such a way that democratic discussion cannot take place. It seems that the provision of housing neither satisfies nor changes to meet needs on account of a poor knowledge of and, worse, a scant regard for those needs. This may be explained in part

by the monopoly exercised by the social housing providers. It is difficult under these conditions for the government to consult the public correctly on the subjects of housing conception and occupancy.

Another major obstacle impeding real consultation is that the people consulted often express their personal and pressing wishes or interests. This makes it difficult to ascertain what the collective interest is or to take a long-term view. The impossibility of discerning the general interest at the end of a consultation prevents any valid discussion on broader issues to do with a building or its surroundings.

Varied but poorly co-ordinated forms of consultation

Certain forms of consultation and certain experiments are nevertheless worth mentioning. The “Lienemann Circular”, in referring to renovation, makes consultation mandatory where the renovation entails State subsidies. There is an effort being made to extend consultation, whatever mode of financing renovation is chosen. Consultation is practically non-existent, however, where demolition and construction are concerned, since nothing in law requires it, and the development of a neighbourhood's social life is hardly considered.

Various bodies perform effectively as fora for consultation. At national level, the National Commission for Consultation (CNC), which is a bipartite commission of landlords and tenants, allows for consultation with a fairly broad panel of citizens on matters to do with landlord-tenant relations. It helps in the preparation of collective agreements. Discussions in the Commission may be initiated at the government's behest.

Another consultation body, the National Habitat Council (CNH) was created in 1983. In addition to the representatives of various professions, it includes representatives of tenants, landlords and, since 1999 (by virtue of the Act on Fighting Exclusion), anti-exclusion associations. It is consulted on developments in housing law. It is an essential consulting tool in the drafting of legal texts; it pronounces an opinion on them either at the request of the government or upon the initiative of the Council's President. At the departmental level, the Departmental Habitat Councils (CDH) are consultation bodies that draw up an annual report. There would seem to be a need, however, for enhancing their role.

Many of the people interviewed stressed the need for establishing more decentralised places for consultation, closer to the occupants' problems. HLM services could, for example, be required to draw up a consultation blueprint for apportioning the housing supply or, through “landlord-tenant councils”, discussing any other matter relevant to social housing. An interesting venture, the Joint HLM-Resident Commissions, is now in place in 26 departments out of 100, and two regions out of 22. They are fora where representatives of the HLM services and of a department or region's residents' associations meet on a continuing basis. They perform three main functions: mutual information, consultation on all sorts of matters (situation reports, renovations, etc.) in connection with Regional or Departmental agreements, and dispute settlement through conciliation. As to the latter, where no joint commission exists at regional level, the National Joint Commission may step in.

At local level, a variety of steps in favour of citizen consultation have been taken. In the commune of Moissy-Cramayel (Seine-et-Marne), for example, the administration of the commune's different neighbourhoods has done its best to incorporate the notion of “participatory democracy”. The redevelopment of a new neighbourhood, for example, was preceded by a telephone consultation of the population. Each of the existing neighbourhoods in the commune has its “neighbourhood group”, in line with the municipality's idea of building a community founded on both a neighbourhood basis and on close relations among not only officeholders and population but also among the commune-dwellers themselves.

Another example of a citizen consultation scheme is the programme called “Resident Initiatives” developed by the Town and Neighbourhood GIE (Economic Interest Group, linking the Deposit and Consignment Office – *Caisse des Dépôts et Consignations* – with the National Union of HLM Federations). The scheme is aimed at involving residents in the management of their everyday residential concerns, and at improving the governance of the HLM and public services. It thereby seeks to ensure that the running of HLM services will include greater recognition of residents' opinions. It will be tried out in eight

specific places where HLM services, local officeholders, residents and professionals will test new approaches.

Box 44. **How the Moissy-Cramayel “neighbourhood groups” operate**

An original form of organisation...

The neighbourhood groups are gatherings of residents organised by “referring aldermen”, a deputy Mayor and a town councillor who live in the neighbourhood. They are assisted by a team of professionals, all of whom have a function in the town. Three neighbourhood “houses” host the groups for their monthly meetings. The neighbourhood house directors, employed as development officers, attend along with the neighbourhood groups and act as intermediaries between the residents and the technical or public services. They also help in the dissemination of information, their task being to stimulate the residents’ involvement. A “citizenship” delegate, under the administrative supervision of the neighbourhood co-ordinator and the political direction of the councillor responsible for citizenship issues, is in charge of promoting the scheme from the point of view of communication, evaluation, training and the follow-up given to the solutions found for the residents’ comments.

...to allow resident participation

Participatory democracy is viewed here as a triangle whose points are the town councillors, the services and the residents. Together they take part in preparing a decision, carrying it out, following it up and evaluating their action. This allocation of tasks implicitly recognises that residents have a non-formal power to initiate action. The services possess the technical capacity for supporting the residents’ initiatives. The councillors draft the decisions, have the authority to say yes or no and are required to explain constraints and choices.

Limits of the experiment

Little by little, the neighbourhood groups have become more organised and professional. A training scheme has been instituted for councillors, residents and services. This professionalisation obliges residents to rise above “parochial” quibbling. In the case of major projects (building of swimming-baths, cycle lanes, important road works, etc.), however, residents are not always consulted and may even be under-informed. Since the commune is not alone in launching major projects, it sometimes has trouble convincing its partners of the wisdom of associating residents with them.

Lastly, the introduction of “neighbourhood approaches” in the urban district of Saint-Denis further illustrates the type of action that can lead to better consultation. Twelve neighbourhoods on the commune’s territory were selected. In each one, a deputy mayor, a directorate-general representative and a supervising officer are responsible for managing the neighbourhood’s day-to-day affairs. Residents are able to have their say in advisory committees called “neighbourhood approach assemblies” which provide support for this management. The “neighbourhood approach” structure allows various forms of exchange and dialogue to develop at neighbourhood level – theme-based meetings attended by all those interested, annual get-together with councillors to review the year’s work, visits by the mayor to meet as many people as possible in the field, monthly meetings with an agenda suggested by the councillor or residents for tackling issues connected with life in the neighbourhood, formation of project groups of volunteer residents to give citizens a more sustained role in project development. The value of these initiatives lies in the horizontal implication of the different sectors partaking in the life of the neighbourhood and the way they allow the various parties concerned by the neighbourhood (residents, municipal or public service professionals, social funding agencies, etc.) to express their points of view.

These promising local experiments are confronted with two barriers, however. One is the difficulty in reaching certain disadvantaged segments of the population and hence in attaining balanced representation among the public consulted; the other is poor co-ordination, if only in conveying news of the experiments to other places which could draw inspiration from them.

Active citizen participation through associations

Active citizen participation in the developing of rented social housing policies takes place primarily by way of associations. Not only do tenant associations enable residents to become involved in designing and crafting social housing policies, but charitable societies give citizens in the broader sense (i.e. not necessarily the occupants of social housing only) an opportunity to play their part.

User involvement through tenant associations

Tenant associations are the primary instrument by which the citizen-user can actively participate in rented social housing policies. They are indeed the official channel for voicing tenant grievances, and for co-operating with funding agencies and the government.

They play an active role at national level. They have seats on the National Habitat Council and the National Consultation Commission. This enables users, through their representatives, to take a direct part in the drafting of measures of concern to them. Tenant associations are also represented on the Boards of Administration of the HLM services. They have a truly active part to play on the Boards since they have not only advisory but also voting rights. The associations offer housing occupants the possibility of participating at local level. In the field, the associations do their best to keep tenants informed, give them advice, verify charges, etc.

The associations nevertheless run up against certain limits in exercising their functions. They suffer in the first place from their members' lack of experience. For the most part, members are retirees, housewives or out-of-work persons. They are expected to carry out tasks requiring technical expertise without having any particular training in the matter. The associations also have to cope with the problem of remunerating tenant representatives for the work they do. There is a feeling at present that the level of remuneration needs to be raised. Neither of these problems (the need to upgrade teams and improve emoluments) are of easy solution. The associations' slim budgets prevent them from being really active in the field.

The tenant associations are furthermore crippled by their low level of representativity. This reflects adversely on their legitimacy. Their membership is small (the membership rate runs at about 10 per cent), and voter turnout in the elections for designating HLM tenant representatives is very low (25 to 30 per cent on average, according to the source of information). This induces an illusion of representation, without any real participation, and can give rise to the formation of élitist tenant movements. Certain categories of the resident population do not "go along" with the chosen method of representation. This is the case, notably, with young people. They would participate more eagerly by becoming involved in an association than by casting a vote. It may be wondered whether this form of representative democracy should not, at least in this case, be challenged and replaced by a more direct – and hence more participatory – form of democracy calling upon the residents themselves. In other words, should not the modes of representation and participation be diversified and decentralised more, in order to "rope in" a greater number of users?

There have been certain local ventures in this direction, such as the "Neighbourhood Authorities". These are associations grouping local bodies, social housing providers and residents for the purpose of involving inhabitants in distress in the management of their environment and co-producing services. The "Neighbourhood Authority" is thus presented as an organisation whose goal is "to contribute to the building of urban citizenship, by re-cementing social bonds in the neighbourhood, creating novel kinds of activity there and inventing new methods of democracy".

Another example of a scheme for obtaining more active resident participation is the "local urban management" project worked out by the DGUHC, the Interministerial Delegation for Cities (DIV) and the National Union of HLM Federations (UNFOHLM). Its aim is to co-ordinate the different protagonists in the field for the purpose of running day-to-day affairs. Co-ordinating the activities of *entreprises d'insertion*⁴⁷, public services and people benefiting from the youth job scheme should – through consultation on projects and their implementation, management with resident participation and support for new ventures – enable urban governance to rhyme with user involvement.

Box 45. **Creation of a Full Laundry Service by the Commune of Romans Neighbourhood Authority**

Goals

The creation of a pressing-shop (October 1995) followed by a laundry (August 1997) meets several objectives – create jobs for women, foster the revival of service activities in the neighbourhood and develop a friendly place for meeting together.

Funding

The Neighbourhood Authority was aided in setting up this project by the Municipality and the General Council. It received investment subsidies from the Deposit and Consignment Office, the *Générale des Eaux* Foundation and the *Crédit Mutuel*. At present, the activity is financed by user participation and subsidies linked to the different sorts of work contract.

Results

Users are provided with a full laundry service, since a dry-cleaning depot is also planned. The laundry has become a place for meeting and exchanging news. The service, by attracting a clientele from outside, has opened up the neighbourhood.

Source: Info-réseau, news bulletin of the National Neighbourhood Authority Liaison Committee, No. 14, June-July-August 1998.

Associations with a social purpose, or citizen involvement

The user is not the only one to take an active part in the implementation of rented social housing policies and perform work in the field. Citizens in the broad sense of the term can decide to play an active role by joining associations other than tenant associations. Militant citizens, whether a user or not, may play an active role in the decision-making process in this field. Either through associations with a social purpose, in fields like defending the right to housing and fighting against exclusion, or through associations (called “environmental defence” associations) opposed to the erection of social housing in their part of town.

As regards participation in the decision-making process, the role of the National Habitat Council has already been underlined. This institution allows the associations to play a genuinely active part in taking decisions.

The associations’ action in the field takes a multitude of forms. It can, for example, take the shape of helping residents to obtain information. Another example of the associations’ work is provided by the Property Agencies with an Economic and Social Purpose (AIVS). These were established to provide underprivileged people with an alternative channel for acquiring housing. The Agencies, which belong to a network of associative operators, rent social housing and then sublet it to disadvantaged persons. The success of the experiment calls for some remarks, however. The system appears to have fostered the emergence of a media-publicised circuit for selecting subletting beneficiaries according to unspoken standards (family structure, behaviour, solvency, etc.). The associations perform this selection partly because they stand as guarantors for sub-tenants, and hence assume a certain financial risk where they are concerned, and partly to inspire confidence. The result can be the shutting-out of part of the home-seeking population and the *de facto* creation of a class of “sub-citizens”.

All the same, and despite any reservations which may be expressed, the associative approach remains the path of choice for citizens wanting to make themselves heard and take part in the framing and implementation of social housing policies. It is moreover the indispensable tool for achieving greater decentralisation of action and genuinely direct citizen participation.

Conclusion

Recent riots in certain suburban high-rise housing estates and the difficulties met with by the authorities and local councils in their everyday management have helped to keep the social housing question in the news in France. For 20 years or more, the problem had merely been to build enough rental housing to satisfy the heavy demand. Since the late 1970s, matters have become more complex. Today, the management of this housing, along with its improvement and the integration of the housing and its occupants into the fabric of the city, adds to the problem of construction. The 3.9 million rental housing units administered by the HLM services do not all pose the same problems. This case study attempts to bear that variety in mind, although the suburban apartment building estates remain the emblem of these problems and their solutions. They exemplify in a particularly vivid way the difficulties confronting government-citizen relations, just as they provide an excellent laboratory for experiments aimed at improving those relations.

Social housing policy is distinguished by tight national-level control and an abundance of regulations

In the 1950s, the urgent need for a comprehensive post-war national housing policy, the then much more centralised structure of the administration, and the French legal tradition, which attaches great importance to legal norms, all left their imprint on the social housing policy framework. The unflagging interest in the subject shown by politicians of all parties when in office also helped to keep it alive as a national policy issue – notwithstanding the powers transferred to local authorities by decentralisation – and was responsible for a sustained production of legal texts (acts, decrees, circulars). The habit of building social housing policy reforms on top of previous reforms has produced a “sedimentation” of successive laws and institutional structures, with a corresponding effect on the circuits by which decisions are taken. Where the strengthening of government-citizen connections is concerned, this situation has its advantages and its drawbacks.

Awareness of the need include citizens when setting objectives for social housing policy

The fact that social housing policy impetus, design, setting of objectives and methods are a national matter has meant that the trend in France towards stronger government-citizen connections – especially the emphasis laid in the 1990s on the concept of the citizen-user – has quickly found expression in the output of social housing laws and regulations. Concern with the quality of government-citizen connections, initially lacking because of the then-prevailing all-powerfulness of the government, has gradually permeated social housing policy in step with the general shift in thinking about government action. The violence in the suburbs has glaringly revealed such things as the absence of dialogue or its paltry quality. It has almost certainly hastened the realisation that improving dialogue would be a helping factor in the success of policies aimed at greater social cohesion and less segregation. The closer involvement of residents in Town Contracts, recommended in the Prime Minister's Circular of 31 December 1998, and the consulting of tenants over building renovation projects, introduced in the early 1990s, are good examples of the attention being given to modernising the formulation of policy themes.

Citizen relations are made difficult in practice by the multitude of regulations and administrative bodies...

The list of structures directly responsible for social housing is particularly long – Private Office of the Minister of Housing, Ministry of Housing's Directorate-General for Building, Habitat and Town Planning, Interministerial Urban Delegation, National Union of HLM Federations, National Council on Cities, National Habitat Council, deconcentrated services (Departmental Directorates for Works), Municipal services. The explanation lies to a large extent in a proliferation and stratification of the legal provisions relating to the subject. As a consequence, the theoretically proclaimed strengthening of government-citizen relations is difficult to achieve in practice. It is far from easy for the citizen merely to know to whom he must apply to solve his problem. Co-ordination among the different bodies is itself a problem.

...and by the distress of certain target groups

Problems of integration, economic hardship, and poor command of language are added obstructions in the path of action to inform, consult and obtain the participation of some of the citizens concerned. The choice then lies between refraining from any form of communication/participation with the administration beyond what is strictly necessary (e.g. the formalities for attributing lodgings), and applying to an association familiar with bureaucratic and procedural complexities. Only people with the time, ability and determination to understand the complexities of relations with the government and then proceed with the appropriate formalities really stand to benefit.

Citizen relations are channelled primarily by the associations

The obstacles described above, along with the fact that many decision and consultation structures are national, explain the important role played by associations. As regards government-citizen connections in the social housing field, a distinction needs to be made between the kind of representation provided by the associations acting as mouthpiece for the citizen-user and the direct and personal involvement of the citizen-individual. The associations are present within the national fora where social housing policies are formulated, and within the local (regional, departmental, municipal) entities more concerned with putting these policies into practice. As well as being consulted, they participate in decision-making. They can help persons incapable of fending for themselves to deal with official formalities. For it is true that individuals have trouble in finding information, and few opportunities are open to them to be consulted and to participate. Even these opportunities are not often seized. The abstention rate in elections for tenant representatives is high, and association membership is low. The system requiring that opposition to schemes for renovating housing must be expressed if the schemes are to be rejected appears to take account of this inertia and the difficulties encountered by an individual in making his opinion heard. The important role played by the associations in government-citizen dialogue raises the issue of their true representativity, of the expression of opinions, and of the actual concerns of tenants and social housing applicants.

Local initiatives: the best chance for person-to-person connections

The system described above probably disappoints citizens who may feel that decisions are taken at too great a distance and ignore their everyday needs. Very often, a citizen's claim is by definition limited to his or her personal circumstances; it rarely exhibits the broad collective interest that is more likely to attract official attention. The system is equally unsatisfactory for the government which, despite its willingness, does not manage to establish constructive contact with the citizen and fails to obtain the expression of a collective need. The meeting-point is located at the level of local neighbourhood life. This is where direct citizen contact and participation, with the support of the associations, are easier to establish. Many initiatives at this level have therefore been launched and facilitated by more general regulations. Some of them have been quite successful, probably since they have grown up around a simple and concrete everyday discussion topic close enough to the citizen's concerns to spur their active participation.

