

T07P08 / Policy Design at a Crossroad: The Problem of Institutional Consistency in Governance

Topic : T07 / POLICY DESIGN, POLICY ANALYSIS, EXPERTISE AND EVALUATION

Chair : Guillaume Fontaine (FLACSO Ecuador)

Second Chair : B. Guy Peters (University of Pittsburgh)

Third Chair : Ishani Mukherjee (Singapore Management University)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

The concept of policy design —both as a verb and a noun— refers simultaneously to a process and a product in order to underline the differences between non-design (the absence of decision), unconscious design (decision-making without a plan) and conscious design (decision-making based on policy learning). For the past four decades, the policy design framework has produced many different theories to assess the issues of causation, instrumentation, intervention and evaluation in decision-making and collective action. Causation is first and foremost related to problem structuring. Instrumentation commonly refers to the mobilization of state and private resources of information, regulation, finances and administrative organization. Evaluation is both about values and impact assessment, about what state and non-state actors consider “good” or “bad”, and how they assess the causal process conducting to policy outputs (policy instruments calibration) and outcomes (the ultimate result of the design process). Intervention combines coordination and policy style into a single entity: a governance mode.

This panel is dedicated to operationalizing the latter. At the crossroad of policy analysis and policy-making, of fundamental and applied research, the concept of intervention comes from the literature on public administration and democratic governance. A governance mode is the product of a coordination model (at the intra-state level) and a political interplays model (between the state, society and the market), or policy style. While intra-state coordination can be centralised or decentralised, political interplays can be collaborative or competitive, according to government’s policy style. There is arguably a relationship between coordination and political interplays, insofar as the government’s will and capacity to attend social demands depend on the coordination model favored by this government. However, this is no straightforward causation, so we’d rather deal separately with each one to avoid endogeneity. Which raises the problem of institutional consistency. At the very best, the institutional design articulates coordination and political interplays in a consistent governance mode. Yet there can also be an inconsistency (in institutional terms) between coordination and political interplays, which might eventually explain the outbreak of an implementation gap.

In this panel we attempt to explore the relationship between policy design and institutional design. We invite scholars to present their research based on the following questions: How does policy design affect institutional consistency? How does institutional design affect policy outcomes?

We welcome papers based on comparative policy analysis or within-case studies, to illustrate the conceptual and theoretical arguments made by their authors.

CALL FOR PAPERS

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Session 1 Institutional Design

Tuesday, June 27th 13:30 to 15:30 (KHE221)

Discussants

Ishani Mukherjee (Singapore Management University)

Institutional design and modes of governance in subnational governments: The case of the PDET in Colombia - South America.

Rasine Ravelo M (Universidad del Magdalena (Colombia))

Javier Garcia-Estevez (Universidad de Los Andes)

The debate on the close relationship between institutions and governance has been heated, but today it is more clearly understood that institutions are a constitutive element of governance. The existence of governance is based on the presence of a government, institutions, and the participation of the non-state actor. There is currently difficulty in Latin America for coordination mechanisms to achieve more effective public policy. Likewise, there is insufficient evidence of policy coordination processes, and their results have been few Peters and Filgueiras (2022). When coordination mechanisms and policy implementation styles are not aligned or coherent, what is called «inconsistency in the institutional design of the governance mode» occurs. What concrete in practice institutionally strong or weak governance goes through the coherence or adequacy between means and ends of the policy and its results. Even though hybrid styles of governance are an interesting bet, given the synergy between modes of governance, they have received little attention to how their implementation is and why they perform better in some scenarios (Pahl-Wostl, 2019).

This article provides a practical conceptual framework to understand the modes of governance present in the design of public policy by answering empirically, in what way does the institutional design define modes of governance in fragile subnational governments? First, it is proposed that the institutional dimension of governance goes through the coordination processes. Secondly, it is given by the way the styles of policy implementation. Combining these two elements makes it possible to know some modes of governance and their attributes. A case study will be carried out to obtain evidence on the presence of collaborative governance in the design and implementation of Development Programs with a Territorial Focus in Colombia -PDET. This will make it possible to define the existence of a typology of modes of governance little studied in the literature on fragile subnational governments.

