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MODELS OF PUBLIC POLICY-MAKING CYCLE: ROLE AND PLACE OF PUBLIC CONSULTATION

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SUMMARY

The author conducts a comparative analysis of models of policy-making cycle, which were developed from the middle of the 20th century by foreign and Ukrainian scientists, researchers and analysts, specifying which of the models include public consultation as a separate and equally important stage in a public policy making cycle. There is also an estimation of role and place of public consultation in the algorithm of public policy making as the nowadays foundations of democratic transformation. The author also analyses existing tools of interaction with public authorities represented in Ukrainian legislation and presents an improved model of public policy-making cycle, based on such principles of democracy as transparency and openness, as well as working Ukrainian legislation, is iterative in nature, and includes a phase of mandatory public consultation.

Key words: policy-making cycle, public consultations, cooperation between executive authorities and the public.

АНОТАЦІЯ

У статті автор проводить порівняльний аналіз моделей циклу творення публічної політики, які розроблялися із середини ХХ століття зарубіжними та вітчизняними вченими. Також досліджено, які із цих моделей включають консультації з громадськістю як окремий і рівнозначно важливий етап вироблення політики. Обґрунтовано місце та роль публічних консультацій у алгоритмі вироблення політики як основи демократичних перетворень сучасності. Проаналізовано інструменти взаємодії влади з громадськістю, представлені в законодавстві України. Подано вдосконалену модель циклу творення політики, яка базується на таких принципах демократії, як прозорість і відкритість, чинному законодавстві України, має ітераційний характер, включає етап обов'язкового проведення консультацій із громадськістю.

Ключові слова: цикл творення публічної політики, консультації з громадськістю, взаємодія влади та громадськості.

Nowadays as Ukraine is on the path of European integration, the issue whether the process of public policy formation and implementation in Ukraine is based on principles of democracy or not is raised and being discussed. The conditions of making significant political and administrative decisions are becoming more substantial. They are as follows: whether public opinion is taken into account before making important political-administrative decisions; whether decision-making process is transparent and open; whether dialogue between executive authorities and the public is built on mutual cooperation though involvement of citizens in the process of administration of public affairs etc.

This scientific paper is aimed at analyzing existing models of public policy-making cycle developed by Ukrainian and foreign scientists, researchers and analysts since the mid of the 20th century; identifying role and place of public consultation in public policy making process as a separate component and equally important stage; presenting current tools of participation of the public in public policy-making process in Ukraine.

The issues of policy-making cycle models were studied and developed by the following foreign scientists: James E. Anderson, Peter Bridgman, Gary Brewer, Glyn Davis, William N. Dunn, Cosmo Howard, Harold Lasswell, Peter de Leon, Terrence Morrison, Robert T. Nakamura, Lisa Quinn, Eoin Young and others; among Russian scientists they are Leonid Smorgunov, Yuliya Gimazova etc., along with Ukrainian scientists such as Yuriy Kovbasyuk, Kostyantyn Vaschenko, Yuriy Surmin and many others. The issues of involvement of the public into administration of public affairs were studied by such Ukrainian scientists as Sergiy Teleshun, Svitlana Sytnyk, Igor Reyterovych, Oleksandr Puhkhal, Olena Krutiy, Oleksandr Dem'yanchuk etc.

Today, the scientific community discusses participation of the public as an essential component of public policy

making cycle in countries of developed democracy and define it as a strict requirement of efficient public policy formation. However, we suggest stating the scientific research with defining the terms "cycle" and "policy-making cycle" at the very beginning.

The term "cycle" in Greek means "circle"; and according to the Academic explanatory dictionary of the Ukrainian language "cycle" is a set of interrelated phenomena, processes, work that creates a complete range of actions over the fixed period of time [11]. The term "policy-making cycle" is considered as a tool of policy analysis or "phased approach", although some scientists claim that it is rather a theoretical model than what it is in reality [4]. The Encyclopedic Dictionary of Public Administration defines the term of policy cycle as follows: "The term policy cycle refers to the recurrent pattern shown by procedures that ultimately lead to the creation of a public policy. The advantage of analyzing these procedures by dividing them into stages (agenda-setting, formation, and implementation) resides in the way it offers explanatory insights into the decision-making process. More precisely, the notion of policy cycle provides a means of thinking about the sectoral realities of public policy processes" [5].