Better integration of services and initiatives is needed

Several interviews left the strong impression that the interlocutor was so immersed in his or her own sphere of competence that they did not know what was being done by other actors in the same sector or by actors working for the same body in a related sphere. This compartmentalisation is even more flagrant in the field, where it can be difficult to grasp the common thread of the policies being pursued. The objectives are clearly discernible in texts and declarations, but each actor tries to attain them using his own approach and without being able to co-operate with others. Lack of communication and co-ordination means that promising local initiatives, some of which were described in this case study, cannot be replicated. Other obstacles are geographical size and the large number of partners involved.

A new Act on Solidarity and Urban Renewal (SUR) on 13 December 2000 (former draft law “Urbanism, Habitat, Transports”) introduces arrangements strengthening the involvement of residents and tenants’ associations and contributing to settling matters out of court, mainly through three measures:

- The Act requires setting up consultation councils (*conseils de concertation locative*) for rental housing for residential buildings or groups of residential buildings, which are consulted on all work projects and on any measures affecting the habitat conditions and residents’ surroundings.
- The Act extends the role of departmental reconciliation commissions (*commissions départementales de conciliation*), which have replaced the joint commissions, to all individual and collective disputes so as to reach an amicable agreement and avoid going to court.
- Consultation plans should also include “financial and human resources attributed to tenants’ representatives in order to carry out their duties”.

France’s efforts to improve government-citizen connections at all levels, in social housing as in other fields, are clearly evident and have been unceasing for the past 15 years. Its major strengths are political determination at central government level and original local experiments.

Table 22. **Institutional structures responsible for social housing**

Level and sphere of competence	Structures for citizen information, consultation and participation	Administrative structures	Social housing funders
<i>National level:</i> Drafting of national policies and legal framework	<i>Information:</i> National Agency for Information on Housing Housing Information Unit (Ministry of Housing) <i>Consultation/participation:</i> National Habitat Council (representatives of tenants and anti-exclusion associations) National Urban Council (officeholders’ and residents’ representatives) National Consultation Commission (funders’ and tenants’ representatives) National Joint HLM Commission (funders’ and tenants’ representatives)	Ministry of Housing (Directorate-General for Building, Habitat and Town Planning) Interministerial Delegation for Cities	National Union of HLM Federations
<i>Local, Regional, Departmental level:</i> Management and practical implementation of policies	<i>Information:</i> Departmental Housing Information Agencies <i>Consultation/participation:</i> Departmental Habitat Councils Joint HLM Commissions (funders’ and tenants’ representatives)	Prefecture	
<i>Housing unit level:</i> Day-to-day management and local initiatives	<i>Information:</i> Association system <i>Consultation/participation:</i> Boards of Administration of HLM services (funders’, tenants’ representatives)	Town Hall (Social Housing Service)	HLM services

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USING ICTS TO STRENGTHEN GOVERNMENT TRANSPARENCY AND RELATIONS WITH CITIZENS IN KOREA

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Executive Summary

This case study focuses on how information technologies are being used not only to increase the efficiency of public administration but also to strengthen citizen-government connections in Korea. The field of information and communication technology (ICT) is one example in which promising practices, and contributions to increasing transparency and strengthening democracy, can be found.

The current efforts of the Korean Government are aimed at becoming “a small, but efficient government” in response to citizens’ demands that it deliver services more effectively, and in so doing reinforce fundamental democratic values. A number of laws have been passed whose main objective is to uphold citizens’ “right to know” and to encourage citizen participation in the administrative process. The ultimate goal is to ensure justice, transparency, and confidence in governance. These include: the Administrative Procedure Act, which emphasises listening to citizens’ opinion prior to taking administrative decisions; the Act on Disclosure of Information by Public Agencies to ensure citizen access to information and to promote its dissemination – this law describes agencies’ duties concerning information disclosure, the information disclosure process, and disputes procedures; the Act on the Protection of Personal Information Maintained by Public Agencies regulates the protection of personal information maintained by public agencies; finally, other specific acts – including the Digital Signature Act as well as the Act on Promotion of Utilisation of Information System and on Protection of Information – have been adopted to support the use of new information technology in strengthening government-citizen relations.

The case study analyses the Seoul City “On-line Procedures Enhancement for civil application (OPEN)” a system which was developed to achieve transparency in the city’s administration by preventing unnecessary delays, and arbitrary decisions, and to prevent corruption. Among many of the civil transactions, this web-based system allows citizens to monitor applications for permits or approvals where corruption is most likely to occur and to raise questions in the event any irregularities are detected. OPEN has also had an impact on Seoul City’s policy-making process. Previously most policy decisions were made by a few bureaucrats acting in isolation which left room for distortions in policy-making. Now, owing to citizens’ participation and the introduction of OPEN, the policy-making process is becoming transparent.

As it is progressively introduced into all local governments and central government OPEN is expected, after some time, to lead to significant changes in the culture and behaviour of government officials in Korea.

The case study was submitted to the Secretariat in 2001 and covers events up to that date.

Introduction

The use of new information and communication technologies (ICTs) in Korea has grown rapidly since the 1990s. Yearly growth rates of Internet diffusion, cellular phone subscriptions, and personal computer diffusion are 43 per cent, 103 per cent, and 22 per cent, respectively.⁴⁸ Relations between government and citizens in Korea have undergone great changes with the development of information technologies. During the 1960s and 1970s, Korea's fast economic growth was against the backdrop of a government-driven society. Most of the general public was excluded from the policy-making process. In contrast, nowadays the Korean Government is facing a new problem. An explosion of public participation in the policy-making process has become a new issue, raising unexpected problems including policy delays, and continuous disputes among interest groups.

The Information Revolution wave has had a significant impact upon the public administration in Korea. Every civil servant now has his or her own PC and e-mail address, while three-quarters of the Central Government administrations have appointed their own Chief Information Officer (CIO), and the use of electronic approvals⁴⁹ within the central government administrations amounts to half of all such transactions. All central government ministries and agencies as well as local governments have web pages, although their quality and contents differ widely. By connecting to these home pages, citizens and stakeholders can access public information more easily and efficiently.

The Korean Government is trying to utilise information and communication technologies (ICTs), not only to obtain high efficiency in administration but also to strengthen citizen-government connections. Dialogue rooms⁵⁰ on some central government Internet home pages provide important windows for citizen-government interaction. The field of ICTs is one example in which promising practices can be found, these include key factors and conditions contributing to transparency and democracy.

The Seoul Metropolitan Government offers several outstanding practices in strengthening citizen-government connections through the use of ICTs. Seoul operates an On-line Procedures Enhancement (OPEN) system to deal with civil applications (e.g. licensing and permits). The whole process – from the submission of an application to the decision itself – is conducted in full public view as citizens can obtain full information about the decision process via the Internet. This system enhances accessibility to administrative information by providing information on civil applications 24 hours a day via the Internet. It promotes transparency in administrative procedures and eliminates the possibility of corruption through direct public scrutiny and supervision. With increasing use of the Internet, these effects will be further reinforced.

OPEN began locally but was designated by the central government as an advanced tool to foster innovative management in the public sector in November 1999. The outcomes of OPEN have proved satisfying for citizens as well as public officers. To date, all local governments have introduced this system in the period 1999 to 2000, while some central government units intend to introduce this system under current plans to construct an e-government in Korea.

Purpose

This case study contributes to the work undertaken by the PUMA Working Group on “Strengthening Government-Citizen Connections”. The overall objective of this work is to support government efforts to strengthen public participation, transparency, democratic accountability, and policy effectiveness through a comparative analysis of policy and practice in OECD Member countries – including the use of new tools such as ICTs.

The purpose of this report is to focus on how the government of Korea tries to inform, consult with, and engage citizens using ICTs. It consists of three main parts:

- An overview of the general context for e-government in Korea.
- A case study of the OPEN system as applied in Seoul City.
- A brief presentation of new initiatives, including the G4C (Government for Citizen) project.

This report is written based on government materials, reports from research institutes and interviews with officers and staff in charge of e-government and/or relations with citizens.

Background of the Korean Political System

For a generation, the Republic of Korea was an outstanding example of state-led economic development. Its proponents cited it as proof that a modernizing military regime could create popular satisfaction through rapid economic growth (Rose, 1999, pp. 22-23). But the side-effect of state-led economic development has been to place obstacles on the path of democracy, for example in citizens' exclusion from the policy-making process. The place to start was with the presidency, an office that held too much power for the country's good. Although a cabinet existed, the president could rule practically alone if he decided to.

Since the introduction of free elections in 1987, Korea has been a rare Asian example of a new democracy. In 1992, Kim Young Sam became the first civilian president in more than three decades. In December of 1997 Kim Dae Jung became the first opposition party candidate to be elected president.

The basic role and mission of the bureaucracy in Korea is today being altered by the development of the political system. Government must now find a way of shifting from its traditional focus on the twin goals of economic development and national security to find new roles more suited to public administration under a democracy.

Nowadays, citizens' groups and other non-governmental organisations are demanding that the electoral process and political institutions become more transparent and accountable, and that they downsize and decentralise (Shim, 1999, pp. 15-16). According to citizens' demands, the Korean Government should change its structure and personnel policies in order to deliver services effectively, but in doing so it must ensure that it also reinforces fundamental democratic values. The current efforts of the Korean Government are aimed at becoming "a small, but efficient government". The public sector reform programmes implemented under the Kim Dae Jung Government have aimed to meet these demands through restructuring of organisation and personnel, and changes in the culture and mindsets of public sector employees.

Citizens had demanded easier access to public information and an opportunity to participate in decision-making from the late 1980s. Responding to this demand, the Korean Government announced plans to construct an "electronic government". The goal of constructing an e-government focuses on better services for citizens and business, and a more effective use of the Government's information resources. E-government has several guiding principles, which in the United Kingdom have been defined as: building services around citizens' choices; making government and its services more accessible; social inclusion; better use of information (UK Cabinet Office, 2000). The ultimate goal of constructing an e-government in Korea, as elsewhere, is to improve citizens' satisfaction and the efficiency of the public policy-making process.

Framework for Government-Citizen Relations

Legal Framework

Four major laws have been adopted which establish the legal framework for government-citizen relations, while a law on e-government law was most recently adopted on 28 February 2001.⁵¹ The laws in question are: the Act on Disclosure of Information by Public Agencies; the Administrative Procedure Act; Basic Act on Promoting Computerisation; and the Act on the Protection of Personal Information maintained by Public Agencies. The main objective of these laws is to uphold citizens' "right to know" and to encourage citizen participation in the administrative process. The ultimate goal of all these laws are to ensure justice, transparency, and confidence in government:

- *Act on Disclosure of Information by Public Agencies (31 December 1996)*: aims to ensure citizen access to information and to promote its dissemination. The Act describes agencies' duties concerning information disclosure, the information disclosure process, and dispute procedures.

- *Administrative Procedure Act (31 December 1996)*: this law emphasises listening to citizens' opinion prior to taking administrative decisions and ensures that the administration better understands and responds to citizens' demands.
- *Act on the Protection of Personal Information maintained by Public Agencies (31 December 1996)*: established provisions for ensuring privacy of personal information for which the administration does not have the authority to make public.
- *Basic Act on Promoting Computerisation (4 August 1995)*: aims to support the use of new information and communication technologies (ICTs) to strengthen government-citizen relations. The mandate of the National Computerisation Agency is based on this law.
- *Act on Electronic Government (28 February 2001)*: promotes the introduction of new ICTs throughout government as well as the legislature, and administrative and judicial agencies. This law includes a total redesign of the current document management system of approval, distribution and maintenance, and the redesign of administrative tasks for efficient internal administration for the establishment of a paperless administration. The government can also use electronic documents and authentication in its administrative processes.

Table 23. **Main laws on government-citizen relations and on e-government**

Law	Objective	Target group
Act on Disclosure of Information by Public Agencies	Transparency	Individual citizens
Administrative Procedure Act	Participation	Individual citizens, interest groups
Act on the Protection of Personal Information Maintained by Public Agencies	Privacy	Individual citizens
Basic Act on Promoting Computerisation	Information infrastructure	Society
Act on Electronic Government	Operating system for e-government	Government

Institutional Framework

In Korea, there are several public bodies and figures with responsibility for e-government projects, including:

- *The Government Computer Center (GCC)* in the Ministry of Government Administration and Home Affairs (MOGAHA) manages the computer network, computerises administrative office procedures, fosters government-wide use of public information and computer facilities, provides information technology to government agencies, and disseminates administrative information to the public.⁵²
- *The Ministry of Information and Communication (MIC)* is in charge of developing an integrated and systematic policy to facilitate the information society and to develop the information and communication technology (ICT) industry.
- *The Ministry of Planning and Budget (MPB)* contributes to building e-government by way of restructuring and financial support to ministries.
- *A Chief Information Officer (CIO)* within each central government body, charged with encouraging government officials to identify new ways of working in partnership with the private sector.

The Commission for National Computerisation was established in April 1996 under the vice president. A working team was established in the Ministry of Information and Communication. The commission has focused mainly on infrastructure issues, such as an information superhighway. But partnership and co-operation with other related ministries has been limited and there is a need for better leadership by the Ministry of Information and Communication.

In February 2001, a subcommittee for electronic government was established under the Presidential Commission on Government Innovation.⁵³ This sub-committee for e-government aims at policy co-ordination and intergovernmental partnership in achieving public administration informatisation. The function of the committee is to establish strategies for constructing an e-government – that is, to mediate in conflicts among related ministries, to evaluate the result of implementing informatisation programmes, and to make alternative plans for government innovation by ICTs. The members of the committee are external experts as well as the vice-ministers of the key ministries: Ministry of Planning and Budgeting, Ministry of Information and Communication, Ministry of Government Administration and Home Affairs, Ministry of Education.

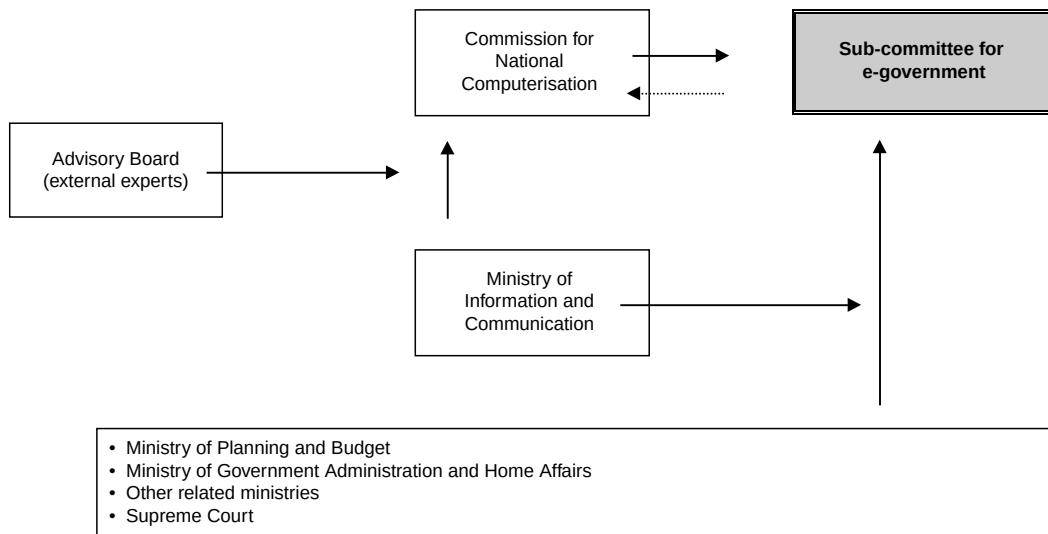
The subcommittee for an electronic government held its first conference on 19 March 2001, at which evaluation and monitoring of major businesses for an electronic government were discussed. The results of this evaluation will be related to budget investment. Progress on e-government will regularly be reported to the president.

Table 24. **Budget for civil administration and e-government in Korea (2000-2001) (in USD)**

	2000	2001
e-government	207 833 000	307 333 000
civil affairs administration	78 333 000	110 750 000

Source: Korean Ministry of Planning and Budget press release (12 August 2000).

Figure 8. **Implementing system for e-government in Korea**



Overview of the Case Study

Background to the OPEN system

The first step on the road to application at the national level for the On-line Procedures Enhancement for civil application (OPEN) – developed by the Seoul Metropolitan Government – came with its selection as “Best Practice” in a cabinet meeting of November 1999. After that, the Ministry of

Planning and Budget (MPB) and the Ministry of Government Administration and Home Affairs (MOGAHA) decided to proceed with the diffusion of the OPEN system. MOGAHA undertook the central development of a unitary software system in the period of January-May 2000, which allowed individual agencies to save budget resources. In 1999, 20 pilot local governments had introduced this system and by 2000, all 208 local governments had done so. Some central government units handling many civil applications will introduce the OPEN system in 2001.

