

Scientific Advice to Policymaking in Germany: Relation between Organisational Form and Function

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1

Outline:

- Introduction
- Institutional Design for Robust Policy Advice?
 - The Dilemma of Scientific Policy Advice: Conflict over Control of Knowledge
 - Organisational Features and Conflicts over Control of Knowledge
- Four Models of Collegial Advisory Bodies in Germany
- Institutional Safeguards Against Escalating Conflicts Over the Control of Knowledge?



2

Institutional design for robust expert advice?

- Institutional design for epistemically and politically „robust“ scientific expert advice?
- Comparison of different organisational models with regard to their
 - intended function
 - actual performance
- Best practice?

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3

Institutions Matter

- Institutional arrangements:= set of rules that structure, i.e. coordinate, facilitate or constrain, the communication processes between scientific advisers and their constituents:
 - Mandate or mission
 - Formal relationship between advisory body and constituent
 - Nomination of experts
 - Mode of operation (control of knowledge production & flow; decision-rules)
 - Dissemination- or publication-rules
- The expectations of the advisory body are (partly) reflected in the organisational rules.

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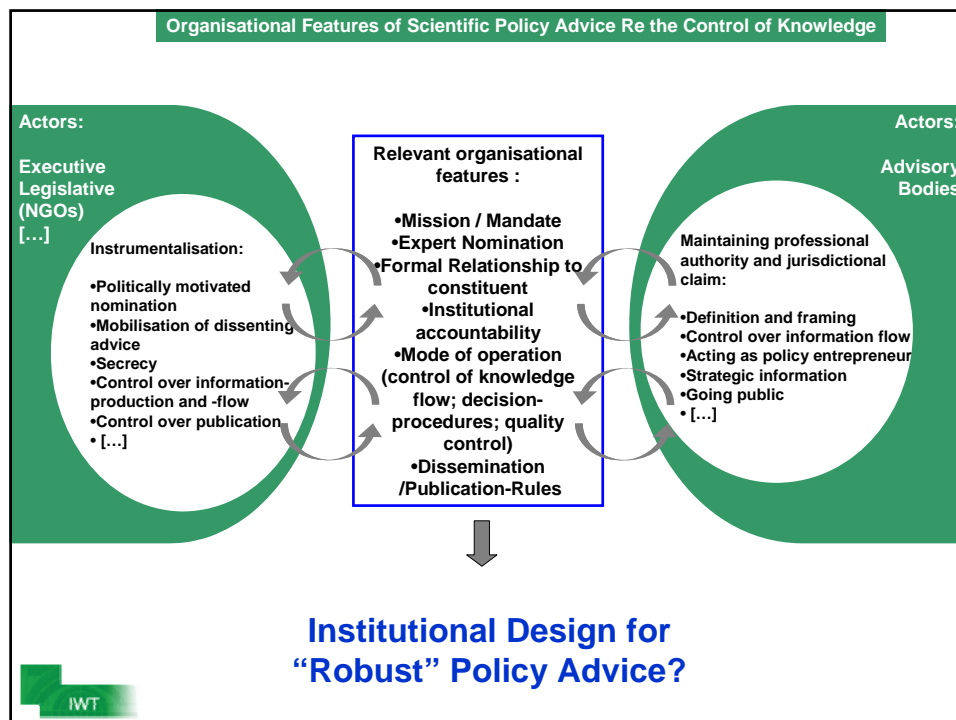
4

The Dilemma of Scientific Policy Advice – Conflict over Control of Knowledge

- Dilemma for politics in seeking scientific advice:
 - Scientific advice is a resource for politics
 - But, especially if made public, expert advice also has legitimating potential and can therefore present a risk to politics if contradicting interests and values.
- In consequence, advisers intentionally or inadvertently become political actors, and as such compete with politicians, both being accountable to different audiences and having different stakes
- Advisory relations turns into a struggle with regard to:
 - problem definition and framing
 - control over knowledge input and flow
 - expert nomination
 - disciplinary competencies considered to be relevant.

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5



Institutional rules

- Mission
- Formal relationship advisory body – constituent
- Nomination-rules
- Mode of operation
 - Knowledge flow
 - Decision-Rules
- Dissemination rules

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7

Robustness of Scientific Policy Advice?

- Systemic property, i.e. refers not to single knowledge claims, but to the whole “eco-system” of advice giving: Stability under variations not explicitly acknowledged and specified beforehand
- Distinction epistemic/political robustness as *analytic* distinction (not antagonistic, because both may reinforce each other under certain conditions).
 - Epistemic robustness (\neq „sound science“) relates to quality of expertise and the „goodness“ (Jasanoff) of the reasons experts provide for their judgments („epistemic core“ not empty)
 - Political robustness: not mere social acceptability, but enhancement of political legitimacy of decisions, i.e. strengthening of the ability of politics to make collectively binding decisions in the face of value or interest conflicts

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8

Four models of “Independent” Scientific Policy Advice:

- Idea of independent scientific policy advice is reflected in institutional design of collegial advisory bodies:
 - Regulatory commissions (ZKBS; SSK; DFG-commissions)
 - Statutory ministerial advisory councils („Wissenschaftliche Beiräte“)
 - Statutory high-level inter-ministerial advisory councils („Sachverständigenräte“)
 - Ad-hoc commissions

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9

Formal Role of Experts in Advisory Relation:

← Proximity to Political Decision-Making →

← Expanding Choices – Reducing Choices →

I.) Regulatory Commissions (officially) not connected to policy + providing single opinion):

- Specific mandate: “fact finders”; no extra-scientific considerations to be taken into account
- Nomination „Interest-cum-Expertise“ based; no formalised procedure
- Operationally independent
- Significant scientific staff
- Voting (majority; aim: consensus about scientific basis)
- Publication controlled by constituent
- Departure from commission’s point of view has to be

II.) Statutory ministerial advisory councils (providing relevant scientific views + no direct institutionalised link to policy):

- Broad Mandate; selects its own topics; addresses minister (not the ministry)
- Cooptation of members based on scientific merit
- life-time appointment
- Voting (usually unanimous)
- Constituent schedules publication
- No scientific staff

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IV.) Ad-hoc committees (connected to policy + advocating single opinion):

- Specific and limited (in time scope and with regard to product) task assigned; often building social compromises
- Nomination *ad hoc*
- Decision by consent or “consent about dissent”
- Pluralist composition
- Publication rights with constituent

III.) Inter-ministerial advisory councils (connected to policy + providing range of policy-options):

- Specific mandate (of varying scope): providing policy-relevant, but not policy-prescriptive expertise
- Addressing federal government as such (not particular ministry)
- Nomination by government
- Operationally independent
- Significant scientific staff
- Minority votes
- Publication right with committee

10

Modell I: Regulatory Commissions (RC)

<i>Institutional Rules:</i>		<i>RE Epistemic Robustness:</i>	<i>RE Political Robustness:</i>
Mandate:	Fact finder	Experts claim decision-authority Mandate leaves no space for inclusion of societal aspects/uncertainty	Deviation of a decision from RC's opinion conceived by members as threat to scientific authority
Organisational Form:	Standing collegial body with scientific secretariat	Makes RC independent from gov. resources	Struggle over resources and staff appointment
Nomination:	-Gov. nomination (DFG: Delegation), 3-years, renewable -Interest- <i>cum</i> -expertise representation	Experts claim responsibility for nominations	Conflict over nomination (cf. ZKBS; SSK) seen by experts as (i.) challenge to sc. authority; (ii.) revoking normative consensus and informal contract; (iii.) challenge to ideal deliberative community
Formal Relationship to Constituent:	-Institutional neutrality -Operational autonomy	Conflicts over feasibility of institutional neutrality Conflicts re division of labour (e.g. RA / RM)	Justification of deviation from RC's opinion challenges decision-autonomy of constituent
Mode of Operation:	-Own resources for inf. input -Confidentiality -Voting (majority; usually consensus)	Strong position of RC in advisory relation No institutional accountability No quality control in place	Relation to RC dependent on informal working relations based on shared normative consensus about policy field
Dissemination Rules: IWT	-Confidentiality -Annual report -© with constituent	"Stealth issue advocacy" (Pielke): Framing and steering public risk discourses in the name of science	Controlling publication is used to control risk of adverse political agency by RC's

11

Modell II: Ministerial Advisory Councils (MAdvC)

<i>Institutional Rules:</i>		<i>RE Epistemic Robustness:</i>	<i>RE Political Robustness:</i>
Mandate:	-Broad; selects own topics -Addresses minister (not ministry)	-Only general advice -Cf. "scientific conscience" -Ministry's needs ignored -Potential watchdogs	-Tension between user-oriented vs. independent advice
Organisational Form:	Large standing collegial body without scientific secretariat	Members act like in a "private club" or colloquium	
Nomination:	-Cooptation -Life-long membership -Merit-based	-Members act as "scientific conscience" of the ministry -MAdvC expertise does not keep up with recent developments in the policy field	
Formal Relationship to Constituent:	Institutionally and operationally totally independent	Act partly as "watchdog"	Cooperation dependent on informal normative consensus and continuous working-relations
Mode of Operation:	-Informal deliberation amongst experts like in a private "club" -Voting (usually consensus)	Misses constituents' needs	
Dissemination Rules: IWT	-© with MAdvC -Constituent schedules publication		Selective reception of reports Delay of publication MAdvC: Open letter to minister

12

Modell III: Inter-Ministerial Councils (IMC)

