THE PROCESS OF ADVOCACY
IN ROMANIAN PUBLIC POLICY

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Abstract

Influencing public policy in favour of interest groups can be achieved through advocacy associations legally constituted whose mission is to: promote professional excellence in the application of advanced practices of advocacy, strengthen civil society participation in development of public policies and continuously develop policies to private firms. Through advocacy associations can uphold and enforce the values of entrepreneurship and free enterprise. Any resource used in advocacy efforts associations should generate added value and impact, contribute to the progress, development and improved quality of life. Advocacy associations must primarily promote technical and professional skills of advocacy for any civil society interested group with honesty, dignity, mutual respect, transparency and social responsibility in order to strengthen the system of participatory democracy to which they are signatories.

Key words: *public policy; organization; decision making; advocacy associations; lobby.*
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Introduction

The most popular techniques used in campaigns persuading a public authority by an organization are lobbying and advocacy. Of American origin, the two terms entered in Romanian vocabulary without an adequate correspondent. For this reason, they often face difficulties in definition, especially if they use the comparison.

The **concept of advocacy** itself comes from the English verb *to advocate*, which means "to support a cause." In essence, advocacy is an umbrella term that designates organized activism in certain areas. Advocacy means of influencing tracking results – including public policy and resource allocation decisions within political systems and institutions, economic and social.

The **working definition for advocacy** is defined as *concrete actions aimed at changing laws and regulations promoted and adopted by public authorities*.

The advocacy campaign is the process of defence of a right which has its counterpart in the Charter of Human Rights and lobbying campaign meant to promote advocacy. The advocacy campaign involves raising awareness and involving them in actions of common interest – taking into account the ability and willingness of citizens to a problem that can be solved in the interests of the community – and is run by activists in advocacy, or organizations such as NGO's.

In other words, **advocacy** represents *a service to the community and is a process that involves citizens in efforts to influence public policy and, hence, to promote social change*. This process has occurred as a result of the fact that citizens have rights that must be defended. Advocacy is a process of information and assistance to decision makers, given that a good decision can be taken only if the correct information is provided.

The *general objectives of the advocacy process* are:
– influencing public policies;
– inform politicians;
– creating links with other organizations involved in this process.

The *specific objectives of the advocacy process* are:

• focused on legislation and other regulations;

• regulating the unit of measure most relevant to success in an endeavour advocacy;

• if one's actions are not geared towards promoting or removing specific laws or regulations, it is not engaged in an "advocacy campaign".

The ***advocacy community*** gives people a chance to get to know better, to act together and to develop their skills and organizational strategic planning to attract resources and to facilitate networking with different organizations. In practice, advocacy work is carried out by non-governmental organizations whose mission is to represent the community, providing resources that can be used to influence policies that concern the community, and community members understand the process. It is a sensitive area that can create some uncertainty conducting advocacy organizations, which means that these organizations must carry on other activities in parallel as well. There is a tendency for these organizations to not fully engage in the "battle", assuring, thus, credibility, although the advocacy activity provides many opportunities, in addition to risks.

The main purposes of carrying out advocacy organizations are:

• providing services;

• coordinating and holding legislative action;

• supporting professionalism;

• creating opportunities to improve education and professional level.

The main purpose of an advocacy campaign is to create an environment that ensures a continuous quality improvement services, investing in human resources and in developing partnerships.

A successful advocacy activity requires consideration of all the factors leading to the success and experience of the proposed case members in the field. It has provided the number of people who would be affected by that proposal, how many people would suffer and how many could be helped and especially policy makers should be identified that would support the proposed cause. People involved in this process are called advocacy activists. To ensure the success of an advocacy campaign, advocacy activists must meet several requirements:

– to know the law;

– be familiar with legal procedures;

– makers to know whom they are addressed;

– to focus on issues and not on certain persons;

– be opened, realistic, pragmatic, well trained and informed in collaborations;

– assist during the course of the decision making process and during the legislative process;

– be credible.

Associations of advocacy needed to train their members with information and knowledge on the application of the concept of advocacy, stakeholders' analysis, building coalitions, communication in advocacy, media communication, public speaking, formulating position, techniques and sources of documentation, monitoring techniques, developing and implementing advocacy campaigns. Associations of advocacy aim to stimulate the development of public policies in Romania through the intervention of their beneficiaries in order to obtain consensus for change introduced.

1. **About Advocacy by Specialists in the Field**

Associations are those which should lead to a participatory democracy in action, to assist in policy-making, appropriate priorities and level of assimilation of the groups interested in Romania. To this end, the association's advocacy is to put together representatives of Public Policy Units from the ministries with civil society and mass-media in Romania.

