

Standing advisory bodies as a form of participation

Background

Standing advisory bodies are a cooperation form with quite a long tradition for a country like Estonia, the first of which were established in early 1990s already, such as the Estonian Research and Development Council since 1990. This form has also been used in very different fields – from fine arts to fishery, from transit to health topics. However, there is no common system for creating them and all advisory bodies have emerged and developed on their own. Therefore, the purpose of this analysis is to map advisory bodies and identify common criteria.

Identification of advisory bodies. Advisory bodies are the standing bodies operating at the ministry and established for consultation in specific fields. The basis for it may be an obligation arising from the law or the ministry's initiative. There are several legal bases for the establishment of advisory bodies, including the Government of the Republic Act if the advisory body has been formed as the committee of the Government of the Republic, the law of the field or regulation/order of the minister if it is an advisory body established at the initiative of the ministry. Thus, the main feature for distinguishing advisory bodies from other working groups operating at the ministries is the permanent nature of advisory bodies and the focus on a specific topic or field.

Standing advisory bodies are:

- * councils, advisory bodies and committees established at the ministry
- * with permanent/standing nature
- * the purpose is to provide consultation in a particular political field or consulting the minister/ministry on the specific fields
- * officially established by the Government of the Republic (§ 21 of Government of the Republic Act) at the initiative of the ministry on the basis of the legislation
- * members include the representatives of the public sector and interest and target groups, field experts.

Methods of analysis. With a view to the previously described criteria, the total of about 50 active standing advisory bodies could be mapped at the ministries. There are definitely more of them based on the documents. One of the main assumptions for the analysis was that the advisory bodies under examination should express a permanent and effective partnership between the state and the civil society.

An overview of the five advisory bodies analysed is given below: Informatics Council (Ministry of Economic Affairs and Communications), the Senior Political Committee (Ministry of Social Affairs), Adult Education Council (Ministry of Education and Research, Fine Arts Council (Ministry of Culture), Fisheries Council (Ministry of Agriculture). The cases were chosen based on the principle that different fields, field and target group-oriented bodies with the more strategic and practical tasks would be represented.

In preparing the conclusions and recommendations, the conclusions of the analysts preparing the report as well as the opinions of the participants themselves and the lessons expressed based on their experience of participation. The case analysis was performed by the analysts of administration of Praxis and civil society Kõlvi Noor and Maiu Uus. Significant assistance in data collection and consolidation was also provided by Renna Unt, Getter Tiirik, Allan Põlviste (Tallinn University Institute of political Science and Governance).

Particular circumstances of advisory bodies

Main objectives of the advisory body

The tasks of all the bodies analysed included making the above-mentioned proposals, discussing the field topics.

The advisory body is used for the following purposes:

- * contributing to the overall development of the field
- * establishing, fulfilling and assessing the strategic goals
- * consolidating various opinions, discussion

- * reaching a consensus between different groups/prevention of the conflict between the participants
- * acquiring new information in the field (bodies providing expertise)
- * improving the transparency of decisions
- * educating the field parties, equivalence of the level of knowledge.

A role in the policy formation process. The role of the advisory bodies in the policy formation process is somewhat different. There are those playing primarily a strategic role – the body has actively participated in the creation of the field strategy and law-making. Other bodies may also have a strategic orientation, but on a more general level, but not so strongly tied or limited to the specific drafts of policy documents. Thus, such a council is primarily signalling the future trends of the field; however, there also advisory bodies more strongly linked to everyday work of officials.

Continuity of activity and frequency of meetings. Although the documents which are the basis for the activity of advisory bodies usually determine the recommended number of meetings per year (e.g. once in a quarter), the actual number of meetings has turned out to be different. In general, meetings are held according to the need when some topics are on the agenda for discussion. However, shorter or longer breaks occur in the activity of almost all the bodies which is directly related to the vision of the responsible minister of the need for such a form of cooperation in their work. Major changes in the work of advisory bodies and the so-called new beginnings are often related to the change of government.


