

SPECIAL ISSUE (II) The state and public administration: have instruments of governance outrun governments?

Guest editor: H. Brinton Milward

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SUBSCRIPTION INFORMATION

Asia Pacific Journal of Public Administration, Print 2327-6665, Online ISSN 2327-6673, Volume 38, 2016.

Asia Pacific Journal of Public Administration (www.tandfonline.com/RAPA) is a peer-reviewed journal published in March, June, September and December by Taylor & Francis, 4 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN, UK.

Institutional Subscription Rate (print and online): £176/€234/\$282

Institutional Subscription Rate (online-only): £154/€205/\$247 (+ VAT where applicable)

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US Postmaster: Send address changes to *Asia Pacific Journal of Public Administration*, Air Business Ltd, c/o Worldnet Shipping Inc., 156-15, 146th Avenue, 2nd Floor, Jamaica, NY 11434, USA.

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The state and public administration: have instruments of governance outrun governments? Introductory perspectives II

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(Received 15 September 2015; accepted 2 February 2016)

These introductory perspectives set the scene for this Special Issue (II) by echoing comments made in the introduction to Special Issue (I) in December 2015. Three critical questions are addressed: What is the role of the state in different countries with different histories and capabilities? Does it make a difference what the form of the state is and how well articulated the instruments of governance are in delivering effective public goods and services? Have instruments of governance outrun governments? The latter is the overall theme of the Special Issues. The three complement the questions which are posed at the outset of Special Issue (I) and stated again in this discussion.

Keywords: the state; public administration; governance; instruments of governance; policy styles; policy capacities; NGOs

Introduction

This Special Issue (II) is a companion to Special Issue (I) in December 2015. The introduction to Special Issue (I) (Milward, 2015, p. 217) begins with key questions which are addressed in the Special Issues:

Are the instruments of public administration and governance, especially instruments like contracts, partnerships, networks and alliances, outrunning the ability of governments to control them? What are the implications for legitimacy when governments are unable to control and monitor those who act in their name? As increasing use is made of proxies to advance the goals of the state, are the state's governance capacity and legitimacy being significantly reduced? What kind of state is needed in order to ensure appropriate capacity and more trust in a stronger pursuit of the public interest? These questions focus attention on actors (who is doing what), institutions-organisations (how strategies and tactics of government connect policy with the people), and events (how performance problems and political developments shape the strategies of political leaders and the views of citizens). What is the ecology of the interlocking forces involving actors, institutions and events in governance?

This set of questions is complemented here by questions which shape specific analyses in this Special Issue, including the overall theme question: Have instruments of governance outrun governments? The questions are stated in the headings below.

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What is the role of the state in different countries with different histories and capabilities?

This question calls for an examination of the characteristics of the modern state in its various incarnations and, at the same time, calls for researchers to treat the state as a variable, which is something that public management and governance scholars have typically not done. This deficiency is viewed by some as a growing problem with organisational and policy prescriptions based on the assumption of a reasonable level of state capacity, which should itself be treated as a variable (Milward, et. al., 2016).

The role of the state in different contexts is addressed in this Special Issue by Knott who considers the cases of the United States, South Korea, Singapore and China. Central to his argument is the relationship between a country's political system and economic growth and stage of economic development. All of the cases are viewed through the lens of developments in state capitalism and its evolution to market capitalism, which is seen most directly in the case of the US and, over a compressed timeline, South Korea. The vehicle for change has been the growing role of the middle class in overcoming four interrelated forces inhibiting economic development: political party machines, corruption and rent seeking, increasing inequality and human development, and reduced economic innovation. In the US and South Korea, the professional and middle classes have effectively made demands for political freedom, clear property rights, and effective public administration. The reward for their effort in building the countries is that, through efficient public administration, their tax dollars are put to good use.

The case of Singapore is different. There are always exceptions to the rule. A visionary leader in this small city state imposed his values and will on a formerly colonial entrepot astride some of the most critical sea lanes on earth. In many ways, the values Lee Kwan Yew espoused are very much like where the struggle of the middle classes in South Korea and the US came out, but in Singapore this was done in a vastly compressed time period. Singapore, with a one party semi-authoritarian regime, has succeeded in achieving very low levels of corruption, high levels of economic development, and integration into the world economy without adopting many of the elements of democracy like political competition, openness and transparency.

The case of China is more ambiguous. State capitalism guided by the Communist Party has allowed China to make unbelievable progress in its level of economic development in little more than 30 years, but its level of political progress is less clear. Changes in leadership of the Communist Party are not transparent, and middle class demands for reform, inclusion and transparency are resisted. Where this leads is unclear to most observers, as creating legitimate rule not based on coercion has been the key to the success of modern democratic states with capitalist economies. There are simply no other models that have been shown to work overtime on such a scale. Perhaps China will be the first in successfully combining economic liberalisation and political authoritarianism; otherwise, it could well fail based on its own contradictions (Davis & Lardy, 2014).

The significance of history and state capacities is also addressed in this Special Issue by Mukherjee and Howlett. They argue that there is a distinctly Asian policy style which has implications for how public policy is implemented through the use of various instruments in such countries as Cambodia, China, Indonesia, Nepal, the Philippines, Thailand and Vietnam. At the same time, they appreciate that various inconsistencies and sunk costs of past regimes and developments continue to burden and limit

the way the policy style takes shape and flourishes. Such factors are generally consistent with notions of path dependency in the evolution of institutions and the instruments favoured by them.

The dominance of a policy style over time is not contingent on its being true or in fact delivering the benefits promised. If a policy fails, the fault is almost never blamed on the assumptions underlying it, but on ineffective implementation by government agents, no matter how limited their involvement in the policy and its associated programmes. This can often enhance the belief that the use of the private sector is likely to be more effective, with the reverse proposition not being on the table, no matter how sensible it might be.

Does it make a difference what the form of the state is and how well articulated the instruments of governance are in delivering effective public goods and services?

Schwartz in this Special Issue focuses on a significant instrument of humanitarian assistance: the humanitarian non-governmental organisation in partnership with the state. His analysis highlights key issues and concerns in terms of how NGOs interact with the donor state, with the recipient state, and with a union of states: the United Nations.

The donor state's relation with an NGO is problematic in a number of ways. NGOs are often organisations with a high degree of standing with recipient states, as well as with the UN. Many have established relationships in countries needing assistance and, thus, have both standing and a skill set which other potential contracting partners do not have and which many donor governments also do not have. In addition, they are often advocates for assistance and critics of donor governments, as well as being partners under contract. It is this dual role that governments sometimes fear because the criticism and advocacy can serve to create a demand for an NGO's services and for more money to be spent for relief.

NGOs have a right to worry about their relationship with donor governments. Do they become implementing arms of a government with whose policies they do not agree, and which may impede their relationship with other recipient governments? On the other hand, if they leave the fray, they could well leave the field to companies which are largely international transport firms whose job is to deliver goods under contract into very complex and dangerous situations.

Significantly, a recent report published by the Aspin Institute asks if NGOs in and beyond humanitarian governance now constitute a fourth sector because of the critical role that they play in both domestic and international assistance and service delivery. The report asks whether they are beginning to constitute a hybrid form that stands somewhat apart from public, private and other nonprofit organisations (Sabeti with FSNCWK, 2015).

From the standpoint of the recipient state, it is good if the NGO has existing relationships with the government as this can make working together easier and time is not lost in forging a relationship. More questionable is that the omnipresence of NGOs providing humanitarian assistance in countries like Liberia or Sierra Leone, for example, can relieve the host government of the obligation to provide services to its citizens. There might be little capacity in the first place, but further capacity will never grow in circumstances where largely Western relief agencies deliver most of the health and human services. For all the great work that they do, some NGOs may

be delaying the day when fragile states can begin to act more like states and less like failed states.

Have instruments of governance outrun governments?

The case of the US is instructive. When government became strong and reasonably capable in the wake of the Great Depression, World War II and developments through to the 1970s, there were calls to use instruments that require the government to remain at arm's length as a way of limiting the coercive power of the state and harnessing the collaborative capacity of networks and the hidden hand of the market. Knott addresses this as constituting a third wave of reform beginning in the late 1970s. He recognises that there have certainly been benefits in terms of economic growth, innovation, entrepreneurship, political participation, philanthropy and civic engagement; but that there have also been significant downsides, especially in the form of considerably increased income and political inequality, reductions in employee rights and entitlements, and continuing disproportionate influence of corporate power on political affairs. Whether these negative features provide an affirmative answer to the question is a moot point. But they do raise serious concerns about the efficacy of several of the reform initiatives and instruments involved. The concerns embrace quite directly the earlier posed questions of state capacity, legitimacy and trust in the ecology of interlocking forces in governance.

Mukherjee and Hollett recognise that policy instruments chosen are similar in various countries in Asia in line with a distinct policy style regardless of how effective or ineffective they might be. Governments have often used both market and network modes of governance essentially as default reforms with little consideration of what kind of government action is needed to make a market or a network effective. This points to political culture exercising a powerful influence on the choice of instruments. In low trust states, networks are difficult to manage largely for the reason that trust based on reciprocity is what makes collaboration possible. Likewise, in states with high levels of corruption and cronyism, markets are difficult to use for public purposes. Accordingly, in many countries in Asia the concern is less with instruments of governance possibly outrunning governments and more with creating enough capacity in government to design and enact appropriate instruments. Hence the significance of Mukherjee and Howlett's arguing the case for analytical, operational and political capacities at individual, organisational and system levels alike aimed at increasing the quality of instrument design and use in various policy domains, including environmental policy and governance.

Schwartz's analysis of government-NGO partnerships in the provision of humanitarian assistance identifies important accountability issues beyond the specific matter of NGOs satisfying contractual and funding requirements. Their stakeholders are often numerous and diverse, with different expectations concerning forms and levels of institutional interaction and with different demands being made on their service delivery competence and performance. These forces, along with circumstances in which they themselves are often compelled to criticise government policy and promote alternative initiatives, can bring them into conflict with government and threaten the dependency relationships involved. Such are the realities of government-NGO partnerships, often raising significant capacity, legitimacy and control concerns that are not addressed well in either theory or practice.

From a research perspective, the use of the fourth sector framework as a way of differentiating humanitarian NGOs from other NGOs (Sabeti with FSNCWK, 2015) might assist in indicating whether there is something new in the world, or whether such NGOs exhibit considerable uniformity with existing nonprofit organisations. The hollow state approach could also be usefully applied to the humanitarian setting (Milward & Provan, 2000) since many states seem to have very limited capacity for implementation when it comes to relief efforts. Studies of hollow service systems have found that people go back and forth between government and nonprofit organisations, and that sometimes the advocacy role of third party providers allows the government funding agencies plausible deniability when politicians become upset that they are trying to create their own demand. In a multi-nodal world, some humanitarian NGOs can become actors as important as many of the states that support them.

Some of these underlying issues and concerns are addressed by Thynne in the concluding synthesis in this Special Issue. There the emphasis is on the nature, pervasiveness and warranting of instruments and action in governance. The diversity, interconnection and responsibility challenges involved are considered as requiring appreciative, integrative and legitimisation capacities, which have the potential to foster desirable levels of public accountability and control concerning how instruments and action are designed, used and reviewed.

Concluding observations

There is merit in returning briefly to the instrument “design principles” presented in the introduction to Special Issue (I) in relation to service providers working on behalf of the state as partners or contractors (Milward, 2015, p. 218). The principles are that such providers need to be integrated effectively into the service delivery systems to which they are contributing; that they should be funded and regulated directly by the government agency responsible for the services being delivered; that a stable network of them performs better than one that is frequently altered; that there are legitimacy benefits of their comprising employees who share positive values about the importance of their work; and that their funding must be commensurate with the scale of the problems they are addressing. Again, adherence to such principles will not necessarily ensure the quality and efficacy of service delivery, but it is likely to address quite positively several of the capacity, performance and control issues considered in this Special Issue (II) and in Special Issue (I).

Overall, the articles in these Special Issues raise more questions than answers, but the questions are terribly important. They will continue in the years ahead to influence understanding of the ecology of governance and shape the way research in public administration, policy and governance is or ought to be conducted.

Disclosure statement

No potential conflict of interest was reported by the author.

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Governance and the economy in Asia and the United States: institutions, instruments and reform

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(Received 14 September 2015; accepted 20 November 2015)

Effective governance involving the use of various institutions and instruments is very important for economic development. While many states fail to achieve even the minimal features of effective governance, state capitalism has proven to be a successful model economically. The problem is that state capitalism is frequently associated with authoritarian and corrupt regimes. Over time, such regimes limit economic efficiency, ignore the environment, and under-invest in social and health services. In the West and some Asian countries, these conditions have led to substantial reform in democratic governance. Singapore and possibly the People's Republic of China offer alternative models of reform, reducing corruption and somewhat liberalising their economies in the absence of well-developed democratic governance.

Keywords: governance; democratic governance; economic development; instruments; institutions; reform; state capitalism, corruption; China; Singapore; South Korea; United States

Introduction

Governance is very important for the development of the private market economy. For the private market to function well, a country needs, as a minimum, a system of laws, regulations and enforcement that provides a credible commitment by the government to a return on private investment, ownership of property, and contract enforcement for economic exchanges. The private market also benefits from large capital investment by the government in economic infrastructure, such as roads and highways, schools and ports, as well as national defense and domestic public safety; and, since the time of the great depression, most advanced economies have expected governments to engage in counter-cyclical macroeconomic policies to maintain full employment and economic growth.

In a fundamental sense, these functions may be considered the core functions of government that cannot easily be contracted out or divested, given that they form the basic conditions for the functioning of the private market. Since they are so basic, it might be expected that most governments should undertake them. But this is not always the case. Accordingly, it is pertinent to address: to what extent, how well, and in what ways have governments performed these functions? In addition: has the governance of these functions superseded governments? More broadly: what are the

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relationships between the state, public administration, and the functioning of the private market economy?

Why the basic economic governance conditions are often not met

In regulating and guaranteeing contracts and private property, governments face a political moral hazard: the temptation to exploit this legal and contractual power to their own advantage. As North (1989) has observed: “Any government that is powerful enough to guarantee property rights and economic exchange is also powerful enough to take these rights away to enrich itself or for other purposes”. History reveals in a depressing way the accuracy of North’s perception of economic governance. Governments have often expropriated a large portion of the economic surplus generated from private market exchanges for their own enrichment and consolidation of power. Examples include the many kingdoms that have exercised the divine right of kings to expropriate property and other forms of private wealth. Dictatorships, such as in Libya under Muammar Gaddafi and Iraq under Saddam Hussein, have behaved in much the same way. In less blatant form, many authoritarian and corrupt regimes impose excessive permits and business costs to start up firms or transact business, such as in Peru (Knott & Miller, 2006).

