

T03P08 / Democracy Institutions and Public Policy Performance

Topic : T03 / Policy and Politics sponsored by Policy & Politics Journal

Chair : Hai Do (Department of Public Policy Hanoi National University)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

In this panel a selection of papers may be considered for the Policy & Politics journal.

Research on the impact of institutional rules on public policy is still in a relatively early phase (Immergut, 2003). Policy making is always a matter of choice under constraints. According to Goodin and Rein and Moran (2008), the willingness of people to do what policies ask them and the willingness of electors to endorse the policies. Institutions have affected the policies and policies have changed our understanding of institutions, so public policy study help an institutional researcher have an interpretation of politics. It is important to know the institutional rules on policy decision making and the interaction effects of institutional rules with political and social background in the policy cycle from policy planning, policy formulation and implementation, policy evaluation. This panel designed to focus specially on the policy performance which is dependent on the quality of democracy, considering as the institutional rules substantially generated for suitable outcomes in certain policy fields. On the dimensions of the democracy, there is a group of key variables which related directly to the quality democracy. They are rules of law, electoral process, civil rights and political liberties, access to information. The analysis of institutional rules is observed in the president system, both head of state and head of government with/without prime ministers, the both a president and a prime minister in the semi-presidential system, the prime minister is the active head of the executive branch of government and also leader of the legislature in parliamentarianism, the system of constitutional monarchies with ceremonial monarchs, the directorial system contains elements of the presidential and the parliamentary system. They are considered as the impact of policy studies on the institutional theory.

CALL FOR PAPERS

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We have designed the three sessions of the panel and welcome all scientific papers related to the two sessions:

1st session: will focus on public policy performance and the dimensions of the democracy (rules of law, electoral process, civil rights and political liberties, access to information etc.);

2nd session: will focus on institutional rules and public policy performance.

T03P08 / Democracy Institutions and Public Policy Performance

Chair : Hai Do (Department of Public Policy Hanoi National University)

Session 1

Thursday, June 29th 10:30 to 12:30 (Block B 5 - 4)

Discussants

Hai Do (Department of Public Policy Hanoi National University)

Wouter van Acker (KU Leuven Public Governance Institute)

State- Directed Development in a Populist Democracy: Examining Economic Planning for Development in India

Saumya Tewari (Tata Institute of Social Sciences)

In the seventy years of post-colonial trajectory, the Indian economy is now among the faster growing economies of the world, with the high rate of poverty. Economic planning for welfare and redistribution has always been centralized in India; a parliamentary democracy, with a federal structure. The Prime Minister's office directly controlled the Planning Commission, now NITI Aayog, the institution that was responsible for fund allocation for implementation and statistical evaluation of development policies in India.

In this paper, I examine policy planning in the populist Indian polity. Social welfare and redistribution policies have been guided centrally in India through five-year plans, now abolished with the creation of NITI Aayog. After freedom from the colonial rule in, from 1950 a socialist pattern of planning was adopted in India, as the economy was backward, poverty was high and industry not developed enough to be able to compete with the markets in the west. Welfare and redistribution policies were therefore centrally guided by the Planning Commission.

In 1991 India's economy was liberalized and opened up for foreign markets. Though it lost its powers as the institution that guided India's industrial policy, the Planning Commission continued to be the chief fund allocator for the social development policy for India. The institution for planning was intact till 2014, when it was reformed into NITI Aayog.

The key research question is what role did populism play in planning for social welfare and redistribution policies in India since 1991 liberalization reforms? The institution of socialist planning was kept alive even after liberalizing the economy. Did that help the political discourses during electoral contests to continue the way it used to be with planning?

To examine these questions, I will track two policies- the Integrated Child Development Services- nutrition scheme for maternal and child healthcare and the primary education for all policy of the government of India. These two policies have been in place for over three decades now. Free and compulsory education till fourteen years of age is also a fundamental right under the constitution of India since 2009. Government reports indicate the achievement under these two schemes over the past decades.