Reflection of activity. Minutes are taken of the meetings of advisory bodies, but the publication of the minutes is not a common practice. The discussion topics published, recommendations of the body and press releases could provide an overview of the activity of some bodies. The preparation of press releases on the results of the work is still a less common practice but worth considering. The members interviewed supported the publication of the minutes in order to allow those interested to obtain more information about their work.

Members. The members of all the advisory bodies under examination are representatives of various sectors, citizens' associations in addition to the public sector and often organisations and researchers. Depending on the main addressee of the body – Government of the Republic, minister or ministry – the bodies with the so-called high-level and broader membership can be distinguished. Sometimes a minister can also be the member and in that case the relevant purpose of the body is to also inform the minister of the activity in the field (hence also the saving of the minister's time).

Impact of the changes in membership on work. As the advisory bodies have long history, major and minor changes have taken place in the membership of almost all the bodies. Supposedly, it has not significantly affected the work. It is natural that new members need some time for induction. It was also found that new members have a rather refreshing effect. It was mentioned in a few times that the ministry officials as the representatives change even more often as ordinary members. The activity of advisory bodies is affected most by the changes of ministers, on which the officials as well as the representatives of associations agreed. A new minister is presented the objectives and activities of the advisory body (by officials) and then it is up to the minister whether he/she considers the work necessary or looks for other ways for communicating with the interest groups. The changes in the membership are approved differently – there are occasions when it is done by the Government of the Republic, but it can also be waived due to bureaucracy. Sometimes, valid membership cannot even be found (one option is the minutes of the last meeting if the missing members are listed there).

Assessment of the performance of the advisory body. In general, the officials as well as the representatives of non-governmental organisations are rather satisfied with the results of the work of advisory bodies. The officials underlined the advantages of this form of participation, including the permanent nature (more effective than temporary work groups), an opportunity to obtain various opinions and knowledge, broader discussion of decisions, direct exchange of information and feedback to one's work. The representatives of associations agreed on many issues. The existence of the advisory body also confirms the importance of the field. The advisory body was considered a more direct form of participation than commenting or consulting the drafts in writing. The advisory body gives an opportunity to be involved in the policy formation process from as early stage as possible and thus there is higher probability of considering the proposals.

However, some members also thought that the role of the advisory body should be significantly greater and the activity more active. It is often weakened due to the limited human resource (few officials and sometimes the shortage of human



resources also among associations), but in some fields also the lack of political interest and will. The members gave, with almost no exception, a very positive assessment to the work of officials related to the advisory bodies. They are satisfied with the organization and conduct of meetings as well as the feedback.

The members of those advisory bodies where a minister is represented value the opportunity to directly communicate with the minister of their field.

Special value of the advisory body

As the conclusion, the following circumstances can be outlined which make the advisory body unique compared to other forms of participation and cooperation:

- * **Established on the basis of the legislation.** A good asset for the officials as well as the interest groups to state that it is an important cooperation form.
- * **Improves the transparency of the decisions.** If all the relevant parties are invited to the standing advisory body, it is valuable for target and interest groups as an arena for creating and ensuring transparency of the policy formation process.
- * **Permanence and longevity of the advisory body.** The value of the advisory body lies in “common memory”, especially for small sectors or a focused topic. However, it must be stressed that the common memory of the participation in the development of field policy is important – the more common knowledge and information the parties have, the less general preparation is required for each meeting and the parties can focus on specific topics and decision points.
- * **Enables to accomplish the highest form of partnership** in which the target and interest groups have an opportunity to influence the decisions, but the given right to decide on the policies has not been entirely transferred to them. The whole potential is unused for many examples.

In addition, the advisory body allows explaining to the interest groups of the field the opinions of the ministry and the state and share the decision right with the organisations and experts operating in the field (e.g. funding decisions, trends).

