

# **PUBLIC PARTICIPATION IN PUBLIC POLICY PROCESS – CASE STUDY IN SEVEN COUNTIES FROM NORTH-WESTERN REGION OF ROMANIA**

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## **Abstract**

Public participation is an ever significant notion of modern governance. In the light of lower levels of citizen turnout at elections, contemporary democracies face a growing and complex problem of legitimacy. In this sense, in the last decade more and more governments around Europe and USA turn to new strategies and plans to reach the community they represent and encourage active participation in solving community problems. It is in this note that the present pilot study "Initiatives and Design of Public Policy" was conducted, aiming to evaluate the level of public participation of four professional categories (lawyers, doctors, teachers and managers) in the design and formulation of policy proposals and identify the factors that influence their level of involvement. The study was conducted in seven counties in the North-Western Region of Romania using a convenience sample of 250 individuals. Data gathered shows that involvement is low in all four categories with lawyers topping the list surprisingly. Moreover we have identified certain drawbacks about current legal framework for sustaining public involvement which negatively affects the level of public participation. Even though the data is provisional and is representative only for the study population the results are in line with other studies on this matter which show little public participation in the policy process.

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## 1. Public participation defined

In the last two decades governments have been under increasing pressure to change the way they interact with citizens, open up and increase access to services provided. This is something to expect in modern democracies taking into account the downward trend in voter turnout in the last 50 years (as shown by IDEA study of Voter Turnout in Western Europe, 2004). We could see these lower turnouts as citizens' response to the fact that elections make less difference in the way in which a country is governed (Rose, 2004). This could be interpreted as a gap between decision makers' policies and citizens' real needs, resulting in loss of *legitimacy* and *accountability* regarding the governing process. In order to reduce this distance, governments have implemented different strategies and plans to open up to the public. An open government is increasingly recognized as an essential ingredient for democratic governance, social stability and economic development (OECD, 2005). Before discussing and analyzing public participation the condition of open government must be met. This means satisfying three basic principles (OECD, 2005):

- *transparency*, meaning that governmental activity has to be placed under public scrutiny;
- *accessibility*, citizens must have the possibility to access and use public information anytime and anywhere;
- *responsiveness*, capacity of governments to respond efficiently to new demands and needs coming from the citizens.

The concept of open government must be supported by a thorough public participation strategy that will encompass all governmental activity.

Public participation can be viewed as a process by which public concerns, needs, and values are incorporated into governmental and corporate decision making aiming for better decisions supported by the public (Creighton, 2005). Another way to put it is that public participation is a framework of policies, principles, and techniques which ensure that citizens and communities, individuals, groups, and organizations, have the opportunity to be involved in a meaningful way in making decisions that will affect them, or in which they have an interest (Smith, 2003). Still, both of the above definitions refer to a broad concept, and we can ask ourselves whether public participation is synonymous with political participation, citizens' participation or public engagement. What they all hold in common is the active characteristic – participation – but there are some differences, as Yang argues, *public participation* being the broadest concept, including participation activities that involve the public, the media, and other nongovernment social groups (Yang *et. all*, 2005) while *citizen participation* is seen as an involvement of the public in the administrative decision-making process. The last two, *political participation* and *civic engagement* are seen as the involvement in political process (voting, campaigning, party politics) (Verba *et. all*, 1987, Denhardt *et. all*, 2000) and respectively volunteer type of activities at individual or organizational level (Oliver, 2000).

Taking all this into consideration we identify the following characteristics of public participation:

- it involves some type of decisional process (made by public institutions) in which the public is involved in a way or another;

- it is a planned process, meaning it is not something spontaneous, or a decision made on the spot by public institutions but is included in the routine processes of the institution;
- participants have a certain degree of influence on the final decision;
- the goal of public participation is better public policy, in the sense of more responsive policies to real citizens needs and with a higher degree of public support.