OPEN was developed to prevent corruption in those administrative procedures that handle citizens' applications for municipal permits, licenses and other documents. The background to the OPEN system are administrative practices that are vulnerable to corruption, including the "Kwan-si (acquaintanceship) culture" which may be found in oriental societies and which obstruct the consolidation of democracy and the rule of law in Korea. OPEN was developed to achieve transparency in the city's administration by preventing unnecessary delays, arbitrary decisions, or the payment of "express fees". This Internet-based system allows citizens to monitor progress in the processing of their applications for permits or approvals in areas where corruption is most likely to occur – and allows them to raise questions in the event any irregularities are detected.

General features

Launch: The OPEN system started operations on 15 April 1999, with 26 of the main fields in which applications are received. After one year of operation and technical modifications of the system (on 2 March 2000), 15 additional fields with the potential for irregularities were included in the OPEN system and their application processes made public. These included: 4 industry- and economy-related areas, 5 transportation-related areas, and 6 environment-related areas. From July 2000, more government functions were made public, including 20 more civil affairs functions related to citizens' daily lives in areas such as sanitation, welfare construction, housing, urban planning, and fire emergency services. All civil application documents now show the name of the public official in charge, their telephone number and e-mail address so that citizens who wish to monitor the processing of their applications are able to contact the responsible official directly via the Internet.

Box 46. Fields of Operation Covered by the OPEN System

- *Transportation:* assessment of influences on traffic, adjustment of taxi fares, instalment and adjustment of village shuttle bus routes, settlement of city bus routes, and approval of express bus and inter-city bus terminal operations.
- *Housing & Construction:* housing construction business, approval and deliberation of construction projects, housing redevelopment projects, and city centre redevelopment projects.
- *Environment:* purchase of land for parks, waste disposal business, and approval and agency contracts.
- *Urban Planning:* approval of acts that will affect topography and soil, and decisions and changes in urban development plans.
- *Construction Work:* compensation, facility construction, changes to facility construction plans, construction technology services, and annual cost contract for facility maintenance.
- *Industry & Economy:* adjustment of city gas consumer rates, registration of opening and change of large-scale shops, and financial assistance to small and medium-sized enterprises.
- *Sanitation & Welfare:* contract for social welfare facilities, and approval and sanctions of entertainment establishments & song bars.
- *Fire Emergency Services:* inspection on completion of fire stations.
- *Miscellaneous:* payment of logistics and construction charges, and inspection of compulsory installation of art objects in buildings.

Management: The system was designed to enable staff in charge of application permits to operate it with ease and convenience:

- **Data confirmation** by computer programme or manually: new input data is confirmed every day and the department inputting that data is notified in order to correct or improve them. A computer program checks automatically whether the input of data is delayed or not. The system management is usually checked. A team is organised to check the system management. It confirms whether or not there is any omission or delay in the input of data, and ascertains if the data is exact, so measures can be taken to correct them.
- **Cyber-inspection** is made through the Internet. First, a screen-inspection is conducted with regard to the data documents at the “Internet Opening Room for Civil Appeal”. Then anything doubtful is reviewed by comparing the documents with the actual state of work, which enables an effective inspection of the work under way. In 2000, inspections resulted in a total of 42 irregularities detected, which led to 1 disciplinary punishment, 9 warnings, and 32 corrections.
- **Prizes** are awarded to public officials who best input data (84 prizes in 2000) and it is planned to introduce prizes for those who visit the OPEN system.
- **Advertising** is carried out to encourage citizens to use the OPEN system, through leaflets, stickers, posters, subway train advertisements, electronic signs, guides on how to use the system (available in each district office), newspaper and broadcasting media.

Resources: when it was launched on 1 February 1999, the OPEN Development Team consisted of 3 persons specialised in policy analysis and 9 programme developers. In order to prevent corruption, the Seoul City Audit and Inspection Office is in charge of operating the OPEN system, supported by a Task Force team. Today, a total of 5 000 employees in 485 city departments dealing with applications have been trained to operate the system, input and change data. Following their training, IDs and passwords are assigned to allow each individual trainee to make entries at his or her department.

Reviewing the benefits and limits of the OPEN system

OPEN will greatly serve to prevent arbitrary decisions and delays in administrative service process, thereby strengthening government-citizen connections and preventing corruption. The four main features of OPEN can be summarised as follows:

- *Strengthening government-citizen connections:* opening up the internal administrative processes can prevent public officials’ misuse of their powers of discretion and enhance the transparency of the administration. Citizens and the administration become closer by means of quicker connections via Internet. Positive and specific access to information on administrative procedures in “real time” can satisfy the citizen’s “right to know”.
- *Citizen-oriented administration:* citizens can submit civil applications and scrutinise the entire application process via the Internet whenever they want and wherever they are.
- *Securing transparency:* OPEN offers full information about the handling of civil applications. No official can sit on any case without justifiable reasons or make arbitrary decisions.
- *Preventing corruption:* free access to information on the administrative service process eliminates the need for personal contact with officials and the paying of “express fees”.

Despite the many benefits, a number of limits must be overcome when expanding the application of the OPEN system from the local level to national level:

- *Secrecy* requirements for certain types of information are a major impediment to citizens’ easy access to public information. Considering the existence of Democratic People’s Republic of Korea, disclosure of public information could be restricted for reasons of national security.
- *Traditional attitudes* which put public officials above ordinary citizens are still a serious obstacle to the success of such innovative practices.

Figure 9. Example of OPEN on-line progress report for building permits and inspections

After a review of application, an occupancy approval is issued. Below is the description of this progress, including the current processing status. Project Name: Enlargement of Business and Neighbourhood Facility (165, Nonhyon-dong)			
Title	Occupancy Approval		
Location	165, Nohyon-dong, Kangnam-gu		
Transaction procedures	<div> <div>Building Permit Application</div> <div>Completed (12/07/1999)</div> </div> <div> <div>Building Permit</div> <div>Completed (12/16/1999)</div> </div> <div> <div>Construction Beginning Notification</div> <div>Completed (01/25/2000)</div> </div> <div> <div>Occupancy Approval Application</div> <div>Completed (02/12/2000)</div> </div> <div> <div>Occupancy Approval</div> <div>Completed (02/12/2000)</div> </div>		
Transaction status	Staff in Charge(02/12/2000); Junior Official(02/16/2000); Director of Architecture Division(02/16/2000)		
Description	Occupancy Approval 1. Date of approval: 16 February 2000 2. Object of approval: Same as specified in application 3. Further requirements <ul style="list-style-type: none"> According to the Building Code, Article 26, property owners are required to maintain the property, as specified in a building permit and an occupancy approval. Property owners are responsible for paying Acquisition Tax at the tax division in the district office within 30 days after an occupancy approval is issued. Property owners should pay Registration Tax at the tax division in the District office before applying for a structure registration. Property owners are required to apply for a structure registration at the District's registry within 60 days after an occupancy approval is issued. 		
Place for reference	Architecture Division		
Department	Architecture Division, Kangnam-gu Office	E-mail	[e-mail address]
Staff in charge	[Name, Surname]	Telephone	02-530-1390
Date of entry	02/16/2000	Last modified	02/16/2000 16:58:52

- *Other difficulties*, such as insufficient human resources to operate the information system, laws aiming to strengthen citizen-government connections that are too ambiguous, and an underdeveloped mindset for adopting such new ICT tools.

Measuring citizens' satisfaction

As of 20 January 2001, there have been 1.3 million visitors to the Internet Opening Room while 62 000 cases of business registration, 338 000 cases of document registration, and 1 898 000 cases of document reference have been conducted. Citizens' use of the system has increased from an average of 1 000 visitors a day at the beginning to 25 000 registered recently.

On-line survey of citizens: this was posted on the citizens' opinion section of the Opening Room for Civil Appeals and attracted a total of 1 245 visitors who left their suggestions. The majority of these responded positively to the following questions:

- *Do you think that the Opening Room for Civil Appeals contributes to the clarification of the civil administration?* Of 1 167 respondents, there were 984 (84.3 per cent) affirmative answers and 183 (15.7 per cent) negative ones.
- *Are you satisfied with the handling of civil appeals by the staff in charge?* Among the 1 055 respondents, the majority (762) gave positive answers (72.3 per cent) and 293 (27.7 per cent) gave negative ones.

Korean Gallup survey: a questionnaire developed by the Korean Gallup research service was applied between 20 November and 13 December 2000 to 11 525 citizens who had had contact, in the

previous year, with staff handling civil appeals in 7 fields of public welfare in city hall and the district offices. An average of 49 per cent of respondents reported that inappropriate behaviour on the part of staff in charge had decreased with respect to the year before.

Table 25. **Decline of citizens' reports of inappropriate behaviour by staff with respect to the previous year (%)**

Fields	House construction	Construction work	Fire fighting	Sanitation	Tax	Traffic administration
% decline	55	52.1	52.5	44.4	40.8	49.2

Promising Directions

As the experience from the OPEN case shows, the introduction of ICT into the public sector has generated some positive effects such as transparency, efficiency, credibility and support to the consolidation of democracy.

OPEN was the first case in the “Best Practice Briefing” on 2 November 1999. The best practice of the public sector reform is reported at cabinet meetings twice a week. This programme provides incentives for reform and promotes benchmarking among government units.

After the best practice briefing, the Korean Government has accelerated work on a number of projects to construct e-government and benefit from ICTs:

- *Single Window for Civil Applications*: the project focuses on linking various departments and promoting the development of fully integrated Internet-based services for citizens.
- *Project for Computerisation in Local Public Administration*: the Korean Government launched this project in 1997 to raise productivity and the quality of service by means of information technology. To implement the project, a fundamental plan was made in 1997, with \$USD 125 million being earmarked for investment between 1998 and 2002. In the first stage of this project, 10 fields concerning the everyday lives of citizens, such as citizen ID cards and land registers, were computerised. In the second stage of the project, the Ministry of Government Administration and Home Affairs (MOGAHA) plans to construct a one-stop Internet service system by means of developing an electronic signature certification system. On completion of the project in 2002, citizens will be able to access public administration services without visiting public offices.
- *Introduction of G4C (Government for Citizen)*: the project establishing a “People-Oriented Civil Service Innovation Plan”, referred to as the “G4C Project”, is designed to contribute to the realisation of a “Small but Efficient e-Korea”. It starts from the observation that people feel uncomfortable with complicated procedures, lengthy processing times, and multiple submission of documents. In addition, people find that they may have to visit the same government agency several times, register repeatedly for the same matter or visit several agencies to obtain certified documents for a given administrative procedure – all without the support of an information counter for administrative procedures and processing standards. The lack of information exchange between agencies or sectors and co-ordination between related laws and regulations also causes serious waste of budget resources and reduces the efficiency of the administration. To resolve such problems, it was decided to redesign the procedures used by the administration and establish the Information Strategic Plan to build up an Information Sharing System for key information used frequently.

The “G4C” project is jointly promoted by the Ministry of Planning and Budget, the Ministry of Government Administration and Home Affairs, the Ministry of Information and Telecommunication, the Ministry of Construction and Transportation and the Supreme Court. The project aims to achieve administrative innovation using information technology, and the government expects it to significantly enhance the efficiency and productivity of the administration in providing swift, high-quality administrative services to citizens. The G4C project, whose planning phase was carried out from October 2000 to April 2001, has four main targets, namely to:

- Establish the administration system as a top-class business model capable of responding quickly to changes in the international business environment and to cope with possible crises in the future.
- Build a basic model and infrastructure for key information sharing as well as set up an organisation and administrative base for the expansion of information sharing.
- Establish a government representative for e-service (single window), that can expand and execute plans and unify all service counters.
- Plan for the introduction of the laws and regulations required for the implementation of these new administrative procedures and standards (including identification, e-signatures, certification and fees).

Conclusions

In its initial stages, government computerisation in Korea focused on suppliers and hardware – such as supplying every civil servant with a personal computer and constructing a network. The National Key Electronic Infrastructure project was a major effort during the period from 1987-96 and included the:

- Establishment of a database with the main administrative information, such as citizen registration, real estate, and vehicles.
- Development of a basic ICT environment for the government, such as a computer and communication network.
- Establishment of a national network through a high-speed information network project (1995).

The Computerisation Project has had positive effects on the construction of an ICT infrastructure, but the project has not been without its critics who note:

- Insufficient use of computerisation to conduct innovation in government.
- Limited impact due to the introduction of ICTs without redesigning tasks.
- Weak synergy effects throughout the whole government due to isolated initiatives.

As reviewed in the case study on the OPEN system, ICTs have dramatically affected the practice of government. The development of ICT has resulted in greater efficiency in government and in strengthening government-citizen connections by ensuring transparency, openness and participation via the Internet. ICTs have also helped to fundamentally change the context of government. We are moving from a world of independent governments to one of a web of governance.

OPEN has been progressively introduced in all local governments during 2000 and will also be disseminated at the level of central government. After some time, we can expect the culture and behaviour of government in Korea to change dramatically. The OPEN system has already had an impact on Seoul City's policy-making process. Previously, policy-making was generally conducted by a few public officials in isolation with little public input, leaving room for distortions. Now, owing to citizens' participation and the introduction of OPEN, the decision-making process is becoming more transparent. The benefits of OPEN affect all policy fields to a greater or lesser extent. Generally speaking, information and communication technologies, more than any other tool or non-governmental organisation (NGO), enables citizens to participate more actively in the decision-making process.

There are various opinions regarding the current e-government implementation system within Korea. Some criticise the separation of responsibility for building the e-government system which results in weakened intergovernmental co-operation and partnership, business delays, and duplication in investments (Kim, 2000). Others underline the need for an e-government implementation system which covers both central and local governments, as well as the legislature.

Several obstacles lie in the path of the future development of e-government in Korea. First, rapid development of technology is deepening the information gap and digital divide. The older generation and citizens in rural areas are relative losers, and they will need government investment and education. Second, government lacks sufficient manpower with expertise in ICTs. Overcoming this obstacle will

require training for young people in the use of information technologies. Education not only addresses the shortage of ICT experts but also serves to change old mindsets and overcome negative historical legacies. Third, stricter criteria for secrecy will be recommended according to which information should be classified as secret.

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CONSENSUS CONFERENCES ON GENETICALLY MODIFIED FOOD IN NORWAY

by Alf J. Mørkrid

Executive Summary

The report begins by describing the decision-making culture and traditions of public consultation and public involvement in Norway, which have traditionally been stronger at the municipal level. It also provides an overview of the legislative framework and institutions for public involvement in policy-making. Norway's long-established "Ombudsman" institution is described as an important means for citizens seeking *ex post* redress – but as having limited impact on the degree of citizen involvement in the decision-making process. The potential role of new information and communication technologies (ICTs) is reviewed in the light of Norway's "Electronic Government Action Plan" and high levels of public access to Internet in homes, at work, in schools and public libraries.

The report goes on to review the introduction and evolution of the use of consensus conferences in Norway, as well as their evaluation. The specific case of the 1996 consensus conference on genetically modified food is described in terms of its organisation, process and results. The key findings of the independent evaluation report on the consensus conference, issued in 1997, are presented and the evaluation criteria reviewed. A follow-up consensus conference, involving the same laymen's panel, was held in November 2000 to summarise research developments since 1996 and to discuss the establishment of a moratorium on genetically modified food. The case study concludes with an account of the human and financial resources dedicated to the 1996 and 2000 consensus conferences and an assessment of their relative impact on decision-making.

The advantages and disadvantages of using consensus conferences as a means of engaging citizens in policy-making are weighed up. Among the benefits cited are a significant contribution to raising public awareness about the issue of genetically modified food through media coverage of the 1996 and 2000 consensus conferences, as well as their value as a pilot project for the introduction of the consensus conference instrument into Norwegian policy-making. Several drawbacks are also identified, notably in the costs associated with preparing and holding consensus conferences; the potential influence of the facilitator and the fact that an emphasis on reaching consensus may favour members of the panel who already hold strong views on the issue. Finally, the use of laymen's panels cannot be regarded as a substitute for established democratic decision-making processes, but rather as a supplement to them.

The report concludes by setting out future perspectives and challenges to strengthening government-citizen connections and introducing novel forms of public consultation in decision-making alongside traditional processes in Norway. It foresees that the use of consultation and the active involvement of citizens will increase and spread into new policy areas over the next 5 to 10 years. During this period, Internet-based technology will also dramatically change the possibility of, and practical means for, involving citizens. This will in turn raise questions on how such developments affect the ability of different groups in society to participate in public policy-making.

The case study was submitted to the Secretariat in 2000 and covers events up to that date.

Introduction

The purpose of this report is to present and analyse mechanisms regarding information, consultation and participation of citizens in policy-making in Norway, in connection with the PUMA activity on “Strengthening Government-Citizen Connections.” The last part of the report is dedicated to the presentation of experiences from the consensus conference on genetically modified food in 1996 and the follow-up conference of November 2000.

The assignment was carried out under the guidance of the Norwegian Ministry of Labour and Government Administration.

