

**GUIDING PRINCIPLES
ON
INFORMATION, CONSULTATION
AND PUBLIC PARTICIPATION
IN THE MAKING
OF
POLICY AND LEGISLATION**

Information, Consultation And Public Participation by Citizens
in
the Formation of Policy and the Drafting of Legislation

Introduction

The engagement of citizens in policy-making is a key element of good governance. In the coming years, it will be important for the Government to seek out, within the country, wide sources of information, perspectives and potential solutions in order to improve continually the quality of the decisions which it will be required to make. Such an approach will contribute to building public trust in government, will raise the quality of democracy and will strengthen civil capacity.

At a time, when new legislation is being prepared to meet new demands, internal and external, affecting every aspect of life, it is increasingly important in Macedonia, as elsewhere, to integrate public input into the policy-making process and to respond to the expectations of citizens in every sector of life that their voices should be heard and their views considered.

This Introduction and the Guiding Principles set out below are, therefore, about

- the availability of information to those whose lives will be affected by the actions of the Government;
- consultation with people from all walks of life; and
- the continuing participation of the public in the process.

Recommendations

This Introduction and the following Guiding Principles recommend, therefore that the Government should ensure that:

- information on its activities is complete, objective, reliable, relevant, easy to access 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.

The future

Increasingly, all over the globe the so-called “information society” is becoming a fact of daily life and everywhere governments are increasingly obliged to adopt new information and communication technologies (ICTs) and prepare for greater and faster interactions with its citizens. More and more, countries and administrations, at both national and local level, need to be brought “on-line”. Sooner rather than later, in every country, adequate time and resources will need to be invested in building robust legal, policy and institutional frameworks, the appropriate tools will need to be developed and the level of engagement with citizens will be constantly evaluated. In this area, both politicians and senior public managers will need to show commitment and leadership.

This Manual

This article concentrates on information as a one-way relationship which covers both “passive” access to information upon demand by the public and the “active” measures taken by the Government and local authorities to disseminate information. Access to information will require sound legislation and clear institutional mechanisms for its application and independent oversight institutions and judiciary for its enforcement.

It is recommended that the public should know and understand its rights and be willing and able to act on them. At the same time, this right to know must be reconciled with the individual’s right to privacy and the need to preserve confidentiality where disclosure of information would be against the public interest. Such a balancing of rights of access, protection of privacy and limits to official secrecy, *particularly the latter*, will be a significant challenge.

Consultation, on the other hand, is a two-way relationship in which citizens provide feedback to the Government. Both consultation and participation are dealt here. In this articlen, we briefly outline the benefits of consultation and participation.

We recommend, accordingly, that the Government should define the issues for consultation, set the questions and manage the process, and that the public should be invited to contribute their views and opinions.

Such active participation should involve partnership with the Government in which the people can actively engage in defining the process and content of policy making. It should acknowledge equal standing for all citizens in setting the agenda, proposing

policy options and shaping the policy dialogue – never forgetting that *responsibility for the final decision or policy formulation will rest with the Government.*

For the future benefit of the country, we recommend that the authorities recognise the capacity of its citizens to discuss and generate policy options independently. It is equally important that the Government should share in the agenda-setting and ensure that policy proposals generated jointly will be taken into account in reaching final decisions.

A basic precondition

We emphasise again that access to information is a basic precondition for engaging the public and that Macedonia follow the example of an increasing number of countries where freedom of information (FOI) laws have been adopted. In OECD Member countries, for example, more than 80 per cent of members have legislation on access to information. Here and elsewhere, the scope, quantity and quality of government information provided to the public has increased greatly. In spite of the resistance that may be met from many quarters and entrenched interests, it is strongly recommended that the country should not fall behind in this area.

The design of information, consultation and active participation in policy-making

The first step in the successful design of information, consultation and active participation in policy-making will be to define clearly the objective of the exercise on the basis of which target group will be identified and which tool chosen. Target groups could include, for example, all citizens, rural communities, youth, workers in particular industries, company promoters. No single tool will be appropriate for every situation. The choice of tools will also depend on the financial and human resources available, as well as time and skills.

It is important to remember that even “passive” access to information requires tools to enable citizens to find that they are looking for, for example, catalogues and indexes must be available to make it easier to access information. As happens already, the “active” provision of information can be carried through the medium of annual reports, brochures and leaflets. The delivery methods may be either direct - information centres, toll-free phone numbers, or indirect – media coverage, advertising, civil society organisations as intermediaries.

It is also recommended that the Government should upgrade and intensify its use of different tools to seek feedback from a broad range of citizens on policy issues – opinion

polls and surveys – or on draft policies or laws – comment and notice periods before legislation is drafted or adopted in its final form. The Government should examine its use of other consultation tools, which could provide greater levels of interaction. Examples of such tools would include public hearings, focus groups, citizen panels, workshops, models of which can be taken from many countries. In order to engage the public in policy deliberation and to encourage active participation it will be necessary to use means, which will facilitate learning, debate and the drafting of concrete proposals. Examples of such means include citizens' forums, consensus conferences, citizens' juries.

ICTs

Today, ICTs offer tremendous opportunities, both to the Government and to the public. Here, as in other countries, there exists the possibility of transforming relations. Most governments nowadays recognise the potential of ICTs and are working to bridge the “digital divide” and to ensure that all their citizens, whether “on-line” or not, continue to enjoy equal rights of participation in the public sphere. World wide, it is increasingly the practice to provide an increasing amount of information on-line through government web-sites and portals. This is only a first step. The second step should be the use of ICTs for feedback and consultation by means of e-mail addresses on government websites, e-mail lists, on-line chat events. A few countries have introduced on-line tools to engage their citizens in policy-making – on-line discussion groups, interactive games, etc. Obviously, such an approach takes time and money and, no matter how desirable it is, the lack of resources for the full use of ICTs should not be used as an excuse to avoid using the other more traditional methods for exchange of information which we have mentioned above.

Summary

The aim of this Article has been to highlight briefly the importance to good governance of:

- 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

- higher levels of implementation and compliance give greater public awareness of policies and participation in their formulation.

In the following pages, we set out the Guiding Principles, which should underpin the implementations of the recommendations made above.

Guiding Principles

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 it is 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 must 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 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 society, and can take concrete actions to facilitate access to information and participation, raise awareness, strengthen citizens' civic education and skills, as well as support capacity-building among civil society organisations.