A Russian scientist Yuliya Gimazova believes that a policy cycle is a sequence of actions made by the state institutions of power and administration including Policy Initiating; Policy Development and Legitimization; Implementation and Monitoring of the Policy; Assessment and Correction [7].

According to Ukrainian scientists in public administration, namely Yuriy Kovbasyuk, Kostyantyn Vaschenko, Yuriy Surmin, public policy making is a set of stages, factors, conditions of activities of policy subjects and special interest groups in the process of selecting strategic objectives and their record in the relevant documents (laws, programs, doctrines etc.) [9, p. 23].

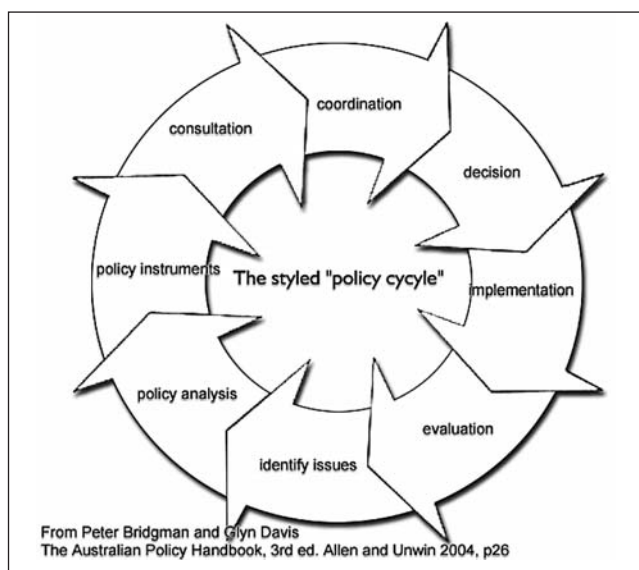


Figure 1

Other Ukrainian scientists in public administration Sergiy Teleshun, Svitlana Sytnyk also emphasize the need of involving the public into the formation and implementation of public policy and public decision-making process through various legal forms of participation as much as possible. They also highlight that the reorientation of public administration on providing services to a citizen-taxpayer is a major step in the transformation in the political-legal, political-administrative systems, reflecting a new model of cooperation between the state and citizens [13, p. 6].

Therefore, we believe that the policy-making cycle is a sequence of actions taken by executive authorities to develop, discuss and agree on political-administrative decisions in cooperation with all policy stakeholders, aimed at meeting the needs of the citizen-taxpayer of the current stage of state development.

According to the models of policy formation and implementation cycle, developed and presented in scientific works of Ukrainian and foreign researchers, not all of them included consultations, especially with the public.

The idea of forming a policy cycle model was first developed by the American political scientist Harold Lasswell [3]. This model was quite ordered and demonstrated a certain standard. Firstly, it was criticised on a lot of points, but later successfully used as the basic structure for future research and was the starting point for many scientific developments applied in the theory of decision making and administration theory. Later this model was used in public political process development by James E. Anderson (1975), Gary Brewer and Peter de Leon (1983) and others [1, p. 315].

Harold Lasswell's model includes 5 stages: 1) Agenda-setting – Recognition of a particular issue as a problem that requires further attention of the government; 2) Policy Formulation which includes an examination of options or available alternative courses of action in order to solve the problem (evaluation, dialogue, formulation and consolidation); 3) Decision-making – Government decides on the final course of action, whether the suggested solution is to be given status quo or to be changed; 4) Implementation – The final decision is to be executed; 5) Evaluation – Policy efficiency evaluation in line with initial intentions and outcomes. Policy actors try to determine whether the course of action is a success or a failure, studying the impact and practical results [3].