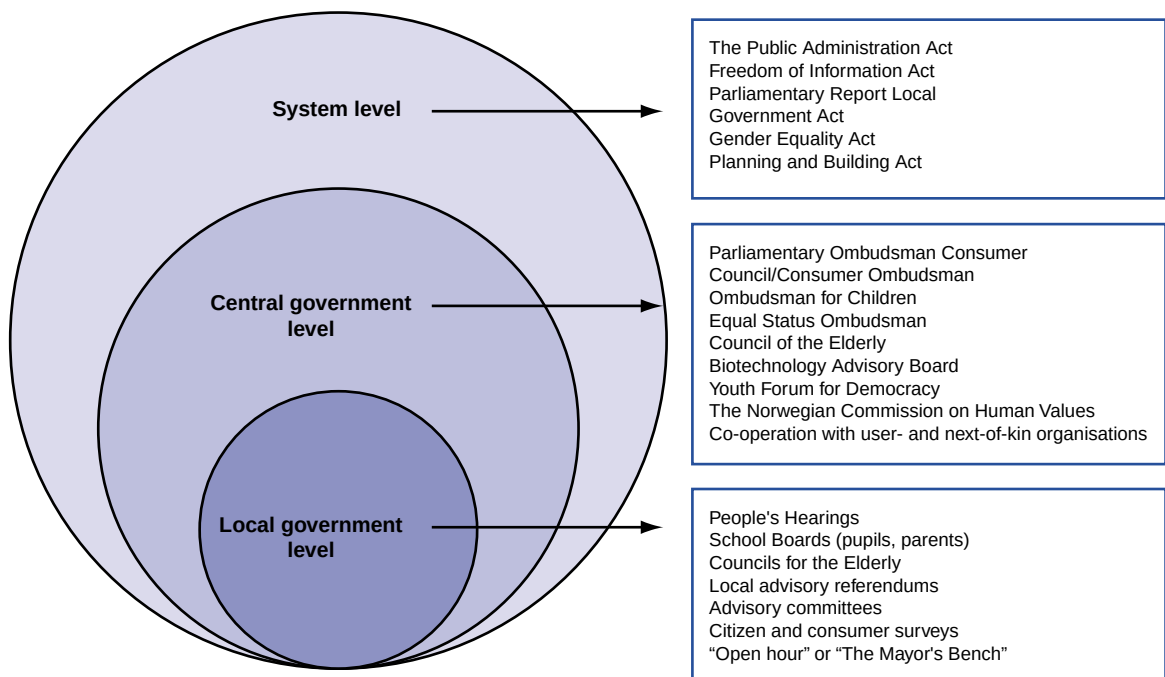
The work was conducted both as a desk study of published documents and by collecting new information. In drafting the case study, the following sources of information have been used:

- Norway’s response to the OECD 1999 surveys on “Strengthening Government-Citizen Connections”⁵⁴.
- Reports and information produced by several Norwegian ministries.
- Material from the Norwegian Association of Local and Regional Authorities.
- Evaluation report on the 1996 consensus conference on genetically modified food (NIFU, 1997).
- Studies of media clips.
- Internet data search.
- Interviews with key players (e.g. representatives of the consensus conference secretariat).

Background of the Norwegian Political System

This section will briefly describe the decision-making culture and traditions of public consultation and public involvement in Norway as well as the sharing of responsibilities between levels of administration. The Norwegian political system is generally based on strong participation from the local/municipal level in the decision-making process, although changes have been observed as a result of stronger economic influence and control from central government in recent years.

Figure 10. Instruments for public participation in different levels of government in Norway



Norway has a participatory democracy which, especially after 1945, has been built on the strong role played by the municipal level of administration. Over the last 10 years there has been a development towards greater popular participation in the decision-making processes both through local elections and local bodies such as liaison committees, pupil and parent councils.

Public consultation as such has not historically had a strong formal position in the Norwegian political tradition at the central government level, although there is a growing interest in this area linked to the principles of information policy and a growing user orientation.

Similar to many other OECD Member countries, participation in the electoral process in Norway seems to be weakening as indicated by:

- Steadily falling membership in Norwegian political parties.
- Falling voter turnout, especially in local elections.

As a result of these trends, both the Government and the political sphere in general recognise the need to organise new “meeting grounds” between the public administration and citizens. In addition, many political questions are becoming increasingly complex requiring expertise and technical insight. Examples of the many issues include ethics, research and development, environment and pollution. For such issues, the challenge is to find methods and institutions that strike a balance between the expert knowledge necessary for guidance and the need for popular insight, understanding and control.

Public Involvement on Various Levels of Public Administration

System level and general framework

The Norwegian Constitution of 17 May 1814, is the general basis for the “basic freedoms”, and sets out rights to freedom of speech (§ 100), elections (§ 50), human rights (§ 110), freedom of religion (§ 2) and the right to work (§ 110).

The conditions for the involvement and input of citizens and users in matters of public administration are set out in a number of laws and acts of government, the most important of which are:

- *Public Administration Act* (10 February 1967): which establishes citizens’ rights to information, guidance and appeal.
- *Freedom of Information Act* (19 June 1970): setting out the rights of the public to acquaint themselves with documents in a particular matter.
- *Local Government Act* (25 September 1992): on the organisation of municipalities and how the different public bodies are supposed to operate, including electoral procedures.
- *Gender Equality Act* (9 June 1978): defining how public and private institutions are supposed to work to secure equal treatment of men and women.
- *Planning and Building Act* (14 June 1985): on the rights of the public to information and appeal in matters regarding planning and building.

It is fair to say that the Public Administration Act should be considered as the most “basic” piece of legislation, since it covers all aspects of public administration. However, according to the Norwegian legal system, laws and regulations on special issues, in most cases, override more general laws as they very often show the intention of the lawmakers with regard to a special matter. In addition, more recent laws override older laws whenever they are in conflict.

The present legal framework focuses mainly on information, legal rights concerning handling processes and the right to appeal. Given the development of new democratic mechanisms, there is a possible need for the revisions of regulations in this field in the future. Such a possibility was discussed during the establishment of the Local Government Act (25 September 1992), where it was debated whether it should provide for the more general use of referenda in Norway – an option which was not, in the end, included in this act.

Central government

The Programme for Innovation of the Public Sector

In October 2000, the Minister of Labour and Government Administration launched the “Programme for Innovation of the Public Sector in Norway”. The process for renewing the public sector in Norway places great emphasis on strengthening dialogue with the public regarding the production of public services. The “user orientation model” which underpins this programme may be regarded as a possible link between, on the one hand, feedback at the service delivery level, and on the other, citizen engagement in policy-making. (For more information on the Programme see <http://odin.dep.no/aad/fornyelse/engl/index-b-n-a.html>).

In the future, the focus of this process will be on what changes the public services should undertake to meet the needs of the public. It is not difficult to predict a more frequent use of customer service panels, consensus conferences and systematic hearings, including the use of Internet.

That this “user orientation” may lead to “involving citizens” more generally is clear from fact that when it comes to broad ethical questions, environmental issues and many other such matters suitable for consensus conferences, we are, in one sense, all “users” because the decisions will affect us all.

One of the mainstays of the user orientation model is “to learn through contact with the users” as described in the Budget Proposition to Parliament for 1999, which states that:

User orientation and service in the administration are not only a responsibility of those assigned the task of providing services or who have many individual users. State services and the execution of tasks are the final product of a vast number of individual decisions which involve the participation of many institutions and levels in the administration. The Ministry therefore considers it important that ministries and directorates assume responsibility for the service they provide.

(Ministry of National Planning and Co-ordination, June 1997)

The central government Information Policy, presented to parliament in 1993, aims to:

- Ensure that each resident and enterprise has genuine access to information on public sector activities.
- Ensure that every resident is informed of his or her rights, obligations and opportunity to participate in the democratic process.

The communication principle implies that the administration and its users are regarded as equal partners, who alternate as sender and receivers of information. It is not sufficient for the administration merely to send out information. The reactions of the public must also form the basis for systematic feedback to the various levels of the administration. This principle places great demands on the flow of information and on co-operation between different levels of the administration.

Government bodies and mechanisms for public involvement

Providing information to the public is the responsibility of each ministry, but is also supported by the Norwegian Central Information Service, which is the central government administration's specialist body as far as information-related questions are concerned.

Three ministries have special responsibilities in the area of citizens' rights in matters of public administration:

- The Ministry of Labour and Government Administration.
- The Ministry of Justice.
- The Ministry of Local Government and Regional Development (elections and the general co-ordination of municipal questions).

In addition we see that other ministries, such as the Ministry of Health and Social Services, tend to use such mechanisms as consensus conferences within different areas. However, these mechanisms do not generally include the use of laymen, possibly due a general scepticism on the part of the professions and other experts.

Among the methods most frequently used by central government to obtain input and feedback from citizens are opinion polls – although political parties, pressure groups and NGOs tend to make greater use of such polls than do central government institutions. Several bodies of central government, especially directorates and other agencies, make frequent use of customer surveys. These surveys mainly concentrate on questions related to the quality of the service provided, and less on decision-making and policy-making.

Referenda have been used only to a very limited extent in Norway. However, the possibility of making more general use of referenda has often been discussed. In recent times the only question to be put before the public in a referendum was the question of Norwegian membership of the EU in 1994.

Norwegian Central Government Institutions have also made only limited use of public hearings and conferences for the involvement of users or members of the public in the decision-making process.

The use of hearings is usually focused on “professional” bodies, not the general public. In addition to the Biotechnology Advisory Board and National Committees for Research Ethics which feature in the case study, we note the use of consensus conferences within the following areas:

Youth Forum for Democracy: This forum works to further young people’s participation and influence on local development, and gives advice and input to public authorities on both the central and local levels. The forum itself has 16 members, aged between 15 and 26. Proposals and initiatives are submitted to the Ministry of Children and Family Affairs.

Co-operation with user organisations and next-of-kin organisations: In 1998 a reference group was appointed consisting of 6 user and next-of-kin organisations. The reference group meets 6 to 7 times a year. The separate organisations are invited to discuss questions selected by the reference group and the Ministry of Health and Social Affairs. Within the field covered by this ministry there is also an extensive use of consensus conferences, especially regarding different kinds of medical treatment.

The Norwegian Commission on Human Values: The commission was appointed by the government in 1998 with a mandate to:

- Create increased consciousness about values and ethical problems.
- Contribute to an analysis of and increased knowledge about important human values and values connected with the environment.
- Identify challenges as concerns the values and ethics of society, and discuss possible answers.
- Challenge in order to stimulate reflection and action.

The Ombudsman

Norway has a long tradition of using the institution of “Ombudsman” for different issues and areas of public administration:

- The Parliamentary Ombudsman for Public Administration (June 1962).
- The Consumer Council and The Consumer Ombudsman (June 1972).
- The Ombudsman for Children (March 1981).
- The Equal Status Ombudsman (June 1978).

The Council of the Elderly is not an “Ombudsman” in the strict sense, but has similar functions for the protection of the rights of elderly people.

The Parliamentary Ombudsman for Public Administration is the only one to report directly to the *Storting* (parliament). The annual reports from this Ombudsman are often the basis for new laws and policy-making. In general, however, the Ombudsman provides *ex post* redress rather than an opportunity for engaging citizens in *ex ante* policy-making.

To conclude, one might say that the Ombudsman institutions mentioned here are important for the protection of people affected by decisions taken by the public administration, but that they have limited impact on citizen involvement in the decision-making process.

Local community level

Municipalities in Norway regularly use different kinds of dialogue in the local decision-making process. The following institutions and mechanisms are most frequent at the municipal level in Norway:

- Peoples' Hearings (typically in the areas of health care, urban development, transport, environment).
- School Boards (involving pupils and parents).
- Councils for the Elderly (who often take part in discussions and decision making in issues concerning their living conditions).
- Local advisory referenda.
- Hearings organised as open informal meetings held at a number of places in the municipalities.
- Advisory committees where citizens are invited to provide input.
- Citizen and consumer surveys.
- "Open hour" or "The Mayor's Bench".

There are presently a number of other municipal pilot projects going on, focusing on different mechanisms for involving users and members of the public. These pilot projects will be evaluated during 2001 by The Norwegian Association of Local and Regional Authorities.

There are few systematic mechanisms for transferring lessons learned to the national level, partly because the system of local democracy relies on each municipality to develop according to its own priorities, and partly due to the fact that questions regarding citizen-government relations do not seem to have fully matured in this country.

The use of new information and communication technologies (ICTs)

Electronic Government Action Plan (1999 – 2001) outlines the plan for "Cross-Sectoral Development of Information Technology in Central Government Administration". The aim of this action plan is that "it will serve as a useful tool for the realisation of the Government's main political goals, namely a simpler, more open and more user-friendly administration".

Among the other policy goals to be mentioned are:

- The establishment of "One-stop-shops" or Government Service Offices in all municipalities.
- Introduction of Service Declarations on all Central Government services.
- Introduction of "24/7- government".
- High-speed Internet connections to the public.
- The eNorway Action Plan.

There are good preconditions for strengthening government relations with the public via new information and communication technologies in Norway. Of a total population of 4.6 million, about 1.8 to 2.0 million people (aged 13 years and over) have access to the Internet, while 500 000 people use Internet on a daily basis.

Access to the Internet is available in public libraries in over 70 per cent of Norwegian municipalities (316 of a total of 435) and in 15 per cent of the primary schools, 50 per cent of lower secondary schools and 90 per cent of secondary schools.

Public institutions have also established websites for information and discussions with the public and use Internet to request comments, hold open meetings, and launch debate forums; conduct user surveys and provide specialist information (e.g. on the environment, or for businesses). It is also interesting to note that some public committees use websites during the process of information gathering and for the purpose of creating debate.

ICTs can contribute to strengthening the administration's user orientation and capacity to communicate with citizens in a number of ways:

- *Information*: the Internet has given the public sector a new information channel to reach an even greater share of the population. The channel provides new opportunities for alternative methods of presenting and sorting information. This information channel will, however, initially supplement and not replace other forms of information distribution, so that the level of service offered to those user groups that do not have access to this medium is not reduced.
- *Communication*: electronic communication has made possible more flexible and simpler forms of interaction between the administration and its users (with respect to both individuals and organisations).
- *Service delivery*: ICTs provide new opportunities for a more user-oriented organisation and localisation of the administration's service delivery, by reducing the significance of geography and organisational location. The establishment of public service offices, where the administration's users are given access to public services across the various agency borders and/or administrative levels, is a good example of this.

The "user orientation model" should also contribute to establishing guidelines for the development and application of IT in the central government administration.

Overview of the Case Study

Background

The Biotechnology Advisory Board is an official independent advisory body appointed by the government. The Board's mandate covers biotechnology and gene technology in relation to humans, animals, plants and micro-organisms.

The Board evaluates principles and general issues in connection with activities in biotechnology, and puts forward proposals for ethical guidelines for such activities. It also makes recommendations in cases that are dealt with under the Gene Technology Act and the Act Related to Application of Biotechnology in Medicine. The Board is also charged with providing information to the general public on biotechnology.

The decision to conduct a consensus conference was taken by the National Committees for Research Ethics and the Norwegian Biotechnology Advisory Board, which saw the need to include non-experts in order to obtain the views of ordinary people on the genetic modification of food.

The consensus conference was held from 18-21 October 1996. The laymen's panel consisted of 16 people, 8 men and 8 women, aged from 18 to 72, drawn from various parts of the country and with different backgrounds. Members were not to have close links with occupations or organisations with established policies in this area. The aims of the panel's work were: to give co-ordinated advice on genetically modified food to politicians, authorities and the food industry; to establish a forum for dialogue between experts and non-experts; and to contribute to an all-embracing and well-informed public discussion of the subject.

The 1996 consensus conference was followed by a follow-up conference on the same subject, and with the same panel, on 15 November 2000.

Organisation and process

Several public bodies, groups and individuals were involved in the organisation of the 1996 consensus conference on the genetic modification of food – each with a distinct role.

Table 26. **Key organisations in the 1996 consensus conference on the genetic modification of food**

Organisation	Role
Biotechnology Advisory Board	Advising the government
Steering Group	Conducting the conference
Project staff (3)	Organising all practical matters
Professor Gunnar Handal	Acting as facilitator for the process
Laymen's Panel (16)	Asking questions to the expert group and reporting to the Biotechnology Advisory Board
Expert Group (15)	Giving answers to the questions posed by the panel

The preparation and implementation of the 1996 consensus conference took place in a number of stages, which can be described as follows.

Table 27. **Main stages in the 1996 consensus conference on the genetic modification of food**

Stage of the process	Date	Activities
Steering group and project staff established	Early 1996	Establishing goals Describing the topic Conducting the search process for members of the laymen's panel
Search for laymen	June 1996	Advertising in 10 newspapers Conducting the selection process using a fixed list of criteria (16 out of the 400 people who expressed interest)
Preparation of the laymen panel	August-September 1996	Two weekend seminars Preparing questions for the experts Guided by the facilitator
Choice of experts	May – August 1996	Contacting 60 potential participants in the expert group Selecting 15 (using a fixed list of criteria)
Preparation of experts	1-18 October 1996	Reading and preparing answers to questions posed by the panel
Day 1 (of the conference)	18 October 1996	20-minute lecture by each expert
Day 2	19 October 1996	Additional questions from the panel and from the audience
Day 3	20 October 1996	Panel works on their report
Day 4	21 October 1996	The panel presents the report
Final report	December 1996	Media conferences TV presentation

This was the first consensus conference with a laymen's panel ever to be organised in Norway. The conference built on the experience and used the same model as had been used in Denmark from the early 1980s.

