Guide to the Public Policy Process
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Rare
Rare is the leading behavior change organization in conservation. Rare specializes in identifying proven locally-led solutions and work with partners and communities worldwide to bring these solutions to a regional and national scale.

FishForever
Fish Forever is Rare’s community-led solution to revitalize coastal marine habitats, such as coral reefs, mangroves and seagrasses, protect biodiversity, and secure the livelihoods of fisher households and their communities. It uses an innovative approach to address coastal overfishing—by empowering communities through clear rights, strong governance, local leadership, and participatory management—that protects essential fish habitat and regulates fishing activities.

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What is Policy?

Policy refers to a distinct path of action which is suitable for the pursuit of desired goals within a particular context, directing the decision making of an organization or individual. Every policy has three key elements: a problem definition, goals to be achieved, and the policy instruments to address the problem and achieve the goals. Policies can be either formal in that they are written, approved and published by a policymaking body or informal, policies that are ad hoc or unwritten but widely recognized and understood.

What is Public Policy?

There are many differing definitions of public policy, but generally speaking it is the process by which governments translate their political vision into programs and actions to deliver desired changes in the real world. Policy is made in response to an issue or problem that requires attention; it includes both what governments choose to do (actual) or not do (implied) about the issue or problem in question.

This can translate into the development of a system of laws, regulatory measures, judicial interpretations, funding priorities, etc. Public policy decisions are generally made by elected officials in legislative bodies at different levels of government on behalf of the public. This policymaking is often influenced by members of the public, the media, representatives of interest groups and private sector lobbyists.

Policy Instruments

Policy instruments are techniques at the disposal of the government to implement public policy objectives. After the issue or problem is defined, tools are found to achieve the desired outcome. These tools can be categorized into the following four main categories that are generally used in combination, as a policy mix:

- Legal and Regulatory Instruments;
- Rights-Based Instruments and Customary Norms;
- Economic and Financial Instruments; and
- Social and Cultural Instruments.

Laws and regulations are the principle policy instruments used in policymaking and the focus of Rare’s efforts to establish the enabling conditions for managed access with reserves. A law is a policy written into legal language to establish requirements or prohibitions and passed by our elected officials at the national or sub-national level. At the municipal level, laws passed by local government are often referred to as ordinances. Once a law has been passed, implementation of the law is the next step. A regulation is a rule within a law that specifies how the ideas of the law are actually going to be implemented. In the United States, at the federal level, laws are passed by both branches of Congress and signed by the President. Regulations are then published by executive branch agencies to clarify their interpretation of a law and how a law will be implemented.

Public Policymaking Process

Policymaking is part of an ongoing process that does not always have a clear beginning or end, since decisions about who will benefit from policies and who will bear any burden resulting from the policy are continually reassessed, revisited and revised. Public policy development is therefore an iterative process with five key phases:

1. **Agenda-setting**: Getting the government to consider action on the problem
2. **Formulation**: What is proposed to be done about the problem
3. **Adoption**: Getting the government to accept a particular solution to a problem
4. **Implementation**: Applying the government’s policy to the problem
5. **Evaluation**: Efforts by the government to determine whether a policy was effective or not
<table>
<thead>
<tr>
<th>Stage</th>
<th>Steps</th>
<th>Take Away</th>
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<tbody>
<tr>
<td>Agenda-setting</td>
<td>• Perception of the problem (issue identification)</td>
<td>• Issues must become agenda items for policymaking bodies, like legislatures and administrative agencies, in order to proceed into the next stages of the policy process.</td>
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<td></td>
<td>• Definition of the problem</td>
<td>• Policy agendas are ephemeral and can easily be replaced by other issues when crises arise. Few issues actually make it onto policy agendas but those that do are often a result of public outcry, crises, and the lobbying efforts of important interest groups.</td>
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<td>• Groups(s) decide that the govt. should address the problem</td>
<td>• Key actors include think tanks, interest groups/lobbyists, media, NGOs and government officials.</td>
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<td>• Mobilization of support for inclusion on government agenda</td>
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<td>Formulation</td>
<td>• Develop pertinent and acceptable courses of action</td>
<td>• Effective formulation involves analysis and identification of alternatives to solving issues.</td>
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<td>• Engage in policy analysis</td>
<td>• Formulation often provides policymakers with several choices for resolving agenda items.</td>
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<td>• Policies must be politically feasible. This is usually accomplished through majority building in a bargaining process.</td>
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<td></td>
<td>• Key actors include lawmakers, aides, think tanks, interest groups/lobbyists and NGOs.</td>
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<tr>
<td>Adoption</td>
<td>• Developing support for a specific proposal</td>
<td>• A policy decision involves action by an official or elected body to adopt, modify or reject a proposed policy.</td>
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<td>• Advocacy and coalition building</td>
<td>• Key actors include lawmakers, NGOs, interest groups/lobbyists.</td>
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<td>• Compromise, negotiation and decision-making</td>
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<td>Implementation</td>
<td>• Human and financial resource acquisition</td>
<td>• A policy needs to be communicated clearly and easy to interpret if it is to be implemented effectively.</td>
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<td>• Interpretation through regulations and guidance</td>
<td>• The resources applied to implementation must integrate with existing processes and agencies, without causing extensive disruption, competition, or conflict.</td>
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<td>• Planning &amp; organizing</td>
<td>• Key actors include government agencies, NGOs, government contractors.</td>
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<td>• Providing benefits/services/coercion</td>
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<td>Evaluation</td>
<td>• Evaluation of implementation, performance and impacts</td>
<td>• This is the stage during which a policy is evaluated, to verify whether its implementation and its effects are aligned with the objectives that were explicitly or implicitly set out.</td>
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<td>• Public policies become entrenched over time and are difficult to terminate even if they are not meeting their objectives.</td>
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<td>• Key actors include government apparatus, consultants NGOs.</td>
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Influencing Public Policymaking

