

Constructively Incorporating Stakeholders in Public Decision-Making

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This paper draws lessons from newDemocracy's experiences operating various citizens' juries in Australia including, the South Australia Nuclear Fuel Cycle and Democracy in Geelong.

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** newDemocracy is an independent, non-partisan research and development organisation. We aim to discover, develop, demonstrate, and promote complementary alternatives which will restore trust in public decision making. These R&D notes are discoveries and reflections that we are documenting in order to share what we learn and stimulate further research and development.*

Constructively Incorporating Stakeholders in Public Decision-Making

What is the question?

Governments hear from a broad range of stakeholders, often in the form of polarised political advocacy efforts. How can we support policy decision-makers to evaluate the best ideas put forward by stakeholders on divisive issues in a manner that is seen as being political legitimate across partisan and ideological divides? The political reality is that representatives must hear from the major interest groups, but they frequently represent extremes with limited potential to find common ground; a balancing voice has value in the public conversation. Therefore, how might we work with broader perspectives to create policy based more on sound ideas, and less on political advocacy?

The usual approaches

Policy is usually formulated by bureaucrats under the direction of elected representatives. And while it is commonplace that many policies do not take divergent views sufficiently into account due to political pressure placed on elected representatives, any substantial policy decision has a number of advocates attached to it. Typically, these advocates have been working on the issue for some time and possess a great deal of passion, lived experience and knowledge. In response, governments tend to lean toward one of three approaches to policy formulation.

In the first approach, they consult only with established advocacy stakeholders as the 'representatives' of the views of the wider population. The common downside to this approach is resulting in that wider population questioning advocates' representativeness.

The second approach is to superficially engage with, or even ignore, the views of these same advocates because they dismiss them as unrepresentative or extreme, resulting in neglect of important information, and causing resentment from advocates — sometimes provoking accusations from advocates that the process is stacked against them.

In the third approach, policy makers who are intent on de-politicising the issue look elsewhere for input, often-times in the form of public engagement. In response to the latter, some governments are turning to mini-publics as a viable solution. However, mini-publics are not a solution if stakeholders are not reasonably integrated into their design from the outset.

newDemocracy's approach

At newDemocracy we routinely design and oversee mini-publics composed of randomly-selected citizens (See, [here](#)). These deliberative forums deliver a representative sample of the wider population and offer opportunities for deep deliberation on complex issues. Randomly-selected citizens approach policy making with a spirit of inquiry and are eager to understand the issue fully (See, [Deliberation](#)). They will, therefore, require input from the people who know most about the topic under discussion. Not to hear from stakeholders would decrease the capacity of the mini-public to do its job effectively, and simultaneously delegitimise the outcome of this approach to policy development.

newDemocracy believes it is important for stakeholders to make their case to a mini-public, and in order to accommodate the participation of stakeholders, relies upon a number of

approaches to integrate stakeholders into mini-public deliberations. Here are a few examples:

As a minimum, an early briefing for stakeholders is worthwhile, to enable them to understand how the mini-public will work, and to ensure their participation is appropriately scoped. It is also a helpful (and common) practice to have stakeholders on a Steering Group to satisfy themselves (and the media and the public) first-hand that a mini-public is not stacked against them. This stakeholder group can also perform an oversight role throughout the life of a project.

Once involved in the planning stages of a mini-public, stakeholders can be incorporated into deliberations in a variety of manners depending on the scope and needs of the project. The most common approaches to stakeholder involvement include; drafting briefing documents, providing expert testimony, evaluating mini-public recommendations and findings.

Stakeholders can be approached to provide briefing documents which can be assembled into an issues booklet. They can also submit ideas and proposals electronically (See, [Beyond mini-publics alone](#)). For example, in the case of the Citizens' Initiative Review, a mini-public institutionalised at the state level in the United States to evaluate state-level ballot measure propositions, key stakeholders are required to submit their most important and factually verifiable claims for and against the proposition as a pre-requisite for participating. The purpose in this particular approach is to establish a baseline of information for the mini-public to evaluate the case for and against the proposed law, based upon sound and verifiable information that came directly from stakeholders. This approach has proven to be highly useful for mini-publics in quickly sorting fact from fiction around contentious policies (Gastil et al, 2015).