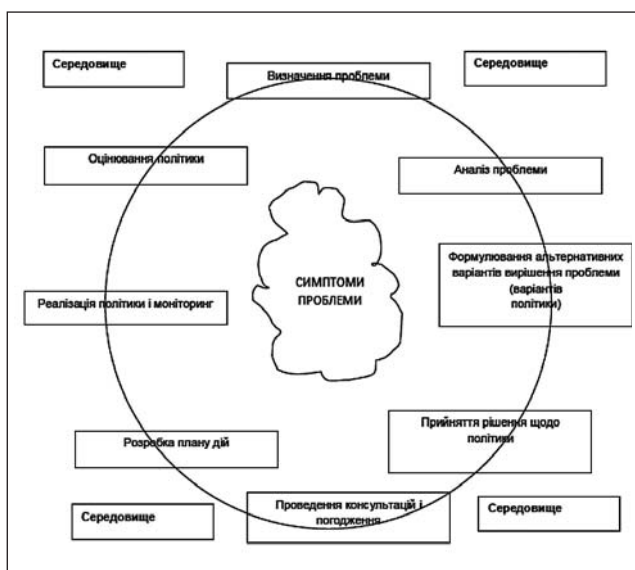


Figure 2

As we can see, this model contains no information on consultations, either with scientific and expert community or with the public. It is not deployed, but only indicates the main stages of policy-making process.

Later Peter Bridgman and Glyn Davis (Australia) improved H. Lasswell's public policy cycle model and in 1998 published the first edition of "The Australian Policy Handbook" where Australian public policy cycle model was presented to the scientific and political community. The guidance was designed for public officials to provide assistance in understanding and development of "sound public policy". This model shows an 8-stage series of logical steps of development and iterative improvement of public policy, namely: Issue identification – a new issue emerges through some mechanism; Policy analysis – research and analysis of the policy problem to establish sufficient information to make decisions about the policy; Policy instrument development – the identification of which instruments of government are appropriate to implement the policy. Could include legislation, programs, regulation, etc.; Consultation (which permeates the entire process) – garnering of external and independent expertise and information to inform the policy development; Coordination – once a policy position is prepared it needs to be coordinated through the mechanisms and machinations of government. This could include engagement with the financial, Cabinet and parliamentary processes; Decision – a decision is made by the appropriate person or body, often a Minister or the Cabinet; Implementation – once approved the policy then needs to be implemented; Evaluation – an important process to measure, monitor and evaluate the policy implementation [2].

Public policy cycle model from Peter Bridgman and Glyn Davis

The following two diagrams demonstrate this pattern, the left one (see Figure 1) was placed directly in the Australian Policy Handbook, and the right one (see Figure 2) is translated into Ukrainian and presented in scientific works of some Ukrainian scientists [9, p. 51–52].

However, this model was criticized by Dr. Cosmo Howard, who conducted numerous interviews with senior public servants in Australia and confirmed the fact that in reality formation and implementation of public policy is not as linear and structured. Most of these processes differ from each other, and they deviate from this model. Some stages are not

included; some of them are carried on more rapidly than others. Another reason for the criticism of the model C. Howard views in the lack of participation of the public in policy formation and implementation. To his mind the changing role of the public in the 21st century is not captured by the policy cycle model. The proliferation of digital information and communications creates new challenges and opportunities for modern policy makers. They must now compete for influence and attention in an ever expanding and contestable market of experts, perspectives and potential policies.

Other scientists comment on Dr. C. Howard's vision as follows "This has moved policy development and influence away from the traditional Machiavellian bureaucratic approach of an internal, specialized, tightly controlled monopoly on advice, towards a more transparent and inclusive though more complex approach to policy making. Although Bridgman and Davis go part of the way to reflecting this post-Machiavellian approach to policy by explicitly including consultation and the role of various external actors in policy making, they still maintain the Machiavellian role of the public servant at the centre of the policy making process [2].

We agree with Dr C. Howard that consultation with the public is an essential step in public policy formation, because in a democracy, citizens must be treated not only as taxpayers but also as stakeholders and policy customers. What is more, at the time of information society development, growing access to public information and the introduction of a large range of information mechanisms, communication between government and citizens is not only the possibility to provide a dialogue, but also to raise the level of competitiveness, efficiency and expertise of officials as well as to fight for authority and recognition of the public.