Although Romanian law provides the possibility of intervening in the process of public policy-making, non-governmental sector and media representatives remained distance makers. Although **GD no. 775/2005** *on the procedure for policy-making* and **Law no. 281/2013** *a transparency law in public decision* provide legal means of action, the intervention efforts can go beyond formal only if structured civil society adopts rigorous practices in public policy engagement.

Although there are many authors who have discussed this subject in their articles, such as the famous professor **Paul A. Sabatier** in his works:

Policy Change and Learning: An Advocacy Coalition Approach (Theoretical Lenses on Public Policy); *An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein*; *Knowledge, Policy-Oriented Learning and Policy Change Advocacy Coalition Framework* or the author **Martin Wachs** in his work: *Ethics and Advocacy for Public Policy Forecasting*, yet there are some drawbacks of the associative environment at the moment.

2. The Association's Advocacy Role in Adopting Public Policies

The associative environment in Romania still has the following drawbacks:

• limited knowledge of public policy-making procedures;
• knowledge of ways to involve the poor in public policy;
• limited knowledge of democratic and transparent influence tools;
• distrust of influencing efforts.

At the level of policy and regulatory institutions the following weaknesses are reported:

• lack of rigorous practice of involving civil society in the process of public consultation;
• lack of rigorous public reporting practices;
• lack of know-how in organizing effective public consultation.

And here comes *the role of advocacy associations that have developed mechanisms* that could:

– collect case studies,
– identify impediments,
– finds prejudices,
– assume the role of catalyst for discussions on topics of interest to the community,
– operate at national and local level to create a routine for responsible involvement in the decisional transparency and improve public decision in Romania.

Advantages of involvement in advocacy campaigns by associations of advocacy:

a) *representatives of Public Policy Units*

1. Transparency of public decision directly supports the anticorruption program through the participation of beneficiaries in public policy-making;

2. Policy makers are put in direct contact with segments of voters through their intervention in policy-making that affects them;

3. Policy makers benefit from volunteer expertise and case studies from civil society;

4. Policy makers can directly assess the degree of assimilation and acceptance of civil society on regard of public policies less friendly;

5. The concerned sectors of civil society in policy-making increases public confidence in the legislative act and thus improves image of governmental structures.

6. The citizen shall have the conviction that they participate directly in the legislative process, which will lead to a capital image for policy makers.

b. *For representatives of the civil society*

1. Knowledge of the mechanisms of policy-making gives them an opportunity to intervene, to express support for the amendments and to argue the expert opinions;

2. Civil society will feel part of the legislative process and will more easily accept the compromise;

3. Civil society will not express dissatisfaction with a policy approved if it had the chance to express its views;

4. Civil society will be accountable on the legislative process without the opaque seek for opportunities to influence draft legislation.

c. *For media representatives*

1. Knowledge of the mechanisms of policy-making gives them an opportunity to provide public benefits/disadvantages, pro/cons arguments more accurately and with discernment;

2. Mobilising dialogue through talk-shows, reviews, expert positions supporting public decision in identifying the most suitable solutions for designing and implementing public policy affecting a sector of the civil society.

d. *For the application of the mechanism proposed by the project*

1. Establish a routine of rigorous policy-making by involving stakeholders in the process;

2. Stakeholders' increased confidence on the benefits of dialogue in the initiation of a concept and/or policy design;

3. Generating a rigorous process involving critical mass level by involving other public institutions, think thank sites or civil society;

4. Introduction of best practices in public policy.

3. **The Public Policy Process**

The public policy process includes all phases which, once completed, lead to final results in solving a problem of public interest. Stages represent different stages of public policies embodied in the asset, through which a public policy issue, from the moment it is detected inside or outside government, is resolved.

The process of creating public policies is complex and involves sizes, mechanisms and various actors in a network of interrelations. Thus, the public policy presents difficulties for analysts who have developed many models of public policy process. The existence of many distinct areas of study in public policy can be confusing for anyone approaching the first. This required an approach for reducing the complexity and one of the most popular means of simplifying the process of public policy is to divide the process into a number of different stages in analogy with practical problem solving logic stages.