This paper will reflect on how basic health and education policies in India suffer from poor implementation and quality assessment; but at the same time, the government discourses and propaganda around these policies are important tools of populism in India.

I propose this paper for the panel Democracy Institutions and Public Policy Performance as it studies the relationship between populism and welfare policies in India.

. Policy and Political Consequences of Electoral System Design: The Case of the Philippines".

Eduardo Araral (Lee Kuan Yew School of Public Policy)

Electoral system have long been known to entail broad and deep consequences for policy and politics and many

realms. This paper will begin with an assessment of the current electoral arrangements. Next, it will examine the ongoing efforts to reform the arrangements. Finally it will assess and compare the likely consequences of the key proposals for reform currently being considered.

From Social Trust and Happiness to Government Trust: The Moderating Role of Political Systems and Governance in the Philippines

Erickson Calata (Polytechnic University of the Philippines)

There are frequent calls to enhance citizen's trust on government that would pave the way towards a new paradigm of participatory governance and strong citizen support on government. In various governance realms, citizens may directly or indirectly engage with the government through various available mediums. Albeit the availability of various policies and services provided by the government, citizens remains to be passive and adamant on trusting public sector government. While many studies have explored a set of determinants that influence citizen's trust on its government (i.e., central government, local government, parliament, and legal system) few studies ascertain the relationship and the role of social trust, happiness, governance, and political systems. These are critical factors that may influence the trust in government. To resolve the gap, this study draws on the theoretical lens of social capital theory, proposing that cognitive social trust and citizen's happiness—environment and performance—are most likely to predict the citizen's trust on government. Also, this study assumes that the citizen's perception on governance and political system will moderate the impact of social trust and happiness on trust in government. Using the data from a large sample of the Asia Barometer Survey 2007 focusing on the data collected from the Philippines, the study tests a latent model employing structural equation modeling technique. The study found that happiness negatively predicts trust in central government and the legal system while all other predictors do not give any significant effect. The findings also show that political system moderates the impact of social trust and happiness on the trust in government. Finally, the article points out the study's theoretical, empirical, and practical implications and directions for future research.

Protecting electoral rights: is there a role for the international courts?

Kurnosov Dmitry (Centre of Excellence for International Courts, Faculty of Law, University of Copenhagen)

During the decades of the Cold War there seemed to be a black-and-white distinction between democratic and non-democratic regimes. However the last two decades have produced a new reality. New democracies often develop systemic flaws, while old ones increasingly slide into self-doubt. Among many shades of grey, electoral rights become an important benchmark for measuring a substantive commitment to the democratic principle. At the same time, the involvement of an international court in electoral matters can upend balance of power within a particular political system. Thus the political actors with a stake in that system would have strong incentives to resist such an involvement. This has indeed happened in some high-profile cases of the European Court of Human Rights in the field of electoral rights, most notably *Hirst v. United Kingdom (No.2)* and *Sejdic and Finci v. Bosnia and Hercegovina*.

Does this mean that international courts are not an efficient forum for protecting electoral rights? My hypothesis is that international judges take into account the possibility of political backlash when categorizing democracy-related cases before the court and affording states deference (a 'margin of appreciation' in Strasbourg parlance). Courts would seek to avoid producing outcomes that lead to explicit winners and losers (as the latter would be inclined to produce backlash). To assess the probability of the hypothesis, I divide democracy-related cases into the three categories: (a) those concerning freedom of expression, association and assembly (broadly defined as deliberation), (b) those concerning the expanse of franchise and the right to stand to an elective office (participation), and (c) those concerning the outcome of a particular election (competition). Then I assess the extent to which court take into account the positions of states. Preliminary analysis shows that states would generally be afforded less deference in cases involving deliberation as the outcome could be beneficial to many, rather than creating clear winners and losers. On the contrary, there would be more deference in cases involving competition due to high probability of creating winners and losers. Cases, involving participation, lie somewhere in the middle.

