

T01P11 / Policy Regime Framework: Towards Better Theories of the Policy Process

Topic : T01 / Policy Process Theories

Chair : Iftikhar Lodhi (Nazarbayev University)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

More than a decade ago Peter John (2003) asked “is there life after policy streams, punctuations, and coalitions?” Few years later Peter May (2010) followed the suite asking policy scholars to go “beyond subsystems” and employ “policy regimes” lens. These calls reflect a growing sense of a lack of theory development in Policy Sciences (PS), be it competitive theories or complementary in a progressive way. The discipline, despite its rich and long history, offers only heuristic models or loose frameworks (often without strong theoretical foundations) ranging from the first generation rationalism and incrementalism to second generation Garbage Can, Multiple Streams, and Advocacy Coalition Framework. The third generation of theory building in Policy Sciences appears to be stagnated. The scholars working in any one particular tradition rarely engage other frameworks within PS or theories across disciplines like International Relations (IR), Comparative Political Economy (CPE), and more importantly recent developments in New Institutional Economics (NIE), all of which are concerned with the similar issues. If the third generation of policy theories were to produce cumulative knowledge and a better understanding of the complex policy process in an increasingly globalised setting, a synthesis is imperative. Recently Policy Science scholars have called for incorporation of the cumulative knowledge from IR and CPE into the policy process frameworks (Jochim and May 2010; John 2013). Such a synthesis is also required across the supposedly incommensurate epistemological divides (positivist v. constructivist) within these disciplines, if we are to accumulate knowledge in a progressive way (Checkel 1997; Shapiro and Wendt 2005; Walker 2010).

This panel invites policy scholars to take up this challenge and propose innovative frameworks and possibly concrete theories of the policy process that incorporate emerging realities of the policy process, particularly in light of the challenges posed by globalisation to PS. Papers particularly developing and fine tuning the Policy Regimes Framework/Perspective are encouraged.

CALL FOR PAPERS

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T01P11 / Policy Regime Framework: Towards Better Theories of the Policy Process

Chair : Iftikhar Lodhi (Nazarbayev University)

Session 1

Wednesday, June 28th 14:00 to 16:00 (Block B 3 - 1)

Policy Regime Framework: Towards better Theories of the Policy Process

Iftikhar Lodhi (Nazarbayev University)

This paper critically evaluates the contemporary frameworks and theories of the policy process, particularly in light of the challenges posed by globalisation to Policy Studies (PS). It contends that the existing frameworks and theories are neither comprehensive nor coherent; instead each one of them raises more questions than it answers. This also applies on the policy studies jargon where unnecessary diversity of perspectives continues without much synthesis. The author offers a Policy Regime Framework (PRF) to explain the multilevel complex process of policy change in a globalising world, within which various epistemological dispositions can co-exist. The framework synthesises and builds on a pyramid of theoretical frameworks of the policy process and also incorporates insights from the developments in institutionalism and International Political Economy (IPE). The PRF is elaborated by a case study of the labour policy reform in Pakistan. The author invites policy scholars to evaluate merits and demerits of the PRF vis-à-vis other frameworks and theories and apply PRF in diverse policy settings.

A new way to study policy reform in a transitional Vietnam by developing a model of major policy change

Huan Dang (Vietnam Ministry of Education and Training)

The Renovation Process - ??i M?i in Vietnam since 1986 has posed a question: why have some policy areas experienced radical changes while others have experienced only limited and incremental changes? This policy puzzle provided the focus for this paper in which a model of major policy change is developed to provide a new way of explaining the policy reforms in Vietnam over the past two decades. The proposed policy model identifies stressor and leadership predisposition to reform of the policy elites as the necessary conditions for a radical policy change while change in the policy image and consensus within the political regime provide sufficient conditions for such radical change to occur. Owing to the unique regime characteristics of Vietnam, the model emphasizes the autonomous role of policy elites within the political regime as well as the consensus-based policy making approach in Vietnam during its transitional period of time.

Complementary lenses in policy change framework: South Africa case of sustainability transitions

Mapula Tshangela (University of Stellenbosch)

Background

Since 2002 hosting of the Johannesburg World Summit on Sustainable Development, South Africa's policy commitments to a just transition towards a green economy raise two inter-related issues: The underlying drivers and complex dynamics of public policy process and managing this transition (Tshangela and Swilling, 2015).

Research question

The main question addressed in this paper is how best to improve the understanding of the underlying drivers and dynamics of public policy change?

Methodology

This study uses critical review of relevant literature, analysis of policy events and documents as well as the

insider participants' observation.