Table no. 1. Stages of public policies implementation

Steps of practical problem solving	Steps in public policy process
• Recognizing the problem	• Setting the agenda
• Proposing solutions	• Policy formulation
• Choosing solution	• Decision-making
• Applying the solution	• Policy implementation
• Monitoring results	• Policy monitoring and evaluation

Source: own research

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Public Policy Cycle
Public policy cycle is the sequence of steps in the public policy process:

Figure no. 1. Public policy cycle
Source: own research

In this model:
• **Setting the agenda** refers to the process by which problems come to the attention of public administration;
• **Policy formulation** refers to the process by which policy options are formulated in the public administration;
• **Decision-making** refers to the process by which government bodies adopt a particular course of action or non-action;
• **Policy implementation** refers to the process through which the government puts in place policy;
• **Policy review** refers to the processes through which policy outcomes are monitored both by individuals from state structures, as well as those from the civil society.

Figure no. 2. The specifics of the policy cycle stages from state structures as well as those from the civil society
Source: own research

Setting the agenda

• Identifying the problem occurs when an event, a person, a group managed to draw attention to a problem, to be solved by the public power intervention;

• Setting the agenda is the phase in which the identified problem is seriously taken into consideration by officials (public and political power). Not all identified problems get on the political agenda;

• Problems that go on the political agenda come from a number of institutions, organizations and NGOs in the field who can take the initiative of formulating new policies or reformulation of existing ones; media is an important source through which problems are reported in a particular area;

• At the same time, ministries and other public institutions have detailed information on issues related to their area of competence, which lead themselves to initiate steps for resolving policy issues that arise.

Policy formulation

• Formulation of the policy environment occurs when a particular issue comes to be considered by officials and someone (a certain authority) develops a program that relates to problem solving;

• They study the causes of the problem and possible ways of settlement. In this stage are identified, defined and selected alternatives that will be subsequently analyzed by comparing the identified problems and possible solutions to concrete targets on the political and institutional agenda;

• The initiators of public policies – either by themselves or with the help of experts – make a preliminary assessment of the impact, so-called ex-ante, which describes both the impact of policy on economic and social processes in the society in general and financial effort burdening the state budget or a number of institutions and organizations involved;

• Practice requires the development of ex-ante impact assessment in at least two stages. The first preliminary assessment is performed to evaluate alternative solutions and concepts should be included in policy documents as evaluating the alternatives. After the policy paper is accepted, the implementation stage often required a second impact assessment when drafting regulations in this field.

Decision-making

• Adopting a policy represents efforts for a program to be adopted as a government program; the persons responsible for making decisions determine which of the proposed solutions is the best and can be implemented in practice;

• The quality of information, the complete array of public policy issues, and structuring clear public policies are crucial to ensure a high standard of decision-making in order to formulate alternatives;

• The role of financing the state budget is very important and should be defined at this stage. Most policies and normative acts adopted by the

Government have a budgetary impact, but when they are adopted, the Government has no information on the resources available for the next budget year, or about the total amount of requests for budget financing from at ministerial level. For this reason, a decision on policy proposals and draft legislation must go through two stages:

  – a decision on the new regulatory or public policy,
  – a decision concerning the allocation of funding to implement the policy or regulation;

• Normally, the implementation of public policies needs to be planned as a phase of development of public policy document, which defines the important next steps. This first planning does not go into details because that would mean wasting resources if the policy proposal is not accepted. Detailed Implementation Plan should be developed by adopting a policy decision.

Public policy implementation

• It is a critical stage of implementation of public policy. Here the role of government is crucial. Its main tools are: planning, management and coordination, monitoring and evaluating implementation;

• Monitoring is the process of implementing public policy in order to ensure effective implementation and to initiate necessary corrective measures.

Public policy review

• Ex-post evaluation of the impact of public policy is an activity carried out during or at the end of the policy implementation phase. They evaluate the results and identify any deviations from the planned target, exceeding the established limits or costs, etc.;