The next version of the policy-making cycle model was designed by Eoin Young and Lisa Quinn (see Figure 3) and presented in scientific work "How to write an effective analytical instrument in the field of public policy: a guide for policy advisers in Central and Eastern Europe" (2003).

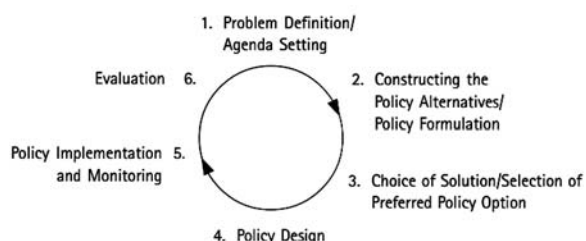


Figure 3. The Policy Cycle from Eoin Young and Lisa Quinn

The authors note that the policy cycle is depicted as a circle and is iterative in its nature which means that any of the approaches may be revised at the stage of evaluation: the issue itself, preliminary selected policy option, the policy draft or its implementation procedure. This means that in the process of issue resolving it can be returned back to the agenda or any previous stage of the process, or the implementation of the policy can be carried out following the previously discussed method, but not selected as the final one [6, p. 16]

Ukrainian scientists in public administration, namely Yu. Kovbasyuk, K. Vaschenko, Yu. Surmin in their scientific work present the following public policy cycle model (see Figure 4).

This model is presented not in the form of a cycle, but in the form of a flowchart entitled "General scheme of public policy development" (2014) and involves the following stages: issue analysis, setting goals and objectives, programs development, plans and assessment, consultations and discussions, selection and legitimization, implementation and coordination, monitoring and control. Moreover, the scheme clearly illustrates that a direct impact on the entire process of public policy making is made under certain conditions, factors and means of provision and administration system [9, p. 51–52].

In this public policy cycle model there is a stage of consultations and discussions, however, the authors do not specify what kind of consultations should be conducted, with scientific and expert community, with other government authorities or with the public. To our mind this fact demonstrates the lack of attention to public consultation and respective advice provision in the process of public policy formation.

In the information brochure devoted to policy analysis, developed by the National Agency of Ukraine on Civil Service, there is also another model of policy-making cycle presented below (see Figure 5):



Figure 5. Policy process from the National Agency of Ukraine on Civil Service

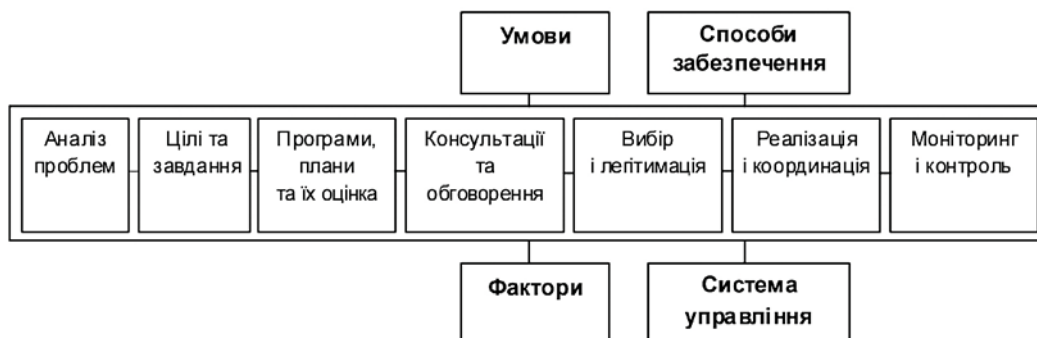


Figure 4. The General Scheme of Public Policy Development

The developers note that, unlike political activities which involve politicians and political parties, a key role of ensuring whether process of policy formation and implementation is effective belongs to public servants. Professional and unbiased public service, which is a key factor in good governance, must comply not only with consistent and comprehensive implementation of policy in various fields, but also a detailed analysis of policy, conduction of public and interagency consultations in the early stages of decisions development, justification of the optimal option of solution. In addition, they also state that process of policy development and coordination should be simplified in order to be adapted to European standards. The task is to develop and implement policy and laws by sectorized ministries under the conditions of providing essential consultations and regular contacts with the civil society, while the centre should establish coordination and support in the Cabinet of Ministers of Ukraine strategic leadership [8].