Alignment with International Conference on Public Policy panel topic

This study contributes theoretical fine tuning of the policy regime framework (PRF) that is also tested empirically with the South Africa case. The policy change literature is useful for understanding the dynamics of policy-making and policy change but has not to date been sufficiently used to understand transitions to sustainability. Unlike the advocacy coalition approach for example, policy regime framework is prioritised in this study as it draws explicit distinction between government and private sector actors because of the importance of authority as a resource (Hoberg, 2001:10). According to Wilson (2000:266), political leaders play a role in assaulting the existing regime, advocating the new policy paradigm, promoting policy solutions and shepherding policy proposals through government. As an eclectic framework, the PRF offers an explanation for long-term policy stability and short term change (Wilson, 2000:270). The PRF Wilson (2013:52) integrates problem definition, agenda setting and policy adoption. As a broader concept, May and Jochim (2012:5) policy regimes can be envisioned for any set of problems for which there has been authoritative actions at some level of government. Appropriately, McGuinn (2006: 212) policy regime approach offers a systematic framework for analysing the role of ideas, interests and institutions in generating major policy change in a specific issue area over time. The theoretical gaps identified includes that Paredis (2011:12) while the policy regime is present in the sustainability transitions as one of the factors in the reproduction of socio-technical regimes, it is unclear how exactly policies and policy innovations play a role in regime change and multi-level interactions. This dynamic is particularly important as Bussels et al. (2013:5) sustainability transitions initiatives includes processes set up by government actors. The PRF analytical framework is enhanced in this study, based on three complementary lenses: multi-causal perspective, stages of policy change and type of policy outcome. The multi-causal perspective considers the policy regime components, background conditions and policy outcomes. Such a perspective is looked into in line with the stages that are stressors/ enablers, paradigm shift, power shift, legitimacy crisis and organisational and policy change. Importantly for the country positioning, policy outcomes such as layering, drifting, conversion and replacement are incorporated. These complementary lenses may be empirically useful to understand South Africa's underlying drivers and complex dynamics of public policy process and managing sustainability transition. At least forty-eight key South Africa public policy events and documents of the period 2002-2015 were mapped.

Large hydropower and legitimacy: a policy regime analysis, applied to Myanmar

Tira Foran (CSIRO (Commonwealth Scientific and Industrial Research Organisation))

Hydropower development in capacity-constrained countries can unfold through unsound policy arguments, narrow institutional and implementing arrangements, and ad hoc decision making processes. To derive insights for more legitimate policy making, we trace the dynamics of Myanmar's policy regime around large hydropower during the period 2003–2011, focusing on 6000 MW Myitsone, the country's most controversial dam. Our analysis takes a policy regime perspective: specifically, a "political economic regime of provisioning" framework (Foran, 2015; Foran et al., 2016). Among our findings: (1) frequent use of non-rationally persuasive argument among contending actors; (2) a spiral of declining policy legitimacy, which is amplified by civil society mobilization, and halted by a 2011 decision to suspend Myitsone; (3) rejection of Myitsone but conditional acceptance of large hydropower among some elements of civil society. Opportunity and capability for more technically informed, inclusive discussion exists in Myanmar, but given hydropower's complexities urgently deserves to be augmented. Although Myitsone in Myanmar is an exceptional case, we venture three propositions to assess and improve policy legitimacy of hydropower.

References

- Foran, T., 2015. Node and regime: Interdisciplinary analysis of water-energy-food nexus in the Mekong region. *Water Alternatives* 8, 655-674.
- Foran, T., Fleming, D., Spandonide, B., Williams, R., Race, D., 2016. Understanding energy-related regimes: A participatory approach from central Australia. *Energy Policy* 91, 315-324.

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Session 2

Wednesday, June 28th 16:15 to 18:15 (Block B 3 - 1)

Trading Privacy for Security? A study across the dynamics of U.S. federal policy regimes in cyberspace

Sivan-Sevilla Ido (University of Maryland)

How does the legislative and regulatory agenda in the U.S. trade between security and privacy in cyberspace? How can we explain the shift in the agenda towards more security and less privacy in the past twenty years? In order to answer these questions, I use an original dataset of federal laws and regulations (N=85) on security and privacy between the years 1967 and 2016. Within the dataset, each policy event is classified according to the extent that security and privacy compete or complement each other. This analytical framework constructs two distinct paradoxical policy regimes in cyberspace: from one hand, the U.S. promotes cyber-security and privacy to increase cyberspace resilience. From the other, the U.S. government collects information for national security and law enforcement purposes through the weakening of cyber-security and privacy. Patterns over time in each regime reveal a policy shift towards greater security at the expense of privacy in cyberspace since the mid-1990s. Analyzing the policy processes behind this policy shift emphasizes (1) the changing role of business groups that align with the government instead of civil society to promote security at the expense of privacy; (2) the a-symmetrical power relations of the Executive vis-à-vis Congress that led the Administration to promote security practices that undermine privacy without checks and balances from Congress; and (3) the rise of technological developments that paved the way for pro-security policies to assist U.S. security institutions in the digital age. Understanding how these conflicting policy regimes evolve sheds some light on the way the U.S. federal government manages risks and decides between goals in cyberspace.