Governments also fail in other ways to meet these basic conditions for sound economic governance. Political parties, ideology, or religious movements prevent or actively oppose private market exchanges. Examples include Italy under fascism, Iran under Islamist mullahs, the central government in the former Soviet Union, and China under Mao Tse-tung, especially during the cultural revolution. These are all examples of the private market having been repressed, with the countries’ poor economic performance over time calling into question the legitimacy of the regimes domestically and weakening them abroad. For these regimes to stay in power, many of them have turned to private market capitalists to fuel economic development, but with heavy government control of and involvement in the economy. They have eventually reached an accommodation with capitalism in which state and the market participants have mutually benefited by adopting forms of state capitalism.

State capitalism: industrialisation and economic development

Basic features and benefits

State capitalism has proven to be a prominent and successful form of economic governance, both historically and in the contemporary world (Bremmer, 2009). It is based not on the full exploitation, expropriation or dismantling of private enterprise, but rather on the mutual interest between private capitalists and governments. Governments use public decision processes to support private capital investment in infrastructure and basic industry and pursue mercantilist trade policies. They develop a macroeconomic policy based not on market stabilisation but on direct ownership, investment and regulation of private enterprises.

In this model of economic governance, governments gain political support and wealth, and private entrepreneurs and business owners gain the infrastructure, laws and regulations necessary for them to also produce economic surpluses and private profits. Historical examples include the British crown corporations (including the West India Trading Company), Germany under Bismarck and through World War II, and France

and the United States in the 19th and early 20th centuries. More contemporary and highly successful examples include South Korea, Singapore, Taiwan, Japan and, in the past 30 years, The People's Republic of China.

State capitalism, while fostering economic development, contains several features that limit its long-term success as a governance strategy for the economy. Four of these features concern political party machines, corruption and rent-seeking, inequality and human development, and reduced economic innovation. These have often led to market capitalism as a reform response.

Political party machines

One of the essential features of state capitalism is mutual benefit for private and public interests. Often this is manifested through the role of political parties and corruption. The political party machines in America in the late 19th and early 20th century were a good example. The local and state political machines controlled the development of utilities and transportation, handing out franchises, rights of way, and land condemnation for a kickback. The politicians in the party had inside knowledge of where these developments were to take place and bought up property rights early to realise large gains once the improvements were made (Knott & Miller, 1987). The political machine also controlled banks, which functioned as local monopolies with favourable regulations.

The federal government political parties made similar arrangements with private industry through the railroads, providing cheap land and private development rights in exchange for kickbacks and political support. The political machines had similar relationships with big industries, which functioned as cartels and oligopolies, with suppressed competition and government subsidies. Large public works in general provided the political party machine with the power to grant lucrative contracts to private firms in exchange for kickbacks and political support and to provide jobs for political party members.

Corruption and rent-seeking

Corruption diverts a portion of the surplus from economic exchange into the hands of politicians and the coffers of companies for non-productive uses (Heidenheimer & Johnson, 2001). Government corruption is both illegal and inefficient. It is characterised by kickbacks to politicians and government officials for permits, as well as land deals, insider speculation, and franchises to companies with side-payments to those involved.

Relevant data on the distribution of perceptions of corruption in several countries in 2009 show, for example, that China is in the bottom 30% of countries, while the US is in the top third (Kauffman, Kraay & Mastruzzi, 2010). The top 30% of least corrupt countries are all liberal democracies with open market economies, except Singapore.

A more general concept for this kind of inefficient behaviour is rent-seeking (Tullock, 1967; Krueger, 1974). Private entities obtain rents when they use political influence to gain benefits from government for themselves that do not add to social welfare. Mostly, these activities are legal, but are inefficient for the economy and include special targeted government subsidies, favourable regulations for specific firms, and government support for cartels and oligopolies. In return, politicians and officials get political support from these private interests and opportunities for lucrative jobs when leaving government.

Inequality and human development

State capitalism with corruption produces an under-investment in the general public interest. Examples from the US in the 19th and early 20th century include poor labour laws, exploitation of minorities, under-investment in rural areas, very limited health care and social services for children and the needy, environmental degradation, and large inequality in wealth (Knott & Miller, 2006). These limitations on social services and pollution of the environment over time in many countries have led to political movements in opposition to the establishment. They have also limited further growth through inadequate educational opportunities, poor health care for workers, and unequal development across regions within countries.

The World Bank has collected data on the human development index (HDI), which includes three dimensions: long health life, knowledge through schooling, and standard of living. The HDI is a geometric mean of the normalised indices for each of these dimensions. There is a strong inverse relationship between perceptions of corruption in a country (as recorded by the world governance indicators project) and the HDI. The greater the perception of corruption, the lower the HDI index (Kaufman, Kraay & Mastruzzi, 2010).

Reduced economic innovation

State capitalism can also lead to a stifling of innovation and entrepreneurship over time. Excessive economic regulation prevents the entry of new, small, innovative firms. It also creates vested, powerful interests who resist change and innovation. In many cases, the large private interests collude to protect the status quo from new technology and economic change (Hammond & Knott, 1988; Bremmer, 2009).

Market capitalism as a reform response

The prevalence of corruption, rent-seeking and inefficiency, combined with poor government performance on equality and human development, the degradation of the environment and reduced innovation, often leads to growing political opposition and a diminished legitimacy of the government. Political coalitions gain strength and form the basis for the movement that reforms the government and the relationship between government and capitalism. These coalitions comprise the growing middle classes, populists, workers, highly educated citizens, small businesses, and moral and religious groups.

Most Western countries and some Asian countries have followed this market-oriented, democratic reform model to bring about significant change. Key features of the model are a bottom up, grassroots political movement comprising a broad coalition of interests that come together to demand reform, and a process that includes the reform of political institutions, administrative practices, and economic regulatory instruments. These reform movements have led to a much more open and free market economy, greater party competition, broader civic engagement, and a professional civil service with a much less corrupt government. Two cases – the US and South Korea – are usefully considered to illustrate the relevance of these broad-based economic, administrative and political reforms to continued economic growth and expansion.

Market capitalism: reform in the United States

In the US, corrupt state capitalism characterised by strong political machines eventually underwent major political, economic and administrative reforms. These reforms came to be known as the progressive movement, which started at the municipal and state level and only later spread to the federal government.

Progressive reform: 1880–1920

The progressive reform movement swept the country, roughly from 1880 to 1920 (Buenker, Burnham & Crunden, 1977). The movement had exceptional political leadership from such people as William Jennings Bryan, Theodore Roosevelt, and Robert M. La Follette in Wisconsin. It consisted of a broad-based and grass-roots coalition of interests that included small business, a growing educated middle class, the professional and scientific management movements, moral and religious groups, and rural and small town populists. This coalition of interests sought greater democracy, introduced the secret ballot, and created at-large political districts to help break up the stranglehold of the political machines which operated at the local political ward level.

This period of progressive reform also saw major reforms in economic governance. Most of the semi-independent regulatory commissions were formed, including the Federal Reserve Board, the Interstate Commerce Commission, and the Federal Trade Commission (Eisner, 2000). Laws were passed prohibiting kickbacks and bribery, and the Anti-trust Act was introduced to break up the large oligopolies and cartel industries. In addition, there was a significant strengthening of professionalism in several major professions, including law, medicine, accounting, and pharmacy. The national professional associations of the American Bar Association, American Medical Association, and others were formed and were granted a significant degree of self-regulation by the federal government.

At the same time that these political and economic reforms were taking place, several important administrative reforms were also enacted. It was during this period that the city manager form of local government emerged. All levels of government also passed civil service laws creating a merit based public service (Hoogenboom, 1959). Laws were introduced to increase transparency and accountability, and scientific management helped provide the impetus for performance review and administrative expertise in designing and implementing government policies. Also, in the latter part of this period, in the late 1920s, the first university-based schools of public administration were established and the first master of public administration (MPA) degree was offered.

Macroeconomic reform: 1930–1965

The great depression of the 1930s produced a second wave of political and economic reforms in most Western countries, including the US. In 1935, the Congress passed the law establishing the National Labor Relations Board (NLRB), and one year later created the Securities and Exchange Commission (SEC). In 1946, it passed the Employment Act, which was followed by the establishment of the Council of Economic Advisors to the President and the Joint Economic Committee of Congress (Wasem, 2013). It was in this period that Congress also expanded the role of the Federal Reserve.

Following the end of World War II, the federal government made major investments in education and in transportation infrastructure. Then, in the 1960s, it passed major legislation enabling large-scale, counter-cyclical social expenditures through social security, social welfare, food stamps, and housing.

Deregulation and contracting-out: 1975–2000

A third wave of reform occurred in the late 1970s through to 2000, with a focus on privatisation and deregulation of industries and government services (Hammond & Knott, 1988). The reform initiatives and their effects remain relevant to the present management of public affairs.

Through Republican and Democratic administrations, the federal government introduced a major series of laws and administrative initiatives eliminating price and entry regulations on major industries. In telecommunications, federal action broke up AT&T as a public utility and deregulated the telecommunications industry, allowing new firms, technologies and products to enter the market. In addition, federal laws eliminated price and entry regulations in the transportation industry, including airlines and trucking.

In banking and finance, a series of federal laws eliminated geographic regulation, price controls on interest rates, and restrictions on the separation of investment from banking (Sherman, 2009). These changes led to the expansion of major banks, such as the Bank of America, into all 50 states and internationally. It also allowed investment firms, such as Merrill Lynch, to engage in banking and the full range of financial services.

This period also saw the deregulation and privatisation of many government services, under the rubric of new public management (Lynne, 2006). Mental health, housing, children's services, and welfare were increasingly contracted out to nonprofit and for-profit provider networks. Providers of basic local public services, such as garbage collection, were allowed to compete with private sector firms. Increasingly, even the military began to contract out security, food, logistics and other services to private firms, leading to the "hollowing out" of the state (Milward & Provan, 2000).

Market capitalism: reform in South Korea

South Korea has followed a path of reform similar to the progressive movement and subsequent reforms in the US. The main similarity is that South Korean reforms have included political, administrative and economic reforms, although the time period has been much shorter: only from 1985 until 2005, compared to over 100 years of reform in the US. The reforms have transformed the country's governance and economy, resulting in a more democratic government, a more professional and competent civil service, a host of semi-independent regulatory bodies, and a market-based economic and financial system that is competing well in the global economy, including in high technology and consumer goods.

Democratisation and political participation

Similar to the US, reform in South Korea was initiated and driven by a grassroots political coalition of labour, churches, students and small businesses, which came together to oppose the corrupt authoritarian system of state capitalism. The political movement led to the reform of South Korea's political institutions, including the direct election of

the president, competitive political parties in the National Assembly, constitutional protections for civil and human rights, freedom of speech and press, and freedom of movement, including travel abroad. The reform movement increased political participation and civic engagement, with a growth in civic organisations and advocacy groups. It also led to the passage of one of Asia's most generous tax subsidies for NGO's and nonprofit organisations (Chung, 2007).

Administrative reform: changing institutions and instruments

The reform period also saw a substantial restructuring of government agencies to make them more competitive, and a concerted effort to improve corporate governance and the management of state-owned enterprises. Similar to the Bureau of Municipal Research in New York City which played an important role in professionalising and restructuring government in the progressive era, in South Korea key institutes and centres have emerged, including the Korea Institute of Public Administration, the Korea Development Institute, and the Korea Institute for International Economic Policy.

Similarly, laws and new semi-independent regulatory bodies were established. The key legislation that established these bodies was the Basic Act on Administrative Regulation (BAAR), which led to the creation of the non-partisan Regulatory Reform Committee (RRC) and the formal process of regulatory impact analysis (RIA).

Also similar to the US, South Korea has a strong system of public administration and public policy education, with a growth in schools and programmes at Seoul National University, Yonsei University, and other major institutions of higher education. Many of the graduates of these schools work at all levels of government.

Economic reform: deregulation and privatisation

Beginning in the late 1980s through the 1990s, the government substantially deregulated and privatised public utilities, banks, tobacco, iron and steel, telecommunications, and the transportation industries. Of particular importance was the privatisation of state-owned enterprises and related entities through two very different instruments: the citizen share ownership programme (CSO) which distributed the ownership of enterprises to workers, and the chaebol-centered ownership programme concerning the chaebols which had long concentrated ownership in the large private industrial conglomerates in the country. The reforms alternated between worrying about the dispersal of ownership and lack of coherence and leadership of these newly privatised enterprises, and a worry about the over-concentration of the enterprises in large industrial combines (Harvie, Lee & Oh, 2004).

During this period, the government also substantially deregulated foreign investment and trade, loosened the controls on the financial sector, and set a target of across-the-board 50% reductions in economic regulations for industry generally. At the same time, the government improved and strengthened social regulation in the areas of health, safety, and the environment (Choi, 2001).

The curious case of Singapore

In order to continue to grow their economies in the 21st century, do all countries need to progress through this combination of economic reforms of governance, comprising political, administrative and regulatory initiatives, that have characterised the US, South

Korea, and many other countries? The broad answer is: yes, most do. But exceptions are inevitable, with a notable case being Singapore which, in a rather curious way, has succeeded in achieving very low corruption, high levels of economic development and integration into the world economy without these reform elements being adopted or being particularly significant (Caplan, 2009).

Some foundations of success

Singapore today is one of the least corrupt countries in the world, with one of the highest levels of human and economic development. It has achieved this success under a one-party dominant, authoritarian regime without meaningful political competition, transparency and other democratic reforms of the kind that have characterised developments in other countries. It has done so since the 1960s in response to its having until then been beset by rampant corruption among the police and other public officials, including an extensive opium drug trade (Keefe, 2015).

Under Prime Minister Lee Kuan Yew, the country passed a Prevention of Corruption Act, which extensively empowered an established semi-independent body called the Corrupt Practices Investigation Bureau (CPIB). This initiative was consistent with Lee Kuan Yew being adamant that “Singapore can survive only if ministers and senior officials are incorruptible and efficient . . . Only when we uphold the integrity of the administration can the economy work in a way which enables Singaporeans to clearly see the nexus between hard work and high rewards” (Khoo & Sripathy-Shanaz, 2009).

The CPIB is independent of the police agencies and other administrative entities and is administratively located in the Prime Minister’s Office. It has the power to investigate corruption in the public and private sectors, to detain suspects of corruption without due process, and to impose five year sentences and up to S\$100,000 in fines (Malik, 2007).

