Online Public Consultation: From Concept to Implementation with Results that Matter

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WBG’s multi-partner Good Regulatory Practices program: seven components delivering on three objectives

**Program**
- Launched in October 2015; 4-year program funded by DFID & USAID

**Partners**
- Trade & Competitiveness GP
- DEC (Global Indicators Group)
- Governance GP

**Goal**
Help governments enhance the quality of regulatory regimes and their outcomes and put in place effective, transparent, accountable and consultative reform processes that assist in reform prioritization, design, and implementation

**Program Components**
- Create reform momentum and help identify priority reform areas
  - Cross-country Indicators on Rule-making
- Improve quality of regulatory design
  - Regulatory Policy and Delivery Review
  - Evidence-based Policy-making
  - Notice and Comment Systems
  - Feedback Loops on implementation gap
- Ensure good implementation of regulatory reforms
  - Systemic Investor Response Mechanism
  - Closing the Implementation Gap and Uncertainty of G2B Services
Original drivers of GRP program

- International agreements with regulatory management obligations
- Fiscal stringency increases use of regulation as a key policy tool
- From ad-hoc to systemic regulatory management reforms

- Transparency
- Dialogue
- Effectiveness
Different ways of conducting public consultation in rulemaking

1. Informal consultation.
2. Circulation for public comment.
3. Public hearings and stakeholder meetings.
4. Advisory bodies.
5. **Notice and Comment.**
Notice and Comment (N&C)

“Online tools that are intended to support general public participation in the rulemaking.”
N&C and Regulatory Governance Reform

- N&C is considered a good regulatory practice, which is more effective when conceived in broader regulatory governance reforms.

- N&C is also an essential part of a set of regulatory governance tools to improve new regulations:
  - Regulatory impact assessments (RIA)
  - Consideration of regulatory alternatives
  - Forward regulatory planning
  - Other consultation mechanisms
Some benefits of public consultation

- Improves transparency of rulemaking process.
- Provides access to information about proposed new regulations.
- Increases predictability of and confidence in the regulatory environment.
- Protects rulemaking against special interests.
- Increases compliance with regulations.
Some benefits of ONLINE public consultation

- Cost-effective way of reaching broader audiences.
- More inclusive as relevant content and opportunity to comment are available online to everyone 24/7.
- Leaves an online public record with evidence of the consultation process.
Examples of N&C websites in the world (1)
Examples of N&C websites in the world (2)

Netherlands

Malta

South Korea

Uzbekistan
Examples of N&C websites in the world (3)

Moldova

China

Denmark

Jordan
A common issue found in several public consultation websites

No comments...
Why is this happening?

- Lack of awareness.
- Participation in rulemaking requires effort.
- Social media culture that requires low levels of efforts to participate (i.e. likes, voting).
- High volumes of complex and technical information, not easy to digest or understand by all audiences.
- Fear of retaliation or perception that the policy process is pre-arranged.
Our approach to N&C
WBG’s approach to improving N&C systems

- **LEGAL AND INSTITUTIONAL DIMENSION**
- **ICT DIMENSION**
- **USER ENGAGEMENT DIMENSION**
- **M&E DIMENSION**
Review of international experiences with online public consultation – 45 N&C websites

- OECD, 20
- ECA, 9
- LAC, 4
- MENA, 4

(Colors represent different regions: blue for OECD, orange for ECA, yellow for LAC, and blue for MENA.)
Some ideas to achieve results that matter

- Share the full text of the regulation.
- Provide information in plain language.
- Make dialogue as transparent as possible.
- Guide users to get from them “better” comments.
- Exploit social media to share content and attract traffic.
- Link “offline” engagement with online conversations.
- Close the feedback loop.
- Consider consulting over the enter policy cycle.
What success looks like for us…

- Higher and sustained levels of participation in consultation.
- Better comments that improve the content of regulations.
- Improved business climate through more transparency and higher predictability of the regulatory environment.
- Increased trust in public institutions and rulemaking process through an improved sense of meaningful participation.
Countries we are supporting now

Malaysia

Zambia

Malaysia Productivity Corporation

BRRA Business Regulatory Review Agency

“Promoting Level Business Ground”
Thanks!

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