

Could a centralised public citizen participation service deliver better results for state and local governments? Case Study: Baden-Württemberg, Germany

November 12, 2024

Daniel Oppold

*Agency for Citizen Participation Baden-Württemberg
daniel.oppold@sdb.bwl.de*

Kyle Redman

*Director of Research and Design
kyle.redman@newdemocracy.com.au*

Follow these and additional works at <http://www.newdemocracy.com.au>

** 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.*

Could a centralised public citizen participation agency deliver better results for state and local governments?

Case Study: Baden-Württemberg, Germany

What are the questions?

How can state governments better support the participation of everyday people (as distinct from stakeholders) in municipalities or local government, other public agencies and state-governed corporations?

Could the establishment of a public citizen participation service support (assisting councils and agencies) the design and delivery of engagement, improve the quality of engagement, and reliably deliver the benefits of informed and supported decision-making?

What is the usual answer, and why is it inadequate?

Governments of all shapes and sizes (including their agencies and corporations) conduct community engagement to provide the public with some level of influence over policymaking. The extent to which this is done genuinely and effectively (not just formulaically) varies widely.

One reason for this is that officials predictably receive input from certain organised interests or demographics that lobby for their concerns and points of view. These groups are usually overwhelmingly impacted by decisions and have the time and resources to make themselves heard. Another is that public officials usually aren't aware of the range of options available to them, don't have the actual skills or resources to deliver quality engagement themselves and struggle to find adequate support in the relevant contexts.

This has resulted in the development of a habit of staying 'small target' and treating community engagement as a communications exercise. It is relegated to an afterthought typically at *inform* and *involve* ends of the IAP2 Engagement Spectrum.

Even when engagement does aim to *collaborate* with the community it often occurs too late in the decision-making process. Reasons might be that officials are either used to seeking input once decisions are made or do not perceive community participation as a relevant input early on in the overall project. This is a mistake.

When officials do seek external support from consultants for community engagement delivery, regardless of when the engagement occurs, the officials responsible for procurement do so based on an engagement design developed in-house that can vary widely in its completeness and quality.

This means that regardless of whether external consultants are delivering the engagement, good community engagement design skills are required in all public offices. This is not often the case and, at best, results in a lot of wasteful duplication. The result is that many councils are replicating similar procurement and engagement designs for seemingly comparable problems but with varying quality, sometimes resulting in poor procurement design and outcomes.

These issues are exaggerated when it comes to deliberative engagement. Examples of deliberative democracy are on the rise¹, however, in most countries, it is still far from being used regularly at all levels of government. The skills and experience are not widely held.

This raises the challenge of how we can improve access to good and reliable community engagement design support across all public offices.

In Germany, the state of Baden-Württemberg, has taken a hands-on, centralised approach to tackling this issue.

What is happening in Baden-Württemberg?

Citizen participation has a long history of importance in Baden-Württemberg; the state was formed through a public referendum in 1952. In 2011, in response to conflicts that arose over the [Stuttgart 21](#) railway and urban development project, Minister-President Winfried Kretschmann of the Greens was elected to lead the state government in a coalition with the Social-Democrats. To fulfil his promise to shape a new style of doing “politics of being heard”, he created the role of *State Councillor for Civil Society & Participation* and appointed Mrs. Gisela Erler.

The State Councillor is an honorary member of the state government, appointed directly by the Minister-President. The position holder takes part in cabinet meetings and is a strong voice in state politics. Under the Green-Conservative coalitions that have governed the state of Baden-Württemberg since 2016, the position was extended. Throughout the years, State Councillor Mrs Gisela Erler and her successor Mrs Barbara Bosch have become the driving force in fostering and institutionalising citizen participation in the state.

A major milestone was passing the *Law on dialogical citizen participation (2021)* which primarily defines what *dialogic participation* is (in contrast to formulaic forms of participation or direct democracy) and regulates crucial data protection requirements. Three others were the creation of (1) the Participation-Portal, (2) the Alliance for Participation and most recently (3) the Agency for Citizen Participation.

1. The Participation-Portal (Beteiligungportal)

The [Participation-Portal](#) is a state-owned online platform for digital participation. It is the central point of contact for online participation that takes place in Baden-Württemberg. Information about state-wide participation processes is provided there, as well as general information about different forms and possibilities of public engagement. In cases where a state-wide participation process entails online participation, it takes place there.

2. Alliance for Participation (Allianz für Beteiligung)

The Alliance for Participation is a registered association and as such relatively independent from the state, even though it is funded 100% by the state. It supports civil society actors and other initiatives with easy-to-access funding. Its task is to support, maintain and extend its network of more than 3,000 partners, comprised of primarily local civil society actors.

The Alliance provides low-threshold funding possibilities for these and other stakeholders, who intend to conduct participatory projects, primarily on the local level. The funding comes

¹ There are now over 700 examples of deliberative engagement in the OECD’s Deliberative Democracy Database: [OECD Deliberative Democracy Database \(2023\)](#).

from state ministries. Since 2015, it has empowered more than 1,000 individual projects. Furthermore, the Alliance acts as a networking hub for individuals in education events, to foster learning from each other and to help spread successful projects.

