

Policy Brief 3:

Do consultations matter for stakeholder support for policy proposals? Evidence from the European Union



ADRIANA BUNEA,

Professor, PI of ERC Starting Grant CONSULTATIONEFFECTS,
Department of Comparative Politics,
University of Bergen

SUMMARY AND RECOMMENDATIONS

A key assumption underpinning participatory governance is that there is a positive relationship between stakeholder participation in policymaking and the levels of public legitimacy and stakeholder support for policies formulated with the help of stakeholder engagement. However, this fundamental assumption is only rarely tested empirically with the help of data coming from actual stakeholder evaluations of concrete policy proposals.

We address this gap and ask: do consultations matter for stakeholders' support for policies formulated through stakeholder participation in EU policymaking? We find that proposals formulated with the help of open public consultations generate systematically higher levels of stakeholder support. Providing more information about the consultation activities reduces stakeholder support. There is no systematic association between policymakers' attention to stakeholders' consultation inputs and stakeholders' support for proposals.

RECOMMENDATIONS

- Organising open public consultations and informing the public about them may enhance the process and outcome legitimacy of policy proposals.
- Policymakers should carefully consider the amount and type of information they publicly communicate about consultations and convey this information in an easily accessible format
- Policymakers should actively work towards understanding what stakeholders consider to be 'procedurally fair' consultations, and design them accordingly to enhance the process and output legitimacy of their decision-making

STAKEHOLDER CONSULTATIONS

Stakeholder participation in the formulation of public policies is a landmark of modern governance. For non-elected institutions, such as national and international bureaucracies and regulatory agencies, stakeholder engagement is particularly relevant.

Bureaucracies use public participation to gather information and to build support for proposed policies. This aims to ensure the successful implementation of policies and to strengthen bureaucratic institutional legitimacy, autonomy, and power. A key assumption is that there is a positive relationship between stakeholder participation and the levels of public legitimacy and stakeholder support for policies formulated with the help of stakeholder engagement.

However, this assumption is rarely tested empirically. The research examining this relationship employs mainly survey experiments that may lack external validity and do not account for policy complexities. Systematic analyses of how consultations shape policy support in observational studies that use actual stakeholder evaluations of concrete policy proposals formulated with the help of different consultation activities, across policy areas, are currently missing.

Addressing this research gap is relevant for several reasons. Stakeholder participation in policymaking is crucial for better regulation policies. Understanding how stakeholder engagement contributes towards formulating policies that enjoy stakeholder support is key to understanding how better regulation policies generate policy processes and outcomes that enjoy public legitimacy. The impact of consultations on stakeholder support is vital for debates on democratic innovations, transparency, and stakeholder inclusiveness in bureaucratic policymaking. In EU policymaking, the information about stakeholders' support for draft policy proposals feeds directly into the legislative decision-making process. Understanding the conditions under which EC legislative proposals generate stakeholder support is relevant for understanding the EU legislative decision-making process.

OUR RESEARCH

We analyse a new dataset assembled as part of the ERC Starting grant project CONSULTATIONEFFECTS. It contains information about the consultation activities employed by the European Commission to formulate 316 policy proposals during 2016-2021, across all policy areas, on which 8,955 stakeholder evaluations were received. We examine the correlation between indicators describing how policymakers describe consultation activities in the 'Explanatory memorandum' preceding the policy proposal and stakeholders' support for the proposal.

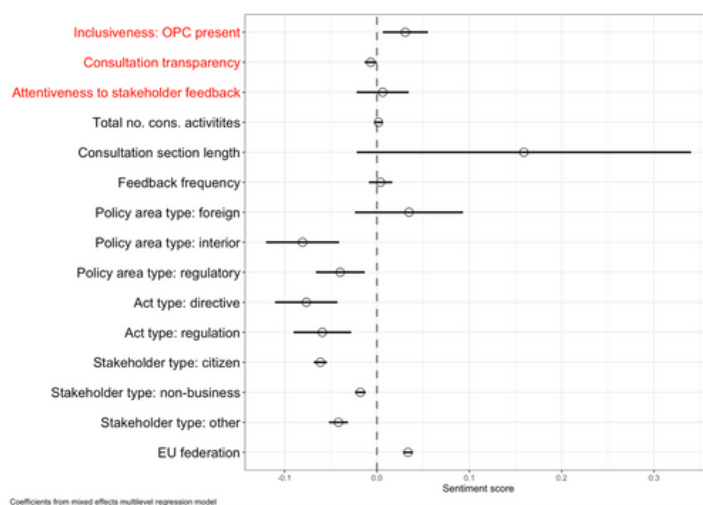
Building on procedural fairness theory, we hypothesize that proposals on which policymakers communicate that were formulated through an inclusive consultation process, on which they provide more information about consultation activities and on which they show more attention to stakeholder consultation inputs, garner higher levels of support.

We employ sentiment analysis of feedback texts submitted by European stakeholders on the EU webpage 'Have your say!' to measure stakeholder support. The variables measuring consultation inclusiveness, transparency, and attention to stakeholder inputs were coded based on the 'Explanatory memorandum' of each legislative proposal. We use regression analysis to examine the relationship between EC policymakers' efforts to communicate information about the procedural fairness of consultations and levels of stakeholders' support.

POLICY IMPLICATIONS

Our findings suggest that the European Commission's efforts to expand stakeholders' participation in EU policymaking through continuous reforms of the better regulation policy may have a lower impact on enhancing legitimacy than initially hoped for. European policymakers should invest time and resources in organizing open public consultation and inform the public about them. The current approach employed by the Commission to communicate about consultations during the post-decision stage works suboptimal in terms of convincing external audiences about the fairness of the consultations.

Policymakers should carefully consider the amount and type of information they provide publicly about consultations and convey this in accessible formulation and format. Our findings suggest a disjoint between what policymakers consider important to justify their decisions and what stakeholders consider important to justify and accept these decisions. Policymakers should better understand what stakeholders consider to be a 'procedurally fair' consultation process and design them accordingly. This could enhance both process and outcome legitimacy.



The figure illustrates the results of our analysis. It shows that proposals mentioning an open public consultation during their formulation stage are significantly more likely to receive more positive stakeholders' evaluations. However, increased transparency about consultation activities (more information) leads to lower stakeholder support. There is no systematic association between policymakers' attentiveness to consultation inputs and levels of support. These findings highlight the legitimizing power of open consultations and the mixed effects of transparency on process and output legitimacy

REFERENCES

Adriana Bunea and Idunn Nørbech (2023) 'Do consultations matter for stakeholder support for policy proposals? Evidence from the European Union.' Working paper.

CONTACT THE RESEARCHER

Adriana.Bunea@uib.no
<https://www.adrianabunea.com/>