Advocacy Coalition Framework: The Mediating Effect of Coalition Opportunity Structures on the Relationship between External Shocks and Policy Change

Changgeun Yun

Jin-Mo An (Yonsei University)

The Advocacy Coalition Framework (ACF) is a theoretical framework for studies of policy change. Since its introduction in the late 1980s, it has undergone three revisions in 1993, 1998, and 2007. The 2007 revision has contributed to expanding the applicability of the ACF to policy processes in both pluralistic and non-pluralistic political systems by creating a new category of variables: coalition opportunity structure. However, very little research has been conducted to examine whether and how opportunity structures affect the policy process. This study examines whether, to what extent, and in what ways external shocks cause policy change in different coalition opportunity structures. To do this, I investigate the effects of three global nuclear accidents on Korea's nuclear energy policy. The findings suggest that coalition opportunity structures mediate the effect of an external shock on the policy process. In an authoritarian structure, a policy subsystem is monopolized, so external shocks cannot lead to policy change but instead are exploited by a dominant coalition to further strengthen its power in the policy process. In a pluralistic structure, external shocks bring policy change as the ACF predicts because they serve as an opportunity for minority coalitions to challenge a dominant one. The relationship between an external shock and policy change is not a simple stimulus-response reaction.

Shaping Policies in India: Towards a new theoretical framework

Kaushiki Sanyal (JustJobs Network)

Rajesh Chakrabarti (OP Jindal Global University)

Theories of political processes, sparse to begin with, are almost without exception developed in the context of mature Western democracies. Their applicability to the chaotic Indian reality, therefore, remains suspect. In India, the literature on policy making process focuses primarily on the legislative process i.e. the interplay of the executive, legislature and judiciary in enacting a law. There is hardly any studies that look at the policy making process in its entirety – from ideation to enactment. The role of non-institutional actors such as civil society organizations, business lobbies, advocacy/interest groups, multilateral agencies, trade unions and media as well as institutional actors such as the judiciary, political parties and bodies such as the Niti Aayog (formerly Planning Commission), Comptroller and Auditor General of India (CAG) and the National Advisory Council (NAC) have not been scrutinised in a systematic manner. It is however essential for any country to have a clear picture of the key forces that influence the making of a law since it enhances our understanding of how democratic and participatory the process is; the mechanisms by which law making is influenced and the preferences of different groups in terms of mechanisms for influencing law making.

In this paper, we study the journey of nine landmark laws that were passed between 1999 and 2014 with the goal of detecting patterns, if any, among these evolutions. The nine laws are: Competition Act, 2002; Criminal Laws (Amendment) Act, 2013; Lokpal and Lokayuktas Act, 2013; Right to Information Act, 2005; Right to Education Act, 2009; National Food Security Act, 2013; Microfinance Institutions (Development and Regulation) Bill, 2012; Child Labour (Prohibition and Regulation) Amendment Bill, 2012; and Land Acquisition and Rehabilitation and Resettlement Act, 2013. The accounts of these very different struggles are, therefore, structured and presented in as similar a manner as possible, so that parallels, if any, emerge out of them to the interested reader.

We carried out the exercise of analysing the commonalities of these diverse case studies and their “fit” with the extant theories. Unsurprisingly perhaps, we found limited explanatory power of the existing theories on these case studies. Our scanning of frameworks that might provide the scaffolding for a new theory in this area led us to the emerging area of complexity theory in political processes that appear to be the only one broad enough to address the varied characteristics of the analysed case studies. Based on our observations and the tenets of complexity theory, we tentatively propose a new framework - Legislative Strategy Framework – to explain the time taken for a policy to be enacted based on the interplay of strategies used by the legislative and the non-legislative actors.

Rethinking Multiple Streams and the ‘Legitimacy Stream’: Lessons Learned from Taiwan’s Land Expropriation Case

Bing-Yan Lu (Department of Public Administration, National Dong Hwa University)

Based on content analysis and two-round semi-structured interviews, the author explores the most important land expropriation case - Dapu Incident, by Multiple Streams Approach (MSA). While public-private joint development and the 'market value land compensation' alternative are new to policymakers, journalists and the public at large, land administration bureaucrats and experts had considered the possibility of any policy options. Because of different aspects on technical matters such as land expropriation appraisal mechanism, and more mundane matters such as the principles of 'public interest' and 'necessity', wider debates are indispensable even in a favorable political streams. Despite administrative courts verdicts and investigation reports of the Control Yuan, a favorable political streams is a necessary but not sufficient condition. Through the 'Legitimacy Stream' of the due process and dispute resolution mechanism, symbolic responses for the 'Land Justice' issue can be forced to make substantive changes. Although the MSA does not provide a specific link between problems and 'alternative specification', the author's expectation that the agenda-setting power of social media would lead to symbolic policies is borne by evidences provided by content analysis and in-depth interviews. Alternative formulation and agenda changes can be linked through a 'Legitimacy Stream'. When sufficient critical mass develops around the idea of land justice and promotes it onto the government's agenda, a particularly formidable obstacle to thoroughgoing law amendment is the tendency for political entrepreneurs to treat the issue as an opportunity to show their kindly "considerateness" rather than to make hard choices. The legislation and verdicts of the Constitutional Court and administrative courts, that follow in the wake of focusing event did not provide landowners' share for public-private joint development surpluses. The government expropriation power and political leaders' attitude remain unchanged. Because of the intensity of the affected, unless they amend the Land Expropriation Act (LEA), even after the 2016 political party turnover, the president and premier are unable to resolve the 'Land Justice' issue in meaningful ways.

