Brief 2: On the Inclusion of Non-State Actors in Policy-Making and its Implications in Canada and the EU

Key Messages:
- Both the Canadian federal government and the European Commission have sought to include civil society groups in social policy since the early 1990s, with the aim of legitimizing their role. However, European groups are included in policy-formation whereas Canadian ones are limited to service delivery.
- In the EU, allowing groups a role in decision-making has helped alleviate conflicts over goals without the cumbersome auditing used in Canada, and gives governments and service-deliverers means and incentives to improve the performance of social policy.
- Although the EU’s approach is imperfect, giving non-state actors a larger role in Canada could help create new links between levels of government, encourage policy learning, and confer greater legitimacy on the policy-making process.

This brief is intended to synthesize the findings of contributions by Laforest, Millar, and Simmons, which consider the role of non-state actors in social policy-making, in Canadian Public Administration, June 2013 Volume 56 No. 2, entitled Comparing Modes of Governance in Canada and the EU: Social Policy in Multilevel Systems. Section 1 examines the different roles envisioned for non-state actors in Canada and the EU. Section 2 examines the practical implications of the way non-state actors have been included in policy-making. Section 3 considers what might be learned, finding that these authors see the more inclusive approach of the EU as offering many important lessons for Canada.

Section 1: Similar Motivations, Different Choices

In the early 1990s, both the Canadian federal government and the European Commission recognized the need to formalize their relationships with non-state actors to legitimize their leading role in social policy (Laforest, 236). Indeed, both Canada and the EU have attempted to use civil society groups to promote pan-European and pan-Canadian measures in social policy (Laforest, 236). Laforest notes that in Canada the federal government tried in the 70s and 80s to cultivate and consult civil society groups (243), and while the involvement of non-state actors in EU policy-making is longstanding (237), it gained further emphasis with the introduction of the Open Method of Coordination (OMC) (240).

However, despite these similar motivations, Canadian and European policy-makers have involved non-state actors in different stages of the policy-making process. While Canadian non-state actors have been involved extensively in service delivery to promote efficiency, they have had only a limited role in policy development (Millar, 260). Likewise, citizens’ intended role has been to provide monitoring and supervision rather than direct input into the policy-making process (Laforest, 244).

By contrast, non-state actors have been seen as a key link between EU institutions and citizens, providing an avenue to foster exchange of ideas and confer legitimization on social policy matters decided at the European level (Laforest, 238). Echoing Laforest, Millar points out that concerns have been raised about the Commission’s involvement in social policy because of its lack of democratic legitimacy, and that it has actively cultivated a role for non-state actors in decision-making in order to counter these anxieties (262). As a result, while non-state actors have also been involved in service-delivery, in the EU they have been included far more in the early stages of policy-making (Millar, 256).

---

1 This brief was prepared by Ivan F Dumka with feedback from Donna Wood and the authors.
**Section 2: Inclusion and its Implications**

The choices at the federal and European levels for where in the policy process non-state actors are involved have important implications for civil society groups at the provincial and Member State level, and for policy performance. As Laforest notes, because civil society was actively nurtured at EU-level, groups have grown both at EU and national level, even in the UK, which has more insular institutions like Canada’s (241-2). Whereas groups at different levels in the EU have reinforced each other, Canadian civil society groups at different levels are far less integrated, having been steadily marginalized since the late 1990s (Laforest, 246).

Millar concurs, finding that in Canada, limiting non-state actors to service delivery means that the goals of government and service-providers often conflict (256). Likewise, the results-based management used to resolve these conflicts often lead policy officers to favour easily measured outputs over quality outcomes (261). By contrast, the EU’s inclusion of non-state actors in decision-making aligns their goals more closely (256), and gives incentives to improve policy effectiveness (258).

Moreover, the inclusion of non-state actors in policy-making has created opportunities for policy learning in the EU (Millar, 263). Indeed, Simmons stresses that public reporting under the OMC produces data which allows for easier comparisons of performance across jurisdictions and issues, and which is far more useful to advocacy groups (278). Better reporting and avenues for them to participate have allowed non-state actors to provide a more meaningful role in evaluating policy (279). Canadian governments have turned to public reporting as well (Simmons, 271), but reporting agencies maintain no formal links to advocacy groups or individual citizens (Simmons, 274). Likewise, the data that they produce makes effective evaluation of government activity very difficult (Simmons, 275), which discourages participation of advocacy groups (Simmons, 275-6). This has unfortunate consequences for the effectiveness and legitimacy of Canadian social policy (Simmons, 278).

**Section 3: What Can Canada Learn?**

Certainly, these authors hold reservations about the EU’s approach to non-state actors. Millar notes that while Canada would likely benefit from benchmarking and peer review, this would be limited by the perceived value of outside actors to the federal government (264-5). Laforest notes that in both Canada and the EU, inclusion in policy-making tends to privilege the best organized groups, rather than the most representative ones (242). Also, Simmons warns of resistance from the provinces (283).

Nonetheless, they believe there is much to be learned from the EU. Simmons favours copying the EU’s more open procedures on public reporting (281). Meanwhile, the European experience suggests that given a more institutionalized role, advocacy groups can evolve valuable new functions (Laforest, 242), and an implication of Millar’s piece is that involving non-state actors earlier in policy-making makes for more effective policy. Promoting civil society groups at the EU level has helped stimulate their growth at the Member State level (Laforest, 241-2), and helped them act as links between levels of government. This approach holds promise in Canada, where such groups are weaker at the provincial level (247).

**Bibliography**


Millar, Heather (2013) “Comparing accountability relationships between governments and non-state actors in Canadian and European international development policy” Canadian Public Administration, Vol 56 No 2, pp 252-69