• The purpose of ex-post evaluation is not only to reveal the errors that were made, but also to recommend the most appropriate solutions for future work.
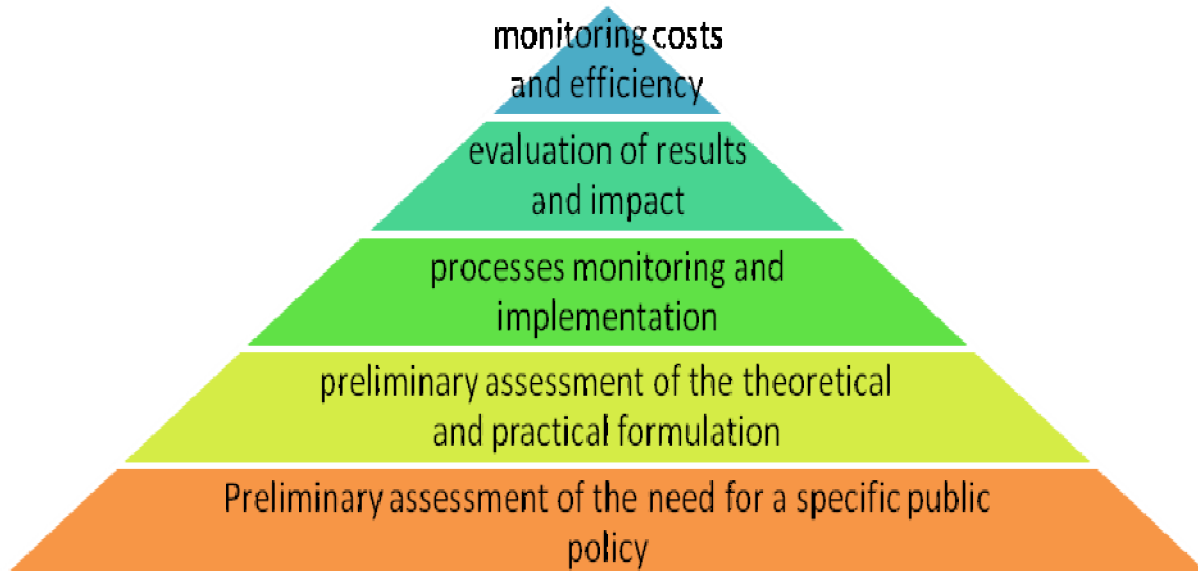
Figure no. 3. Stages of order evaluation
Source: processing after "The hierarchy of assessment",
Rossi, Lipsey and Freeman, 2004

A breakdown of the policy cycle model is represented by the process model that proposes a division into six stages of the process of achieving public policy, attempting also a group of different activities depending on their relationship with public policy. The result is a sequence of processes in setting specific public policies:

1) *identify the problem* – drawing attention to an issue and express request for government action;

2) *setting the agenda* (successfully capturing the attention of decision-makers) – decision on issues on the agenda will be found;

3) *formulation of policy proposals* – developing proposals to address specific problems;

4) *registration of policy decisions* – selecting a proposal; building political support for supporting the proposal; adoption of the proposal by a legislative act;

5) *implement public policy* – government organization; an offer of services; establishment of financial resources through taxes or other means;

6) *the assessment of public policy* – monitoring the implementation of programs; reporting of results (output); impact assessment (outcome) or suggesting ways to improve the process of public policy adjustments.

These circuits represent theoretical models. Not all policies actually go through all the steps described above. It should also be borne in mind that there is a constant flow of problems. It often happens that during the implementation phase to be identified by monitoring the implementation of new problems which will be subsequently submitted to the entire circuit. Or it happenes that after the evaluation stage some steps to be resumed using other methods to achieve the results initially expected.

Decision-making

Decision-making can be studied from *several perspectives*, as follows:
• in terms of stakeholders;
• in terms of the criteria used in the decision;
• in terms of administrative procedures used in the decision.

As for the first perspective, individuals are influenced by a variety of factors when making the decision without being able to determine, from a theoretical perspective, the importance of a decision or another.

Public officials often give statements on the decisions taken (speeches, press conferences, testimonies, memoirs, etc.), but the reasons set are either controlled by them or are acceptable by the voters or by the public, the real fundation remaining most of the times unreported.

In the literature are some *criteria that influence public policy*, such as:
• values;
• affiliation to a political party;
• voter's interests;
• public opinion;
• admiration and decision rules.

a. *Values.* Typically, these values are circumscribed to a generic category of public interest and were classified as presented below.

Institutional/organizational values influence bureaucratic makers in particular. Any person working for a long time in an agency/organization invariably becomes convinced of the importance of the agency, its goals and programs. The system of rewards and sanctions prompted its members to

promote and act in accordance with predetermined values of agencies/organizations. Accordingly, the decisions taken by officials may be a reflection of their desire for the survival of the Agency, to increase its budget, to extend its programs and preserve its power and prerogatives. Organizational values can give rise to conflicts between agencies with overlapping or competing functions.

The values of professional staff in the agency. The professions tend to shape trends in the way of solving problems that are subsequently "imported" by the organizations. Some organizations end up being dominated by one or two professionals such as economists (followers of efficiency and market participants) or lawyers (advocates of government through legal regulation).

Personal values guide decision-makers as well as the desire to promote their own material or financial interest, their own reputation or position. For example, the politician who accepts to be influenced to decide in favour of pursuing a personal interest. The importance of personal values cannot be denied, but rational decision exaggerates when theorists suggest that the behaviour of public officials is solely determined by personal interests.