Evaluation

Review of the 1997 evaluation report

The 1996 consensus conference was evaluated by Norwegian Institute for Studies in Research and Higher Education (NIFU), an independent research institution, which submitted its report⁵⁵ in April 1997. As a part of the evaluation all participants filled in a questionnaire. The evaluation focused primarily on the organisation and the process itself, rather than on an assessment of the results or impacts of the 1996 consensus conference.

The evaluation report used three main criteria for its evaluation, namely, to what extent has the consensus conference contributed to:

- Recommendations based on consensus in the group.
- Dialogue between experts and non-experts.

- A broad and informed public debate.

The following excerpts from the executive summary of the 1997 evaluation report give a brief overview of the main conclusions:

The conference has been given a good evaluation. It became a dialogue on the laymen's terms, as was the intention. We have noted that the experts have been loyal to the list of questions from the laymen and that the panel of laymen in their opinion got satisfactory answers. It was noted that there were good conditions for dialogue, and the role of the facilitator was especially underlined.

The conference resulted in a readable and structured report with consistent conclusions. Substantially the document is marked by the main conclusion that 'there is no need for genetically modified food today'. Even if the laymen's panel focused mostly on the potential dangers, we have concluded that there had been a relatively balanced discussion.

The final report has a technically broad scope, giving advice on the 8 main themes which should be addressed. We have concluded that it gives advice to all relevant target groups. The analysis is, naturally, not a deep and thorough one, given that the document was produced in the space of 36 hours. We have stated that the most important value of the report is its function as a 'problem catalogue' – as an index of important aspects regarding genetically modified food.

We have not noted much debate after the conference. There has, however, been considerable media interest – including around 70 press clips in newspapers and magazines. Considerable interest has also been noted in other forums, such as ministries and parliamentary committees.

In reviewing some of the conclusions drawn by the 1997 evaluation report, the following observations may be made:

- The evaluation criteria, building on the targets of the conference, are complex and not easily measurable.
- The process is given a very positive evaluation by laymen, the facilitator and experts.
- Among the 13 experts interviewed 8 are positive and 3 (scientists) are negative with regard to the validity and the conclusions of the final report.
- There is an agreement among the laymen that the facilitator played a very important role in reaching agreement on conclusions.

The evaluation report did not assess what real impact this consensus conference had on government decision-making on genetically modified food, and did not evaluate the costs of the conference, nor the benefits versus the costs.

Update on the November 2000 follow-up consensus conference

The issue of genetically modified food has recently re-emerged, notably with a parliamentary debate in October 2000 on whether to establish a moratorium regarding genetically modified food. The relevant committee in parliament voted on 20 October 2000 in favour of the principle of a moratorium, and sent the question back to the ministries concerned for further preparation.

In this context, the National Committees for Research Ethics and the Norwegian Biotechnology Advisory Board initiated and arranged an open meeting on the use of genetically modified food (held on 15 and 16 November 2000 in Oslo) as a follow-up to the 1996 consensus conference.

The November 2000 conference had two main objectives:

- To summarise the development in research on genetically modified food since 1996.
- To discuss and conclude on whether there should be a moratorium on the use and import of genetically modified food.

The same laymen's panel (15 of the original 16 members) was invited and posed questions to a panel of experts. This time the panel did not have any preparatory meetings. Written material was sent

to the laymen individually, for them to prepare questions to the experts. The answers to these questions became the basis for the panel's conclusion.

As a result of its deliberations, the laymen's panel agreed on a memorandum which recommended that the Norwegian authorities establish a moratorium on genetically modified food. The memorandum was made public with a press conference held on 16 November 2000.

The situation for many of the participants in the laymen's panel has changed since 1996. As a result of their participation in the panel of 1996, many of the members have developed a further interest in the topic of genetically modified food. A follow-up conference using the same laymen therefore also built upon information and opinions they had acquired since the 1996 consensus conference.

In its conclusions, the panel supported the establishment of a moratorium and set out the conditions that should be met before such a moratorium could be lifted, namely:

- The need for more knowledge to understand the long-term effects on environment and health.
- Co-ordination of laws and regulations (nationally and internationally).
- Strengthening of reviews, control and traceability.

The conference of 2000 was, in some ways, a mere replication of the 1996 consensus conference, but the question at hand was mostly narrowed down to a discussion of, and recommendation on, whether Norway should impose a moratorium on genetically modified food.⁵⁶

Resources used in conducting the consensus conferences of 1996 and 2000

The total budget for the 1996 consensus conference was around NOK 1.1 million (137 500 euro) and was financed by several ministries and public institutions, including: the National Committees for Research Ethics; the Norwegian Biotechnology Advisory Board; the Research Council of Norway; the Ministry of Fisheries; the Ministry of Agriculture; the Ministry of the Environment; the Ministry of Trade and Industry; and the Ministry of Health and Social Affairs.

The human resources engaged in preparing and conducting the 1996 consensus conference amounted to a total of 545 working days for project staff, laymen, experts and the facilitator.

Table 28. **Human resources engaged in the 1996 consensus conference (in working days)**

Participants	Total number of working days
Project staff (3)	132
Facilitator (1):	33
Laymen's Panel (16)	320 (20 days on average per layman)
Expert Group (15)	60 (4 days on average per expert)
TOTAL	545

The follow-up conference of November 2000, required considerably fewer resources, and was completed within the allocated budget of around NOK 300 000 (37,500 euro).

Assessing the impact of the 1996 and 2000 consensus conferences

It is difficult to assess the impact of the 1996 consensus conference on genetically modified food. As stated in the 1997 evaluation report, the conclusions of the consensus conference's final report were rather "conservative", and supportive of the official policy. It is possible that the impact would potentially have been greater if conclusions had been more radical. The follow-up conference of November 2000 has so far had limited effects other than getting the topic of genetic modification of food back on the political agenda.

In terms of the direct impact of this instance of public consultation on decision-making, however, no direct effects can be observed in the period 1996 to 2000. It remains to be seen whether the latest conference in November 2000 will influence the government, and subsequently the parliament, in its

decision to establish a moratorium. There would seem, however, to be a tendency within the government administration to rely more on expert advice than on input received through more innovative public consultation mechanisms.

At the same time, one should not underestimate the potentially positive psychological impact on public opinion derived from the fact that Norwegian authorities took the initiative to involve laymen in the decision-making process on a sensitive and complex issue of public policy.

Benefits

It would be fair to say that the most important benefit from these consensus conferences has been in terms of their contribution to raising public awareness. In addition to around 100 press clips, the participants have been interviewed in 20 radio programmes, and the conference has been presented in 4 television programmes. The same might be said for public authorities, given that the final report from the 1996 consensus conference was sent to all members of parliament and all Norwegian ministries.

Another obvious benefit from the 1996 consensus conference on genetically modified food lies in the fact that it was the first pilot project to use this model of public participation in Norway. Following it, a number of consensus conferences – especially within the field of medicine and technology – have since been organised.

Whether this has led to more democratically responsive decisions is, however, difficult to assess. As noted above the debates and decisions in the Parliament were not co-ordinated with the conferences, but it is certain that the laymen's report from the 1996 consensus conference was part of the material on which the parliament based its discussions of a moratorium in October 2000.

However, we observe that the different ministries working to prepare the final parliamentary proceedings in the matter of genetically modified food tend to rely more on expert advice than on the conclusions from the consensus conferences.

Drawbacks

There are some drawbacks in this form of consultation and limitations to its use, several of which are mentioned in the 1997 evaluation report and discussed more generally:

- First, the costs and human resources required are obvious obstacles to the widespread use of this model.
- Second, an emphasis on the need to reach consensus may benefit those who already have a strong opinion in the matter at hand, and may lead to a less open discussion than was intended. (In this context, it is interesting to note that the Dutch model of consensus conferences does not focus on the need to reach consensus, but rather on discussing and presenting conflicting viewpoints.)
- Third, there is a danger that the facilitator will influence discussions and decisions more than is intended. This appeared not to be the case in this consensus conference, but makes the issue of ensuring the quality of the facilitator very important.
- Finally, the use of a laymen's panel must not be seen as a substitute for other democratic processes, but rather as a supplement to them. A laymen's panel can never be taken to be a totally representative group because the selection process itself (based as it is on volunteers) narrows participation down to people who show a special interest in the matter at hand.

Consensus conferences as a tool for public consultation

The development of consensus conferences can be witnessed in Norway, especially within the area of science, health and medicine. They have also been used for some other issues, such as immigration, and on how to improve relations between different cultures in Norwegian society.

From 1996 there have been a number of conferences on the medical treatment of: depression by doctors who are general practitioners; premature infants; diabetes; stroke patients; and the use of amalgam in dental treatment.

The Ministry of Health and Social Affairs has in this respect established the use of consensus conferences as a permanent instrument, although these conferences seem to be more “user oriented” than “citizen oriented”. Indeed, in many of these areas there has been only very limited use of laymen (e.g. the conference on treatment of premature infants). Otherwise, these conferences have been meeting-grounds for experts, on questions with conflicting views within the expert community. (This model of consensus conferences has also been referred to as “the American model”.)

The case chosen for this study reflects and underlines the need to balance different interests and viewpoints for issues characterised by:

- Significant complexity in both ethical and technical terms.
- The need for expert knowledge and introduction to allow laymen to form an opinion.
- A high level of media interest.

This case raises a number of general questions for consideration in the application of consensus conferences to other policy sectors and in different national contexts:

- How to achieve a balance between laymen and experts.
- The risk of being influenced by prejudice and media focus.
- Forcing experts to communicate and discuss.

The use of consensus conferences as a means of ensuring greater public input into policy-making may meet a number of obstacles (e.g. related to the legal framework or administrative culture) and have a number of implications (e.g. for traditional decision-making mechanisms).

There has been some discussion on which questions are suitable for the use of consensus conferences, both in the literature and following the 1996 consensus conference on genetically modified food. The following recommendations have been developed by a Norwegian expert on this topic (Fixdal, 1997):

- The topic must be on the political agenda and be of popular interest.
- There should be conflicting views among scientists or politicians (but perhaps not so controversial that discussions in the panel probably end in conflicts).
- There should be sufficient scientific factual information to guide the laymen.
- There must be a good timing with regard to political decisions (and political will to use the information gained).

Future Perspectives

Identification of difficulties and barriers to be overcome

The 1996 consensus conference on genetically modified food was considered to be a success both by participants and observers. The process was seen as positive and motivating and this kind of conference appears to be well suited to issues within the area of health, medicine and technology.

If, however, we look at the broad picture of improving government-citizen connections, there are some difficulties that have to be resolved before this kind of instrument will help to “revitalise democracy”:

- First, there needs to be a thorough discussion in the broader Norwegian political environment on how citizens should be involved in decision-making processes.
- Second, there is a need to develop a more open-minded approach to decision-making within the public administration (ministries and directorates).

- Third, the use of consensus conferences needs to become more institutionalised and integrated into the decision-making process.

In the light of experience in the use of consensus conferences to date, they do not appear to represent a major contribution to the democratic process as a whole, but rather as a potential supplement to be used in relatively narrow technical fields.

Perspectives and challenges

It is generally agreed that Norwegian democracy (as in many other OECD Member countries) needs to be revitalised. The traditional parliamentary system built on participation through political parties has experienced difficulties in reaching parts of the population. The use of consensus conferences and other such mechanisms may represent important supplements to traditional political processes.

However, the legal framework has not yet been modernised to cope with such developments. The focus in laws and regulations is more on rights of access to information and appeal than on public involvement. On the other hand the new democratic instruments will only cover a small part of the public decision-making processes. Modernisation of the legal framework must also deal with the different roles of the public – as clients, users and citizens.

In the future there will be a growing mixture of public, semi-public and private services in areas that were traditionally dominated by public services. This makes it even more important to revise the legal framework.

It may be expected that both the citizens and the users of public services will demand more insight and involvement in decision-making in the future. From the point of view of the citizen, this is necessary to establish legitimacy for the use of public resources.

The conclusion is therefore that the use of consultation and the active involvement of citizens will increase and spread into new policy areas over the next 5 to 10 years. During this period, Internet-based technology will also dramatically change the possibility of, and practical means for, involving citizens. This will, in turn, raise questions on how such developments affect the ability of different groups in society to participate in public policy-making.

Possibility for transfer of the consensus conference method

Consensus conferences are useful tools which may be used in all democratic countries that have a minimum of tradition and experience in involving individuals and groups other than experts in the decision-making process. In countries lacking such a tradition, it may take more time to get used to the idea of involving laymen, as is also the case in Norway today in certain sensitive policy areas. Energy policy is a case in point – plans for a consensus conference on the issue of “Energy production and energy balance” were not carried out due in part to a change in government and to uncertainty among civil servants responsible for policy in this field.

There is little experience in Norway that provides the elements for evaluating the benefits and costs of consultation exercises, but as mentioned before many countries have tried different models of consensus conferences. Denmark was a pioneer in using this special method, and there are also interesting cases from the United States, Canada, Switzerland, United Kingdom, New Zealand and Australia.

CONTACT LIST

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ANNEX

Table 29. Selected legislation on government-citizen relations in OECD member countries⁵⁷

Country	Law on Access to Information and Documents	Law on Privacy and Data Protection	Law on Administrative Procedure	Law on Electronic Data	E-government policy	Law on Ombudsman/Commissioner
1. Australia						
Year	1982	1988	2000 (1977, 1975)	2000; 1999	2000	1976
Date		Nov-88		25-Nov-00	Apr-00	
Title	Freedom of Information Act	Privacy Act	Administrative Reform Act	Electronic Signature Act Electronic Transaction Act	Government Online Strategy	Ombudsman Act
2. Austria						
Year	1987	1999 (1987, 1978)		1998	2000 (1997)	1977
Date	15-May-87	Dec-99			Spring (Oct-97)	
Title	“Auskunftsspflichtgesetz” obliges federal authorities to answer citizens’ questions – does not give rights of access to documents	Data Protection Act		Digital Signature Act	Information and Communication Project (Strategy & Action Plan for Information Society)	“People’s Attorney” introduced
3. Belgium						
Year	1994	1992			1997	1995
Date	11-Apr-94	8-May-92			30-May-97	22-Mar-95
Title	Law on Openness of the Administration	Law on the Protection of Private Life Regarding the Processing of Personal Data		(Draft law on electronic signature submitted to parliament in Dec. 1999)	Federal Action Plan for the Information Society	Federal Ombudsmen Act
	At the regional level: Parliament of Flanders Act on the Public Nature of Government (18 May 1999)				At the regional level: Government of Flanders decree on e-government (8 December 2000)	At the regional level: Parliament of Flanders Act on the Flemish Ombudsman Service (1998)
4. Canada						
Year	1982	1982		1999	2000	
Date	(to be updated in 2001)	(to be updated in 2001)		25-Apr-99	Feb-00	
Title	Access to Information Act	Privacy Act		The Personal Information Protection and Electronic Document Act	Framework for government online	No Ombudsman at federal level (only at provincial level)
5. Czech Rep.						
Year	1999	1998; 1992	1967	2000	1999	1999
Date	May	Apr-92	(to be updated in 2001)	Jun-00	31-May-99	
Title	Act on Free Access to Information (No. 166/1999 Coll.)	– Protection of Concealed Facts – Act on the Protection of Personal Data in Information Systems	Law on Administrative Procedure (No. 71/1967 Coll.)	Law on Digital Signature	State information policy	Act on the Ombudsman (No. 349/1999 Coll.)

Table 29. Selected legislation on government-citizen relations in OECD member countries (cont.)