Recommendations

General recommendations for the functioning of the advisory body

- * **The advisory body should be integrated with other methods of participation in the particular field.** Above all, the ministry should have a vision for developing its field or alternatives of the vision and goals. This provides the starting point for involvement and discussion with the interested parties as well as for better balancing between public and private interests. Without this starting point, the ministry and also the public interest can be manipulated.
- * **Establishing an appropriate goal.** The use of advisory bodies is not appropriate only for consultation. The purposes of the so-called becalming and letting the steam out do not realize the full potential which is expressed in an ability to develop relations with the interest groups and improve communication and reliability. Usually, the members of advisory bodies are able to participate also in substantive discussions. It is important to view the goal also from the perspective of policy formation: usually the need to affect policy is stronger than possible at the particular moment.
- * **Agreement on the suitable cooperation practice and intermediate assessment.** In summoning the advisory body and also during work the operation of the current cooperation should be reviewed at times – are the parties satisfied, have the participants had an opportunity to participate to the extent appropriate, have the officials obtained useful input?

Recommendations for officials for improving the work of the advisory body

- * **The interest groups operating in one's field should be known.** One should know the organizations, keep an eye on new ones, know the logic of activity of the main organizations, their opinions and key figures. What and who does the organization represent? Which stimuli are behind the activity and opinions of the organization? The advantage of Estonia is its small size, thus allowing each official to consciously make an overview of the experts operating in their field and create a contact network.

- * **The advisory body can have an important role of ensuring transparency.** Especially in the field where the parties have private, not public interests, it is important to ensure a common discussion room where different interests are discussed transparently and the best solution is reached together. The ministry should map different solutions and take the role of a stabilizer. One way to keep the advisory body informed is to create an information list through which all the members can be notified of the most important events, forthcoming decisions in the field as well as the meetings of ministries and participation in the events.
- * **The opportunities of the advisory body should be introduced to the minister.** A new minister should be given an overview of the current activity and the last results of the standing advisory bodies.
- * **The advisory body is an opportunity for education.** Often the overviews of the field studies, euromoney and europrograms are given at the meetings of the advisory body. For example, it is planned to start introducing to the members of the Fisheries Council, but also on a broader level, the progress and results of research projects from the funds of the Fisheries Fund. This helps significantly to adjust the level of knowledge of the parties and raise the quality of discussions.

Recommendations for the association for the more efficient participation in the advisory body

- * **Specify the role and opportunities of the advisory body.** The representative of a non-governmental association may also be responsible for the efficiency of the advisory body. For example, the roles and decision rights of the advisory body can be discussed unless the tasks are otherwise specified in some development programs, laws or government regulations.
- * **Do preparatory work.** There are associations where before the meeting of the advisory body preparations are made, the agenda is clarified and opinions are discussed together. It is also important for the association to come to the meeting and state clearly that as an association it has no opinion yet.
- * **Give justified opinions.** If the ministry brings pressure upon organizations to come by a common table with a representative opinion (e.g. associations) or a knowledge-based opinion (e.g. interest protection organizations), they should also state their opinions.
- * **Assess realistically one's participation capability.** From the ministry's viewpoint, those organizations whose representatives are involved with many different committees (e.g. trade unions or representatives of employers) it seems to be more difficult to substantially participate in work.

More general recommendations for further development

- * **An opportunity for horizontal cooperation between the ministries.** There are examples also in Estonia where the body established for the development of one field is in the administrative field of two ministries and both are represented, e.g. in the Fisheries Council. The substantive work is managed by one ministry, but the agenda of advisory body is discussed also with the officials of another ministry. On the one hand, summoning such a standing body could be recommended which deals with the topic under the administrative field of several ministries – the resulting benefit would be combining horizontal activity, joint discussion of the field trends and establishing the goals, specification of the division of work between the different parties in order to prevent duplication and each party would permanently get information and proposals from others for better performance of its role. Still, the formal role of such advisory body would require consideration – if it consults only one ministry (or its minister) by which it has been called into existence, how can its impact be ensured in the policy fields of other related ministries?
- * **The citizens' bodies should be used more in the future.** Another form of advisory bodies (see from the more detailed analysis www.ngo.ee/tof) for which it is known that it so far has not been extensively used in Estonia. Their potential of use could be at the level of a specific process, institution or local government.

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