

# Consultation for Policy Purposes

Notes for:

Ethics, Science, and Governance

Meech Lake Planning Meeting

June 15, 1999

Mike McCracken

Informetrica Limited

## Major Points

- Cautions
- Why Recent Interest? The Changing Context
- Levels of Consultation
- Recommendations
- Issues

## Cautions

- Don't consult if you are not prepared to listen
- Don't consult if you cannot modify the policy
- Don't consult if the matter is not important

We introduced a "new" model with the interplay of all stakeholders to provide a governance structure for scientific advances. This contrasted with the more normal pattern of science and business being regulated by governments.

On what basis do we apply this approach to a particular area?

Large perceived risks.

Recent example was Climate Change Panel drawing on Order of Canada members to serve as a "citizens panel".

Use of consultation inappropriately does damage to all subsequent exercises, saps the financial and emotional strength of the public participants, and destroys the trust in our institutions in the process. (May be analogous to over-use of anti-biotics!)

## Changing Context

**•From:**

**An era of elite  
accommodation**

**Commanding**

**Doing things for people**

**Government regulation**

**Setting the rules**

**•To:**

**An era of public participation  
and power-sharing**

**Informing, persuading,  
leading**

**Getting people to do things for  
themselves**

**Voluntary standards, self-  
regulation**

**Setting the example and  
providing the vision.**

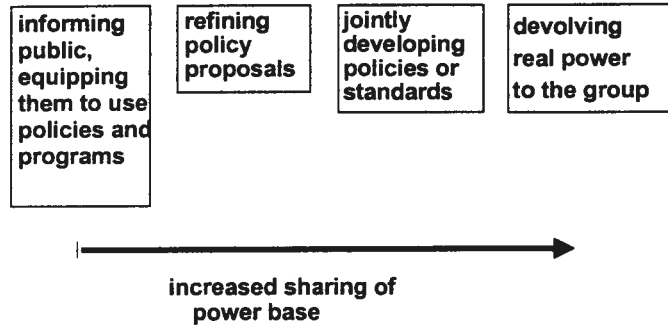
With an increasingly well-educated, and well-informed population the role of governments in society is changing. The pressure is to change the way in which the state makes choices.

The Charter and Courts in Canada are giving increasing attention to individual (and collective) rights. Combined with the adversarial preferences of the press/media we are seeing increasing challenges of political decisions and growing cynicism about governments.

Slower economic growth moves the focus of many groups to winning the zero-sum games of rent-seeking actions (or how to get a bigger piece of the pie) rather than working to grow the economic pie.

For some changes it may be necessary for the public to take the initiative, rather than government.

## Spectrum of Applications



- Involving the public can be done in many ways.
- The key element for government is to identify the share of the power base they are prepared to give up.

## CCCCCCP

**Chat - an exchange of information and opinions, keeping informed, identifying concerns**

**Conversations - a discussion with emphasis on listening; part of forming a vision or establishing goals**

**Consultation - seeking inputs from stakeholders**

**Cooperation - seeking help in achieving objectives**

**Consensus - forming a common base of understanding, agreement**

**Coordination - aligning activities to achieve objectives**

**Partnership - on-going activity, with risk-sharing**

- These are in order of ascending degree of commitment, resources, and time frame for operation.

- We know little about which approach to use for a given problem. Indeed we are at the stage where we don't know if the tool should be used for a particular action.

Conversations - a discussion with emphasis on listening - part of forming a vision or establishing goals. This has been recently added to this list, since too often there is no shared base of information.

Chat - an even more recent addition, since too often there is no exchange of information between stakeholders, except in a more formal or confrontational forum.

## Motivators

- **Public demand for involvement and participation**
- **Increase power and influence**
- **Extend own resources**
- **Fiscal restraints**
- **Increase effectiveness**
- **Deal with complexity**
- **All parties benefit**
- **Global competitors are doing it**

- Why would partners come to the table?

## Barriers

- **Short-term horizon of governments and others versus need for long-term commitment**
- **Finding someone to lead - governments backing off**
- **Fragmentation - financially weak participants, geographic spread, federal organization, weak private sector organizations**
- **Resource limitation - No dollars to partnership**
- **Competitive pressures and egos**

- There will always be a list of excuses for not doing something.
- In Canada, as a federal state a common complaint is the inability to coordinate actions between governments.
- With divided jurisdictions among federal, provincial, and local governments, there are natural tensions, including those between rich and poor provinces, fed/prov interfaces, and province building versus nation-building perspectives.
- Is it conceivable that a more formal process of consultation, etc. between the federal and provincial governments, with other participants at the table, might lead to a more successful outcome?

## Principles

- **Voluntary**
- **Mutual benefit**
- **Meaningful participation**
- **Joint priority-setting**
- **Clear objectives**
- **Open process**
- **Feedback of results**
- **Long-term commitment**
- **Risk-sharing**

- Synthesis of principles from various workshops.
- Risk-sharing is a major element of partnerships.

## Consultation

1. The jury is still out on the value (benefits) of consultation versus the costs of consultation.
2. There is no "template" or standard consultation process model; different ends require different means.
3. Consultation and partnership are two different things; although effective consultation can lead to partnerships.
4. The more simultaneous, broadly-based and transparent the consultation process is, the greater its chance of success.

## Specific Suggestions

1. Development of code standards of ethical behavior
2. Need for national independent public interest intermediaries
3. Need for research and training in techniques of communications and suasion
4. Should build on successes: apply good consultation techniques on new targets
5. Need for clear national goals and values
6. Strengthened role of MPs in seeking/building community consensus
7. Changing attitudes/values should focus on one of the best and most powerful points of leverage... Canada's children

## Recommendations - I

1. Government should communicate what it is trying to achieve with its consultation process and its expectations.
2. Consultation is imbedded, and should be, in all the other tools of government.
3. Consultation must be an open process.
4. Consultation can lead to voluntary self-regulation which is preferable to imposed regulation.

## Recommendations - II

5. Consultation should be targeted to certain decisions and initiated early (e.g., at problem definition stage).
6. Consultation should be coordinated within governments and across governments and priorities established.
7. Cost should not be a constraint to participation in a consultation process by stakeholders without the means.
8. An essential element of consultation processes is follow-up action, feedback and accountability.

## Issues

- **Do we need a legal framework for consultation activities?**
- **Can someone sue for being left out?**
- **Dispute resolution and enforcement mechanisms?**
- **Are commitments made by various parties legally binding?**
- **How are "partnerships" to be dissolved?**

- The " law" is not static. It is expected to adapt to the society.
- Coping with federal-provincial battles, international and globalization pressures, and delivering improved productivity, competitiveness, and prosperity should be enough of a challenge for the lawyers.
- However, on top of this, the legal framework for the way in which people participate in society will be under pressure for change from the passive act of voting periodically, to an on-going dialogue with governments and other members of society.
- Dealing with environmental concerns looks as if it will require regulation of price signals (public use of private interests) and fines that fit the "crime". Perhaps the recent Contraventions Act will cover more than picking flowers in a federal park.

## **What are the Outputs of Consultation Processes?**

- Values and Opinions Identified
- Identification of Missing Elements of Information
- A sense of the important boundaries - including those which are perilous to cross without further information
- Enhanced confidence in convenors, if done well
- Possible increase in trust of participants in other stakeholders

## **Eliciting Responses from the Public**

- **Media participation**
- **Web sites**
- **Panels - reacting to a body of information**
- **Scenarios developed by multidisciplinary participants, reviewed by public**
- **Underlying polling**