## **2. Rationale for public participation**

Public participation is part of the inner mechanisms of representative democracy. One of the defining characteristics of democracy is the right to elect public officials and be elected at the same time. In this sense, Alexis de Tocqueville's *Democracy in America* is one of the first studies that analyzed the relation between democracy and civil society. Even then, what impressed the Frenchman was the large number of civic association and the complex relation with the government in making the system work – *Americans of all ages, all stations of life, and all types of dispositions are forever forming associations ... Nothing in my view deserves more attention than the intellectual and moral associations in America* (Tocqueville, 1969).

But democracy went through a lot of changes since the beginning of the nineteenth century, especially concerning the structure and distribution of power throughout the community. The administrative apparatus has grown ever bigger (despite last 30 years efforts in downsizing) and gained substantial authority especially in the field of public policy. Decisions previously made by elected officials in a political process are now largely delegated to technical experts in the administrative apparatus (Creighton, 2005). In this light, the issue of public participation is of major interest in preserving legitimacy and accountability of decisions. When unelected bureaucrats have such a major input in the policy process, insuring the will and needs of the people are represented correctly is both a necessity and a challenge. We must not forget that modern society has a rather heterogenic structure leading to a set of *competing values* that need to be included in governmental policies, making the matter even more difficult. This is where the "bureaucracy knows what's best" emerges, the premise that based on its presumable expertise bureaucrats know better what is good for the community. A corollary of this is that matters being so complex and technical, the public is not able to come up with feasible solutions, resulting in most government agencies doubting the idea of public participation at this level as being rational and beneficial. The answer is that the public does not need to take part in technical decisions – but agencies make many decisions they believe are technical that in fact are not (Creighton, 2005). Expertise and professionalism may give the technical basis for these choices but democracy is constructed to give people the ultimate authority over choosing between these competing values and goals of government action.

Public participation is the link between members of society and government, ensuring that the decisions taken by non-elected officials carry legitimacy by providing a form of dialogue and interaction between decision makers and the people who are affected

by government's policies. The first reason in doing so is that policy proposals that have been discussed with the public have better chances to be accepted and build trust between government and citizens. Secondly, the quality of the decisional process is greater. It helps to clarify the objectives and requirements of a project or policy, results in considering new alternatives, increases the chances of success and can bring new information to light helpful in the design and implementation of the policy (Creighton, 2005). Another rationale for public participation is that it promotes openness and accountability, and in the process, advances fairness and justice (Callahan, 2007). Public participation has also an instrumental value by strengthening the evidence base for policy making, reducing the implementation costs and tapping greater reservoirs of experience and creativity in the design and delivery of public services (Bourgon, 2007). It is also a source of innovation, by opening new doors for government in service delivery. Ultimately, public participation can build social capital and cultivate mutual understanding and bonds of trust among the public, decision makers, and governing institutions (Callahan, 2007). Studies in the last 30 years have highlighted the benefits mentioned above; involving the public not only frequently produces decisions that are responsive to public values and substantively robust, but it also helps to resolve conflict, build trust, and educate and inform the public about the environment (Beierle and Cayford, 2002).

### **3. Models of Public Participation**

Over the last decades, several models have been put forward by political and social scientist in order to explain the government-citizen relation. While there are differences between them, the majority have a common characteristic – they analyze the government-citizen relation based on the level of involvement of the citizen in the decision making process. This of course leads to having two extremes, one in which the government does not have any kind of interaction so there is no form of participation and the opposite when we have engaged citizens. Though both these situations are possible in theory, most cases take place somewhere between. One of the early and most cited models is proposed by Sherry Arnstein, where public participation is seen as a *ladder of participation* where the bottom of the ladder represents no participation at all while the top is the highest level of engagement (Arnstein, 1969):

- *Citizen authority over decisions or delegated authority*
- *Negotiated decisions*
- *Shared partnership in decision making*
- *Opportunity to offer advice*
- *Opportunity to develop self-confidence*
- *Opportunity for citizen support of programs already planned.*

Arnstein's research indicates that public administrators rarely relinquish enough control to allow citizens to share in the decision-making process, let alone reach the top of the ladder (Callahan, 2007). Most cases fall somewhere in the middle, when citizens can give advice, offer new information for the decision maker or negotiate different conditions and elements of the proposed policy.