In the 1980s, Lee Kuan Yew also introduced much higher pay for public officials and promoted professionalism and ethical standards for the public service, including the creation of a university-based public policy school for providing expert training in public policy and administration. Over time, public service positions became prestigious career opportunities for many of the best students in the country.

An important factor in Singapore’s success is the electorate’s seeming acceptance of the costs of authoritarian and unpopular measures in exchange for the benefits of economic performance and the development of the country. A view on this is that “Because Singapore never developed a culture of political rights under British imperialism, the newly elected People’s Action Party (PAP) sought to legitimize itself not by protecting rights . . . but rather by overseeing robust economic growth” (Lauria, 2014).

The government is heavily involved in the governance of the economy through, among other bodies, the Singapore Economic Development Board and Temasek Holdings, the latter of which is a sovereign wealth fund that manages a net portfolio of more than US\$170 billion. There are many other state-owned enterprises – including, for example, Singapore Power, Singapore Airlines, Singapore Broadcasting Corporation, Singapore Mass Rapid Transit, Port of Singapore Authority and the Post Office Savings Bank – with varying levels of state ownership. In addition, the government owns over 75% of the housing in the country (Cheng-Han, Puchniak & Varottil, 2015).

Privatisation and deregulation

Singapore has taken a cautious, managed-competition approach to privatising and deregulating the economy. In 1987, a government-appointed committee, the Public Sector Divestment Committee (PSDC, 1987), issued a report recommending the sale of shares in several of the more than 500 “government-linked companies”, ranging from Singapore Airlines (SIA) to the national lottery, but with the government in most cases retaining more than half the value of the shares. SIA shares subsequently went public, although the government retained control through a majority shareholding. The sale of four statutory boards, including the telecommunications monopoly, was also recommended in the proposed ten-year divestment plan. In 1989, an IPO was used as the privatisation method for Singapore Telecommunication (Singtel) (Sim, Thomsen & Yeong, 2014).

China: economic governance at the crossroads

Questions are appropriately raised about the extent of democratic economic governance in the People’s Republic of China, which has been a classic example of an authoritarian, state capitalist system. Previously, under Mao Tse Tung, the civil war and the cultural revolution very severely restricted the private market. Subsequently, Deng Xiaoping dramatically changed the course of the relationship between governance and the economy, forming a mutually beneficial alliance with private and state-owned enterprises (Clark, 2008) and pursuing massive investment in infrastructure, including ports, transportation, housing and schools. Successive presidents and their administrations have supported this state capitalist approach. The results after 30 years of development have been stunning, with China growing its economy in an unprecedented fashion to become the second largest economy in the world.

State-owned enterprises and economic development

There are over 150,000 state-owned enterprises in China, which are operated at all levels of government, with some 75% of Chinese non-financial firms classified as state-owned or partially state-owned enterprises with government ownership of greater than 10%. The officials involved in these enterprises and others supporting them gain wealth and power in a mutually beneficial arrangement between the public and private sectors. Similar to the late 19th century in the US, politicians and public officials also enrich themselves through insider knowledge of the anticipated increase in the market value of land caused by rezoning, eminent domain, and public investments in transportation and infrastructure (*The Economist*, 2015).

While this state capitalism has brought about exceptional economic development, the success has been due in large part to cheap labour, poor environmental laws, and very limited social services and health benefits. The actual functioning of the economy reveals inefficiencies and rigidities through state-owned enterprises, restricted financial markets, and extensive economic rents to inefficient industries and corrupt politicians and officials (Yusuf, Nabeshima & Perkins, 2005; Huang, 2015).

This model of economic governance may be unsustainable as labour becomes more expensive, as the environment can no longer bear further unrestrained pollution, and as the large and growing middle classes demand better health and social services. Without addressing these problems, economic growth will slow and the political benefit of

economic success to the ruling Communist Party may begin to erode. Then President, Hu Jintao (2012), expressed this concern for the continued economic success and legitimacy of the party and government in his speech at the 18th Communist Party National Congress in 2012:

Reform of the political structure is an important part of China's overall reform. We must continue to make both active and prudent efforts to carry out the reform of the political structure and make people's democracy more extensive, fuller in scope and sounder in practice . . . If we fail to handle this issue [corruption] well, it could prove fatal to the party, and even cause the collapse of the party and the fall of the state.

A key question for governance and the economy in China is whether the country will undergo the kind of political, administrative and economic reforms characteristic of the US, South Korea and other countries. For some time, there has been an expectation that economic growth and prosperity will inevitably lead to more democracy and a fully market economy. As Lynch (2011) argues:

Pushback from mobilized groups in society seems a certainty. China in the 2010s is a changed country, thanks to decades of economic growth . . . Refusing to pursue political reform in these circumstances would encourage the appearance of increasingly radical views . . . and sharp criticism of the party-state.

Yet, China's leaders and the Communist Party so far have strongly resisted this path and there does not seem to be a growing democratic coalition for political reform in the country.

At the 18th Party Congress, Hu Jintao (2012) also made it clear that, while some economic and administrative reforms are necessary, China will not imitate democratic political systems. He went on to state that: "We should unwaveringly consolidate and develop the public sector of the economy, allow public ownership to take diverse forms, deepen the form of state-owned enterprises . . . and invest more state capital in major industries in key fields that comprise the lifeline of the economy and are vital to national security."

The current President of China, Xi Jinping, appointed in 2012, is cracking down on corruption in a top down process. He announced major reforms at the 18th National Congress and strengthened the Central Commission for Discipline Inspection (CCDI), making it independent of day-to-day political party operations and appointing Secretary Wang Qishan to head the agency. The CCDI has used public exposure methods to reveal corruption, including an anti-corruption anonymous report app with space to upload photographic evidence (*China Daily*, 2015).

President Xi Jinping is also supportive of a rapid growth in the professional training of civil servants in master of public administration programmes, which now number over 200 across the country. However, he seems to be following the strategy of Hu Jintao of maintaining extensive ownership of industry and firms by the government and continued large state capital investment (Keliher & Wu, 2015).

Privatisation, deregulation and social-environmental initiatives

China has over time deregulated and privatised various aspects of the state capitalist system. With the introduction of the dual-price system and greater autonomy for enterprise managers, productivity increased greatly in the early 1980s. Foreign enterprises and newly formed township and village enterprises, owned by local governments and often de facto private firms, competed successfully with state-owned enterprises. By the

1990s, large-scale privatisations reduced the market share of both the township and village enterprises and state-owned enterprises, and increased the private sector's market share. The state sector's share of industrial output dropped from 81% in 1980 to 15% in 2005 (Chakraborty, 2013).

China's leadership has recently pursued a strategy of deregulating interest rates, which indicates a movement away from state-directed investment, thus "marking a milestone in the government's push to let market forces set the price of money" (Wildau, 2015). While the government retains monopolies on major sectors such as oil and banking, in 2014 several industries were partially deregulated. In May 2014, the Ministry of Industry and Information Technology and the National Development and Reform Commission jointly issued a notice announcing the liberalisation of pricing for telecommunications services. In December 2014, the China State Council announced new corporate finance deregulation, doing away with geographic restrictions for Chinese companies issuing renminbi yuan bonds overseas (Narioka & Inman, 2014). In banking, reforms are evolving with new competitive lending and insurance efforts, and operational regulations are being softened as consumers can increasingly choose banks and have accounts in more than one bank (*The Economist*, 2015). In the area of consumer spending "State firms' return on assets is extremely low, relative to the cost of capital"; thus, "as China becomes a more service-dominated economy, there is an enormous opportunity to boost economic growth by reducing state control" (Davis & Lardy, 2014).

On the social front as well, China has pushed forward with reform efforts in health care and the environment. In 2009, the government announced the *Healthy China 2020* project to expand health insurance to 100% of the population, reform and restructure public hospitals, and reduce the disparities in service provision. By 2011, it had extended some form of insurance to 95% of the population, but only with low reimbursements and lack of coverage for many chronic diseases. In July 2015, Xi Jinping publicly stated a goal of effectively alleviating poverty caused by illness (*The Guardian*, 2015). Also, while China is home to 16 out of the 20 most polluted cities in the world, the government is increasingly taking more forceful action to address this major problem. In 2014, Xi Jinping "declared war" on pollution and introduced the first major revision to environmental law since 1989. The law gives greater enforcement authority to environmental agencies and places responsibility on individual companies and local governments for compliance. Local governments will no longer be measured by their economic growth alone, but will also be required to report measures of environmental progress through public disclosure (Duggan, 2014; Balme & Tang, 2014).

Internationally, China has developed the "one belt, one road" initiative, announced in October 2013 by Xi Jinping. It establishes a development framework connecting Eurasian countries through the silk road economic belt and the maritime silk road. The goal is to integrate economic development in these regions through trade and infrastructure investment with China. Supporting this strategy is the establishment of the Asian Infrastructure Investment Bank with over US\$100 billion in lending authority, and the silk road fund of US\$40 billion (Hofman, 2015).

In essence, China is on a course of reform that is seeking carefully to deregulate and privatise the economy, while investing large sums in social services, health care and the environment. Some aspects of this reform are influenced by civil society through NGOs, which now number over 2,000. In the environmental area, for example, Friends of Nature and Green Watershed are two NGO that have strongly advocated for environmental protections laws, including successful public interest lawsuits against

polluting companies. At the same time, there is no broad-based societal coalition advocating for political reform. Citing the state's clampdown on media critics and dissidents, Lardy concludes: "I fear it is the new normal. Xi clearly seems to believe that he can successfully combine economic liberalization and political authoritarianism" (Davis & Lardy, 2014).

Overall observations

The reform of economic governance in the West and in some Asian countries like South Korea have led to the transformation of highly corrupt state capitalism to much less corrupt, democratic governments with free market economies. Reform has dramatically privatised state-owned enterprises and deregulated the heavy role of governments in the regulation of prices and entry in the private sector. At the same time, reform has increased the regulation of competition through anti-trust and inter-state commerce regulations, and has produced much more regulation of worker rights, labour laws, environmental protection, safety, and civil rights. There has also been a major growth in macroeconomic policies to maintain full employment and stable economic growth.

Multi-pronged reform strategy

The success of the reform of governance and the economy in the US and South Korea has been due to a combination of political, administrative and economic initiatives. Political leadership has made a major difference at local and national levels alike. Reforms have fostered greater party and institutional competition, an increase in political participation, and the growth of civil society. In each case, grassroots societal coalitions of advocacy groups and political interests have supported and brought about change.

Reform has included significant changes in government organisation and management, including a greater role for professional values and expertise in governance and an advance in transparency and accountability. It has also produced semi-independent and non-partisan regulatory bodies, as well as a growth in education and training for a professional public service.

In each case, reform began with efforts to reduce the role of government in state-owned enterprises and to break the mutually beneficial relationship between corruption and private economic gain for politicians, officials and private firms. It progressed to the regulation of competition to prevent monopolies and oligopolies, and to a greater role for macroeconomic fiscal and monetary policy. Concurrently, governments have increased regulation of health, safety and the environment.

Has governance outrun government?

Reform of governance and the economy has produced unmitigated benefits and may even have been necessary for achieving an advanced global capitalist economy. In China, South Korea and Singapore, it does not appear that domestic governance has outrun government. More serious is the role of the global economic and financial system in outrunning government. In the US, however, domestic governance is of greater concern. Reform has brought about a diminished role for government and a greater role in public problem-solving for nonprofit organisations and business

enterprises. This new economic governance raises significant issues for the role of government in the US economy and society.

The waves of reform in economic governance in the US have produced advanced economic growth, innovation and world-leading entrepreneurship. It has also led to greater political participation and competition, and a growth in philanthropy and civic engagement. Since the great depression, the country has seen fewer and less volatile business cycles. Reform has reduced corruption, but some important pockets of corruption remain. The country also continues to suffer from political support for rent-seeking behaviour in several industries. Economists and political scientists have documented the pervasiveness of industry influence over, and even the capture by, regulated interests of the regulatory agencies (Stigler, 1971).

The third wave of economic reform in the US in the 1980s and 1990s focused on deregulation, a diminished role for labour unions, reducing taxes on the wealthy, and further privatising of government functions and services. Arguably, excessive deregulation and privatisation in banking and housing contributed to growing system risk, resulting in the financial crisis of 2008–2009 and the great recession (Knott, 2012). It has also greatly increased income and political inequality in the country and helped in the dramatic decline in private sector labour unions, including fewer worker protections and benefits.

Income inequality in the US in 1999 was the same as it was in 1915 (Piketty & Saez, 2003). In 2013, it was worse than in the early 20th century. Statistics on the average income of the top 1% compared with the average income of the 99% are particularly revealing in terms of growing income inequality during and beyond the third wave of reform. In 1920, the top 1% earned about 20 times the average for the 99%. During the 1950s to the 1980s, the top 1% earned about half that, or 10 times the average for the 99%. Between 1993 and 2012, the amount earned by the top 1% of income earners grew on average by 86.1%, while the 99% of income earners grew their earnings by an average of only 6.6%. The top 1% also captured 68% of the total economic growth from 1993 to 2012 (Saez, 2013). Statistics for 2012 indicate that the top 1% earned on average 30 times the average for the 99% (Sommeiller & Price, 2015).

The third wave of reform accelerated the “hollowing out” of the state by privatising many government services and functions on the assumption that the private sector is more efficient and competitive than government agencies (Milward & Provan, 2000). The resulting reduced and less effective role for government became and continues to be self-reinforcing, producing a continual decline in trust and a growing anti-government stance among segments of the population and business community.

While core economic regulatory agencies remain solidly governmental organisations, their macroeconomic role is challenged by several factors. In fiscal policy, the growth in entitlement social spending, the government’s budgetary deficits following the financial crisis, and under-funded pensions have produced huge public debt burdens, which limit government discretion in counter-cyclical fiscal policy. These factors have also reduced the role of government in infrastructure investment. In monetary policy, global financial flows, international trade, and a lack of global coordination have limited the influence of interest rate changes on economic development. The combined effect of such factors has been to limit the policy options and the influence of government policy on stabilising and growing the economy.

Conclusion

History shows that all liberal democracies have open, free market economies. It seems that a free, open private economy is a prerequisite for a liberal democracy. The reverse is not as clear. Many authoritarian countries also have market economies, although state capitalism and corruption tend to characterise the relationship between governance and the economy in these countries.