This model differs from the above in focusing on consultations at every stage of policy cycle. As the diagram shows consultations are placed in the centre of public policy-making cycle, thus, are considered as a key factor of public policy efficiency. However, the authors emphasize that consultations should be both cross-sectorized and with the public, thus, do not distinguish public consultation as a separate stage of policy formation cycle.

The next model of policy formation and implementation is presented by the Member of Parliament of Ukraine Volodymyr Yaroshuk [14]. He describes two main public policy making components: the first is policy formation based on defining the mission and strategically oriented objectives, taking into account the principles and priorities of their development; and the second is policy implementation along with use of modern mechanisms, including mandatory feedback at the stage of policy monitoring. Mr. Yaroshuk also emphasizes the need of appropriate legal, institutional, financial, informational and staffing provision in order to ensure efficiency of formation and implementation of public policy process.

Therefore, we can see that all proposed models of public policy-making cycles are mainly composed of 4 main stages. The first stage is the stage of policy initiation which requires analysis of the situation and identification of socially important issues to be addressed to the state. The second stage involves policy development which includes working out of alternatives to solve the defined issues and analysis to determine the most optimal and rational one (development and approval of official document, required budget and sources allocation). The third phase is policy implementation, which involves the direct realization of political-administrative decision; and the fourth phase is considered as policy evaluation, this is the process of policy outcomes analysis in correspondence with the objectives identified at the first phase of the policy making.

Analyzing the above models in terms of consultations, we can see that the corresponding stage takes place in the model of P. Bridgman and G. Davis, but it includes expert advice, not public consultation, for which this model is criticized by other scientists. The flowchart entitled "General scheme of public policy development" (see Figure 4) also includes such a phase of consultation and coordination in a policy development cycle, but it is not specified what kind of consultations should be carried out. The policy cycle model represented by the National Agency of Ukraine on Civil Service (see Figure 5) reveals that consultation also takes place and is positioned in the centre of the diagram. However, the scheme description implies that the consultation should be carried out at each stage and includes consultation with the public along with consultation with relevant experts through the formation of advisory committees, commissions, councils, which usually convoke public servants

of a different field and rank, leading experts and experienced practitioners from government establishments and educational institutions.

Thus, none of the above public policy making cycle models presents public consultation as a separate stage which involves public events engaging civil society associations into the process of political-administrative decision making.

Regarding the issue of public consultation as a vital condition of efficient public policy making, the scientists state the following. Russian scientists L. Smorgunov claims that public policy is to be developed by the highest public authorities taking into account a lot of factors and conditions, with participation of other policy actors such as political parties, civil society associations, universities and research centres, influential leaders of business, culture, science and others. Moreover, he believes that in public policy making process the central place must be obtained by the basic interests of society, the strategic needs of the stage of state development, expressed by political leaders and elites in the form of basic principles and strategic objectives with the corresponding public support [12, p. 79].

Ukrainian scientists S. Teleshun and S. Sytnyk also emphasize that the legal mechanism for policy implementation as the process of political and administrative decision making and effective interaction cannot fully operate along with lack of formal procedures. However, public policy must ensure realization of the inalienable principles of law-making, as follows: democracy – which characterizes degree of public participation in this process, level of procedural norms and institutions in society; and transparentness – characterized by openness and transparency of law-making process for the public and smoothness of information circulation [13, p. 8].

Today the Ukrainian legislation provides its society with a number of mechanisms for public participation in public policy formation and implementation process. In order to grant the right of the public to participate in public affairs, providing opportunities for free access to information regarding the activities of the executive authorities, as well as ensuring publicity, openness and transparency of their activities, the government bodies in Ukraine are required to arrange and conduct compulsory public consultation in public policy making process.