Influencing policy change is difficult and time consuming, but as an organization with an advocacy mission, we have an important role to play in many stages of the policymaking process. It is important to recall that our non-profit status in the U.S. means that we can only engage in lobbying as long as it does not constitute a substantial part of the organization’s activities and that no U.S. federal funds are used. Rare can, however, engage in an unlimited amount of advocacy as long as it does not cross over into lobbying or political campaign activity. To be considered lobbying, a communication must refer to and reflect a view on a specific legislative proposal or legislation that has been introduced before a legislative body (international, federal, state, or local). This does not include actions taken by courts, administrative agencies, or other executive branch bodies, regulations for implementing passed laws or guidance issued by locally elected leaders like mayors.

Below are examples of how Rare can influence the different stages of the policymaking process and whether these activities constitute lobbying or advocacy.

Agenda-setting

This stage of the policymaking cycle is focused on issue advocacy, identifying and raising awareness of a problem.

- Fish Forever teams should be able to articulate the problem of coastal overfishing and its impacts on the health of marine ecosystems and the livelihoods/wellbeing of small-scale fishing communities and why there is a need for government intervention.
- Ensure the buy-in of the community, who can help mobilize support for action to address the problem. In doing so, try to engage key people, particularly opinion leaders and trusted community figures.
- Know the current policy (or lack thereof) intimately and who actually makes and influences the policy. Know who your allies and opponents are and how they might be influenced.
- Media play a central role in setting and shaping the public agenda so it is important to explore ways of using traditional news and social media channels to get the message out about the urgency of the problem and need for government action.
- Experts with knowledge on a specific topic play a key role in setting the political agenda. Help position Rare as an acknowledged expert who policymakers can call on for technical assistance and advice.
- Personal relationships are key to successful advocacy, so it is important to develop relationships with legislators and their aides, local elected and appointed officials, key personnel at regulatory and funding agencies, national, state, and local organizations and the media.

Formulation

This stage requires policy analysis to determine the best course of action to address the problem. Rare can help provide policymakers with analyses and research on issues under consideration or raise additional priorities to be included in policy drafts. This includes providing solutions through the introduction of new approaches and models which bring benefits to specific user groups.

- In the case of Fish Forever, this means advocating for specific legal and regulatory pathways for communities to secure access rights and implement managed access with reserves. This extends to policy instruments that promote the interests of the small-scale fisheries sector through fisher registration, data collection, budget allocation, social protections, climate action, etc.
- Rare is often called on to draft language for bills or provide inputs and recommendations on specific legislative proposals or legislation introduced before a legislative body. This is considered lobbying under U.S. law unless the technical assistance or advice is provided in response to an explicit written request by a government body or committee (see Lobbying Guidelines for further details).
Adoption

- Rare teams can engage in limited lobbying in support of or in opposition to the adoption of a specific policy proposal. This could include presenting testimony at public hearings held by legislative committees or advocating for a specific piece of legislation either directly with lawmakers or indirectly through coalitions or community stakeholders.

Implementation

This is the stage at which many NGOs are most active, through service delivery and project execution. This period is critical to ensuring that the intended outcome of the policy instrument is being fulfilled.

- Rare has an important role to play in raising public awareness of new laws, regulations or other policy instruments and explaining the benefits or disadvantages to local stakeholder groups and their attendant rights and responsibilities.
- Rare works closely with local, sub-national and national governments as an implementing partner supporting the translation of laws, regulations, guidance and budgets into on the ground impacts that benefit small-scale fishing communities and the marine environment.
- Some examples include working with governments to roll out fisher registration systems, implementing behavior adoption campaigns to promote compliance with fisheries regulations, working with local partners and local leaders to develop management plans and conducting trainings to develop effective Management Bodies.

Evaluation

- Rare has a role to play in helping to assess and ensure that a policy is aligned with its objectives and implemented as intended without harmful side-effects.
- Through our ongoing data collection efforts and discussions with local stakeholders, we are uniquely positioned to identify gaps in current policy initiatives along with evolving societal needs. Where gaps exist, we can engage policymakers through advocacy to provide rational for policy reformulation or suggest new methods for service delivery.
- Given Rare's strong connection to both local communities and local leaders, we can help facilitate dialogue between policymakers and their constituents to identify in what ways a policy is or is not working for the community.