Another model is that of John Clayton Thomas which presents public participation from the public manager's perspective and the alternatives they can pursue in the decisional process. At one end, managers can choose to be totally autonomous and not involve the public at any phase of the decisional process, while at the other end the manager shares the decisional authority with citizens. In between there are different situations where managers can adopt all sorts of methods from consultation, taking input from citizens. In all cases it is the manager who decides when to involve the public in the policy process and which method to adopt. The model has five levels (Thomas, 1995):

- *Autonomous managerial decision* (no public involvement);
- *Modified autonomous managerial decision* (managers seek information from different social groups);
- *Segmented public consultation* (the manager shares the problem with different social groups, analyses the input and then takes a decision);
- *Unitary public consultation* (The manager shares the problem with the public as a single assembled group, getting ideas and suggestions, and then makes a decision that reflects the group influence or preference; it requires that all members of the public have the opportunity to be involved) (Callahan, 2007);
- *Public decision* (the manager shares the problem with the citizens and tries to reach an agreement accepted by all participating members).

While in both of the above models, the interaction between government and citizens falls in one or another level, the relationship in the real world is far more complex and cannot be so clearly bounded. Still these theoretical models can offer some kind of guidance when analyzing public participation offering a set of indicators to search for and measure in real situations.

#### **4. Objectives, Methodology, Limitations of the Study**

The research project: The Level of Involvement of Certain Professional Categories in Initiatives and Public Policy Design (IPPD) aims to analyze the level of involvement of four professional categories – professors, doctors, lawyers, and managers - in formulation and design of public policy and the differences between them (professors, doctors, lawyers, managers). The main objective of the study is determining whether there is a professional specificity concerning the involvement degree and the method of landing of the public policy initiatives and designs in the North-West region of Romania. Another aspect followed was identifying the factors that determine the current level of involvement and propose alternatives in case intervention is needed. The study was constructed in three phases (currently being in its second phase).

*The first phase* – evaluation of involvement level – was meant to render an image on the level of public participation of the four professional categories in 7 counties from Romania – Satu-Mare, Maramureș, Mureș, Bihor, Sălaj, Cluj and Bistrița-Năsăud. Being a pilot study, a convenience sample was used – 250 individuals from all four categories distributed in all seven counties. Based on prior interviews, a 22 item questionnaire was constructed as the instrument to use in measuring the level of involvement,

influencing factors, types of participation, legal framework and level of information about opportunities to participate in the policy process. The questionnaire was administered by an operator who was instructed to inform the respondent about the aims of the study, average time for questionnaire completion being around 10 minutes. We are aware of the limitations of the methodology, the results being rather a *general sketch* than a clear *standstill photo* of the current situation (because of the sample, results are not representative for the entire population of the seven counties). Nevertheless, the data gathered will offer a solid base for continuing with phase two and three of the project. *The second phase* consists of splitting the sample in two comparable sub-samples on which a two-type intervention will be implemented. The first approach will be an interdisciplinary intervention consisting in open discussions with all members of the four professional categories held by practitioners and public officials in key positions in the policy process. The other group will have the same intervention the difference being that the group will split up based on the four professional categories. Our premise is that an interdisciplinary intervention (first group) will have more positive results than a normal, professional category based one. This will lead to the *third phase* of the study, the evaluation of the effects of the intervention phase, at the end of which we will be able to see whether our hypothesis was true or false. Even though there is a long way to go, provisional results are useful in picturing the current state of public involvement of the four professional categories included.

### *Findings*

From the initial 250 sample we were able to use 218 questionnaires, meaning a rate of response of 87.2%. The data was collected during a two week period through personal visits of the questionnaire operators at the work place of the respondents.

***Level of public participation*** – 78.8% of the respondents have never been involved, under any form, in the policy process, in the last 2 years. More concerning is that over 40% of the respondents declared that they have never had an interaction or contact with public institutions for resolving or discussing a public issue. This low involvement is reflected also at organizational level, 58% of the respondents declaring that the organization they represent did not have any collaboration or interaction with public institutions in the last two years. Another finding worth considering is that 12.8% declared that they are not interested in participating in the policy process even if the policy discussed will affect them directly. Our initial assumption that there will be a significant variance between the four categories was not confirmed, all four categories having very low levels of public involvement, with lawyers toping the group with more than 90% declaring that they have not been involved in a policy process while professors standing slightly better, at the other end, 7% responding that they have not been involved.