3. The Agency for Citizen Participation (Servicestelle Bürgerbeteiligung)

The Agency for Citizen Participation is the youngest building bloc of the state's support for participation. It was established in November 2023. The Agency is a public law institution attached to the state chancellery of Baden-Württemberg. Its task is to provide cost-free advice around citizen participation to state government departments and other authorities, public companies and the 1,101 municipalities in the state.

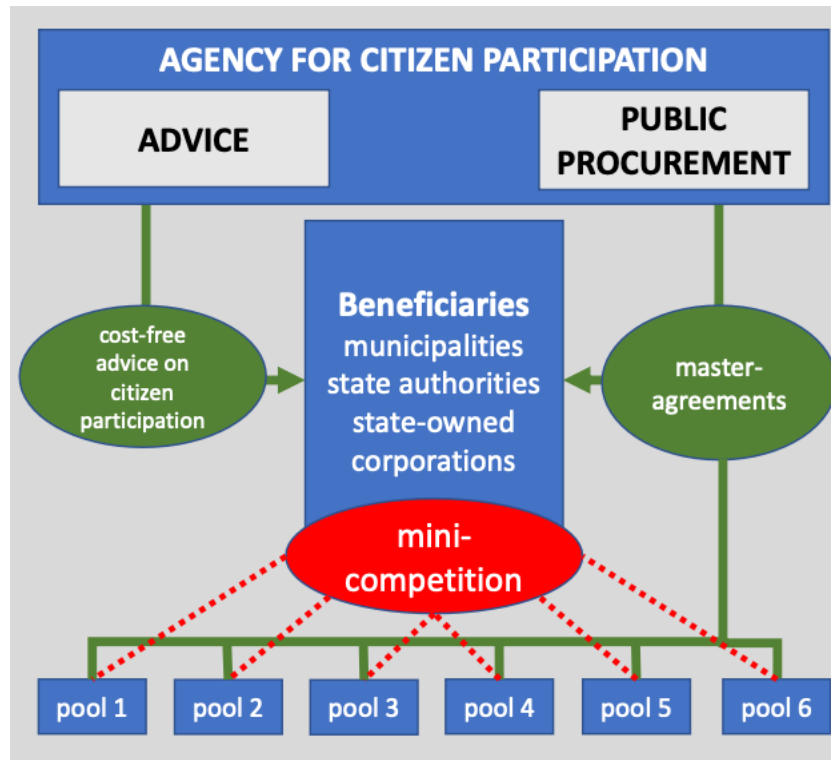
It offers practical support for community engagement design, enhancing and guaranteeing its quality. It also maintains a pool of engagement providers through a master procurement agreement. Clients, for example, municipalities or state ministries, are eligible to use these master agreements. This way, the procurement process and other bureaucratic thresholds are actively reduced. Furthermore, the Agency assumes oversight of the engagement process once underway, freeing the commissioning authority to act as expert advisors or advocates. This way, any conflict of interest or (suggested) manipulation of the process or its outcomes can be avoided.

The Agency can be approached by any individual authority within its jurisdiction. However, it is also actively searching for cases in which public participation might be a good idea. It engages in advertising and scans different media for relevant reports, e.g. about arising political tensions in municipalities.

When an authority is interested, usually several meetings with key stakeholders from within and outside the authority are scheduled for a context analysis. Afterwards, the Agency proposes a first sketch for a possible process to its client. This sketch is refined and forms the basis for a mini-competition amongst engagement providers within the master agreement. However, before this can be started, usually a formal decision is required. On the municipal level, this means that a city council commits itself to the process and defines its goals and the necessary budget. The mini-competition helps to identify the engagement provider with the best cost-quality offer for the job.

Once this engagement provider is on board, it takes care of the process design in close collaboration with the Agency and the commissioning authority. The provider carries out the engagement process, while the Agency reduces its support to public relations activities and advice where necessary.

All in all, the Agency releases engagement providers from the uncertainties of the acquisition phase and secures a baseline quality for all cases without the downsides of providing merely one-size-fits-all processes. Engagement providers can focus on their core competency and lower their risk.



The overall structure of the agency with its Procurement Master Agreements

Clients of the Agency, which are primarily municipalities and other authorities, benefit in various ways. Since the agency is a public-law body, they get reliable, independent and not sales-oriented advice in the first place. Additionally, time-consuming procurement processes are avoided, since the Agency conducts these for them within a standardised procurement mini-competition. The initial competition which led to selecting the companies to get into the master agreement, guarantees very attractive pricing and the highest levels of expertise. The master agreement has a duration of four years. Afterwards, all engagement providers on the market are invited again to the competition in order to become part of the pool.