A starting point for any mini-public deliberation is establishing a list of expert speakers. Stakeholders are requested to nominate speakers and asked, "who are the voices that citizens should hear from?" If the suggestions are contentious, so much the better. Citizens will look for alternative positions and views. If a stakeholder declines, it is of their own accord, and a replacement is found. newDemocracy always provides randomly-selected citizens with the opportunity to request further expert speakers in order to address all unanswered questions. In the case of mini-publics convened by the Jefferson Center and Healthy Democracy, both US based NGOs', the mini-public itself has been required to determine which expert speakers are to be called into the deliberation light of their questions and informational needs.

newDemocracy also always makes space for stakeholders to attend deliberations as observers; not to interrupt or interfere with citizens' deliberations but to observe the robustness of the process. Sometimes, a mini-public will have a 'Fact Check' board for statements given by experts, or a similar board noting 'Information Gaps'. Stakeholders may play a further role in helping to fill out the 'big picture'. For example, they may be called in for further questioning. Likewise, mini-public programs such as the Citizens' Initiative Review requires by law that lead stakeholders evaluate the mini-public's recommendations and findings by providing timely written testimony before deliberations conclude. This ensures that the outcome of mini-public takes into account, at all stages of deliberation, the perspective of stakeholders, providing both a greater level of accountability and rigor to the mini-public's recommendations and findings.

The benefits of this approach

A broader policy conversation

We want all the perspectives in the room so that all views are incorporated in the deliberations and the entire picture is scrupulously examined and understood. This inevitably broadens the policy conversation beyond the existing ‘opposing views’ of stakeholders because citizens want to fully understand. When one perspective is offered, newDemocracy encourages citizens to seek an alternative viewpoint and to interrogate all expert knowledge using critical thinking skills and exposing unconscious biases (See, [Critical Thinking](#)). This quest for complete understanding is what Robert Dahl calls “enlightened understanding” which he considers is an essential democratic principle (Dahl, 1989).

Defensible recommendations for difficult decisions

At the end of a deliberative forum, randomly-selected citizens are very willing to ‘stand in front of’ a decision and defend it because of (a) the time invested and the hard work to write the group’s shared recommendations, and (b) have been thorough and fair in weighing the evidence presented to them.

A truly successful mini-public is one in which not just citizens, but policy makers are able to say, “we respect the process, randomly-selected citizens have considered all perspectives, and we accept their decisions.” In the ideal, and this has been demonstrated through many mini-publics, stakeholders as well attest to this same sentiment. Of course, there are times when a stakeholder’s values are in conflict with the wider population or the mini-public—and the decision would never be accepted by the stakeholder.

Given the nature of advocacy, there are times when stakeholders with strong political views or ideologies will remain steadfast, challenging the legitimacy of mini-publics for primarily political reasons. An often-overlooked benefit of the mini-public in these circumstances is the easily defensible rationale provided by the mini-public to policy-makers in challenging spurious claims made by overtly-partisan advocates. Given the political legitimacy of the mini-public approach, whereby stakeholders were given opportunities to present their case in a fair forum, policy decision-makers have a compelling new approach to de-legitimising political misinformation.

An additional benefit occurs for policy makers who write documents that few read. A mini-public becomes a reality check: citizens understand it because they have deeply considered it, and they have heard from all stakeholders. This combination of randomly-selected citizens hearing from a range of experts inevitably leads to sensible decision making even on difficult decisions (See, [Nuclear Learnings](#)).

References

Dahl, Robert A. (1989) *Democracy and Its Critics* (New Haven: Yale University Press, 1989)

Gastil, John, Knobloch, Katherine R. & Richards, Robert (2015) “Empowering Voters through Better Information: Analysis of the Citizens’ Initiative Review, 2010-2014”, Report prepared for the Democracy Fund, <http://sites.psu.edu/citizensinitiativereview/wp-content/uploads/sites/23162/2015/05/CIR-2010-2014-Full-Report.pdf> Accessed 28 October, 2017