Country	Law on Access to Information and Documents	Law on Privacy and Data Protection	Law on Administrative Procedure	Law on Electronic Data	E-government policy	Law on Ombudsman/Commissioner
6. Denmark						
Year	1998 (1993,1991,1985)	2000 (1987, 1978)	1985	2000	1999 (1995)	(1953)
Date	(30-Jun-93, 6-Jun-91, 19-Dec-85)	July 2000 (Jun-87, Jun-78)	Dec. 1985	March 2000	Dec-99	
Title	Act on Access to Public Administration Files (Law No. 276, No. 504, No.572)	Law on Processing Personal Data (Law No. 429)	Law on Administrative Procedures (Law No. 571)	Law on Electronic Signatures	IT Policy Strategy: "Realigning to a Network Society" (IT Policy Action Plan "From Vision to Action")	(Under the Constitution)
7. Finland						
Year	1999 (1951)	1999 (1987)	1982	2000 1999	1998 (1995)	(1919)
Date	9-Feb-51			01-Jan-00	Dec-98 (Jan-95)	
Title	Act on Openness of Government Activities (Publicity of Official Documents Act)	Data Protection Act (Personal Data Act)	Administrative Procedure Act	– Act on Electronic Services in the Administration – Act on Electronic Transaction	Second Strategy "Quality of Life, Knowledge and Competitiveness" ("Finland towards the Information Society")	(Under the Constitution)
8. France						
Year	1979 (1978)	1978	1979	2000	1998	2000 (1973)
Date	(17-Jul-78)	06-Jan-78	11-Jul-79	29-Feb-00	Jan-98	12-Apr-00(03-Jan-73)
Title	Law No. 79-583 (Law No. 78-753 on access to administrative documents)	Act on Processing, Data Files and Individual Liberties (Law of 6.01.1978 on IT, files and freedoms)	Law on the justification for administrative acts	Law on Electronic Signatures No. 2000-230	Governmental Action Programme "Preparing for the Information Society" (PAGSJ); Ministerial Action Programmes (PAMSI)	establishing the Mediator of the Republic
9. Germany						
Year	1990 (1976)	1990 (1976)	1976	1997	1999 (1996)	
Date	20-Dec-90 (27-Jan-77)	20-Dec-90 (27-Jan-77)	25-Jul-76	13-Jun-97	Nov-99(Feb-96)	
Title	(No general freedom of information law)	Federal Data Protection Act (last amended in 2000)	Act on Administrative Procedure	Digital Signatures Act enacted as Art. 3 of the Information and Communication Services Act (last amended 2001)	Action Programme "Innovation and Jobs in the Information Society of the 21 st Century" (Info-2000: Germany's way to the Information Society)	No Ombudsman at the federal level

Table 29. Selected legislation on government-citizen relations in OECD member countries (*cont.*)

Country	Law on Access to Information and Documents	Law on Privacy and Data Protection	Law on Administrative Procedure	Law on Electronic Data	E-government policy	Law on Ombudsman/Commissioner
10. Greece						
Year	2000 (1986)	1997	1999	1998	1999 (1995)	1997
Date		Apr			Feb-99	
Title	Right of Access to Administrative Document (Act No. 1599/1986 on Access to Information)	Law No. 2472/1997 on the Protection of Individuals with Regards to the Processing of Personal Data	Law No. 2690/1999 Code on Administrative Procedure	Law No. 2672/1998 on Information by E-mail	2nd White Paper "Greece in the Information Society: Strategy and Actions" (White Paper "Greek Strategy for the Information Society")	Law No. 2477/1997 establishing the Ombudsman
11. Hungary						
Year	1992	1992				(1990)
Date						
Title	(Combined FOI and Data Protection Act) Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Personal Data of Public Interest	(Combined FOI and Data Protection Act) Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Personal Data of Public Interest				(Under the Constitution) (3 Parliamentary Commissioners for civil rights; ethnic and national minorities; data protection)
12. Iceland						
Year	1996	1989	1993			1988
Date		Dec				
Title	Information Act	Act Concerning the Registration and Handling of Personal Data	Administrative Act			Office of Ombudsman was established
13. Ireland						
Year	1997	1988	1990		1999 (1997)	1980
Date					Jan-99 (Mar-97)	
Title	Freedom of Information Act No. 13	Data Protection Act	n.a.		Implementing the Information Society in Ireland: An Action Plan (Information Society Ireland: Strategy for Action)	Ombudsman Act
14. Italy						
Year	1990	1997; 1996	1999 (1990)	2001; 1997	2000	
Date	7-Aug-90	Jan-1-97; 31-Dec-96		31-Oct-97	23-Jun-00	
Title	Act No. 241 on Access to Administrative Documents	– Processing of Personal Data Act – Protection of Individual and Other Subjects with regard to the Processing of Personal Data Act N° 675	Administrative Procedure Law	– Law on Electronic Signature and Data Regulations	E-Government Action Plan	No Ombudsman at national level (only sub-national level)

Table 29. Selected legislation on government-citizen relations in OECD member countries (cont.)

Country	Law on Access to Information and Documents	Law on Privacy and Data Protection	Law on Administrative Procedure	Law on Electronic Data	E-government policy	Law on Ombudsman/Commissioner
15. Japan						
Year	1999	1988	1994		(2001)	
Date	14-May-99	16-Dec-88	01-Oct-94		29-March-01	
Title	Law Concerning Access to Information Held by Administrative Organs	Law for the Protection of Computer Processed Data Held by Administrative Organs	Administrative Procedure Act		E-Japan Priority Policy Programme	
16. Korea						
Year	1996	1999	1996	2001	1999	1994
Date	31-Dec-96	8-Feb-99; 5-Feb-99	31-Dec-96	27-Feb-01		Apr-94
Title	Act on Disclosure of Information by Public Agencies	Act on Promotion of Utilisation of Information System and Protection of Information; Digital Signature Act	Administrative Procedure Act	Electronic Government Act	E-Government Project; Cyber-Korea 21	Ombudsman of Korea
17. Luxembourg						
Year		1979	1978	1999		
Date		Mar-79	1-Dec-78			
Title	(No general freedom of information law)	Act of 30 March on the Identification of Physical and Legal Persons by Number; Act of 31 March on Use of Nominal Data in Data Processing	Act on Administrative Procedures	Draft law on Digital Signatures		
18. Mexico						
Year				2000		
Date				7-Jun-00		
Title	(No general freedom of information law)	No specific privacy law (in the Constitution, Penal Code Article 214)		E-Commerce Act (covers privacy, e-signature and e-documents)		
19. Netherlands						
Year	1998, 1992 (1980)	2001(1988)	1998		1999	1999 (1981)
Date	18-Jun-98	01-Sept-01	01-Jan-98		March	12-May-99 (31-Feb-81)
Title	Government Information Act Stb. 356	Personal Data Protection Act (Data Registration Act)	General Administrative Procedural Law Act		Electronic Government Action Programme	National Ombudsman Act

Table 29. **Selected legislation on government-citizen relations in OECD member countries (cont.)**

Country	Law on Access to Information and Documents	Law on Privacy and Data Protection	Law on Administrative Procedure	Law on Electronic Data	E-government policy	Law on Ombudsman/Commissioner
20. New Zealand						
Year	1982	1994 (1993)	2001 (1969)			1962
Date						
Title	Official Information Act	Privacy Amendment Act (Privacy Act)	Administration Amendment Act (Administration Act)			
21. Norway						
Year	1970	2000 (1978)	1970		1999	1962
Date	19-Jun-70	14-Apr-00 (9-Jun-78)	10-Feb-70			
Title	Freedom of Information Act	Act N° 31 on the Processing of Personal Data (Act on Personal Data Registers)	Public Administration Act		E-Government Action Plan	Act on the Parliamentary Ombudsman for Public Administration
22. Poland						
Year		1997	1999 (1960)			1987
Date		29-Aug-97	01-Jan-99 (14-Jun-60)			15-Jul-87
Title	(No general freedom of information law)	Law on the Protection of Personal Data	Act on Administrative Proceedings Code			Act on the Ombudsman
23. Portugal						
Year	1993	1998	1976	2000 (1999)	2000	1996 (1991, 1975)
Date	26-Aug-93	Oct-98		2-Oct-00 (18-Sept-99; 25-Aug-99)	22-Aug-00	14-Aug-96 (9-Apr-91)
Title	Law n° 65/93	Law N° 67/98 on the Protection of Personal Data	Code of Administrative Procedure	DR No. 16/2000 (Law decree No. 375/99; National Initiative for Electronic Commerce, RCM No. 94/99)	Internet Initiative RCM No. 110/2000	(Law No. 9/91)
24. Slovak Rep.						
Year	2000	1998				2001
Date	May-00	Feb-98				23-Feb-01
Title	Act on Free Access to Information	The Act on Protection of Personal Data in Information Systems				Constitutional Statute No. 90/2001 Coll. (constitutional amendment creating a Public Defender of Rights)

Table 29. Selected legislation on government-citizen relations in OECD member countries (cont.)

Country	Law on Access to Information and Documents	Law on Privacy and Data Protection	Law on Administrative Procedure	Law on Electronic Data	E-government policy	Law on Ombudsman/Commissioner
25. Spain						
Year	1998 (1992)	1999 (1992)	1999 (1992, 1958)	1999	1999	(1981)
Date	13-Jul-98 (26-Nov-92)	13-Dec-99 (Oct-92)	(26-Nov-92, 17-Jul-58)	Sept	Dec-99	(Under the Constitution)
Title	Law No. 29/1998 (Law No. 30/92 on Public Administration and Common Administrative Procedures)	Personal Data Act (Law on the Regulation of the Automatic Processing of Personal Data)	Act on Administrative Procedure	Royal Decree on Digital Signatures	Strategic Investment Plan for IT	
26. Sweden						
Year	1994 (1766)	1998 (1994, 1973)	1998	2000	1996 (2000)	1809
Date		29-Apr-98		Apr	28-Mar-00	
Title	Freedom of Information Act (Freedom of Press Act now part of the Constitution)	Personal Data Act (Personal Data Protection Act)	Government Public Administration Bill	Regulation on Services concerning Electronic Certifications	National Strategy for Information Society	
27. Switzerland						
Year		1992			1999	
Date		19-Jun-92			Jul-99	
Title	(No general Freedom of Information law)	Federal Law on Data Protection			Report on Information Society	No Ombudsman at the Federal level
28. Turkey						
Year					1999	
Date					Jun-99	
Title	(No general Freedom of Information law)	(Draft legislation on the protection of personal data in 2000)			Project on Restructuring Management	
29. United Kingdom						
Year	2000	1998 (1984)	2000	2000	1999	1994 (1967)
Date	31-Jan-00	Jul-98	Nov-00	25-May-00	30-Mar-99	
Title	Freedom of Information Act	Data Protection Act	Code of practice on Written Consultation	Electronic Communication Act	Modernising Government White Paper	Parliamentary Commissioner Act (Scotland Act – 1998 Government of Wales Act – 1998)

Table 29. Selected legislation on government-citizen relations in OECD member countries (*cont.*)

Country	Law on Access to Information and Documents	Law on Privacy and Data Protection	Law on Administrative Procedure	Law on Electronic Data	E-government policy	Law on Ombudsman/Commissioner
30. United States						
Year	1996 (1966)	1974	1946	1999; 1997; 1996		
Date	Oct-96			Oct-96		
Title	Electronic Freedom of Information Act (Freedom of Information Act)	Privacy Act	Administrative Procedure Act	– Digital Signatures Act – Electronic Data Security Act – Electronic Freedom of Information Act		(1978 Inspector General Act – no other formal ombudsman system)
31. European Commission						
Year	1999	1995		1999	1994	2000 (first appointed in 1995)
Date	1-May-99					22-Jun-00
Title	The Amsterdam Treaty (Article 255 on access to Community Institution documents)	EC Data Protection Directive (95/46/EC)		Directive for the Electronic Signature	Project on Information Society in Europe	Statute of European Ombudsman (Treaty of Maastricht)
Sources:						
<ul style="list-style-type: none"> Country responses to the questionnaire on “Strengthening Government-Citizen Connections” [PUMA/CIT(2000)1], received in the Autumn of 1999. Country responses to the questionnaire on “Parliamentary Procedures and Relations” [PUMA/LEG(2000)1], received in the Summer of 2000. “Comparative Analysis of the Member States’ Legislation Concerning Access to Documents”, (Secretariat General of the European Commission, January 2000). Government websites 						

Table 30. **Internet subscribers per 100 inhabitants in OECD Member Countries* (January 2000)**

Country	Internet subscribers per 100 inhabitants
AUSTRALIA	12.7
AUSTRIA	6.0
BELGIUM	10.6
CANADA	20.2
CZECH REPUBLIC	1.9
DENMARK	21.3
FINLAND	10.9
FRANCE	5.1
GERMANY	11.0
GREECE	1.9
HUNGARY	1.1
ICELAND	17.7
IRELAND	10.8
ITALY	8.6
JAPAN	8.4
KOREA	23.2
LUXEMBOURG	
MEXICO	1.9
NETHERLANDS	17.9
NEW ZEALAND	14.0
NORWAY	15.6
POLAND	
PORTUGAL	4.7
SLOVAK REPUBLIC	
SPAIN	9.2
SWEDEN	23.0
SWITZERLAND	12.6
TURKEY	
UNITED KINGDOM	12.4
UNITED STATES	18.2
EUROPEAN UNION	9.9

* *Note:* These figures refer to *subscriptions* to Internet providers. The number of Internet *users* per 100 inhabitants may be higher.

Source: Table 5.1, OECD Communications Outlook 2001

Table 31. **Survey responses by OECD Member Countries**

Country	General Questionnaire ⁵⁸	IT Questionnaire ⁵⁹
AUSTRALIA	✓	✓
AUSTRIA	✓	✓
BELGIUM ⁶⁰	✓	✓
CANADA	✓	✓
CZECH REPUBLIC	✓	✓
DENMARK	✓	✓
FINLAND	✓	✓
FRANCE	✓	✓
GERMANY	–	✓
GREECE	✓	✓
HUNGARY	–	✓
ICELAND	✓	✓
IRELAND	✓	✓
ITALY	✓	✓
JAPAN	✓	✓
KOREA	✓	✓
LUXEMBOURG	✓	–
MEXICO	✓	–
NETHERLANDS	✓	✓
NEW ZEALAND	✓	–
NORWAY	✓	✓
POLAND	✓	–
PORTUGAL	–	✓
SLOVAK REPUBLIC ⁶¹	–	–
SPAIN	✓	✓
SWEDEN	–	✓
SWITZERLAND	✓	✓
TURKEY	–	✓
UNITED KINGDOM	✓	✓
UNITED STATES	–	–
EUROPEAN UNION	✓	–

Table 32. **On-line publications of the working group on strengthening government-citizen connections**

Publication	Notes
Final Report	Sourcebook and synthesis of main findings
Policy Brief	Key issues for policy-makers
Database of consolidated questionnaire responses	To be published on-line following approval and as received from countries
Country case studies (including executive summary)	<ul style="list-style-type: none"> • Belgium (Flanders) • Canada • Czech Republic • Denmark • France • Hungary • Korea • Norway • United States
Handbook entitled: <i>Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-making</i> . A Practical Guide to Informing, Consulting and Engaging Citizens during Policy-making	Designed as a practical guide for government officials in OECD member countries and non-member countries seeking to strengthen the framework for government relations with citizens during policy-making
Report on the use of ICTs to provide on-line services (forthcoming).	Reviews current efforts to use new ICTs in the light of the core service delivery objectives developed in OECD Member countries during the 1980s and 1990s

See: <http://www.oecd.org/puma/citizens/>

Table 33. **Selected PUMA publications on strengthening government-citizen relations**

Theme	Publication
Service delivery	Administration as Service, the Public as Client (1986); A Survey of Initiatives for Improving Relationships between the Citizen and the Administration (1987); Administrative Responsiveness and Employment Services (1988); Administrative Responsiveness and the Taxpayer (1988); Public Management and Private Enterprise: Administrative Responsiveness and the Needs of Small Firms (1990).
Policy-making	Consultation and Communications: Integrating Multiple Interests into Policy; Managing Media Relations (1997); Impact of the Emerging Information Society on the Policy-making process and Democratic Quality (1998).

See: <http://www.oecd.org/puma/citizens/>

Table 34. On-line sources for legislation on access to information, data protection, and privacy

Country	Access to information	Data protection and privacy	Electronic data
AUSTRALIA	<ul style="list-style-type: none"> The Freedom of Information Act (FOI Act) 1982 http://law.gov.au/foi/descript.htm#Introduction Freedom of Information Amendment (Open Government) Bill 2000 http://scaleplus.law.gov.au/html/bills/0/2000/0/064245177X.htm 	<ul style="list-style-type: none"> Privacy Act of 1988 www.austlii.edu.au/au/legis/cth/consol_act/privacy1988108/loingtitle.html 	<ul style="list-style-type: none"> Privacy Amendment (Private Sector) Bill 2000 www.privacy.gov.au/news/pab.html Electronic Data Security Act, 1997 AUSTRIA
AUSTRIA	<ul style="list-style-type: none"> Auskunftspflichtgesetz, 1987 www.rz.uni-frankfurt.de/~sobotta/Austria.htm 	<ul style="list-style-type: none"> Datenschutzgesetz (Data Protection Act) [DE], Dec 1999 www.ad.or.at/office/recht/dsg2000.htm BELGIUM 	
BELGIUM	<ul style="list-style-type: none"> Freedom of Information laws at the federal level: Draft law amending the Law on Openness of the Administration of 11 April 1994 www.lachambre.be/documents/L49/1152/2.pdf Freedom of Information laws at the regional level: Ordonnance relative à la publicité de l'administration, 26 juin 1997 www.lachambre.be/documents/L49/871/6.pdf Parliament of Flanders Act on the public nature of government, 18 May 1999 	<ul style="list-style-type: none"> Consolidated Law on Privacy Protection in relation to the Processing of Personal Data (1992) as modified by the law of December 11, 1998 www.privacy.fgov.be/loi98coordi.htm 	<ul style="list-style-type: none"> Amendment by the law of 11 December 1998
CANADA	<ul style="list-style-type: none"> Access to Information Act, 1982 (to be updated in 2001) http://laws.justice.gc.ca/en/A-1/index.html 	<ul style="list-style-type: none"> Federal Privacy Act, 1982 (to be updated in 2001) http://laws.justice.gc.ca/en/P-21/82990.html 	<ul style="list-style-type: none"> Personal Information Protection and Electronic Documents Act in April 2000 http://laws.justice.gc.ca/en/P-8/6/81251.html
CZECH REPUBLIC	<ul style="list-style-type: none"> Act on free Access to Information, 1999 www.ostroest.cz/index.php?inc=zakonaj 	<ul style="list-style-type: none"> Act On Personal Data Protection, 2000 www.uouu.cz/eng/101_2000.php3 Protection of concealed facts, 1998 	
DENMARK	<ul style="list-style-type: none"> Act on access to Public Administration Files, 1985 (amendments in 1991 and 1993) 	<ul style="list-style-type: none"> Law on Processing Personal Data, 2000 (Law No. 429) 	<ul style="list-style-type: none"> Law on Processing Personal Data, 2000 (Law No. 429) www.datatilsynet.dk/include/show_article.asp?art_id=443&sub_url=/lovgivning/indhold.asp&nodate=1
FINLAND	<ul style="list-style-type: none"> Act on the Openness of Government Activities, 1999 (1951) www.om.fi/1184.htm#alku 	<ul style="list-style-type: none"> Personal Data Protection Act 1999 (1987) www.tietosuojafi.fi/uploads/hopxtvf.HTM 	

Table 34. On-line sources for legislation on access to information, data protection, and privacy (cont.)