Learnings

The Law

To foster the use of dialogic participation, the government passed the *Law on dialogical citizen participation (2021)*. The law primarily defines what dialogic participation is (in contrast to formalised forms of participation or direct democracy) and it regulates data protection requirements. This latter point is very important in practice. In Germany, only municipalities have full and immediate access to the register of inhabitants. Before the enactment of this law, it was very difficult to organise state-wide citizens’ assemblies with randomly selected citizens, due to the large number of 1,101 municipalities in the state. The law provides a clear basis, and municipalities cannot easily object to the use of their inhabitant register for random selection.

The law in Baden-Württemberg has recently been a blueprint for similar regulation in the state of Hamburg.

Topics

The yearlong practice of different participation endeavours in Baden-Württemberg has made clear which topics work particularly well: Tangible and clearcut issues with a high degree of salience and conflict level. Here, dialogic citizen participation (or deliberative engagement in Australia) provides helpful insights beyond the positions of the loudest voices and can offer ways out of deadlocked situations. They can also provide direct access to the day-to-day expertise and needs of everyday people, which is usually provided by interpretation only.

The latest topics in which dialogic citizen participation was used in Baden-Württemberg, are:

- Duration of high-school education (state level)
- Reform of non-smokers-protection act (state level)
- Criteria for a waste-deposal site selection (regional level)
- Evaluating a planned new city district (municipal level)
- Evaluating a new business park (municipal level)
- Inner city development concepts (municipal level)

The first of the listed cases is already finished and is impacting education politics massively. The duration of high school education was a highly emotional and contested issue in the state of Baden-Württemberg. A citizens' forum with randomly selected participants from all over the state deliberated intensively about it as well as a large number of related issues around it. Its core recommendation was to prolong the duration of high school to nine years. The state government and parliament have already started to implement the recommendations after discussing them intensively. Even though the minister-president said at the outset of the process that he is in favour of keeping the eight-year model. After receiving the recommendations and arguments of the randomly selected group, he changed his position.

Potential improvements to support smaller municipalities

Participation is costly, regardless of the size of a municipality. Nevertheless, it is particularly difficult for small municipalities to come up with several thousand Euros for a participation process from their budgets. Allowing the Agency to contribute a large portion of this money along with its services would be the next step to lower the threshold to use citizen participation.

Challenges

It is a challenge to establish the overall framework conditions in a way that creates a triple-win situation between clients, service providers within the master agreement and the Agency for Citizen Participation. For example, service providers have to get used to competing within mini-competitions for each case. Even though the mini-competitions are more streamlined than open procurement processes, it still involves a lot of effort to take part in them. To ensure that each service provider gets sufficient opportunities to win mini-competitions, the Agency is actively promoting its services to generate many cases.

Lessons for Australia

The success of the Baden-Württemberg Agency for Citizen Participation and the State Councillor for Civil Society & Participation suggests that state governments in Australia could trial similar innovations.

Efficient engagement design and procurement

Public officials at all levels of government would benefit from the advice of experts in deliberative engagement. The Agency for Citizen Participation plays a similar role to newDemocracy in its provision of advice to a wide range of public officials for a pro-bono rate². We know that this advice is sought after, and it is very inefficient to expect each individual local council and government agency to seek it out (they may not know where to look and it may be costly).

In a broad sense, many of the issues facing local councils are similar. There are, of course, bespoke elements for each context but the advice from a state service would benefit from this repetition, enabling it to scale deliberative engagement across the state efficiently. One method for delivering this could be reference designs that act as a starting point for local councils of all sizes coupled with expert advice for tailoring them to specific contexts and topics. A master procurement agreement would also support the practitioner ecosystem. We know that tender requests are sometimes flawed. They are prone to over-specifying the wrong elements, being inflexible, or emerging too late in the decision-making process.

Recruitment

The Agency for Citizen Participation benefits from access to municipal-level registers of inhabitants – which Australian states or local governments do not have – but other efficiencies could be found. States could conduct large recruitment drives to build pools of interested citizens from which regular lotteries could be drawn. Such a scale would also provide vast data for research into best practices for reaching diverse populations.

Existing Innovations to Build Upon

The Victorian Local Government Act 2020 asks councils to use “deliberative engagement practice” to inform the development of their long-term strategic plans (financial, asset, community strategic vision and council plan), but it does not support councils to do this work by providing any guidance about deliberative engagement or centralised resources to help reduce the costs of implementing the Act for councils of any size (See, [Learnings from the Implementation of the Victorian Local Government Act 2020](#)). This particularly impacts smaller and more rural councils that find it difficult to afford what are often comparatively expensive forms of community participation.

A Victorian agency could play a central role in assisting councils to meet the requirements of the Act by efficiently providing advice to councils and even evaluating their work.

Conclusion

Baden-Württemberg’s Agency for Citizen Participation provides a model for improving the availability and quality of deliberative or dialogic citizen participation for state governments, their agencies and corporations, and local government. It does this by centralising state expertise and capacity for designing and overseeing deliberative processes and maintaining effective relationships with engagement providers through a master procurement arrangement.

² newDemocracy charges on a capacity-to-pay basis, often amounting to cost-recovery for work with smaller local councils.