In most Western and various Asian countries, reform has brought a shift in the relationship between governance and the economy away from state capitalism that is corrupt, polluting and neglectful of social and health needs of workers and the population as a whole. Reform has been critical for achieving advanced stages of global economic development. In particular, administrative and economic reforms have brought corruption under control and fostered the development of a professional and competent civil service. The deregulation of financial markets and a reduction in state-owned enterprises have also benefited innovation and a greater efficiency of the economy. Governments have sustained legitimacy and support, especially with a growing and well-off middle class, by investing a greater portion of domestic product in environmental sustainability, health and social services, and cultural and arts development. These investments have led to a stronger, more diverse and well-trained public administration.

What is less clear is whether the reform of political institutions toward greater democracy and civic participation is crucial, despite the successful cases in the West and elsewhere. Can countries achieve sustained economic, social and environmental success without greater democracy and civic participation? While the democratic reform model is prominent in the West and some Asian countries, perhaps there are alternative models, such as Singapore, that are more authoritarian but generalisable to other, much larger countries, such as China.

Whether Singapore is unique still remains an open question. Singapore is a city-state, while China is the world's largest country in population. The governance challenge for China is how to sustain a top leadership capably devoted to economic development without the checks and balances of a fully democratic system. Where does the political will come from for pursuing a clean environment, worker safety, and health? Also, over time, as the middle class and consumer spending grow, as the governmental controls are reduced, and as the economy shifts to services away from industry, how does the authoritarian regime prevent the advance of a coalition for greater democracy?

A related question is how far do economic privatisation and deregulation need to proceed, including the privatisation of a wide array of governmental functions and services? In the US, the third wave of deregulation, tax reduction and privatisation of public services certainly produced efficiencies, innovation and substantial investment by the private economy. But it also increased inequality and contributed to the decline in the trust and legitimacy of government. Arguably for these reasons, the biggest governance challenge the US government faces may be a downward cycle of decay (Fukuyama, 2014).

Historically, advanced economic development has gone hand-in-hand with the democratic model of governance. However, if China's rise succeeds and the "China dream" concept proclaimed by Xi Jinping becomes reality by 2050, it will challenge the established understanding of the relationship between democratic governance and the economy (Lynch, 2015). The conclusion may be that there is no one right or single relationship between governance and the economy for achieving economic, social and environmental success, with different paths being able to achieve these results. Yet each

path is likely to have critical strengths and liabilities, as well as risks, in political freedom and participation, in innovation and entrepreneurship, in government legitimacy and effectiveness, and in the levels of taxation and equality.

Acknowledgement

I would like to thank Caroline Servat, a master's degree student in public policy at the USC Sol Price School, for her excellent assistance in the preparation of this article.

Disclosure statement

No potential conflict of interest was reported by the author.

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An Asian perspective on policy instruments: policy styles, governance modes and critical capacity challenges

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(Received 14 September 2015; accepted 30 October 2015)

Does Asia have a distinct policy style? If so, what does it look like, and why does it take the shape it does? This article argues that in the newly reinvigorated emphasis of policy studies on policy instruments and their design lies the basis of an analysis of a dominant policy style in the Asian region, with significant implications for understanding the roles played by specific kinds of policy capacities. There is a distinctly Asian policy style based on a specific pattern of policy capacities and governance modes. In this style, a failure to garner initial policy legitimacy in the articulation of instrument norms often results in later mismatches between instrument objectives and specific mechanisms for their achievement. The formulation of payments for ecosystem services policy is used to illustrate the capacities required for policy designs and action to meet policy goals effectively.

Keywords: Asian policy style; policy instruments; governance modes; policy capacity; payments for ecosystem services; environmental governance; Cambodia; China, Indonesia; Nepal; the Philippines; Thailand; Vietnam

Introduction

Over the last few decades, policy dialogues around the world have remained abuzz with topics of governance reform, with implications for how and what instruments of governance are chosen to address complex policy problems. Key sectors such as environmental policy have seen major shifts in governance styles, from the exclusive use of command and control regulatory instruments, to policy situations that are more conducive to market-based incentive-oriented mechanisms for controlling pollution (Jordan, Wurzel & Zito, 2005; Wurzel, Zito & Jordan, 2013).

While the 1980s and 1990s witnessed a general trajectory from deregulation and the use of more decentralised and market-oriented approaches to governance, the mid-2000s saw a turnaround in this trend as the shortcomings of the undiscerning anything-but-government movement became apparent. This, in turn, has led to yet another movement away from the synthetic bifurcation between pure hierarchies and markets towards more multi-layered forms of governance, combining elements of both and involving a variety of policy actors.

The ebb and flow of the two broad waves of governance reforms, and the lessons learnt from their shortcomings, have given rise to several new alternate governance

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forms. They range from pure hierarchical and market modes to more hybrid styles of metagovernance, each of which has its own particular requisites for success (Meuleman, 2008, 2009; Howlett & Rayner, 2007; Tollefson, Zito & Gale, 2012; Considine & Lewis, 1999; Peters, 1996; Howlett & Ramesh, 2015a, 2015b; Ramesh & Fritzen, 2009).

These developments represent alterations to the predominant governance modes found in different sectors and jurisdictions (Capano, Howlett & Ramesh, 2015). They involve both fundamental relationships between governmental and non-governmental actors and also distinct policy styles comprising preferences and patterns of policymaking and policy instrument selection.

While adequate evidence exists in the case of OECD countries suggesting there has been some convergence on a new market-oriented style and away from earlier legalist and corporatist modes of governing (eg., Majone, 1994; Jordan, Wurzel & Zito, 2003; Turner & Hulme, 1997; Jordana & Levi-Faur, 2004; Scott, 2004), the situation in Asia has been less clear, with the region being characterised by a great deal of governmental diversity in institutional structures, practices and regimes. Nevertheless, some efforts have been made to adapt the relevant concepts to the Asian context, especially in terms of identifying key implementation structures and practices common to and across countries (Woo, 2015).

This article continues the discussion, highlighting the general nature of policy styles and broaching the implications of any convergence towards a common Asian style. It links penchants for particular instrument uses to specific capacity needs and identifies the critical capacity areas or needs of governments professing to follow this style (Howlett & Ramesh, 2015b). Lessons are drawn concerning the likely success or failure of many initiatives taken by Asian countries in recent years and in the future.

Policy styles in theory and practice

Contemporary policy studies recognise that public policies typically result from the concerted efforts of multiple levels of government and other important policy actors to achieve policy goals through the use of policy instruments. Policy design entails the purposeful endeavour to articulate policy goals and link them with policy instruments that are expected to accomplish these aims (Majone, 1994; May, 2005; Gilibert & Lawford-Smith, 2012). It involves assessments of potential instrument use whose impacts and feasibilities are reasonably well-understood (Lasswell, Lerner & Fisher, 1951; Parsons, 1995, 2001). Accordingly, policy design is understood as a particular type of policy formulation involving the systematic analysis of the impacts of policy instruments on policy targets, as well as the application of this knowledge to the creation and realisation of policies that are expected to attain desired policy outcomes (Weaver, 2009, 2010; Bobrow & Dryzek, 1987; Bobrow, 2006; Montpetit, 2003).

Understandably, not all policy design processes can begin completely anew. Most are limited by historical legacies and can become weighed down by various inconsistencies and sunk costs linked to the existence of policy legacies or older generations of policy elements. Although some policy instrument arrangements can be more successful than others in creating a new, internally coherent combination, most designs are focused more on reform rather than replacement of existing compositions (Howlett & Rayner, 2007; Grabosky, 1994; Gunningham, Grabosky & Sinclair, 1998; del Rio, 2010).¹

In comparative public policy, the concept of policy styles is used to describe and explain the penchant for policymaking to occur in a similar way and with a similar outcome due to the presence of historical legacies and institutional structures which routinise decision-making (van Nispen & Ringeling, 1998; Richardson, Gustafsson & Jordan, 1982). That is, “policymakers develop characteristic and durable methods of dealing with public issues . . . [which] can be linked to policy outcomes and . . . systematically compared” using this concept (Freeman, 1985, p. 467).

Numerous case studies over the last three decades have highlighted the manner in which actors in policy processes have tended to “take on, over a period of time, a distinctive style which affects . . . policy decisions, i.e. they develop tradition and history which constrains and refines their actions and concerns” (Simmons, Davis, Chapman & Sager, 1974, p.146). In response, the concept of a policy style is useful not only for describing typical policy processes and deliberations, but also for capturing an important aspect of policy dynamics involving the relatively enduring nature of these arrangements. Thus, policy styles allude to institutional patterns of interaction between policy actors which lead to the generation of distinct implementation logics (Howlett, 2000, 2004; Richardson, Gustafsson & Jordan, 1982; Gustafsson & Richardson, 1980; Knill, 1999; Bekke & van der Meer, 2000).²

Policy styles have to do with the “observed preference of national governments for certain types of instruments given the nature of state-society relations existing in each nation” (Howlett, 1991, p. 16). A dialectic can be seen to exist, therefore, between policy formulators’ affinity for choosing particular bundles of instruments and how these choices are influenced by persisting policy styles (Howlett & Ramesh, 1993; Linder & Peters, 1989).

In considering the analysis of policy instrument use in Asia, this is a useful construct which can help overcome the considerable variation in regime type, history, political structure, and cultural practices across the region. Although there has been some dispute in the literature about the nature of these styles and their definition (Freeman, 1985; Richardson, Gustafsson & Jordan, 1982), many studies have suggested that governments have tended to converge on a similar style, both cross-sectorally (Freeman, 1985) and cross-nationally (Richardson, Gustafsson & Jordan, 1982; Kagan 1991, 2000; Kagan & Axelrad, 1997).

Is there a distinct Asian policy style?

A policy style can be thought of as existing as part of a larger policy regime or governance mode that emerges over time as policy succession takes place. National policy systems can be seen as the offshoots of larger national governance and administrative traditions or cultures (Dwivedi & Gow, 1999; Bevir & Rhodes, 2003), such as parliamentary or republican forms of government, and federal or unitary states. These lead to different concentrations of power in the central institutions of government, different degrees of openness and access to information, and different reliance on certain governing instruments.³

Such a regime includes not only the manner in which policy deliberations take place, but also the kinds of actors and ideas present.⁴ The regime or mode can be thought of as integrating a common set of policy ideas (a policy paradigm), a long-lasting governance arrangement (or policy mix), a common or typical policy process (a policy style), and a more or less fixed set of policy actors (a policy subsystem or policy

monopoly). Accordingly, it is a useful term for describing long-term patterns found in both the substance and process of public policymaking.

The general idea is that policymaking tends to develop in such a way that the same actors, institutions, instruments and governing ideas tend to dominate policymaking for extended periods of time, infusing a policy sector with both a consistent content and a set of typical policy processes or procedures. Although there are distinct sectoral policy issues that are linked to common approaches taken towards specific kinds of problems (Lowi, 1972; Salamon, 1981; Freeman, 1985; Burstein, 1991; Howlett, 2000), and while Freeman (1985, p. 468) has observed that “each sector poses its own problems, sets its own constraints, and generates its own brand of conflict”, many of these matters are epiphenomenal or nested within larger national styles or arrangements. That is, in each sector there are different configurations of societal actors, such as business, labour, special interest groups, think tanks and university centers, with different analytical capabilities and policy expertise, different degrees of independence with respect to funding, and different relationships with state actors (Lindquist, 1992); but these all operate within larger national boundaries.⁵

From this perspective, in looking for patterns of particular policy instrument use in a region like Asia, it is important to determine first if there is a common policy regime and style throughout the region; and if so, what it is. Any such common governance style would be a critical determinant of policy fit and the prospects for success or failure of any policy design, including significant change or reform. Thus, how can such a style be identified?

Governing is what governments do: controlling the allocation of resources among social actors; providing a set of rules and operating a set of institutions setting out “who gets what, where, when and how” in society; while at the same time managing the symbolic resources that are the basis of political legitimacy (Lasswell, 1958). In its broadest sense, governance is a term used to describe that mode of coordination exercised by state actors over social ones in their efforts to solve familiar problems of collective action inherent in government and governing (Rhodes, 1997; de Bruijn & ten Heuvelhof, 1995; Kooiman, 1993, 2000; Majone, 1997; Klijn & Koppenjan, 2000). That is, governance is about establishing, promoting and supporting a specific type of relationship between governmental and non-governmental actors in the governing process.

Policymaking and policy formulation, and hence policy instrument design and use, are heavily influenced by the precepts of the governance and administrative model constituting the operating environment of a policy style (Castles, 1990; Kagan, 1991; Vogel, 1986; Eisner, 1993; Harris & Milkis, 1989). In modern Asian countries, as in other societies, this means managing relationships with businesses and civil society organisations which are also involved in the creation of public value and the delivery of goods and services to citizens (Hall & Soskice, 2001). Although many permutations are possible (Howlett & Rayner, 2007; Tollefson, Zito & Gale, 2012; Considine & Lewis, 1999; Peters, 1996), ultimately there are four ideal types of governance relationships: the legal-hierarchical and market pure types and the network and corporatist hybrid types: see Table 1. Each of these ideal types corresponds to a particular policy style, defining the kinds of instruments commonly used to create and administer policies.

What is the situation in Asia with respect to these types? Some general patterns of instrument choice in Asia have been discernible since the late 1990s as a number of countries in Asia such as Vietnam, Thailand, Indonesia, China and the Philippines have

Table 1. Modes of governance by central mode of actor coordination and significance of state role.

		Significance of state role	
		Higher	Lower
Central mode of actor coordination	Hierarchical	Legal governance	Corporatist governance
	Plurilateral	Network governance	Market governance

adopted a decentralised approach to governance and have moved from a purely legalist regime towards one more amenable to market-oriented policy solutions (eg., Bardhan, 2002; Adhikari, 2009; George, Pierret, Boonsaner, Christian & Planchon, 2009; Dam, Catacutan & Hoang, 2014). Despite the range of experiences with devolved governance of environmental resources in Asia, many programmes have emerged with a common implementation logic surrounding the creation of policies that address environmental as well as poverty alleviation goals through compensation mechanisms. The experience with these programmes, similar to that with several others in the region in healthcare, pensions and education policy realms, reflect a corporatist policy style in the Asian context in which policy designs and instrument uses reflect overall governance orientations centred around the close and evolving ties between governments and the private sector (Beeson, 2014; Haggard, 1998; Cheung, 2005; Mok, 2006; Jayasuriya, 2001; Mok & Forrest, 2008).

Linking policy styles and policy success: the idea of critical policy capacities

While a discussion of broad policy styles has value, what are the implications for policy success and failure? It is pertinent to recognise the propensity for policy designs to utilise policy instruments congruent with a particular governance mode, such as a corporatist one in Asia. But simply selecting instruments and designs in this way does not ensure policy success.