***Legal framework*** – the legal framework concerning public participation is composed of two laws. Law no. 544/2001 on Free Access to Public Information and law 52/2003 regarding Transparency in Administrative Decision Making should have facilitated this process. We have analyzed the legal framework separately than other influencing factors because it represents the formal framework that defines the relations between

public institutions and citizens. Only 54.7% of the respondents stated that they know the provisions of Law no. 544/2001 regarding free access to public information. The level of knowledge regarding the second Law no. 52/2003 concerning transparency in administrative decision making is even lower, with only 40.6% of the respondents declaring that they know the provisions of the law.

Several of the questions included in the survey are discussed below. The goal is to show the variation or lack of among the four professional categories.

**Table 1:** Do you know the general provisions of Law 544/2001 regarding Free Access to Public information?

Professional Category	Yes	No
Public Manager	90.6%	9.4%
Lawyer	80.6%	19.4%
Doctor	31.0%	69.0%
Professor	50.0%	50.0%

**Table 2:** Do you know the general provisions of Law 52/2003 regarding Transparency in Administrative Decision Making?

Profesional Category	Yes	No
Public Manager	81.2%	18.8%
Lawyer	44.4%	55.4%
Doctor	23.9%	76.1%
Professor	37.5%	62.5%

Another concerning aspect of the current legal framework is that almost 70% of the respondents feel that it does not encourage people to participate, while 16% think that it does not facilitate at all public participation. This is a very important aspect that will need to be considered by government if it is to keep its commitment to encourage citizens to participate in the process of public policy.

### **5. Other factors that influence public participation**

Besides the legal framework respondents found other factors that constitute barriers to public participation. From the list of mentioned possible barriers, the most important ones mentioned by respondents were:

- lack of a participatory culture in the community;
- insufficient knowledge in the field;
- lack of information regarding existing opportunities to participate;
- public authorities do not encourage public participation in the policy process; and
- lack of interest for the policy process.

All these are quite disturbing because they represent a picture of the dominating culture not only in public institutions but in society in general. There is low interest and rather little encouragement coming from public authorities to involve citizens. Interest is lacking even from the people, which is even more harmful for the well functioning of the society.

## 6. Conclusions

The results of this pilot study indicate that there is little, almost no public participation in the public policy process and that the professional category is not determining a significant variation of involvement, all four categories having very little involvement levels, with the mention that public managers tend to have a better understanding of the legal framework; this is explicable when we analyze the work public managers undergo, which inevitably implies consistent knowledge about both of the laws. The barriers in front of real public participation, identified so far, can be grouped in two major categories: *legal framework, dominant values and culture*. The current legal framework is neither known nor used by people to participate. Citizens see it rather as a barrier than as an instrument put forward by government to facilitate involvement. This is linked to the second factor, the values and culture which dominate both the administrative system and society. Public participation is seen by both sides as something not of a significant importance that is why there is little interest in getting involved. This is partly due to the countries from the former communist system which on the one hand censored freedom of speech and participation by individuals and on the other, paradoxically forced individuals to participate in certain types of community activities mostly in the interest of the dominant party. Another explanation for these results could be the legalistic culture of the administrative system which tries to avoid responsibility through a complicated and obscure legal framework that eventually discourages the citizen to participate even though it's a legitimate right. Policy leaders need to understand that one of the essential ingredients for a healthy democracy is legitimacy of public decisions. When election turnout is on a negative trend, public participation is a true and feasible alternative in restoring legitimacy of public decisions. Besides, as stated earlier, public participation has intrinsic and instrumental value to the functioning of the administrative system raising the level of quality and success of decisions. This is why central and local governments need to focus more on these issues and create a true legal framework that encourages citizen participation and promote a culture that will increase the interest of the governed about public interest problems.

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