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Session 2

Thursday, June 29th 13:30 to 15:30 (Block B 5 - 4)

Discussants

Eduardo Araral (Lee Kuan Yew School of Public Policy)

Erickson Calata (Polytechnic University of the Philippines)

Populism among European Public Servants – A Cross Country Comparison

Wouter van Acker (KU Leuven Public Governance Institute)

Given that there would be political will and funding to objectively analyze and try to solve a specific policy problem, one is still highly dependent on the public servants responsible for the analysis, proposals and carrying out of policies. To this affect, the political attitudes, values and ideologies of public servants might be an important factor in how the issues surrounding migration are confronted and solved. This paper investigates the political 'color' of public servants, their attitudes on several populist topics, and on the issue of migration in particular. As far as the author of the paper has been able to discover, there have not yet been any investigation into the support for populist parties, and populist held beliefs among public servants. The paper is based on the findings by the most recent European Social Survey (ESS), and can thus draw comparisons between countries and specific migration contexts.

Do the institutional constraints on policy performance?

Hai Do (Department of Public Policy Hanoi National University)

The policy performance is dependent on the institutional features of the political system, considering as the institutional rules substantially generated for suitable outcomes in certain policy fields. On the dimensions of the democracy (Arend Lijphart), there is a group of key variables which related directly to the institutional rules in majoritarian model and consensus model which are executive power, executive-regislative relations, party system, electoral system, interest group system, types of government, legislature, constitution, judicial review, independence of central bank. The analysis of institutional rules is observed in the some OECD countries that contains specific elements of the political system. The research paper is represented for the configuration analysis of these institutional constraints on public policies such as the goal of politics is to ensure the sustainable development in 41 OECD/EU countries, thus citizens are to be empowered to live their lives in accordance with their own individual objectives, then governments must be able to establish and maintain the social, economic and environmental conditions for such well-being and empowerment which are interpreted by studying 16 policy fields grouping in terms of economic, social and environmental sustainability.

Poverty, Education, and Democratization: an evidence from Indonesia regions

Abdul Wahid Fajar Amin (National Graduate Institute for Policy Studies)

Indonesia decentralization had been known as the biggest movement from centralized and authoritarian into a more democratic and decentralized government. This movement does not only shift of the authority on managing local resources and business from central government to local government, but also give the local politicians broad opportunity on local politics contest. The number of local elites had increased with the change of local government head voting from indirect election to direct election, i.e., governor, regent, and mayor in 2005.

Many researchers argued that the introduction of local direct election enhance the democracy through

accountability of local government. The voters have dramatically enhanced their bargaining power by throwing out unpopular incumbents and electing more competing figures in their stead. Therefore, direct election is expected to improve economic and social welfare of its residents since elected local government heads need to preserve its voters in the next elections.

However, direct election does not only support local politicians to involve in local politics but also rises another issue. Some elected local government heads do not have enough support in Local Council. With enormous authorities on budgeting process, Local Council may obstruct or veto the programs that proposed by elected local government.

During decentralization, regional social welfare gradually improved. It showed by the decreasing of poverty rate and increasing of school enrollment-secondary level. However, there are various patterns of Indonesian regions on improving its social welfare. Regions in western part of Indonesia enjoy rapid improvement compare to regions in eastern area. Further, it also showed that some regions improved its social welfare, while other regions had stagnant or even worsened condition compare to its initial level in pre-decentralization. Researchers argued that this result may be affected by the different policy and political structured among regions in Indonesia.

Therefore, by using econometric analysis, this paper attempts to examine the relations between regional political institution and social welfare, especially on poverty and education. Further, this paper employs data that covered 497 districts/municipalities from 2005-2014. The data includes regional politics indicators, regional budget, poverty, education level, and other control variables. Since each region has different initial condition on its social-economic conditions, this study also uses statistical analysis by clustering Indonesia region into several categories such as Java-non Java and Eastern-Western regions since each region has different initial condition on its social-economic conditions. Further, this paper quantifies the political institution between local government and local council by categorizing the regional political process into three groups, weak-moderate-strong support regions. Last, a side from quantitative method, this paper also uses qualitative method by describing political process in Indonesia regions.