Recent work on policy capacity outlines the fundamental nature of the skills and resources governments need to formulate and implement policy effectively (Howlett & Ramesh, 2015a, 2015b; Wu, Ramesh, Howlett & Fritzen, 2010; Rotberg, 2014; Bullock, Mountford & Stanley, 2001). The work highlights the inter-relationships between governance modes and policy styles and the competences and capabilities of governments in using the modes and styles.

The arrangements exist at three levels: individual, organisational and system (Wu, Ramesh & Howlett, 2015). Individually, those working for policy need to possess technical expertise for substantive policy analysis and the communication of knowledge, while necessary skills of those in management roles also include leadership and negotiation expertise. Individual political acumen for understanding the interests of various stakeholders and gauging political feasibility is also a fundamental capacity for successful governance. At the organisational level, information mobilisation capacities to facilitate policy analysis, administrative resources for successful coordination between policymaking agencies, and political support all contribute towards an overall policy capacity. At the system level, institutions and opportunities for knowledge creation and use need to exist alongside arrangements for accountability and securing political legitimacy. Altogether, nine forms of policy capacity can be distinguished at three functioning levels of a governance mode: see Table 2.

Table 2. Policy capacities and levels.

Level Capacity	Individual	Organisational	System
Analytical	1. Policy analytical capacity: knowledge of policy substance and analytical techniques and communication skills	2. Organisational information capacity: information and e-services architecture; budgeting and human resource management systems	3. Knowledge system capacity: institutions and opportunities for knowledge generation, mobilisation and use
Operational	4. Managerial expertise capacity: leadership; strategic management; negotiation and conflict resolution	5. Administrative resource capacity: funding; staffing; levels of intra-agency and inter-agency coordination	6. Accountability and responsibility system capacity; rule of law; transparent adjudicative system
Political	7. Political acumen capacity: understanding of the needs and positions of different stakeholders; judgment of political feasibility	8. Organisational political resource capacity: politicians' support for the agency; levels of inter-organisational trust and communication	9. Political economic system capacity: public legitimacy and trust; adequate fiscal resources

Source: adapted from Howlett and Ramesh (2015a, 2015b).

With respect to assessing the likely capacity determinants of success or failure in any policy style, including the Asian corporatist style, the central question is: what is required for each of the ideal governance modes to operate effectively? In general, governments would like to enjoy high levels of capability and competence in all aspects of capacity in order to enjoy high capacity to perform their policy functions. Each of the various types of policy capacity is fundamentally important for any system of governance to function well. Shortcomings in one or a few of the dimensions may be offset by strengths along other dimensions, but no government can expect to be capable if lagging along many dimensions (Tiernan & Wanna, 2006). At the extreme, for example, governments may find themselves overburdened with economic problems or social demands so that hierarchical governance – comprising a policy framework whereby the most important actors are government and the state implements policies by ordering and sanctioning – may no longer prove to be an efficient or effective form of governance.

Some shortfalls in capacity are especially critical in specific modes of governance and constitute their “Achilles heel” (Menahem & Stein, 2013). For example, in recent years in many jurisdictions the default reform often adopted by governments seeking to improve upon hierarchical governance has been to turn to a market or network mode of governance (Weimer & Vining, 2011). However, in order to function effectively, markets require stringent yet sensible regulations that are diligently implemented. These are conditions that are difficult to meet for many governments and in many sectors due to a lack of sufficient analytical, managerial, and/or political competences and capabilities. Technical knowledge, for example, is thus a critical competence required for market-based governance. Analytical skills at the level of individual analysts and policy workers are key, and the policy analytical capacity of government needs to be espe-

cially high to deal with complex quantitative economic and financial issues involved in regulating and steering the economy and preventing crises (Rayner, McNutt & Wellstead, 2013).

Legal systems of governance similarly require a high level of managerial skills in order to avoid diminishing returns with compliance or growing non-compliance with government rules and regulations (May, 2005). System level capabilities are especially crucial in this mode of governance because governments will find it difficult to command and control in the absence of the trust of the target population. Recruiting and retaining honest and altruistic leaders, however, is often difficult for the public sector for a variety of reasons (British Cabinet Office, 2001), while the cumbersome accountability mechanisms put in place in the public sector to prevent corruption and abuse of powers also promote risk aversion (Hood, 2010). These problems need to be comprehended, with this element of policy capacity being enhanced through a greater accountability and responsibility system capacity (Aucoin, 1997).

While network governance may perform well when dealing with sensitive issues such as parental supervision or elderly care (Pestoff, Brandsen & Verschuere, 2012), in other instances civil society may not be well enough constructed, coordinated or resourced to be able to create beneficial network forms of governance (Tunzelmann, 2010). Networks, for example, can fail when governments encounter capability problems at the organisational level such as a lack of societal leadership, poor associational structures, and weak state steering capacities which make adoption of network governance modes problematic. As Keast, Mandell and Brown (2006) have noted, networks raise severe managerial challenges at the level of competences: "Networks often lack the accountability mechanisms available to the state, they are difficult to steer or control, they are difficult to get agreements on outcomes and actions to be taken, and they can be difficult to understand and determine who is in charge". A recurrent problem faced by efforts to utilise network governance is that the routines, trust and reciprocity which characterise successful network management (cf., Klijn & Koppenjan, 2012) take a long time to emerge. Such relationships cannot simply be established by fiat as with hierarchy, or emerge spontaneously in response to forces of demand and supply as with markets. Networks are thus hard to establish where none exists already, and a very critical capacity issue for network governance is the managerial expertise capacity needed to establish and maintain them.

Each of these gaps highlights the need for adequate capacity in critical areas for a specific kind of governance system to achieve its potential. Specific governance modes are prone to specific types of failure caused by specific capacity shortages in critical areas required for that mode to function. For corporatist regimes, such as those common in Asia, effective administrative structures and processes and the level of coordination are vital. Inspired by conceptions of the chain of command in the military, corporatist regimes or reform initiatives stress hierarchy, discipline, due process, and clear lines of accountability. At the level of capabilities, corporatist modes of governance require a great deal of coherence and coordination to function effectively due to horizontal divisions and numerous hierarchical layers found in their bureaucratic structures (Lehmbruch & Schmitter, 1982; Wilensky & Turner, 1987). Unlike markets where prices perform some essential coordination functions, coherence and coordination must be actively promoted in corporatist forms of governance and combined with political skills in understanding large scale stakeholder needs and positions (Berger, 1981; Lehmbruch & Schmitter, 1982). Hence, organisational political capacity is critical and a *sine qua non* of successful performance for the corporatist mode of governance.

An illustrative case: payments for ecosystem services policy in Asia

The relationships discussed above and the need for high levels of organisational political capacity in corporatist regimes are illustrated by examples from payments for ecosystem services (PES) policies in the region. According to the Millennium Ecosystem Assessment (2005), ecosystem services are defined as the aggregate benefits people derive from natural systems. Included under the broad classification of ecosystem services are provisioning services such as food, water and timber; regulating services such as water quality, carbon sequestration and climate regulation; cultural services such as recreation; and supporting services such as nutrient cycling and soil creation (Millennium Ecosystem Assessment, 2005; Engel, Pagiola & Wunder, 2008).

It is evident that, apart from the provisioning services that can be classified as market products, most of the other benefits obtained from ecosystem services occur as positive externalities and are, therefore, under-provided by the economy alone, making the provision of these services a policy-oriented initiative. In addition, these services emerge out of the preservation of natural capital which conflicts with most economic activities such as intensive agriculture that leads to its extraction and depletion. Also, unclear property rights linked with natural resources and a lack of ecosystem knowledge pose threats to the provision of ecosystem services. This is a major issue in newly decentralised states in Asia such as Indonesia where land tenure irregularities have led to several instances of conflict (Engel, Pagiola & Wunder, 2008; Leimona, van Noordwijk, de Groot & Leemans, 2015; Suyanto & Leimona, 2005).

Although a singular definition of PES does not yet exist in policy forums, the services are generally understood to be “voluntary transactions, where a well-defined environmental service [or land use likely to secure that service] is being ‘bought’ by an ecosystem service buyer from an ecosystem service provider if and only if the service provider secures service provision [conditionality]” (Wunder, 2007, p. 48). Consistent with this definition, PES systems follow a principle of conditional payments to address and assign value to conserving natural resources that secure various ecosystem services such as those that “forest owners generate for others with no direct rewards to themselves through the market” (de Janvry & Sadoulet, 2004, p. 2). By using compensation to link the interests of landowners and external actors, the implementation of a PES programme acknowledges the often difficult trade-offs between the conservation and transformation of ecosystems (Wunder, 2007).

While the very core of PES policies and programmes in Asia and elsewhere reflects an evolving preference for private rather than state modes of environmental conservation, the assumption is that buyers and sellers of an environmental service can arrive at mutually beneficial agreements. The programmes have emerged as a mechanism to secure environmental services by transforming positive externalities linked with environmental conservation into financial incentives for local providers. This has not been possible without public sector support. Whether in terms of law enforcement, creating a market infrastructure or formal recognition of resource ownership and extraction, the regulating and coordinating role of public intervention has been critical to the success of PES programmes and underlines the corporatist nature of these arrangements (Bayon & Jenkins, 2010; Pirard, 2012; Yin, Liu, Yao & Zhao, 2013; McElwee, Nghiem, Le, Vu & Tran, 2014; Pirard, de Buren & Lapeyre, 2014).

In the Asian context, the modern development of market-based PES programmes finds itself very much embedded in a policy space defined by the strong history of legal instruments and hierarchical institutions of governance particularly when it concerns

state-led environmental policy activities (Jayasuriya, 2001; Gillespie, 2014). Environmental policy design in the region over the last few decades has reflected a range of hybrid arrangements, with policies and programmes based on PES principles occurring as a part of what environmental policy scholars refer to as “heterogenous systems of environmental governance” (Quitrow, Holger & Jacob, 2013).

Despite the variety of environmental concerns and stakeholders involved in these programmes in the region, the general common design components of PES policy in Asia can be identified: see Table 3. Most of the broad PES principles, such as the under-provision of ecosystem services by the economy and an assumption that a state-supported, market-based instrument can address the shortcomings of centralised regulation, are reflected in the high-level policy goals (cell 1, Table 3) that inform these programmes. In addition, the motivation for formulating PES policies in the Asian context results from a general idea that by espousing compensation mechanisms for mainly rural ecosystem service-supplying communities, PES programmes can address both environmental conservation and poverty alleviation goals (Leimona, van Noordwijk, de Groot & Leemans, 2015; Swallow, et. al., 2009).

At the broadest level of PES policy design, political capacities especially at the organisational level can have several effects on how well government agents are able to coordinate the interests of different stakeholders and facilitate the accurate mapping of general policy aims to overarching implementation logics. According to the Food and Agriculture Organization (FAO, 2014), annual incomes from PES policies in the Asian region constitute almost half of the global total. Despite a wide variety of slightly different hybrid arrangements in Asian countries that strive to incorporate market-based instruments in strong hierarchical realities, the capacity constraints related to the design and effective execution of PES policies are very similar (Leimona, van Noordwijk, de Groot & Leemans, 2015; Adhikari, 2009).

First, undermined political legitimacy at the initial stages of design can lead to imbalances between the understood rights and roles of politicians, administrators and programme subjects. For example, in China with state actors taking on the role of intermediaries, along with buyers through state-owned companies as well as regulators at the district levels, government actors find themselves having to represent multiple interests (Scherr & Bennett, 2011; Bennett, 2008). While designing regular management interventions may be necessary in order to ensure the sustainability of PES programmes, arbitrary intercessions can weaken the smooth operation of instruments. For example, in conflict situations involving sub-governments, community level sellers and private sector buyers in Indonesia, the central government has had to revoke ad hoc the mediating rights of district governments, thus leading to obstructions in the functioning of some PES programmes (Wunder, et.al., 2008). Similarly, as highlighted in their review of the PES experience in China, Scherr and Bennett (2011, p. 14) comment that “sufficient regulatory oversight and legal frameworks are necessary to protect both ecosystem service providers and buyers when developing contractual agreements . . . ; however, at the same time, exclusive government control of ecosystem services markets risks crowding out potentially significant sources of conservation finance”.

Second, an incomplete understanding of the needs and priorities of various stakeholders may limit the effective functioning of both political actors and administrators, while limiting stakeholder participation. As has been evinced in some PES programmes in the Philippines and Indonesia, the emphasis on monetisation of services can create mismatches in situations where financial gains are not the main reason for communities to join, with the communities instead being socially motivated to

Table 3. Components of payments for ecosystem services policy in Asia.

Policy content	Policy-level abstraction	Programme-level operationalisation	Specific on-the-ground measures
Policy aims/ends	<p>1. Policy goals: what general types of ideas govern PES policy development in Asia?</p> <ul style="list-style-type: none"> • Ecosystem services, or the benefits that people derive from natural systems, need to be secured by policy as they are not accounted for and, therefore, are undercut by the economy • Benefits of decentralised, market-based instruments can address the shortcomings of central command and control systems • PES policy instruments can address both environmental and poverty alleviation goals 	<p>3. Programme objectives: what do PES policies in Asia formally aim to address?</p> <ul style="list-style-type: none"> • Specific environmental service targets related to: <ul style="list-style-type: none"> ○ biodiversity conservation, where buyers pay landowners to set aside biologically rich areas ○ watershed protection, where state-owned or private water supply companies compensate upstream farmers to control erosion, sedimentation and flooding ○ landscape/seascape aesthetics, where payments are forwarded to local communities to conserve national park buffer zones through entrance permits or ecotourism concessions 	<p>5. Operational settings: what are the specific on-the-ground requirements for PES policies in Asia?</p> <ul style="list-style-type: none"> • Review of ecological sites or zones covered under programme • Fixing local parameters for selected environmental services • Calculations of environmental baselines, both with project and business as usual • Building institutions for budget management and monitoring of financial transactions • Accountable and transparent selection of buyers and sellers
Policy instruments	<p>2. Instrument logic: what general norms guide PES policy implementation preferences in Asia?</p> <ul style="list-style-type: none"> • Compensation mechanisms link the interests of landowners (sellers of service) and 	<p>4. Programme mechanisms: what specific types of instruments are used in PES programmes in Asia?</p> <ul style="list-style-type: none"> • Compensation and transfer mechanisms: 	<p>6. Instrument calibrations: what are the specific ways in which PES instruments are used?</p> <ul style="list-style-type: none"> • Adjusting contract terms

(Continued)

Table 3. (Continued).