<i>Institutional Rules:</i>		<i>RE Epistemic Robustness:</i>	<i>RE Political Robustness:</i>
Mandate:	-Specific Mandate (varying scope); monitoring -Policy-relevant, but not policy-prescriptive advice (political neutrality: no particular recommendation, but alternative options) -Enhancement of capacity of informed judgment of all relevant actors and the public	-Constant task, annual report not innovative (e.g. SVR) and ritualised -“Scientific conscience” -Potential watchdogs	SVR: Political neutrality + sc. Authority + general monitoring -> dominant role in discourse SRU: Issue advocate
Org. Form:	Small standing collegial body with sc. secretariat		
Nomination:	-Nomination by president (or inter-ministerial committee); SVR: Unions'/Employers' veto -Only one member at a time replaceable (SVR) -(Limited) conflict of interest clause -Expertise in the field	-Continuation of normative consensus and IMC's identity	
Formal Relationship to Constituent:	Formal relationship based on mandate Institutionally and operationally independent	Due to independence, IMCs acts partly as knowledge broker (SRU), issue advocate (SRU) or watchdog (SVR)	Hard to politicise IMC Due to mandate, and mandatory reaction, advice is sometimes conceived as imposed upon ministry
Mode of Operation:	-Own information-sources; significant role of scientific staff -Voting (minority votes usual) -No quality control in place	Informal working relationships and networks essential	
Dissemination Rules: IWT	-© with council -Annual reports, new formats like policy papers -Government has to react to annual report		Binding force due to obligatory comment Selective reception of

13

Modell IV: Pluralistic Ad-hoc Commissions (PIAdHocs)

<i>Institutional Rules:</i>		<i>RE Epistemic Robustness:</i>	<i>RE Political Robustness:</i>
Mandate:	-Specific limited (re scope; time-line; nature of product) task re policy preparation assigned; often includes building social compromises	-Ambiguities in mission statement leads to confusion about expectations and roles of experts in commission	Phrasing of the mission crucial
Org. Form:	Pluralistic, collegial body; sometimes with secretariat		
Nomination:	-Ad hoc nomination by client (gov.; ministry) -Pluralist composition	-If composition is representative of a broad spectrum of influential societal (and sc.) perspectives and not organised interests	Nomination based on representation of societal perspective and not of organised interests promotes finding “socially robust” solution to policy problem
Formal Relationship to Constituent:	No formalised relationship PIAdHoc only committed to task assigned; relationship to client solely based on “contract”	As soon as commission has taken up work, high independence Hard to abolish PdAdHoc due to political “costs”	Co-production of reform via government by commissions presupposes shared commitment to policy project not directly aligned to political party interests; but: i. experts to “loyal (to project) to be loyal (to client)” ii. Binding hands is attractive – but politically risky – strategy to neutralise the “Veto-Macht” (Scharpf) of powerful policy actors iii. Commission might become involved in inner- or inter-ministerial quarrels about competencies
Mode of Operation:	-Deliberation -Decision by consent (or consent about dissent)	Not formalised Highly independent	Only informal channels to influence process e.g. via secretariat or personal relationship
Dissemination Rules: IWT	-© with constituent (gov.; ministry)		

14

Institutional safeguards against escalating conflicts over the control of knowledge?

- Achieving a complete socio-epistemic mapping of the “terrain of reason” (Jasanoff) procedurally, via nomination procedures? Fails if ..
 - .. new actors (e.g. consumers; environmentalists) reclaim a voice (cf. SSK; ZKBS)
 - .. the societal consensus about the nature of the policy field no longer holds
- Securing independence & institutional neutrality via operational autonomy + rationality of confidential internal “scientific” deliberations? Fails if..
 - .. division of labour between advisory body – constituent is contested
 - .. working relations to constituents depend on loyalty and informal mechanisms
 - .. it gives rise to “stealth issue advocacy”
 - .. organisational credibility decreases due to a lack of institutional accountability in dealing with uncertainty, value conflicts or conflicts of interest
 - .. there's no balance in keeping advisers “independent but not out of control”
- Using ad hoc commissions for particular political ends via “binding-hands” or “binding-in” (putative opponents) strategies may bounce back in unpredictable ways (cf. Benchmarking; Hartz)

15

Discussion: Where Do We Go From Here?

← Proximity to Political Decision-Making →

← Expanding Choices – Reducing Choices →	<p>Regulatory commissions (ZKBS; SSK; DFG-commissions) ..</p> <ul style="list-style-type: none"> ➢ may turn into “stealth issue advocates” ➢ may become mere servants of (regulatory) politics 	<p>Ad-hoc commissions ..</p> <ul style="list-style-type: none"> ➢ may turn into political actors ➢ as part of a strategy of “binding hands” or of “binding-in” putative opponents are risky and may tie hands too much ➢ as means to be used for particular political ends may bounce back
	<p>Statutory ministerial advisory councils („Wissenschaftliche Beiräte“) ..</p> <ul style="list-style-type: none"> ➢ may become marginal for policy making (“prophet in the desert”) ➢ have “watchdog- potential” 	<p>Statutory inter-ministerial advisory councils („Sachverständigenräte“)</p> <ul style="list-style-type: none"> ➢ may become irrelevant for policy making (“recurrent news reading”) ➢ may turn into policy entrepreneurs ➢ have potential to become “knowledge brokers”(!)

16