THE ROLE OF PUBLIC INTEREST LITIGATION IN SHAPING UP THE PUBLIC POLICY REGIME IN INDIA: OVER-REACHING OR JUSTIFIED AND THE WAY AHEAD

Manvendra Singh Jadon (National Law University, Assam)

Sourabh Roy (National Law University and Judicial Academy, Assam)

At the onset of Independence, India witnessed the growth and development of Individual liberty and governance (Samarsinghe, 1994) with courts playing a catalytic role in providing access to the masses in the judicial process through Public Interest Litigations (First recognized in *Bandhua Mukti Morcha v. Union of India*) in order to keep a check on other organs of the society (Sathe, 1998). Public Interest Litigation as a concept was a late bloomer in India after its humble origins in USA but it immediately garnered traction among India's legal stalwarts Justice Krishna and Justice Bhagwati in the late 1970's (Matthew, 2012). The power of Judicial Review stressed by the Indian courts in the first forty years of Independence to adjudicate public interest claims changed the paradigm of the Indian public law adjudication from a negative to positive function but the catapult effect of judicial intervention or adventurism on the four contours of the democracy was never calculated (Anand, 1999). Does the judicial capacity of the courts which reimagines policy, environment and social changes as a jural attribute instead of a socio-political attribute (Rajamani, 2007) overpowers the long standing doctrine of Separation of Powers, is the question that needs to be answered. The answer to this scuffle lies in the evaluation of the role delineated to the three pillars of the democracy. Till date most of the research in Public Interest Litigation has largely been unilateral focusing on the merits of the judgments laid down by the courts and there is no assessment of the patterned effect of these decisions on a large social scale. This research work is an effort to provide an insight into the accountability and transparency of the Indian democratic through discussion on the far reaching effects of the court's decisions on the public sentiment. The research work also ponders over the question as to whether the policy intervention by the courts is a way to supervise and monitor issues affecting the consensus or is a way to establish hegemony over the emerging and developing system. In a special reference, the research work also touches the causal effects of judicial intervention on the newer avenues of infrastructure, smart governance, urban development and foreign policy.

Keywords: *Policy, Democracy, Judicial, India, Public Interest.*

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Democratic Decentralization and Implementation of the Right to Education(RTE) Act: A Study of Malabar Coastal Region.

Salman AK (University of Hyderabad)

Democratic Decentralization is an open platform for the people to participate and a chance to involve in decision making process. According to John Stuart Mill there are two important factors for local democracy. Firstly, local political institutions are a school of political capacity, making citizens capable of genuine and informed participation. Secondly, such institutions would be more efficient if informed by local interest and local knowledge. Local democracy thus became a way of enabling both participation and deliberation of effecting a form of direct democracy. Democratic decentralization tends strongly to enhance speed, quantity and quality of responses from government institutions (Manor, 1999); local governments have both authority and resources to respond quickly to problems and pressures from bottom without waiting for approval at upper levels.

In this perspective it is important to examine the implications of the decentralized governance in theory and practice. The present study is on the implementation of the Right to education in *Tanur* sub district and its effectiveness in the schools which included the children from the *pusalans*. In 2000 central government introduced a set up for those children in the name of Multi Grade Learning Centre (MGLC) exclusively for the empowerment of the marginalized sections in the education field. The study trying to find out the state- society partnership in this case in the context of decentralized governance. The democratic decentralization effected in India through the 73rd constitutional Amendment (1992) provided a common framework for the Panchayati Raj Institution(PRI)s to be devised by the state governments. The study deals with the participation, accountability, transparency of Panchayati Raj Institution(PRI)s in this particular case of primary education in Malabar coastal region.