According to the Regulation of the Cabinet of Ministers of Ukraine "On providing participation of the public in the formation and implementation of public policy", public consultation is held on issues relating to socio-economic development, realization and protection of citizens rights and freedoms and satisfaction of their political, economic, social, cultural and other interests. Results of the public consultation are to be accounted by the executive authority at the stage of final decision making or in its future work [10]. A public discussion involves the organization and conduction of public events by the executive authorities such as conferences, forums, public hearings, roundtables, meetings, conventions along with participation of the public; as well as Internet and video conferencing. Additionally, as a part of public discussion there may be held meetings of so called public councils and other consultative-advisory bodies established at the executive authorities of all levels.

Therefore, public consultation is a form of participation of civil society and its associations in public policy making process that allows building a direct and inverse relationship between government and civil society. Through public consultation public authority can hear citizen views on a developing policy, obtain approval from the public on proposed decisions made by the authority, as well as take notice of alternative proposals given from the public if they occur, and then consider whether the proposed options reasonably meet the needs of the citizen

and correspond with the top-priority objectives of the state development.

Interaction and mutual cooperation between government and the public are beneficial for all stakeholders, in case executive authority takes into account needs of the public, and implement political and administrative decisions prior approved by the public; meanwhile the public is to refuse being passive but willing to take an active part in public policy making process using existing tools of public impact.

The process of policy-making in Ukraine can be democratic and win-win for all involved stakeholders through effective public consultation as a mandatory component of public policy making cycle in case: all stakeholders are interested in the cooperation and dialoguing, able to present significant policy options and to be heard, aimed at the best policy option formation required by the society and state development stage; the government is flexible regarding adjusting provisionally developed policy option according to the citizens needs after public consultation; the executive authorities demonstrate the ability of accepting the alternative decision presented in time of public consultation developed by the public as a more efficient policy option.

The presented above models of public policy making cycle reveal that the position of public consultation as a separate stage is not clearly defined in any of them, however some scientists state it a prerequisite for public policy aimed at meeting society needs. All analyzed public policy cycles demonstrate the staged process of policy-making divided into two main phases: the phase of policy formation including policy initiation and policy development stages, and the phase of policy implementation which involves political-administrative decision realization and evaluation stages.

The most relevant model of public policy-making process where consultation is figured out as a separate step is illustrated in the flowchart entitled "General scheme of public policy development" (see Figure 4) which we take as a basic one in our model development. With the purpose of this policy-making cycle model enhancement, we believe it must be created in the form of a vicious circle (not a flowchart), i.e. in the form of the cycle, and be iterative in nature. At the phase of policy formation apart from the stages of issue analysis, setting goals and objectives, defining policy alternatives, the stage of consultation and discussion should be changed into public consultation followed by policy selection and legitimization, which is also an essential component, but mentioned not in all cycle models. This is the stage when government makes a decision whether to incorporate any changes into the policy option afterwards consultation with the public. In case the executive authority rejects of the policy option suggested by the public, it has to justify and substantiate the final decision (in accordance with Ukrainian working legislation).

The next phase of the public policy making cycle is the phase of policy implementation, which should include direct policy realization and policy coordination, as well as monitoring and control stages. However, to our mind, it is essential to add policy evaluation phase, as the result of the policy implementation, which brings about new challenges and issues into the political agenda to be resolved in future (see Figure 6).

Further scientific research will be focused on the study of mechanisms of cooperation enhancement between the executive authorities and the public in the frame of public policy in Ukraine.

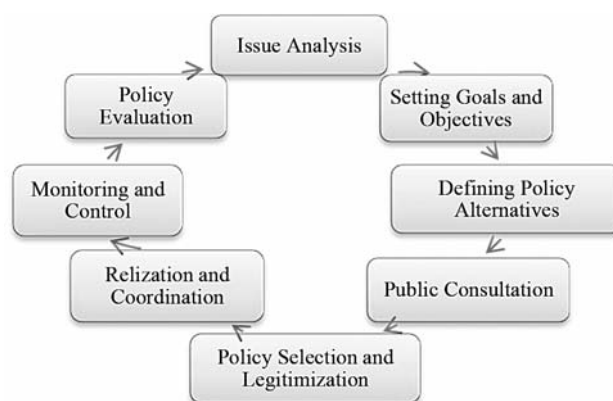


Figure 6. Public policy-making cycle

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