

T04W04 / The limits of public services regulatory governance: methodological and empirical challenges

Topic : T04 / Public Administration, Governance, Networks

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CALL FOR PAPERS

The goal of the following workshop is to entice a methodological discussion over a major challenge regarding the issue of public services regulatory governance in current democratic constituencies, and the limits this mode of governance confronts under particular conditions. Recent events around the world have underlined the nodal, strategic importance of public services as a relevant issue channeling much of the frustrations in relation to modern citizenship, particularly salient in many Global South societies, but not only. Having evolved from previously interventionist models to the regulatory governance of public services in current times, now the shortcomings and contradictions of market-based models of public services provision emerge in multiple aspects, while returning to the past models of public monopoly is not a viable alternative in most cases, for many conceivable reasons. In this workshop we plan to explore different methodological approaches to the study of current conflicts around the regulatory governance of public services, either at local or national level, where new actors emerge, non-conventional coalitions become particularly relevant, and hybridization of public services provision appears to be the new normal. We aim to discuss how to study problems of regulatory governance when they are confronted to disruptive technological change, major social and environmental conflicts, or the interests of global actors moving largely beyond local jurisdictions. Case studies, and more in general, all type of empirical approaches with innovative methodological perspectives, aiming to explore the limits of regulatory governance of public services, are most welcomed in this workshop.

ABSTRACT

In the past, public authorities would emphasize the importance of managerial models to cope with the challenges of the public provision of services, but they would forget about important dimensions such as financial discipline, customer needs, or more fundamentally in certain economies of the Global South operating principles such as reliability, accessibility and at times affordability of vital utilities. Multiple reasons, that have been examined carefully by a myriad of scholars in recent decades, lead to a progressive phasing out of such model in recent decades. As an alternative, private actors, profit driven, under well-tested regulatory frameworks, could take the role of public managers and be able to expand public services under private initiatives. However, not all models performed according to an ideal-type model, as expected, for all sectors, although they did relatively well in terms of expected outputs for other cases.

The general thrust towards regulatory models of public intervention in the 1990s (Majone 1999, Thatcher 2007) contributed to the creation first, then the reinforcement of regulatory agencies as a vital steppingstone of a new management model of public services, pointing to the increasing feedback loop effects derived from such entities. On the one hand, regulatory agencies bore an important promise, to begin with in terms of efficiency and reactivity, in relation to important dimensions of public service provision. By concentrating functions previously loosely defined across ministerial offices, regulatory agencies had a market friendlier approach, participating to the co-production of legal frameworks that would be amiable enough for corporate actors as for them to contribute to the important universalization drive of the 1990s and 2000. Less present but equally relevant to this model were the concerns of final users -or consumers in the jargon of those years- that would be readable and accounted for under the new model.

While this model of intervention for the State was instrumental in clearly defining areas of intervention and ultimately deriving into a bureaucratic specialization that developed goals and procedures of its own, it was less successful in legitimizing a transformation of State capacity into a regulatory template. Several explanations accrue to this particular outcome. On the one hand, this model was over time considered to be leaning mostly towards corporate interests and in particular the expansion of services supply rather than on integrating final users concerns- in terms of pricing, service quality and at times innovations hard to read and somehow disconnected from social uses. On the other hand, while this model allowed for certain

market-related actors to step in the definition of rules in terms of influence, stabilizing and sometimes even making it more transparent -through tenders, consultative bodies, etc.- it inevitably led to the exclusion of others, that while not entirely disconnected from this process, would evolve on the sidelines, thus rendering their concerns less visible and henceforth more contestable.

Another shortcoming of regulatory models, albeit not entirely connected to their direct features, is that they would have benefited from an intensive period of policy transfer and diffusion, fostered by an intense period of globalization that resulted from the end of the Cold War at the beginning of the 1990s onwards. The active promotion by important organizations of the Bretton Woods system, namely the WB and the IMF, but then by lesser entities, was therefore instrumental in accelerating the convergence of national and regional models towards a certain isomorphism. Here specific spaces and formats of interaction with non-state actors bearing an interest in the development of these services tended to replicate across the board, nourishing an intuition rather than a certainty of a one-size fits them all model, were other concerns than those of service and infrastructure-related supply would be dwarfed. While research showed that regulatory models responded to different policy processes anchored in specific national, sometimes regional traditions, similar design and a bulk of common operational principles pointed to policy-transfer dynamics at work,

This increasing disconnect of the policy instruments mobilized by regulatory governance driven models and the contestation of the outcomes pursued by this regulatory governance have been reinforced by a set of dynamics at work that this workshop seeks to explore. At a time where internationalization dynamics are increasingly pointing to cooperation templates of a different kind, the idea of policy diffusion of these models is increasingly met with national bureaucratic reforms that seek to mediate this process in order to weight in more the specific concerns of constituencies. Another element of change that this workshop looks into is the territorial dimension brought by cities and metropolis, understood as relevant entities that bring about tensions and contentions in the provision of public services and challenge currently established regulatory governance modes. Cities are increasingly important in this respect as they concentrate the most relevant transitions to sustainability, as proven by the coordination in place by entities such as the C40. They thus participate as active feeders of change in public service regulation, opening to new stakeholders, temporal dimensions and cross-sectoral interdependencies, further contributing to the above mentioned change.

Are we therefore looking at the premises of a new regulatory governance model in the making? Can regulation mechanisms be preserved when confronted to upward pressures stemming from increasingly open public-policy making processes? How can regulatory consistency be preserved when we witness growing tensions between a sector-driven governance of public utilities and increasingly present territorial, social and environmental concerns? This workshop expects relevant contributions to the transformation of public action and the increasing interdependence of policy domains previously separated by strong regulatory traditions. The workshop builds on two research streams converging for the purposes of this workshop. One lies on the previous work carried out under public service related research projects (GREENUT, MEGOWAS and MOVIDIG) exploring the increasing territorial and environmental dimension of public service provision. These dimensions have raised important challenges in terms of coordination at the micro territorial to macro-territorial level (i.e., street bureaucracies). This research brought an insight into important reorganizations taking place within regulatory agencies in the way of integrating this territorial challenge

We point to two important dynamics at work that have been somehow only marginally addressed in the regulation related literature, but also in public policy analysis related scholarly work. The first one refers to the increasing accumulation of areas that are not governed, or marginally so, when it comes to public services, given encroachments of competences, blame-game dynamics in institutional contexts in flux, that the economic, and public administration literature has denominated policy gaps. We claim that rather than looking into these areas as specific issues, within specific policies, bringing a comparative, encompassing and cross-regional approach to their analysis, can yield significant results in terms of available policy capacity for States in the present day, in particular in areas that were heavily regulated prior (in terms of contracting, ownership and management). The other dynamic, pertains to the increasing necessity to understand coordination mechanisms to be produced as deriving from two fundamental principles, an environmental and a socially inclusive one. This second dynamics is by no means connected to a normative indication, but rather a common theme cutting across policy domains, in the form of sustainability concerns. Therefore, papers are expected to contribute to an understanding of these dynamics in terms of service provision, development and management, exploring how specific related processes (contracting, regulatory agencies transformations, expanding/receding scope of regulatory governance) bring about a transformation of governance dynamics. Papers that deal with the empirical dimension of this change are welcome, but they have to be able to present the case for the transformation of State capacity from a public-policy perspective, addressing how influence strategies, dynamic advocacy coalition frameworks or incremental processes among others have been relevant in bringing about a change in the understanding and governance of public services.