Country	Access to information	Data protection and privacy	Electronic data
FRANCE	<ul style="list-style-type: none"> • Law on access to administrative documents, 1978 • Freedom of information Act, 1978 • Law on Archives, 1979 www.cnii.fr 	<ul style="list-style-type: none"> • Act on Data Processing, Data Files and Individual Liberties, 1978 www.cnii.fr/textes/text02.htm 	<ul style="list-style-type: none"> • French Freedom of Communication Act 2000 www.assemblee-nationale.fr/2/pdf/ta0553.htm <p>The Government consulted the data protection authority on the pre-draft of the bill in July 2000 to transpose the 1995 European Directive</p>
GERMANY	(No general freedom of information act)	<ul style="list-style-type: none"> • Federal Data Protection Act, December 1990, Amended 1994 www.datenschutz-berlin.de/gesetze/bdsg/bdsgeng.htm 	<ul style="list-style-type: none"> • Draft bill of the federal Data Protection Act adopted by Federal Government in 2000 and presented to the Parliamentary bodies www.datenschutz-berlin.de/ueber/aktuell.htm#topofnews
GREECE	<ul style="list-style-type: none"> • Right of Access to Administrative Documents, 2000 (1986) www.rz.uni-frankfurt.de/~sobotta/greenew.htm 	<ul style="list-style-type: none"> • Law on the Protection of individuals with regard to the processing of personal data, 1997 www.dpa.gr/2472.htm 	<ul style="list-style-type: none"> • Law No. 2672/1998 on Information by E-mail (art. 14)
HUNGARY	<ul style="list-style-type: none"> • Act No LXIII of 1992 on protection of personal data and disclosure of data of public interest www.obh.hu/adatved/indexek/index.htm 	<ul style="list-style-type: none"> • Act No LXIII of 1992 On protection of personal data and disclosure of data of public interest www.obh.hu/adatved/indexek/index.htm 	
ICELAND	<ul style="list-style-type: none"> • The Freedom of Information Act of 1996 www.rz.uni-frankfurt.de/~sobotta/Enskthyd.doc 	<ul style="list-style-type: none"> • The Act on Protection of Individuals with regard to the Processing of Personal Data, 2000 (1989) http://Brunnur.sfrj.is/interpro/tolvune/nd/tolvune/nd.nsf/pages/1E685B166D04084D002569050056BFF6F 	
IRELAND	<ul style="list-style-type: none"> • Freedom of Information Act, 1997 www.ir.gov.ie/finance/FREE1.HTM 	<ul style="list-style-type: none"> • The Data Protection Act, 1988 www.dataprivacy.ie/6ai.htm 	
ITALY	<ul style="list-style-type: none"> • Law No. 241 of 7 August 1990 (Chapter V – Access to administrative documents) http://www.governo.it/sez_presidenza/dica/documentazione/normativa_accesso/legge241_1990_eng.html • Decree of the President of the Republic No. 352, 27 June 1992 implementing Article 24.2 of Law No. 241 http://www.governo.it/sez_presidenza/dica/documentazione/normativa_accesso/dpr352_1992_eng.html 	<ul style="list-style-type: none"> • Processing of Personal Act (1997) • Protection of Individual and other subjects with regard to the Processing of Personal Data Act (1996) www.parlamento.it/parlam/leggi/966751.htm 	

Table 34. On-line sources for legislation on access to information, data protection, and privacy (cont.)

Country	Access to information	Data protection and privacy	Electronic data
JAPAN	<ul style="list-style-type: none"> • Law Concerning Access to Information Held by Administrative Organs, 1999 www.somuch.go.jp/gyoukan/kanri/translation.htm 	<ul style="list-style-type: none"> • Act for the Protection of Computer Processed Personal Data held by Administrative Organs (1988) www.soumu.go.jp/gyoukan/kanri/kanri_f.htm http://www.soumu.go.jp/gyoukan/kanri/kanri_f.htm 	
KOREA	<ul style="list-style-type: none"> • Act on Disclosure of Information, 1996 	<ul style="list-style-type: none"> • Act on the Protection of Personal Information, 1994 	<ul style="list-style-type: none"> • Digital Signature Act 1999 • Act on Promotion of Utilisation of Information and Protection of Information 1999
LUXEMBOURG	(No general freedom of information Law)	<ul style="list-style-type: none"> • Act of 1979 Organising the Identification of Physical and legal Persons by Number • Act of 1979 Regulating the Use of Nominal Data in Data Processing 	<ul style="list-style-type: none"> • Act Concerning the Use of Nominal Data in Computer Processing, 1999 <p>(An amendment bill has been drafted to transpose the 1995 European Data Protection Directive)</p>
MEXICO	(No general freedom of information Law)	No specific privacy law (in the Constitution, Penal Code Article 214)	
NETHERLANDS	<ul style="list-style-type: none"> • Government Information (Public Access) Act of 1998 (1980) www.overheid.nl 	<ul style="list-style-type: none"> • Personal Data Protection Act of 2001 www.minjust.nl/c_actueel/digitaal/stb5729.pdf 	
NEW ZEALAND	<ul style="list-style-type: none"> • Official information Act, 1982 • Official Information Amendment Acts in 1987, 1989, 1992 and 1993 http://Rangi.knowledge-basket.co.nz/gpacts/reprint/text/1996/an/006.html 	<ul style="list-style-type: none"> • Privacy Act 1993 • Privacy amendment Act in 1994 www.knowledge-basket.co.nz/privacy/legislation/1993028/toc.html 	
NORWAY	<ul style="list-style-type: none"> • Freedom of Information Act, 1971 	<ul style="list-style-type: none"> • Personal Data Registers Act of 2000 (1989) www.registratorkamer.nl/bis/top_2_6.html 	
POLAND	(No general Freedom of Information Act)	<ul style="list-style-type: none"> • Law on the Protection of Personal Data Protection, 1997 www.bertelsmann.com.pl/main.php3-dp=22&lg=e.htm 	
PORTUGAL	<ul style="list-style-type: none"> • Freedom of Information Law, 1993 	<ul style="list-style-type: none"> • Act on the Protection of Personal Data, 1998 www.cnpd.pt/Leis/lei_6798en.htm 	
SLOVAK REPUBLIC	<ul style="list-style-type: none"> • Act on Free Access to Information, 2000 www.infozakon.sk/zakon-schvalenyvmsr.htm (In Slovakian) 	<ul style="list-style-type: none"> • Act on Protection of Personal Data in Information Systems, 1998 www.statistics.sk/webdata/english/acts/act5298/act5298.htm 	

Table 34. On-line sources for legislation on access to information, data protection, and privacy (cont.)

Country	Access to information	Data protection and privacy	Electronic data
SPAIN	<ul style="list-style-type: none"> Law 30/1992 on Public Administration and Common Administrative Procedures (amended in 1998) www.um.es/siu/marco/30-92.htm 	<ul style="list-style-type: none"> Law on the Regulation of the Automatic Processing of Personal Data, 1999 (1992) www.agenciaaprotecciondatos.org/datd1.htm 	
SWEDEN	<ul style="list-style-type: none"> Freedom of Information Act, 1994 (1766) (Freedom of Press Act now part of the Constitution) www.riksdagen.se/arbetar/grundbok_en Amendment in 1994 	<ul style="list-style-type: none"> Personal Data Act, 1998 (1994, 1973) www.datainspektionen.se/in_english/legislation/data.shtml 	
SWITZERLAND	(No general freedom of information Act)	<ul style="list-style-type: none"> Federal Law on Data Protection, 1992 www.admin.ch/ch/f/rs/c235_1.html 	
TURKEY	(No general freedom of information Act)	(Currently drafting data protection law)	
UNITED KINGDOM	<ul style="list-style-type: none"> The Freedom of Information Act, 2001 www.legislation.hmso.gov.uk/acts/acts2000/20000036.htm 	<ul style="list-style-type: none"> Data Protection Act 1998 www.legislation.hmso.gov.uk/acts/acts1998/19980029.htm 	
UNITED STATES	<ul style="list-style-type: none"> Freedom of Information Act, 1966 www.nih.gov/icd/od/foia 	<ul style="list-style-type: none"> The Privacy Act of 1974 www.nih.gov/icd/od/foia/privact74.htm 	<ul style="list-style-type: none"> Electronic Freedom of Information Act Amendments of 1996 www.usdoj.gov/oip/foia_updates/Vol_XVII_4/page2.htm
EUROPEAN UNION	<ul style="list-style-type: none"> Amsterdam Treaty, Article 255 http://158.169.50.95:10080/info2000/fr/publicsector/gp-footnotes.html 	<ul style="list-style-type: none"> European Union Directive on Data Protection, 1995 http://europa.eu.int/eur-lex/en/lij/dat/1995/en_395L0046.html 	<ul style="list-style-type: none"> Proposal for a Directive on processing personal data and protection of privacy in the electronic communications sector, 2000 http://europa.eu.int/eur-lex/en/com/dat/2000/en_500PC0385.html

Table 35. On-line sources for legislation and policy for e-government

Country	Electronic signature laws	E-government policy	Government portal
AUSTRALIA	<ul style="list-style-type: none"> • Law on Electronic Data, 2000 • Electronic Transaction Act, 1999 	<ul style="list-style-type: none"> • Government Online strategy, 2000 www.govonline.gov.au/projects/strategy/GovOnlineStrategy.htm 	www.fed.gov.au
AUSTRIA	<ul style="list-style-type: none"> • Austrian Federal Electronic Signature Law, 2000 (Digital Signature Act, 1998) www.bmcrk.com/economie/austrianesig.pdf 		www.help.gv.at
BELGIUM	<ul style="list-style-type: none"> • Draft bill on Electronic Signature (December 1999) www.lachambre.be/documents/322/1.pdf 	<ul style="list-style-type: none"> • Plan d'action sur la société d'information, 1997 Tele administration Action programme, 1997. At the regional level: Government of Flanders Decree on e-government of 8 December 2000 	www.belgium.fgov.be www.vlaanderen.be
CANADA	<ul style="list-style-type: none"> • Personal Information Protection and Electronic Documents Act, 1999 	<ul style="list-style-type: none"> • Framework for government online, 2000 www.parl.gc.ca/36/2/parlbus/chambus/house/bills/government/C-6/C-6_1/C-6TOCE.html 	www.canada.gc.ca
CZECH REPUBLIC	<ul style="list-style-type: none"> • Electronic Signature Act, 2000 www.uvis.cz/EN/dokumenty/domaci/227_2000.html 	<ul style="list-style-type: none"> • State Information Policy, 1999 www.uvis.cz/EN/dokumenty/domaci/inf_politika05/index.html • Action Plan of the State Information Policy www.uvis.cz/EN/dokumenty/domaci/akcnip.html 	www.vlada.cz www.centralniadresa.cz (Public Administration Portal)
DENMARK	<ul style="list-style-type: none"> • Law on Electronic Signature, 2000 	<ul style="list-style-type: none"> • IT/Tele/Electronics strategy, 1998 http://dialog.em.dk/itpro/uk/Default.htm 	www.stm.dk
FINLAND	<ul style="list-style-type: none"> • Act on Electronic Services in the Administration, 2000 www.om.fi/2838.htm • Act on Electronic Transactions, 1999 		www.opas.vn.fi (Note: new government portal under construction for 2002 at www.suomi.fi)
FRANCE	<ul style="list-style-type: none"> • Loi sur la signature électronique, mars 2000 • Décret no 2001-272 du 30 mars 2001 relatif à la signature électronique www.legifrance.gouv.fr/citoyen/jorf_nor.ow?numjo=JUSC0120141D 	<ul style="list-style-type: none"> • Programme PACSI, 1998 www.internet.gouv.fr/francais/index.html 	www.service-public.fr
GERMANY	<ul style="list-style-type: none"> • Digital Signatures Act enacted as article 3 of the Information and Communication Services Act, 1997 Law on electronic signature, 2001 		www.bundesregierung.de

Table 35. On-line sources for legislation and policy for e-government (cont.)

Country	Electronic signature laws	E-government policy	Government portal
GREECE		<ul style="list-style-type: none"> Information Society Programme Politeia 	www.gspa.gr
HUNGARY			www.meh.hu/default.htm
ICELAND			brunnur.stjr.is/interpro/stjr/stjr.ns/pages/english-index
IRELAND		<ul style="list-style-type: none"> Action Plan, 1999 www.ir.gov.ie/taoiseach/publication/infosocactionplan/infosoc.htm 	www.irigov.ie
ITALY	<ul style="list-style-type: none"> Law on Electronic Signature and Data, 2001 (?) Digital Document Regulations, 1997 Decrees on Electronic Signature and Data, 1997 and 1999 www.aipa.it/servizi/3/normativa/4/leggi/1/dpr513_97.asp www.aipa.it/servizi/3/normativa/4/leggi/1/reglin.asp 	<ul style="list-style-type: none"> E-government Action Plan, 2000 www.palazzochigi.it/fsi/eng/actionplan/government_report_s_compl.html 	www.governo.it
JAPAN	<ul style="list-style-type: none"> Law Concerning Electronic Signatures and Certification Services, 2000 www.meti.go.jp/english/special/E-Commerce/index.html 	<ul style="list-style-type: none"> E-Japan Priority Policy Programme www.kantei.go.jp/foreign/it/network/priority/index.html 	www.e-gov.go.jp
KOREA	<ul style="list-style-type: none"> Digital Signature Act 1999 Electronic Government Act 2001 	<ul style="list-style-type: none"> E-government project, 1999 	www.korea.net (in English) www.korea.go.kr (in Korean)
LUXEMBOURG	Draft Law on Electronic Signature		www.gouvernement.lu
MEXICO	<ul style="list-style-type: none"> E-commerce Act (covers privacy, e-signature and e-documents) http://vlex.com/mx/redm/n@umero_7_junio-julio_2000_Numero_de_aniversario/4 		www.state.nm.us
NETHERLANDS		Electronic Government Action Programme, March 1999 www.nederlandgaatdigitaal.nl	www.overheid.nl
NEW ZEALAND			www.govt.nz
NORWAY		E-Government Action Plan, 1999	www.norge.no

Table 35. On-line sources for legislation and policy for e-government (cont.)