Policy content	Policy-level abstraction	Programme-level operationalisation	Specific on-the-ground measures
<ul style="list-style-type: none"> ○ external public or private actors (buyers of service): <ul style="list-style-type: none"> ○ agreements are voluntary between incentive optimising participants ○ the buyer of the service pays, thus creating a measurable demand for the service ○ the PES transaction increases the supply of the service beyond what it would have been under normal regulatory compliance ○ payments are conditional to the service being delivered ○ management interventions are necessary for continued service delivery and avoidance of leakages 	<ul style="list-style-type: none"> ○ individual contracts or group funds with designated group representatives <ul style="list-style-type: none"> • direct financial payments ○ eco-certification of products and price premiums ○ ad-hoc rewards or share of royalties ○ in-kind payments such as training, capacity building, capital gains 	<ul style="list-style-type: none"> • based on ecological sensitivity over time • Monitoring environmental service provision based on both scientific and local knowledge concerning: <ul style="list-style-type: none"> ○ water sampling ○ sedimentation flows • Adopting flexible terms for compensation and risk management 	

participate (Lapeyre, Pirard & Leimona, 2015; Leimona, van Noordwijk, de Groot & Leemans, 2015; van Noordwijk, et. al., 2012). A similar mismatch between broad PES policy principles and implementation logics can be caused in situations where the policies are used to meet other strategic political ends, furthering existing government regulations (Peluso & Lund, 2011). An example of this is indicated in the analysis of Vietnam's PES policies which, while engaging co-financing from private and international organisations, do not result in a creation of market institutions, but rather "in additional financial resources to implement the government's own policies in forest protection" (Suhardiman, Wichelns, Lestrelin & Hoanh, 2013, p. 96).

Third, a lack of political capacities to judge the feasibilities of PES policies at the local level can result in miscalculations without a solid understanding of stakeholder opportunity costs. PES programmes in Nepal, the Philippines and Indonesia have shown that the strict conditionality principle is less ideal than a compensation or co-investment principle that creates more equal sharing of risks. This is especially so in the event of environmental disasters that can undo the work done by stewards to secure the supply of the environmental services being considered and, thereby, jeopardise the transfer of conditional payments (Leimona, van Noordwijk, de Groot & Leemans, 2015).

Concluding comments

All governments are concerned with policy success and failure. One source of failure stems from the mismatches between policy design elements which can occur when particular designs of policy instruments and the governance mode or policy style these instruments are to function within do not fit well with each other. These mismatches often result when critical governance capacities are deficient, leading to the compromised success of the entire instrument design process that follows.

In the Asian case, many sectoral policy regimes manifest aspects of an overall governance mode based on corporatist arrangements, which results in many policy designs and instrument uses being heavily influenced by the mode of governance and thus reflecting a policy style congruent with it. This finding allows the specification of some conditions or pre-conditions for effective policy design in countries and sectors featuring this arrangement. A common cluster of administrative challenges has been encountered, especially in the arena of environmental governance. Mainly, the gap between the design and effective implementation of decentralised policies for environmental management concerns "the division of labour and benefits between levels of government; the willingness of higher levels to grant authority to lower levels in practice; the complexity of [forest-related] requirements that communities are unable to fulfil; and the lack of institutional capacity and financial resources at the local level to carry out the devolved responsibilities" (Colfer, Dahal & Moeliono, 2012, p.1). An underlying lack of trust between the various levels of administration, different stakeholders, and the policy targets at the community level has been identified through experience in Asia as being a major hurdle in the way of the success of many policy schemes (Capistrano, 2012). This highlights the need for high levels of a particular policy capacity, in this case organisational political capacity, linked to the requisites of the particular policy style.

These matters are well illustrated by the case of ecosystem services policies in Asia. As To, Dressler, Mahanty, Pham & Zingerli (2012, p. 237) appreciate, although at first glance such schemes may appear to be market-based, since "PES schemes create a

market for ecosystem services, such markets must be understood not simply as bold economic exchanges between ‘rational actors’, but rather as exchanges embedded in particular socio-political and historical contexts to support the sustainable use of forest resources and local livelihoods”. PES policy development in Asia thus represents a situation where political capacities, especially at the organisational level, may be enough to determine the strength of the overall governance capacity situation.

As the PES experience demonstrates, and consistent with current theory development on governance capacity (Howlett & Ramesh, 2015a, 2015b), organisational political capacity concerns become critical for hybrid governance types such as those prevalent in environmental governance in Asia. Studies in countries such as Vietnam, Cambodia and the Philippines all allude to the important role of political legitimacy for PES programmes, as offered through secure land tenure regimes, legal support, and government issued financial regulations. These are all essential for constructing a clear framework for PES implementation and evaluation (McElwee, Nghiem, Le, Vu & Tran, 2014; Suhardiman, Wichelns, Lestrelin & Hoanh, 2013).

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes

1. A key notion in this regard is that of “layering” (van der Heijden, 2011) or the changes made over time only to some components of an existing policy arrangement through institutional patterns that emerge over long periods of time
2. The work on policy styles has resulted in a number of categorisations for analytically distinguishing between national policy patterns such as those favouring implementation that is defined by either enforcement or consultation, or based on whether policy change factors that are either radical or non-radical (Richardson, Gustafsson & Jordan, 1982; Gustafsson & Richardson, 1980; Freeman, 1985). This work has brought to light the numerous hurdles in the way of employing this lens for comparative work, as policy styles can vary within nations by problem areas and even by policy making stages (Freeman, 1985).
3. Civil service organisations have rules and structures affecting policy and administrative behaviour such as the constitutional order establishing and empowering administrators, as well as affecting patterns and methods of recruiting civil servants and how they interact with each other and the public (Bekke, Perry & Toonen, 1993). A parallel argument can be found in the field of regulation. Knill (1999) states that regulatory styles are defined by “the mode of state intervention” (hierarchical versus self-regulation, as well as uniform and detailed requirements versus open regulation allowing for administrative flexibility and discretion) and the mode of “administrative interest intermediation” (formal versus informal, legalistic versus pragmatic, and open versus closed relationships). van Waarden (1995) argues that “National regulatory styles are formally rooted in nationally specific legal, political and administrative institutions and cultures. This foundation in a variety of state institutions should make regulatory styles resistant to change, and hence from this perspective one would expect differences in regulatory styles to persist, possibly even under the impact of economic and political internationalisation”.
4. In work on social policy, for example, Esping-Andersen found “specific institutional arrangements adopted by societies in the pursuit of work and welfare. A given organisation of state–economy relations is associated with a particular social policy logic” (Rein, Esping-Andersen & Rainwater, 1987). Similarly, in work on US policymaking, Harris and Milkis (1989, p. 25) found regimes developed as a “constellation” of ideas justifying governmental activity, institutions that structure policymaking, and a set of policies. Eisner (1993, p. xv) defines a regime as a “historically specific configuration of policies and institutions which establishes certain broad goals that transcend the problems” specific to particular sectors.

5. Similarly, Allison (1971) and Smith, Marsh and Richards (1993) have argued that the “central state is not a unified actor but a range of institutions and actors with disparate interests and varying resources” and, therefore, there may not only be different degrees of coherence within the state, but also different cultures of decision-making and inclusion of outside actors with respect to policy development (collaboration, unilateral, reactive) in different sectors. There are agency-level organisational factors that affect policymaking, with policy being shaped by the nature and priorities of departments and agencies (Wilson, 1989; Richardson, Jordan & Kimber, 1978; Jordan, Wurzel & Zito, 2003) which have distinct organisational mandates, histories, cultures and programme delivery and front-line challenges (Lipsky, 1980; Hawkins & Thomas, 1989).

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Humanitarian NGOs as instruments, partners, advocates and critics in the governance of international humanitarian response: complementary or conflicting roles?

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(Received 14 September 2015; accepted 23 November 2015)

Non-governmental organisations (NGOs) play an important role in the governance of international humanitarian response as implementing partners to governments and international organisations, as advocates, and as critics. They face challenges in reconciling their role as implementing partner with their responsibility to promote principles of international humanitarianism, such as humanity, impartiality, neutrality and independence. But this tension can be managed to ensure effective assistance to those in need. Governments and international organisations should welcome the role of NGOs in the governance of humanitarian response, given the expertise and resources that NGOs provide. To improve integration of effort and overall effectiveness, governments and NGOs should work to establish greater communication and enhanced procedures for coordination, especially given the increased engagement by non-traditional donor governments in the provision of humanitarian aid.

Keywords: humanitarian NGOs; instruments; governance; international humanitarian response; humanitarian imperative; humanitarian principles; China; Iraq; Syria; United States; Vietnam

Introduction

A public letter of February 2011 – entitled “NGOs in humanitarian response: implementing partners and much more” (Schwartz, 2011a) – articulated a particular US-based perspective on the role of the non-governmental community in the engagement of humanitarian response and the provision of humanitarian aid. The essence of the perspective was that: “Not only are NGOs crucial for assistance delivery, they also provide crucial information and analysis – often strongly critical analysis – for policy development and advocacy.” They “enjoy a rich partnership” with the US State Department’s Bureau of Population, Refugees and Migration, as well as with other offices of government (and similar agencies in other donor countries). The partnership “ultimately results in enhanced services to vulnerable populations, more comprehensive information from the field, and smarter policy decisions.”

Staffed by both Foreign Service officers and civil servants, the Bureau of Population, Refugees and Migration has a budget of some \$3 billion (US Department of State, 2015a, p. 164) and is accountable to the US Secretary of State and, ultimately, to the President. NGOs are not accountable in the same way and this creates some

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important questions for policy about the role of NGOs in the governance of international humanitarian response. What principles and practices should guide NGO representatives and governments in their relationships with one another? How can NGOs and governments best address governance issues concerning institutional integrity and accountability, as well as effective collaboration between NGOs and governments in the organisation of humanitarian response?¹

The governance question for NGOs: is collaboration with governments and international organisations consistent with the principles of humanitarian action?

Since NGOs are now involved in the business of governance broadly defined, there are some fundamental questions that NGO leaders must ask about their relationship with governments in the provision of humanitarian assistance. Should they accept support from governments at all? If so, what should NGOs expect of governments in response to NGO concerns about accepting government funds?

Humanitarian and security imperatives

According to an important document developed by a coalition of international NGOs, the “humanitarian imperative” means “that action should be taken to prevent or alleviate human suffering arising out of disaster or conflict, and that nothing should override this principle” (The Sphere Project, 2011). NGOs and NGO coalitions, such as InterAction in the US and the International Council of Voluntary Agencies (ICVA) in Geneva, informed by the work of the International Committee of the Red Cross (ICRC, 1965), have worked over the years to establish NGO codes of conduct in humanitarian action designed to ensure the most equitable and generous provision of life-saving relief. These codes and the evolving concept of ethics in humanitarian response have meant that humanitarian action should take place consistent with the principles of humanity, impartiality, neutrality and independence. As Barnett (2011, p. 33) writes:

Humanity commands the attention of all humankind. Impartiality demands that assistance not be . . . on the basis of nationality, race, religious belief, gender, political opinion, or other considerations. Neutrality demands that humanitarian organizations refrain from taking part in hostilities or from any action that either benefits or disadvantages the parties to the conflict. Independence demands that assistance not be connected to any of the parties directly involved in the conflict or who have a stake in the outcome.

Government engagement with and support of NGOs involved in humanitarian response does create risks with respect to each of the principles – and the principle of independence in particular. Indeed, these principles have often come under considerable stress, both before and after they were identified and endorsed by many NGOs. For example, whether in Vietnam in the 1960s and 1970s, Central America in the 1980s, or the Balkans in the 1990s, US NGO providers of US-funded humanitarian assistance were often operating in support of US national security policy, with all the attendant questions about fidelity to the principles (Barnett, 2011).²

To be sure, national or international security imperatives need not necessarily conflict with humanitarian imperatives. But it seems clear that when other considerations come into play, the risks of undermining the humanitarian imperative do indeed increase. Will need always be the paramount goal? Does the association of an NGO with a government that is a party to a conflict limit the capacity of that NGO to reach all those in need, even if that is the genuine goal? These are critically important

questions. At the same time, it is far from clear that the best answer to the challenges involved is a complete separation between NGOs and governments that support much of their work.

Government resourcing of NGOs

A practical question concerns the magnitude of resources that governments are in a position to provide, a magnitude that NGOs cannot now match. Of the estimated US \$25 billion in humanitarian assistance provided globally to vulnerable populations each year, the bulk of this assistance comes from governments (Development Initiatives, 2015). Were humanitarian NGOs to rely solely on private contributions, the assistance would represent only a small fraction of the world's current efforts to help those in need. Moreover, given the limited capacity of most donor governments to distribute assistance without the help of non-governmental partners, a refusal of NGOs to accept aid might only result in a transfer of responsibilities to contractors with less expertise and less understanding or appreciation of humanitarian principles in assistance delivery.

To address the challenges created by associations with governments, one alternative might be for NGOs to turn from donor governments to international organisations for assistance; indeed, organisations like the United Nations High Commissioner for Refugees (UNHCR) and the World Food Program (WFP) already have substantial and significant partnerships with NGOs. Their mandates and missions are more exclusively focused on the humanitarian imperative than are the mandates and missions of governments. But this does not completely solve the problem, as the major sources of funding for these UN funds and programmes are a relatively small number of donor governments, and especially the US which provides the WFP with on average about 40% of its resources (WFP, 2015) and the UNHCR with a similar proportion of its funds (UNHCR, 2015a, 2015b).³

Sensitivity of government officials to key humanitarian interests and objectives

Of potential comfort to NGO leaders concerned about the implications of their engagement with governments, government officials involved in international humanitarian response can be quite sensitive both to the humanitarian imperative of providing assistance without prejudice based on need, and to the need to insulate humanitarian assistance from aid that more narrowly serves national security or foreign policy imperatives. In the case of the US, this is not particularly surprising, as many of the senior officials who have worked in recent years in the US government on humanitarian issues have themselves come from the NGO sector, broadly defined. For example, Anne Richard, the US Assistant Secretary of State for Population, Refugees and Migration as of November 2015, came to the position from the International Rescue Committee, a prominent international humanitarian NGO. Her boss, Sarah Sewall, who was serving as US Undersecretary for Civilian Security, Democracy and Human Rights in November 2015, came to the post from the Carr Center for Human Rights Policy at Harvard University; and Nancy Lindborg, who served as USAID's senior humanitarian official for most of the Obama Administration, came to that job from the US NGO, Mercy Corps.