Methodologically, the empirical analysis will be addressed through a case study on the PDETs to understand the coordination mechanisms and implementation styles at the regional, municipal, and village levels. The main results affirm that a consistent institutional design guarantees better local governance because it stabilizes state-society-market relations and legitimizes subnational governments, especially in post-conflict contexts such as the Colombian case.

FEDERALISM AS AN ALLY FOR THE 2030 AGENDA: A CASE STUDY CONSIDERING ITS MOVEMENT TO A TERRITORY (LOCAL LEVEL) IN BRAZIL, FROM THE “HEALTHY AND SUSTAINABLE STRUCTURAL CITY” PROJECT STANDPOINT

Edward Maia (Oswaldo Cruz Foundation (Fiocruz), Brazil)

Lucio Magda (University of Brasilia)

Wagner Martins (Foundation Oswaldo Cruz Brasilia)

B. Guy Peters (University of Pittsburgh)

This study provides a comprehension over the federalism and in what extent it could contribute to United Nations´ 2030 Agenda execution, considering territory perspective for being contemplated. Hence, the “Healthy and Sustainable Structural City” project, which was a cooperative action among government, public institutions and civil society that took place in the Federal District (DF), was chosen as a case study, once this territory has elements of complexity and high level of vulnerability. So, used empirical data was collected having 2015-2020 as a time horizon. The built methodology construct had: method using Case Study (Yin, 2005; Ragin, Becker, 2009); technique using documental research (Kripka, Scheller, Bonotto, 2015); instrument for data processing was IRaMuTeq software; and content analysis by Triviños (1987) for due inference support. Results point the importance for the institutionalization and internalization dimensions as two identified drivers throughout the 2030 Agenda’s movement from a global level to a local one, in a country with federalism system, according to the studied case, which contributed to make governmental measures possible for providing citizens empowerment by training popular researchers for popular monitoring in the local area. Thus, these dimensions proved to be key movements, mainly by Federal District (subnational level), as could grant coordination and coherence governance elements to contribute to territorialize the 2030 Agenda for thinking sustainability in its development process as well for giving the opportunity for the locals to consider process of social changes, even with a totally negative scenario given the Decree No. 9,759, in 2019, which have extinguished many spaces for social participation in Brazil.

Keywords: Federalism; Territorial Governance; 2030 Agenda; Public Policy; Development.

Using QCA: Analysis of the relationship between educational policies, governance and institutional performance of state public universities in Mexico

Sandra Gómez González

State public universities in Mexico, as higher education institutions, are characterized by being one of the main development engines in their localities. Each institution performs with greater or lesser difficulty the functions of teaching, research and extension in adverse public policy contexts and insufficient financial resources. The objective of this investigation is to carry out a study on the relationship that exists between educational policies, governance schemes, and the performance that universities finally obtain. To understand and explain this relationship, the cases of 35 state universities were studied using Qualitative Comparative Analysis (QCA), a tool that allows the identification of causal relationships between policy guidelines, university governance, and the results obtained by these universities. One of the main findings is that policies based on quality and evaluation, (despite their negative effects on education) and strong leadership are related to high university performance.

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Session 2 Institutional Change

Tuesday, June 27th 15:50 to 17:50 (KHE221)

Discussants

Ishani Mukherjee (Singapore Management University)

Evolving state governance: patterns of policy and instrument choice and design over time

Anthony Zito (University of Newcastle-upon-Tyne)

Giliberto Capano (Università di Bologna)

Jeremy Rayner (University of Saskatchewan)

Federico Toth (Università di Bologna)