Policy values. Policy makers are influenced not only by personal, professional or organizational interests they may as well can act according to their own vision on the public interest, about what constitutes a correct and necessary public policy. Law-makers can vote in favour of legislation on the protection of human rights as they are convinced of the morality of the decision and that equal opportunity is a viable public policy objective, even if such a decision would jeopardize their political career.

Ideological values. Ideologies are a set of beliefs and values related to coherent and logically simplified versions of reality that show and provide action plans. Marxist-Leninist ideology was for the communists, at least in part, a way to rationalize and legitimize official public policy. We identify elements for liberal or social democratic ideology in different types of policies. Their doctrines lay the foundations of attitudes and different policy options in terms of state intervention for disadvantaged people, workers, minorities; protecting civil rights and liberties, the environment and consumer rights.

b. ***Joining a political party.*** Party loyalty is a strong decision criterion for most members of parliament, although this type of influence is difficult to separate from other factors such as pressure coming from the party leadership or ideological beliefs and interests of voters in their constituency. Joining a political party is a good indicator of the voting members of parliament. Areas of interest of the parties ranged as interest and importance. However, in many areas a strict definition based on doctrines of political parties is impossible – public works, medical research, international trade are just a few examples. In addition, members of both parties tend to promote those projects generating benefits for the areas in which they were elected (e.g. official site buildings, construction of dams or highways).

c. ***The interests of voters***. In some cases voters' interests are clearly defined. But in many cases, it is difficult to determine the voter's preferences. In the last instance of public policy direction is given by the heads of political parties, according to the system of values promoted by the party concerned. Public officials and their appointees may act as a representative. Agencies have developed relationships with interest groups and promote their interests in public policy formulation and administration. Some commentators have even claimed that, in reality, administrative bodies could be better than the particular interests of certain groups than elected officials.

d. ***Public opinion.*** Public opinion is represented by the way of perception or point of views of the public on issues/situations of public policy that officials are considering in making decisions. Public opinion can be expressed in many ways – including open letters between officials or the press, public meetings and demonstrations, editorials, election of results, rallies, referenda etc. Most commonly, however, public opinion is reflected in the results of a survey applied to a representative sample of the population.

4. **Proposals to increase the involvement of civil society in the elaboration of public policies**

Firstly, the legal framework must be ensured in order to increase the efficiency of the public consultation and public policy. Nothing in the

current law makes reference to the draft policy documents, but only to draft laws, which are actually tools for implementing public policies.

Proposals for improvement:

1. A first proposal to improve the public consultation process in public policy is *to extend the application area of specific legislation transparent decision-making process and the involvement of civil society and the process of drafting, consultation, approval and adoption of draft policy documents.*

2. A second proposal to improve the public consultation process in public policy is *to facilitate monitoring and evaluation process of policy-making from the perspective of civil society.* Another proposal to improve the public consultation process in public policy aimed at *transparency of the process of drafting, consultation, approval and adoption of the public policy draft* after the model carried out by the sites of Romanian Parliament Chambers.

3. A third proposal to improve the public consultation process in public policy is *to extend the transparency of the process of drafting, consultation, approval and adoption of a document draft of public policy by supplementing the database of public policies.*

Conclusions

The premises of a real, coherent and efficient public consultation require the filling of **public policies database** built and managed by the General Secretariat of Government with *information and documents* such as:

• public consultations conducted by the proponent, in the framing of the draft policy document, with features such as on public consultation, participants,

Minutes of the public consultation;

• comments and suggestions gathered from civil society in the framing together with explanatory note regarding their taking or not;

• designated ministries and public authorities to be consulted, the consultation periods involved;

• legislative route map, with timelines;

- legislative route to be travelled with the corresponding deadlines;
- observations and suggestions made in the consultation stage;
- public consultations held during the legislative route, with features such as on public consultation, participants, minutes of public consultation;
- starts public consultations to be held during the legislative route;
- date of the inter-institutional meeting, if any, related minutes;
- date of the permanent ministerial council, if any, related minutes;
- all documents accompanying the public policy draft document, namely:
    - written views collected from designated ministries and public authorities to be consulted;
    - statement of objections;
    - statement of objections updated;
    - written views collected from representatives of the civil society;
    - explanatory note regarding the takeover or not of the proposals and suggestions of civil society;
    - opinions of ministries and public authorities consulted;
    - the final version adopted of the public policy document.

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