For US government officials trying to make the case for such use of taxpayer dollars, the rationales for why the protection of the most vulnerable should be at the centre of policymaking are many and varied. For example:

First, there is the moral imperative – and the simple policy goal of saving lives: the people of the United States and, in particular, the US Congress have demonstrated unequivocal support for generous efforts to alleviate human suffering, and we have a profound responsibility to make good use of the resources they have provided. Second, we have the strongest interest in sustaining US leadership, the policy benefits of which include enabling us to drive the development of international humanitarian law, programs and policy like no other government in the world, and to leverage critical support from others. Third, it is crucial that we build sustainable partnerships with key friends and allies and their populations, as well as the populations of our adversaries, where the generous provision of humanitarian aid can break down negative stereotypes and images of the United States and communicate US support for responsible overseas engagement. And finally, we have the key goal of promoting reconciliation, security and well-being in circumstances where despair and misery threaten not only stability, but also critical national security interests of the United States (Schwartz, 2009a).

Without trying to suggest that in the execution of humanitarian policies there are no tensions within government between humanitarian and foreign policy imperatives, there is indeed evidence that the former are taken quite seriously. In the case of the US, the bulk of the funds of the PRM Bureau is not focused on bilateral programmes, but instead is directed at four international humanitarian organisations: the UNHCR, the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), the ICRC, and the International Organization for Migration (IOM) (US Department of State, 2015a; UNHCR, 2015c; UNRWA, 2014; ICRC, 2015; Financial Tracking Service, 2015b). While ongoing dialogue between US officials and all of these organisations ensures that US policy perspectives influence their activities, the bulk of this support is not project-based, but rather is programme support for what are usefully described as core operations less susceptible to political micro-management. Moreover, a close look at the US government-UNHCR framework agreement that serves as guidance for the overall US-UNHCR relationship reveals a focus not on foreign policy and national security priorities, but rather on issues that have occupied the time and attention of the international humanitarian community in recent years, such as overlooked vulnerable populations of concern, populations in protracted vulnerable situations, gender-based violence, and urban refugees (US Department of State, 2014).

Again, this is not to suggest that non-humanitarian foreign policy objectives do not impact resource decisions in the international humanitarian sphere. But even in the case of US contributions for humanitarian aid for displaced persons in Iraq through the UNHCR, those contributions reflected a response not simply to a US definition of humanitarian requirements, but rather to an international appeal and need that the UNHCR had itself validated. Similarly, it is difficult to argue credibly that significant contributions to the UNHCR elsewhere, such as to humanitarian operations in many refugee-hosting African countries that are of less direct national security concern for policymakers, are designed for anything other than addressing humanitarian imperatives. In 2014, for example, it is estimated that the US government provided US\$458 million to the UNHCR for its work in Africa (Financial Tracking Service, 2015c).

Lessons and requirements concerning government-NGO engagement

If government support and engagement with NGOs is inevitable, and if seeking fidelity to the principles of international humanitarianism is a worthwhile objective both for the international common good and the sustainability of viable and effective NGO engagement with governments, what practical lessons can be drawn about government-NGO engagement in this realm? This issue is of particular importance now, as the population

of donor governments begins to change with the gradual growth of aid efforts from non-traditional providers of humanitarian assistance, including governments in the Arab world and Asia. By one estimate, Persian Gulf countries more than doubled their contributions to global humanitarian assistance between 2013 and 2014, from US\$0.8 billion to US\$1.7 billion (Development Initiatives, 2015). Also, as China continues to make claim to international political leadership, there will be increasing demands for China not to use its foreign humanitarian assistance as a mercantilist instrument of foreign policy, but rather as a vehicle for establishing leadership through international good citizenship.

So, how best can stakeholders take advantage of donor government assistance while preserving the integrity of international humanitarian assistance? First, there is the simple value of broad acceptance by donor governments of established principles regarding best donor practices in international humanitarian response. A “good humanitarian donorship initiative”, supported formally by more than 40 donor governments, has articulated 23 principles of “good humanitarian practice”, including an affirmation of the principles of humanity, impartiality, neutrality and independence, as well as an admonition that “humanitarian funding should be allocated in proportion to needs and on the basis of needs assessments” (Good Humanitarian Donorship, 2013). Governments should respect these principles, encourage their endorsement by non-traditional providers of humanitarian assistance, and be prepared to engage with one another on evolving norms in this area. Most of the non-traditional donors, including China, are not members of this initiative, and they should be encouraged to associate themselves with it and its principles. This would enhance the potential for effective partnerships.

Second, governments should be prepared to channel a greater degree of their international assistance through public international organisations such as the UNHCR, WFP, UNICEF and others, all of which work closely with NGOs. Such channeling of assistance does not guarantee against politicisation, but it does create barriers to interference with organisations whose missions include fidelity to humanitarian principles. This kind of support also better ensures coherence in overall international response.

Third, NGOs and governments should sustain a vibrant policy dialogue on all relevant issues, so as to ensure they are the object of dedicated review and assessment. One such area for dialogue should be the very definition of humanitarian assistance, as some have suggested that sustaining the principles of humanity, impartiality, neutrality and independence is both most feasible and most critical in the case of government-provided aid to NGOs designed to save human life and well-being in times of crises. Other kinds of government-provided aid to promote broader economic and political reconstruction through, for example, promotion of elections or security sector reform is inherently more politicised and perhaps should in some manner be separated from life-saving relief.⁴ On the other hand, such a separation to ensure preservation of the principles could conflict with the principle that the process of early recovery should begin even as the relief phase is still underway. Thus, providers who can assist in both phases may be in a better position to promote a more seamless transition from relief to recovery. The potentially varied approaches in this instance illustrate the importance of continued discussion among NGOs and between NGOs and governments.

The governance question for governments: what role is there for humanitarian NGOs as partners, critics and advisors?

As the US and other governments consider their relationships with humanitarian NGOs, how should they seek to include NGOs in the processes of governance? Also, how

should the varying roles of NGOs impact the thinking of governments in this regard? These questions recognise that, in the US and a number of other countries, humanitarian NGOs find themselves involved with governments as implementing instruments and partners, as public critics, and as public advocates. These differing roles are usefully addressed with reference to some pertinent cases which highlight important issues and concerns involved.⁵

Advocates with vested interests? The US State Department's reception and placement grant experience

The State Department's Bureau of Population, Refugees and Migration (BPRM) has major responsibilities for the US refugee admissions programme through which more than two million refugees have been resettled in the US over the past three decades or so (US Department of State, 2015b).⁶ The BPRM, working with the UNHCR, identifies individuals and groups that will be considered for US resettlement and provides support for these individuals prior to their departure for the US. In addition, funds are made available to ease the initial integration of newly arriving refugees into the US through what is termed a "reception and placement grant" (US Department of State, 2015c), after which federal and state domestic agencies provide longer term, albeit limited, support.

The refugee admissions programme has provided new opportunities for refugees from dozens of countries experiencing conflict and denial of basic rights around the world. Refugees from Burma, Bhutan, Iraq, Liberia, Somalia, Sudan, Vietnam and many other countries have benefitted from this programme. By 2009, however, the programme was increasingly being criticised by NGOs and others for providing inadequate support for newly arriving refugees, with the criticism coming in particular from groups that were provided funds by the State Department as partners in assisting the arrival of the refugees (LIRS, 2008). Thus, in a statement issued on behalf of the Refugee Council USA, a coalition of US NGOs focused largely on refugee resettlement in the US, US refugee advocate Robert Carey argued that "several recent studies (from Lutheran Immigration and Refugee Services, the International Rescue Committee and Church World Service) have found the Reception and Placement Grant [of US\$900 split between the refugee and support agency] to be insufficient for covering refugee needs . . . , and does not reflect the true cost of resettlement" (Carey, 2009).

In response and in the light of evidence from relevant NGO representatives and others, a memorandum was sent to the US Office of Management and Budget, which reviewed the BPRM's budget submission. It stated that:

I cannot authorize any program if I am not convinced that the package of assistance we are offering to those whom we do resettle is adequate. We need to offer an R and P grant of at least \$1800 (divided between the agencies and the refugees) . . . I fully recognize that additional resources for admissions would come at a cost to PRM's overseas humanitarian assistance programs . . . I am willing to make this trade-off because of our compelling obligations. In short, the White House and the President [have] willingly incurred special responsibilities by promoting and authorizing a program designed to bring people to our country and give them a chance for a brighter future. We are not obliged to guarantee their success, but we are obligated to ensure we do not settle them into misery (Schwartz, 2009b).

With the ultimate concurrence of government colleagues whose agreement was essential, and with the support of congressional staff, the US government implemented a

doubling of the per capital grant in January 2010 (US Department of State, 2010). The reaction from the non-governmental community focusing on the well-being of newly admitted refugees was enthusiastic and unequivocal. The then-incoming president-elect of the Lutheran Immigration and Refugee Services (LIRS, 2010) welcomed the news, calling it “wonderful” and noting that the increase would “significantly enhance Lutheran Immigration and Refugee Service’s ability to help refugees get started on the road to successful integration”. Similarly, an official of Church World Services in Washington called the increase “the biggest thing that has happened for the refugee program since it was created in 1980” (Lyon, 2010). The Refugee Council USA (RCUSA), a coalition of NGOs that focus in large measure on issues of refugee resettlement, wrote to Secretary of State Clinton, praising the measure and expressing their hope that this “increase in the R & P grant will be a continuation of the strong partnership that refugee organizations have with the State Department” (RCUSA, 2010).

There was little or no opposition to the decision to double the grant, though one small organisation, Friends of Refugees (which refers to itself as a US refugee resettlement programme watchdog group), did question it, or at least the way it was made and the role of the NGO community in advocating for the change (Coen, 2010). In particular, the organisation suggested that the resettlement agencies that administer the reception and placement grants⁷ and which were advocating for increased support had a vested interest in that support – and, therefore, a conflict of interest – and thus were not the most credible sources of information on which to base a policy decision. This was a fair question to raise. Is it reasonable for NGOs that serve as implementing partners to governments also to serve as policy and programme advocates when they arguably have a vested interest in the outcome of that advocacy? In fact, if critics were looking for at least circumstantial evidence that the NGO community had too much influence over government decision-making, they could note the similarity between NGO recommendations about increased financial assistance and the ultimate decision that was made. The LIRS (2008) had called for an increase to US\$1,500 in financial assistance, while the RCUSA had called for an increase to US\$1,800 (Carey, 2009).

It may be fair to argue that humanitarian NGOs, whether they provide assistance to resettled refugees in countries like the US, or whether they provide aid to displaced Syrians in Jordan, might have a vested interest in greater levels of support for their operations – if vested interest means an interest in institutional preservation that stands apart from the stated missions of the organisations. It may also be fair to argue that even without such a narrowly defined interest, a humanitarian NGO’s mission compels its officials to advocate for policy options that do not take into account competing demands for resources that public officials confront. But in these respects, NGOs are no different than public international organisations that provide assistance, are supported by governments, and serve as advocates and critics at the same time. For example, in March 2015, the UN High Commissioner for Refugees, Antonio Guterres, bemoaned the wholly inadequate international response to the humanitarian crisis in Syria, arguing that “humanitarian assistance budgets are vastly insufficient to meet even the most basic needs” (UNHCR, 2015e). It could easily be argued that the High Commissioner had a vested interest in financial support for the institution he leads. At the same time, he and the UNHCR, like the leaders of international humanitarian NGOs and their staff, have the benefit of field presence, analytical capacity and years of experience, such that the capacity of any government to address international humanitarian challenges would be severely compromised by any effort to prevent expert partners from offering perspectives on critical issues.

This is not to suggest that organisational interests cannot impact decision-making, with some commentators even arguing that humanitarian organisations are inclined to inflate reports of suffering in view of their desire to obtain support from governments and the public (Walker, 2001). But rather than bar organisations that have analytical capacity and advocacy operations from engaging in the policy discussion in circumstances where their organisations may have financial, institutional and mission-related interests in outcomes, a far better solution is to operate in circumstances of transparency – with full disclosure to the public and to legislators of the partnerships between NGOs engaged in advocacy and the government or governments they are seeking to influence.

More importantly, government officials and other decision-makers are not unaware of the arguably vested interests their NGO partners may have in securing additional resources.⁸ Just as it would be a mistake to assume the NGO community or any outside advocate should play a determinative role in any official decision, it would similarly be an error to discount the perspectives of individuals and institutions with the closest connections to those who should be benefiting from the provision of services.

The reception and placement grant experience illustrates some of the challenges surrounding the role of NGOs that receive government assistance and serve as implementing partners and, at the same time, play both advisory and public advocacy roles. The benefits of such engagement outweigh concerns by government officials about a conflict of roles. The benefits include the provision of creative policy options that may have otherwise eluded policymakers, the highlighting of neglected humanitarian issues, and the encouragement of vital discussion and debate on critical issues even when the outcome of that debate might not meet NGO expectations. The following three cases illustrate these benefits.

Screened out Vietnamese asylum-seekers in camps in Asia

In 1995, NGO advocates devised a plan for the resettlement of thousands of Vietnamese asylum seekers who remained in camps in Southeast Asia.⁹ These were asylum seekers who had fled Vietnam, had been screened for refugee status in first asylum countries pursuant to a “Comprehensive plan of action for Indo-Chinese refugees” (CPA) negotiated between the UNHCR, governments in the region and resettlement countries, and had been deemed not to merit protection (UNHCR, 1996). Under the terms of the CPA, these individuals were to be repatriated to Vietnam, but a number of the NGOs – including NGOs that played a role as implementing partners in the US resettlement programme – had concerns about the fairness of the screening procedures and believed some re-examination of these cases were in order. While these advocates would have also supported direct resettlement from first asylum countries into the US of re-examined cases that proved meritorious, there were concerns that any such re-examination and direct resettlement of individuals who had already been denied refugee status would encourage additional boat departures from Vietnam. Moreover, it was far from clear that the governments in Asia hosting asylum-seekers would permit such a direct resettlement programme of individuals who had been denied refugee status; and there was concern that talk of such a programme had the potential to create expectations and, if those expectations were frustrated, unrest in the camps.¹⁰

Faced with this situation, NGOs in the US developed a novel proposal in which screened out Vietnamese asylum seekers who were willing to return to Vietnam would be granted a US resettlement interview after their return to Vietnam. The proposal

provided the US and other countries a possible means to ensure a peaceful and successful outcome to the CPA that might ultimately have eluded them. The Clinton Administration essentially adopted the proposal and, following two years of negotiations, the US and Vietnam ultimately agreed on terms for this arrangement, which helped to diminish resistance to returning to Vietnam and resulted in the resettlement of thousands of Vietnamese in the US. This was an example of a policy solution initiated and developed from the NGO community, which then effectively advocated for its adoption by the government.¹¹

Displaced Iraqis and Iraqi refugee resettlement

Whatever the view of the US intervention in Iraq, few policymakers in the US seem to contest the proposition that the US has had a moral obligation to provide humanitarian assistance and resettlement for at least some of the Iraqis displaced by conflict or otherwise at risk. However, there was no large-scale resettlement programme for Iraqis until 2007, with that programme beginning in large measure after strong public engagement and advocacy by US NGOs.