This paper answers the clarion call of Crowley et al. (2021), namely that public policy studies needs a fundamental reconsideration of the state in relationship to society, particularly as its governance mechanisms evolve over time, in the face of crises and other pressures. As Crowley et al. and Capano et al. (2022) have argued, it is striking how much of policy studies has focused on policy-making interactions (e.g., networks) and how particular political ideologies (most especially neoliberalism) have tended to view the state as one black-boxed entity or else an arena for other policy actors. In this academic context, questions of state capacity, with respect to current and prospective policy instruments, have tended to be overlooked in the policy research of the Global North. This tendency, which Skocpol (1984) noted in during a previous era reconsidering the role of the state, compares to scholars in the Global South, who often work more cogently and tangibly with such questions as state capacity and how it shapes design/selection questions. Taking inspiration from the governance literature such as Peters 2001, this paper develops a new synthetic typology of state characteristics and how it feeds into state governance choices over time. The paper will explore the degree to which policy sector characteristics, both within and across states, may differentiate these choices. The typology draws from policy instrumentation arguments (such as those offered by Hood (1991), Vedung (1998) and Schneider and Ingram (1990), classic analyses of state versus society relationships, dimensions of state capacity and so forth. The paper asks whether we can identify certain state characteristics that transcend individual countries and policy sectors that define key elements of the policy design over time, and what factors and conditions may disturb these trajectories?

The basis for this paper is a decade long research effort, involving both primary and secondary data work, undertaken by the authors to explore the evolving governance of six nations – Australia, Canada, England, Germany, Italy and the Netherlands - between 1970 and 2018. The authors have established a comparative policy analysis by simultaneously examining the policy output of the states in these countries for four sectors: education, health, energy and environment.

(Virtual) PROSECUTION POLICIES AND ORGANIZED CRIME: a policy diffusion through judicial bureaucracies in Brazil

Leonardo Geliski (Universidade Federal do Rio Grande do Sul)

What explains the diffusion of policies between judicial bureaucracies in the different Brazilian states? In the past years, the intense actions of judicial institutions in the fight against corruption, organized crime, and money laundering marked Brazilian politics, such as the famous Car Wash Operation case (*Operação Lava*

Jato). Besides the task force model that gives the name to this leading case, the Brazilian institutional system against organized crime has a long history of policies to prosecute criminal organizations; one of them is the special groups created by the States Prosecutions Services itself, known as GAECO – *Grupo de Atuação Especial no Combate ao Crime Organizado* (Special Action Group for Combating Organized Crime). Since 1995, with the first Special Group created by the São Paulo Prosecution Service, this specialization policy has spread through the different Brazilian States. Regarding this context, the research aims to understand the mechanisms that promoted the policy diffusion between the different states and analyze the role of politics and learning in the State Prosecution Services' policymaking process. The methodology adopted to study the diffusion process is quantitative. The variable of interest (policy adoption) is indicated by the norm that created the special units in the Prosecution Services context. In addition to formal policies to combat corruption and organized crime, the study of the judicial specialization in Brazil allows drawing parallels on how the bureaucracy participates over time in the policy process, remodeling the Brazilian accountability networks and its policies. The preliminary result indicates that the adoption of special groups against organized crime increased in 2000, with different policy names; from 2010 forward, the Brazilian States converged to adopt the same policy identity as GAECO. The outcomes suggested a presence of learning and emulation between bureaucracies, either by the role of national professional associations that put institutions in touch with each other or by the similarities in the policy regulation norms.

Anticipation and Reactivity in Problem-Structuring: Patterns of Policy Design in the Covid-19 Crisis Management Across the European Union

Guillaume Fontaine (FLACSO Ecuador)

B. Guy Peters (University of Pittsburgh)

Problem structuring is a two-tier activity, in which a government identifies and selects social problems to include in their policy agenda. In this set of activities, the government first attempts to convert social demands or needs into policy problems; then, they assign a certain degree of priority to these problems, as related to other issues on their agenda. Within this exercise, frames and values have a major incidence on the government's decision, especially with multiple actors intervening in the discussion because they are interested in the problem at stake. On the other hand, the consistency between aims and means depends on former experience and social learning capacity, as well as the prevailing rules and habits in a society, which refers ultimately to the institutional dimensions of policy design. This could explain why some governments perform better than others, or why they perform differently from one policy area to another, from one moment to another, from one country to another. Which raises a twofold question: can we typify these problem structuring activities? If so, can we draw patterns of policy design (or policy styles), based on these problem structuring types?