Country	Electronic signature laws	E-government policy	Government portal
POLAND			www.kprm.gov.pl
PORTUGAL	<ul style="list-style-type: none"> • DR No. 16/2000 of 2 October 2000 • Law Decree No. 375/99 of 18 September 1999 	Internet Initiative RCM No. 110/2000 of 22 August 2000	www.infocid.gov.pt
SLOVAK REPUBLIC	Draft Act on Electronic Signature approved by government in May 2001		www.government.gov.sk/english
SPAIN	<ul style="list-style-type: none"> • Royal Decree on Digital Signature, 1999 www.boe.es/sumarios/ultimo 		
SWEDEN	<ul style="list-style-type: none"> • Regulation on Services concerning Electronic Certifications, 2000 	<ul style="list-style-type: none"> • National Strategy for Information Society, 1996 (2000) www.fsk.dk/fsk/publ/info2000-uk/chap02.html 	www.sverigedirekt.riksdagen.se/english/index.asp
SWITZERLAND	<ul style="list-style-type: none"> • CA Regulations 	<ul style="list-style-type: none"> • Report on Information Society, 1999 	www.admin.ch
TURKEY		<ul style="list-style-type: none"> • Project on Restructuring Management, June 1999 	www.basbakanlik.gov.tr
UNITED KINGDOM	<ul style="list-style-type: none"> • Electronic Communication Act, 2000 www.hmso.gov.uk/acts/acts2000/20000007.htm 	<ul style="list-style-type: none"> • Modernising Government White Paper, 1999 www.official-documents.co.uk/document/cm43/4310/4310.htm • e-government: A Strategic Framework for Public Services in the Information Age www.e-envoy.gov.uk/ukonline/strategy.htm 	www.ukonline.gov.uk
UNITED STATES	<ul style="list-style-type: none"> • Digital Signatures Act, 1999 • Electronic Signatures in Global and National Commerce Act, 2000 http://com-notes.house.gov/ccheat/hearings106.nsf/20c32466a1a1950a8525680f0067184a/f659e9fe1eede9c9852568f9004e19bc/\$FILE/conferencereport.pdf 		www.frist.gov.gov
EUROPEAN UNION	<ul style="list-style-type: none"> • Directive for Electronic Signature, 1999 http://europa.eu.int/comm/internal_market/en/media/sign/Dir-99-93-ecEN.pdf 	Project on Information Society in Europe http://europa.eu.int/comm/information_society/index_en.htm	http://europa.eu.int

Table 36. Links to institutions for oversight (Ombudsman, parliamentary commissioner)

Country	Ombudsman	Web-site
AUSTRALIA	<ul style="list-style-type: none"> The Ombudsman, 1976 Privacy Commissioner for Human Rights and Equal Opportunity Commission 	www.comb.gov.au/p2.html www.privacy.gov.au
AUSTRIA	<ul style="list-style-type: none"> Volksanwaltschaft, 1977 Data Protection Commission 	www.volksanw.gv.at www.bka.gv.at/datenschutz/indexe.htm
BELGIUM	<ul style="list-style-type: none"> The Federal Ombudsman, 1995 Commission for the protection of privacy At the regional level: Flemish Ombudsman Service (1998) 	www.federalombudsman.be www.privacy.fgov.be www.vlaamseombudsdienst.be
CANADA	<ul style="list-style-type: none"> Information Commissioner Federal Privacy Commissioner (Ombudsman only at provincial level starting in 1967) 	www.infoweb.magi.com www.privcom.gc.ca
CZECH REPUBLIC	<ul style="list-style-type: none"> Ombudsman, 1999 	www.ochrance.cz
DENMARK	<ul style="list-style-type: none"> The Danish Data Protection Agency Ombudsman, 1954 	www.dataatilsynet.dk/eng/index.html
FINLAND	<ul style="list-style-type: none"> Eduskunnan oikeusasiamies/Riksdagens justitieombudsmans kansli (Parliamentary Ombudsman), 1919 (Constitution Act) Data Protection Ombudsman 	www.eduskunta.fi/efakta/ead/ead.htm www.tietosuojafi.fi
FRANCE	<ul style="list-style-type: none"> Le Médiateur de la République, 1973 Data Protection Commissioner 	www.mediateur-de-la-republique.fr www.cnil.fr
GERMANY	<ul style="list-style-type: none"> Bundesbeauftragten für den Datenschutz (data protection commissioner) 	www.bfd.bund.de
GREECE	<ul style="list-style-type: none"> Hellenic Data Protection Authority 	www.dpa.gr
HUNGARY	<ul style="list-style-type: none"> Three Parliamentary Commissioners for: Ombudsman for the rights of national and ethnic minorities Ombudswoman for civil rights Ombudsman for data protection 	www.meh.hu/nekh/Angol/12-2.htm www.obh.hu
ICELAND	<ul style="list-style-type: none"> Ombudsman for Children, 1988 Data Protection Agency 	www.barn.is/erlent/english.html www.personuvernd.is/tolvunefnd.nsf/pages/index.html
IRELAND	<ul style="list-style-type: none"> The Ombudsman, 1980 Data Protection Commissioner 	www.irigov.ie/ombudsman www.dataprivacy.ie
ITALY	<ul style="list-style-type: none"> Italy does not yet have either a national Ombudsman or a national Committee on Petitions. However, it does have an extensive network of regional ombudsmen. Data Protection Commissioner 	www.consiglio.regione.toscana.it/difensore www.garanteprivacy.it/garante/HomePageNs

Table 36. **Links to institutions for oversight (Ombudsman, parliamentary commissioner) (cont.)**

Country	Ombudsman	Web-site
JAPAN	<ul style="list-style-type: none"> Ministry of Public Management, Home Affairs, Posts and Telecommunications Office of Trade and Investment Ombudsman 	www.somuchou.go.jp/english/index.html www5.cao.go.jp/access/english/oto_main_e.html
KOREA	<ul style="list-style-type: none"> The Ombudsman of Korea, 1994 	www.ombudsman.go.kr/english/index.html
LUXEMBOURG	<ul style="list-style-type: none"> Commission for the Protection of Personal Data 	
MEXICO	<ul style="list-style-type: none"> Commission for Human Rights 	www.cndh.org.mx
NETHERLANDS	<ul style="list-style-type: none"> National Ombudsman Data Protection Authority 	www.ombudsman.nl www.registratiekamer.nl/bis/top_2.html
NEW ZEALAND	<ul style="list-style-type: none"> The Ombudsmen, 1962 Privacy Commissioner 	www.ombudsmen.govt.nz www.privacy.org.nz/top.html
NORWAY	<ul style="list-style-type: none"> Parliamentary Ombudsman for Public Administration, 1962 Data Inspectorate 	www.sivilombudsmannen.no/index_en.shtml www.datatilsynet.no
POLAND	<ul style="list-style-type: none"> General Inspector of Personal Data Protection Ombudsman, 1987 Civil Rights Protector 	www.giodo.gov.pl
PORTUGAL	<ul style="list-style-type: none"> Office of Justice (Provedor de Justiça), 1975 National Commission on Data Protection 	www.provedor-jus.pt/ingles www.cnpd.pt
SLOVAK REPUBLIC	<ul style="list-style-type: none"> Public Defender of Rights (Human Rights Ombudsman), 2001 	
SPAIN	<ul style="list-style-type: none"> People's Defender (<i>Defensor del Pueblo</i>), 1981 Data Protection Agency 	www.defensordelpueblo.es www.agenciaprotecciondatos.org
SWEDEN	<ul style="list-style-type: none"> Ombudsman, 1809 Data Inspectorate 	www.riksdagen.se/folkvald/ledamotr/organ/on_ro.htm www.datainspektionen.se
SWITZERLAND	<ul style="list-style-type: none"> Data Protection Commissioner 	www.edsb.ch/fr/mese.html
TURKEY		
UNITED KINGDOM	<ul style="list-style-type: none"> The Parliamentary Commissioner, 1967 Information Commissioner The Northern Ireland Ombudsman 	www.ombudsman.org.uk www.dataprotection.gov.uk www.ni-ombudsman.org.uk
UNITED STATES	<ul style="list-style-type: none"> Federal Communications Commission 	www.fcc.gov
EUROPEAN UNION	<ul style="list-style-type: none"> The European Ombudsman, 1995 	www.euro-ombudsman.eu.int/home/en/default.htm

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NOTES

1. Written Survey on Strengthening Government-Citizen Connections, PUMA/CIT(99)2/REV2, see Annex, Table 31 for responses received from OECD Member countries.
2. Questionnaire on Using Information Technology to Strengthen Government-Citizen Connections, PUMA/CIT(99)12, see Annex, Table 31 for responses received from OECD Member countries.
3. All OECD Member countries replied to at least one of the two questionnaires, except the United States and the Slovak Republic. The latter became a member after data collection had been completed.
4. See: www.austlii.edu.au/au/other/alrc/publications
5. See <http://www.irlgov.ie/finance/publications/foi/foi.htm>
6. See http://www.governo.it/sez_presidenza/dica/commissione/composizione.html
7. See OECD (1997) *Regulatory Impact Analysis: Best Practices in OECD Countries* for more information on how regulatory impact analysis is designed and carried out – including best practices in consulting with the public to ensure that government estimates of costs and benefits are realistic.
8. See OECD (2000b), *Report on Parliamentary Procedures and Relations*, (see: www.oecd.org/puma/citizens/pubs/parliaments.pdf).
9. “ICTs” refer in this context to new information and communication technologies – computers, other screen terminals such as kiosks or interactive television, and the associated networks and technologies that connect them to information databases (the Internet, intranets, microchips, CD-Roms, “smart cards”, etc.).
10. See forthcoming PUMA paper “From in-line to on-line: delivering better services to citizens” which is also based on the survey results of the Working Group on Strengthening Government-Citizen Connections and contributes to PUMA’s work programme on “E-government”.
11. See: *OECD Communications Outlook 2001*, Table 5.1
12. The term “digital divide” refers to the gap between individuals, households, businesses and geographic areas at different socio-economic levels with regard to their opportunities to access information and communication technologies (ICTs) and their use of the Internet. Here it refers to the gap which exists within a given country, rather than gaps between countries at the international level.
13. “On-line” in this context indicates that citizens (and businesses) have access to computer-mediated information, service delivery or dialogue in liaison with government at any level. It is not necessary that a telecommunication link be involved, e.g. regularly updated stand-alone kiosks could fulfil an on-line government function.
14. See “Improving Evaluation Practices”, PUMA/PAC(99)1.
15. See “The Hidden Threat to E-Government: Avoiding large government IT failures”, PUMA Policy Brief no. 8, March 2001, (see: www.oecd.org/puma/Risk/ITfailuresE.pdf).
16. Note: the views expressed in the country case studies are those of the authors, and do not necessarily reflect those of the OECD, nor those of its Public Management Service.
17. The following quote illustrates the point: “...the potential long-term impact [of the ageing population] is illustrated by hospital admissions. General admissions for the population over 65 were 13 per cent of the total in 1960. The proportion rose to 29 per cent by 1989. The older population accounted for only 29 per cent of ‘days of total hospital care’ in 1960, but the proportion was 55 per cent in 1989.” (Lassey *et al.*, 1997, p. 73). See also Leibovich *et al.* (1998) and Eve *et al.* (1995).
18. Neil Nevitte’s popular book *The Decline of Deference* (1996) hypothesizes that “less confidence in government and more interest in non-traditional forms of political action reflect deep-seated generational shifts rather than short term fluctuations.”
19. Sources of literature and a list of persons interviewed are noted at the end of the case study.
20. The federal parliament is responsible for national defence, inter-provincial and international trade, and commerce, immigration, the banking and monetary system, criminal law and fisheries. The provinces are

responsible for property and civil rights, education, the administration of justice, the hospital system, natural resources within their borders, social security, health, and municipal institutions.

21. Submissions on pre-budget consultations to the House of Commons Standing Committee on Finance in 1995 were received from the Association of Universities and Colleges of Canada, Canadian Association of University Teachers, Canadian Health Coalition, Canadian Hospital Association, Citizens for Public Justice, Health Action Lobby (HEAL), National Council of Welfare and Nova Scotia Provincial Health Council, among others.
22. Public home care expenditures as a share of aggregate public expenditures. Estimates of private home care spending are not available.
23. The Voluntary Sector Roundtable is a coalition of 12 national voluntary organisations that came together in 1995 to strengthen the voice of Canada's voluntary sector. They played a vital role in focusing attention on the importance of the relationship between the sector and the federal government. Roundtable members include: Canadian Centre for Philanthropy, Canadian Conference for the Arts, Canadian Council of International Co-operation, Canadian Council on Social Development, Canadian Environmental Network, Canadian Parks/Recreation Association, Community Foundations of Canada, Representatives for the Faith Communities, National Voluntary Health Agencies, National Voluntary Organisations, United Way of Canada and Volunteer Canada (Voluntary Sector Task Force, 1999).
24. HEAL represents more than 500 000 providers and consumers of health care. It was formed in 1991 out of concern over the erosion of the federal government's role in supporting a national health care system. Founding members of HEAL are: Canadian Association of Community Care, Canadian Healthcare Association, Canadian Medical Association, Canadian Nurses Association, Canadian Psychological Association, Canadian Public Health Association and Consumers Association of Canada. HEAL is invited annually to present its recommendations to the House of Commons Standing Committee on Finance during pre-budget consultations which occur every Autumn. HEAL is a powerful voice because it represents many divergent stakeholders who have all agreed to a common platform of principles that should inform health care policy.
25. This legislation was subsequently repealed when the government changed. Both of these case studies are detailed in Kushner and Rachlis, 1998.
26. See Panel on Accountability and Governance in the Voluntary Sector (1999).
27. The government stated, in its *Speech from the Throne to Open the First Session, Thirty-fifth Parliament of Canada*, "Canada's universal health care system is founded upon the principles of the *Canada Health Act*. The government is deeply committed to these principles and rejects any measure which undermines them." The Speech from the Throne is given by the governor general at the convening of each session of parliament. In the speech, the government outlines what it intends to accomplish during its session, in terms of formulating policy, legislation and regulations, and any amendments.
28. An opinion poll released in early 1998 indicated that public support for investing in home care is greater than for other health system initiative such as restoring funding to Medicare, adding more hospitals and funding, and including all medically necessary drugs in a publicly-funded health care system (Health Canada, 1998).
29. Data from the Danish Ministry of Finance compilation of citizen satisfaction surveys.
30. See "The Danish Health Care Sector," Ministry of Health, p. 66, referencing the 1997 Eurobarometer survey carried out by the London School of Economics and Political Science, UK.
31. See the end of the case study for a complete list of persons interviewed and bibliography.
32. More information on the Danish Democracy and Power Study can be found on the Internet at: <http://www.ps.au.dk/host/magtudredningen/Engelsk/frame.htm>
33. See Thomas Pallesen and Jens Blom-Hansen's article, "The Fiscal Manipulation of a Decentralized Public Sector: Macroeconomic Policy in Denmark," for a more developed discussion of these issues in Denmark.
34. The term derives from the fact that this form is used primarily in small towns in the far northeastern portion of the country, called New England.
35. The American futurist, Paul Saffo, has written extensively on what he calls "reintermediation." See <http://www.saffo.org/disintermediation.html>
36. The figures on Hungary's economy and unemployment are taken from the 5 June 1999 issue of the newspaper HVG and the works mentioned in the case study bibliography.
37. The exchange rate of the forint at 1 June 1999 was \$ 1 = 240 forints.
38. The Ministry of Housing's Directorate-General for Building, Habitat and Town Planning, decentralised government departments, local body services in charge of housing.
39. Act of 31 May 1990, known as the "Besson Act".
40. Urban Guidance Act of 13 July 1991.
41. Framework Act on Fighting Exclusion of 29 July 1998.

42. The attribution of a “single number” to each social housing applicant has been generalised throughout departments since 31 May 2001. The objective is to ensure applicants’ rights and improve transparency in attributing social housing. Within a month, applicants receive information on their departmental registration number. The expected waiting time is calculated from this date. Beyond a deadline considered normal within the department, the request will be given priority for review. The legal and software options for a compulsory implementation of the system throughout the country were specified during the experimental phase between June 1999 and March 2000. A national software application has been proposed but not imposed, the choice of system being left to the joint decision of HLM offices and the Prefect of each department. Information and reference to legal texts are available on Internet [www.numero-unique.org]
43. Circular from the Prime Minister, 31 December 1998, concerning Town Contracts.
44. Title Four of Volume 4 of the Building and Housing Code.
45. Circular 92/82 of 18 December 1992, known as the “Lienemann Circular”.
46. Circular 93/60 of 6 August 1993, known as the “Charette Circular”.
47. Companies that have signed an agreement with the central government to set aside a number of posts for persons otherwise excluded from the labour market.
48. As of August 2000, there were 16.4 million Internet users in Korea, according to the Korea Network Information Center (KRNIC). The number is a phenomenal leap when compared with the same figure for October 1999 of 9.43 million reported by the National Computerisation Agency (NCA). The Ministry of Information and Communication (MIC) announced that the number of broadband users in Korea reached 2.2 million in August 2000. Classified by access services, the number of ADSL subscribers and home PNA subscribers has already surpassed 1.4 million and continues to rise rapidly. Meanwhile, the once-explosive growth of cable modem subscribers has slowed down. Additionally, 16 000 IDs for satellite internet access service and 2 000 for B-WLL were registered as of August 2000. Demand for high-speed data transmission is growing, as the use of web-casting, video on demand and e-learning increases.
49. This is a new type of system for securing approvals within a government bureaucracy: when a staff member wants the signature of his or her senior, paper documents are no longer needed. He or she just inputs what is to be approved into the computer and sends it through an electronic line connected to his/her manager, so that they can affix a “cyber-approval”.
50. For example, Nara Sallim Daewha Bang (Dialogue Room) on the home page of the Ministry of Planning and Budget is a dialogue system on governance. Allim Madang (initiated by the Ministry of Government Administration and Home Affairs) is designed to introduce people to governmental activities and policies and to receive their opinions on them.
51. According to the National Computerisation Agency, in addition to the 4 major acts, there are several laws concerning ICT to steer the Korean society into the information age. In 1999, the Basic Act on Electronic Commerce and the Act on Electronic Signature were enacted to popularise and nurture Korea’s Internet assimilation. The Act on Information and Telecommunications Network use and the Basic Act on Information Promotion were revised to update the legal Internet governance references.
52. The GCC also conducts computer-related training for public officials. Its mission is to assist the government in using computer technology to achieve its goal of “better service, lower costs.”
53. The Presidential Commission on Government Innovation was established with the aim of achieving government innovation in August 2000. Its working team is based in the Ministry of Planning and Budget (MPB).
54. Written survey on “Strengthening Government-Citizen Connections” [PUMA/CIT(99)2/REV2] and “Questionnaire on Using Information Technology to Strengthen Government-Citizen Connections” [PUMA/CIT(99)12].
55. The evaluation report (NIFU Report 5/97) is available (in Norwegian only) on the Institute’s website (see www.nifu.no/publikasjoner/1997.html).
56. The question of a moratorium, however, also affects Norway’s international obligations with regard to the EU and WTO – these issues were not debated in the consensus conferences.
57. NOTE: Year in brackets indicates date of first passage of legislation in this field e.g. 2000 (1978). This means that the current law dates from 2000, and that legislation was first passed in 1978.
58. Written survey on “Strengthening Government-Citizen Connections” [PUMA/CIT(99)2/REV2].
59. “Questionnaire on Using Information Technology to Strengthen Government-Citizen Connections” [PUMA/CIT(99)12].
60. Responses to both the General Questionnaire and the IT Questionnaire were received from Flanders (Belgium).
61. The Slovak Republic did not participate in the surveys, as it joined the OECD after data collection was completed.

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