The dichotomy proposed by Simon –structured versus ill-structured problems– and then utilized in a good deal of the literature on policy problems provides the starting point for examining this linkage between policy design and problem structuring. Well-structured problems, for example, rely on clear models of causation, while ill-structured problems result from “messy” patterns of causation that are difficult to identify, making designing policies difficult. We argue that design must be considered systemically as a causal process linking agenda setting with policy outcomes. Such a process is driven by ideas and values as much as by the technical assessment of aims and means in policy instruments selection. It is also a matter of interpretation and adaptation to the policy context, at the individual, the inter-subjective, the institutional and the systemic levels. In order to cope with such complexity, we developed a framework in which there are four components at work: causation, instrumentation, evaluation, and intervention (Peters, B. G., and Fontaine, G. “Introduction: Operationalizing the Policy Design Framework”. In: *Handbook of Policy Design*, E. Elgar, 2022). These four dimensions must be considered together in order to achieve a viable understanding of the design process.

Our framework can be applied to any type of policy problem, but the nature of the problem being confronted will affect the manner in which the framework can be employed. In this paper, we discuss the implications of problem structuring during the Covid-19 crisis in several countries from the European Union. We compare the strategies adopted before and after the commercialization of anti-SARS-Covid 19 vaccines. We focus on the government's anticipatory and reactive capabilities, and we discuss the resulting policy solutions adopted in the light of the performances achieved in these countries.

(Virtual) National Policy Vs. Local Autonomy in Colombia: the story of how a national policy flagship Ends in implementation gap

Maria Monica Salazar Tamayo (Universitat Autònoma de Barcelona)

Johann Julio Estrada (Universidad Externado de Colombia)

Colombia, like most Latin America and the Caribbean countries, was a unitary and centralized one. However, since its last constitutional change in 1990, the country started a decentralization process. Aside from the challenges inherent to this type of process, there is one of great concern: how this new institutional design, especially in terms of competencies distribution, affects the design and implementation of public policies in the country?. This research question lies in the increasingly common event of "good ideas" that fail to be translated into action and changes in local scenarios.

One policy that reflects these tensions is the national territorial planning policy in Colombia. Since 1998 Colombia, through the expeditions of Law 388 of 1997 and Law 1454 of 2011, has developed comprehensive legislation and regulatory guidelines that govern urban planning and spatial development in the country. The Territorial Organizations Plans (POT) emerged as a comprehensive planning tool and mandatory physical planning instrument for all cities in the country. However, today, this planning tool's efficiency is in doubt because 88% of them need to be updated and reflect the realities of their territories. In this context, and intending to update them, the Colombian national government developed the Modern Territorial Organizations Plans (Modern POT) program. This program contained two axes, one based on on-the-ground support through consultancy. The other was a set of e-planning tools for non-experts to foster territorial planning from a participatory and local perspective.

Specifically, the program developed, on the one hand, a regionalized scheme of consultants in charge of delivering updated POT for the prioritized municipalities. On the other hand, it created the Territorial Planning KIT and the Colombian Atlas of Urban Expansion, two cutting-edge tools that offer free quality spatial data and an e-learning platform to promote planning tool renovation in Colombian municipalities. However, both lines of action had minimal outcomes compared to the goals the program itself set. This article aims to understand how effective a top-down policy can be in improving local planning capacities in the context of the subnational government's autonomy, complex competencies distribution, and pressure to achieve more sustainable and resilient urban settlements.

The article compares the program's purposes against its actual outcomes and usage by the municipalities and citizens by acknowledging the number of POTs that have been successfully updated and have included the 2030 principles after the program was set in place—also by comparing the number of visits, views, downloads, and course certificates given to users. Overall, the paper contributes to the debate around the contradictions that a country faces when top-down policies are implemented without considering the stakeholders' demands, capacities, and powers and how the institutional design and the political interplay impact the policy design and, most important its implementation.