Humanitarian aid increased and, by fiscal year 2010, the numbers of Iraqis resettled in the US annually had increased to 18,016 (US Citizenship and Immigration Services, 2013). This increase was due in large part to expressions of concern by members of Congress and by NGOs that were drawing attention to the humanitarian situation in Iraq and encouraging generous policies of refugee assistance and refugee resettlement. While one organisation that played a key role in this overall education effort, Refugees International (2010), is not a US government implementing partner, most of the other NGOs that were engaged in this effort were indeed implementing partners receiving US government funds to aid in resettlement.

One such organisation was the International Rescue Committee (IRC) which, in March 2008, issued a report of a commission it had established on Iraq based on a fact-finding mission to the country. The report called for a large increase in US assistance, and noted that “the United States must take the lead in providing safety to tens of thousands of Iraqis” (IRC, 2008). Subsequently, in a press release that accompanied a follow-on report a year later, the IRC was unequivocal in its language, declaring that the “flawed US refugee admission program is failing Iraqi refugees” (IRC, 2009). It called for an overhaul of the US resettlement system.

There have been differing views on the nature of the growth of the US resettlement programme for Iraqis that took place between 2007 and 2010, and some commentators have argued that the effort has been inadequate or misdirected (The List Project, 2015). But there is little question or doubt that the non-governmental humanitarian community played an important role in bringing these issues to the attention of policymakers and the public, and in encouraging the increases in admissions that occurred.

Syrian refugees and displaced persons

By October 2015, humanitarian NGOs in the US were deeply engaged in sharp criticism of the US for what they claimed to be an inadequate response to the challenge posed by the massive exodus of Syrian refugees. In early September 2015, leaders of many resettlement organisations were sharply criticising perceived US inaction and strongly urging the Administration and lobbying members of Congress to provide admission to up to 100,000 Syrian refugees in 2016 (RCUSA, 2015).

The views of these NGO leaders are not shared by all Americans or all American politicians, some of whom have strongly opposed a significant increase in such resettlement (Livengood, 2015). The latter gained support when the 13 November ISIS attacks in Paris provoked expressions of opposition within the US Congress and among US governors to the continuation of Syrian resettlement. Nonetheless, here again, NGOs, including many that serve as implementing partners of the government, have played an important part in highlighting a key issue and helping to ensure that policymakers will more fairly wrestle with the issue of the US role in responding to the most significant forced migration in many decades.

NGOs and the organisation of the international community for international humanitarian response

While NGOs in the US often find themselves involved in discussion with policymakers on the nature of appropriate policy responses, there is no broad and formal mechanism in the US for NGO involvement in the governance of humanitarian response. By contrast, in the international sphere the role of NGOs as implementing partners and policy advocates has been recognised through some degree of inclusion in the formal processes of governance. In terms of the magnitude of NGO activity, there is a logic to such recognition. According to *The Global Humanitarian Assistance Report* published by UK-based Development Initiatives, about one-fourth of the estimated US\$22 billion in worldwide humanitarian assistance in 2013 came from private contributions (Development Initiatives, 2014), with that figure possibly underestimating the role of NGOs as much of the government assistance is provided to NGOs.

Over the past 25 years, United Nations member organisations have sought to enhance organisational arrangements and coherence in international humanitarian response, and the role of NGOs has been part of that effort. Through UN General Assembly Resolution 46/182 (UNGA, 1991) on “strengthening of the coordination of humanitarian emergency assistance of the United Nations”, member states sought to strengthen UN Secretariat-led coordination through the creation of the position of emergency relief coordinator and the creation of a consolidated appeal process, among other measures. Beyond this, the Resolution created an inter-agency standing committee (IASC) to help manage the overall challenges of humanitarian response, as a matter of both policy and practice. Also, while the Resolution indicated that “relevant non-governmental organizations can be invited to participate on an *ad hoc* basis,” organisations made up exclusively or primarily of NGOs, such as the International Council of Voluntary Agencies, InterAction, and the Steering Committee for Humanitarian Response, are “standing invitees” of the IASC (2015). The IASC (2015) has indicated that “in practice, no distinction is made between ‘Members’ and ‘Standing Invitees’”.

This effort to incorporate NGOs is also reflected in the UN cluster system, established as a result of a 2005 humanitarian response review that concluded that the international system of humanitarian response required far greater organisation, coherence and accountability (Humanitarian Response Review Team, 2005). The cluster system is designed to deal with the most challenging and complex international humanitarian crises, dividing functional responsibilities into eleven areas: health, logistics, nutrition, protection, emergency shelter, water, sanitation and hygiene, camp management and coordination, early recovery, education, emergency telecommunications, and food security. In each cluster, one or two lead agencies are “responsible for ensuring response capacity is in place and that assessment, planning and response activities are carried

out in collaboration with partners and in accordance with agreed standards and guidelines” (UN Office for the Coordination of Humanitarian Affairs, 2015). NGOs participate in the clusters and in one case (the education cluster), the NGO Save the Children shares leadership responsibilities with UNICEF.

The UN cluster system has yet to distinguish itself as a model of organisation, as reflected in critical reports on the coherence of a number of international humanitarian responses in recent years (Humphries, 2013). Moreover, NGOs have many and varied concerns about the system, relating to their inclusion and, conversely, their independence, among other issues. But the simple fact is that if it did not exist, governments would probably have to invent it or something like it, with NGOs playing a role in this effort.

Future challenges

What are the principal governance challenges relating to engagement between government and public international organisations, on the one hand, and the non-governmental community, on the other, in the area of international humanitarian response? Five key challenges are particularly significant.

First, there is the overall challenge of building an environment of trust that enhances the capacity of collaboration for achieving policy objectives. In this respect, while some governmental information cannot easily be shared with NGOs, transparency is an important objective. In addition, humanitarians in government and in public international organisations often serve as advocates within their institutions, and NGOs can be valuable allies and supporters of humanitarians within government.¹² Some government officials may understandably wonder why they need to promote transparency and trust with institutions that can be quite critical of government action. They may also wonder why they should partner with and fund such organisations when it might be simpler to find for-profit contractors to carry out government-supported humanitarian programmes without complaint. But moving in that direction would deprive governments of valuable sources of information from individuals and institutions that have enormous expertise and share humanitarian mission objectives. Officials do well to develop thick skins and not only tolerate critical policy assessments, but welcome them.

Second, there is the challenge of creating institutions of governance involving official institutions and NGOs.¹³ Unfortunately, at the international level and in the US at the domestic level, there are significant and substantial challenges to governance even among official agencies themselves. The humanitarian institution in the UN Secretariat, the Office for Coordination of Humanitarian Assistance, has had difficulties playing a management and coordination role in general, which has been made more complicated by the existence of multi-billion dollar UN voluntary funds and programmes, like the UNHCR and WFP, which operate with great independence. Similarly, within the US government, the State Department’s PRM bureau has overlapping responsibilities with the US Agency for International Development’s Bureau for Democracy, Conflict and Humanitarian Response. This has created some significant institutional challenges which complicate the question of how NGOs might be more effectively included in governance.

On the international organisation side, the UN system has gone further than the US government in formally recognising roles for NGOs in the process of governance, with NGO representatives, for example, being included on its lists of potential humanitarian coordinators deployed to lead humanitarian responses around the world (UN Office for

the Coordination of Humanitarian Affairs, 2015). Similarly, the IASC has incorporated the NGO community into its structure. But coordination remains a serious and substantial challenge. Moreover, while there have been efforts to integrate the perspectives of NGOs in the field into UN-coordinated operations, those efforts are still very much a work in progress. They are further complicated by the challenge of coordination between the UN and international agencies, on the one hand, and national, regional and local governments as well as local NGOs, on the other.

The US has much to learn from the experience of NGOs engaged in humanitarian issues, and has not taken a forward-leaning approach on the issue of humanitarian NGO involvement in governance. For example, NGOs called some years ago for a very modest measure comprising the establishment of “a joint consultative process [of] quarterly meetings with the NGO community to discuss ways to advance humanitarian reforms” (Refugees International, et. al., 2010), but those meetings were never established. To be sure, when NGOs are receiving government funds to serve as implementing partners, there is regular and structured contact and communication with government officials for the purpose of reporting results. Moreover, some officials do make use of ad hoc opportunities for engagement and dialogue. But there is merit in the US government, and possibly other governments, considering the replication of features of the IASC in domestic governance of humanitarian response.

Third, there is the challenge of defining the nature of NGOs’ participation in governance. The assumption behind much of this discussion is that NGOs should have a seat at the table in the formulation of broad policy and development of programmes. But the nature of that possible role is far from clear. Of course, with respect to funds they have privately raised for humanitarian programmes, NGOs do not have to answer to donor governments in the implementation of programmes. That, however, is not the case with funds provided to NGOs by governments. In either case, it would seem that a structure for ongoing engagement and coordination, and even shared governance of a sort, would enhance the coherence of overall responses.

Fourth, there is the challenge of accountability. On one level, the question of accountability of an implementing partner of a government or international organisation is relatively straightforward, involving whether or not the NGO in question has complied with the provisions of the grant arrangement or the contract. But NGO engagement in international humanitarian response means that the issue of accountability is far more complex. In its broadest sense, accountability represents the willingness of an NGO to be held responsible to a broad array of stakeholders for its activities. The NGO community has wrestled with several issues surrounding this responsibility. One concerns to whom NGOs are accountable. Donor governments, international organisations and governments of countries receiving assistance all have legitimate expectations of NGOs, but NGOs have increasingly argued that the populations being provided with assistance are the most important stakeholders. In addition, for what are NGOs accountable, and how should their performance be measured? Also, what should be the consequences of a failure to perform, and who should make the relevant determinations?

These questions have occupied the time and attention of humanitarian NGOs for many years. The sphere standards and the 2014 core humanitarian standard on quality and accountability (CHSQA, 2014) are two efforts to develop and impose best practices for engagement with stakeholders and performance. Similarly, during the Asian tsunami response, the Office of the UN Special Envoy for Tsunami Recovery and InterAction partnered with the American Red Cross, Care-US, the International Medical Corps, the International Rescue Committee, Mercy Corps, Plan-USA, Refugees International, Save

the Children-US, and World Vision-US on an NGO impact initiative that examined key accountability issues, including the question of effective engagement with local communities (NGO Impact Initiative, 2006). In essence, the accountability issue continues to occupy the time and attention of humanitarian NGOs, and most in the NGO community believe strongly that these are issues with which the community itself should be grappling – perhaps with the advice and engagement of governments and international organisations with an interest in the issue (as was, for example, reflected in the NGO impact initiative), but not under the supervision or authority of governments.

A final broad challenge for governance concerns NGOs and new government entrants into the world of humanitarian assistance, a challenge recognised some years ago (Development Initiatives, 2011) and one that is playing out in the Syrian response (Development Initiatives, 2015) and elsewhere. Governments beginning to play a role in this area, such as those in the Arab world, and those that are being encouraged to do more such as China, played little role in the development of an international humanitarian response system that they are now being asked to support, including one that envisions a role for NGOs in governance. Many of these governments are authoritarian in nature without vibrant NGO sectors or traditions receptive to NGO involvement. With greater investment in humanitarian assistance by these governments and with greater exposure to the work of NGOs in the field, it is to be hoped that these governments will develop a keener understanding and appreciation of NGO involvement in decision-making. At the same time, relatively new government actors in humanitarian assistance will have legitimate expectations about influencing the nature of NGO involvement in governance. UN officials and officials from traditional donor governments can play a role in fostering dialogue in this area.

Concluding observation

The community of international and local NGOs around the world is not only actively involved in humanitarian assistance, but also engaged in the governance of international humanitarian response. This is inevitable and comes with substantial benefits for all concerned. The challenge is to define the nature and magnitude of that engagement across many different local, national and international contexts. That is no easy task, but the progress on this critical issue will impact the well-being of tens, if not hundreds, of millions of people around the world.

Disclosure statement

No potential conflict of interest was reported by the author.

Notes

1. The focus of this discussion and the examples used result largely from my former experience as a practitioner who, in the course of a professional career that began in 1985, has held positions addressing human rights and humanitarian responses at institutions such as Human Rights Watch, the US National Security Council and State Department, and the United Nations Secretariat. While most of the examples relate to US government experience, I believe the conclusions drawn may offer broad lessons on humanitarian policy for other donor governments, international NGOs, public international organisations, and stakeholders in aid-receiving countries.

2. I was on the staff of the National Security Council during the Kosovo conflict in 1999, and had responsibilities for international humanitarian affairs when Kosovars were fleeing into Macedonia and Albania and NATO was engaged in the humanitarian response. While the humanitarian imperative certainly informed decision-making, there is no question that an effective humanitarian response to the crisis was seen by senior officials as critical to the overall effort to win the war with Serbia. Failure to provide adequate refuge to those fleeing Kosovo would have raised additional questions about the wisdom of the NATO air campaign and would have undermined international support.
3. It is clear that governments providing those funds do influence the operations of the international humanitarian organizations. The PRM Bureau that I led had an ongoing policy dialogue with the UNHCR on priority issues and concerns; and, for example, heavy UNHCR engagement in Iraq after 2003, when the US had strong interests in addressing humanitarian issues, was largely funded by the US (Financial Tracking Service, 2015a). In sum, one cannot avoid completely the issue of government connection with NGO activity by arguing that public international organisations operate with complete independence from donor governments – though, as I suggest below, public international organisations can still play an important role in promoting the integrity of humanitarian aid delivery.
4. For a detailed description of this distinction between life-saving relief and other forms of aid, see Barnett and Snyder (2008).
5. Here I draw on experience during two assignments in the US government. Much of my work involved refugee issues in general, and refugee resettlement in particular, so the cases I discuss concern those issues. Of course, there are thousands of examples of broad and deep NGO engagement with the US government in the humanitarian sphere, so conclusions emerging from the cases I describe remain tentative. Nonetheless, they do illustrate patterns that exist throughout civilian institutions of the US government that address international humanitarian response.
6. This is known as “third country” resettlement, whereby governments, working largely with the UNHCR, make decisions to facilitate the entry and permanent residence of individuals who have a well-founded fear of persecution, have fled their countries of origin, and have been residing in countries of temporary refuge.
7. As of August 2015, there were nine US national resettlement agencies with local affiliates. They include Church World Service, the Ethiopian Community Development Council, Episcopal Migration Ministries, HIAS, the International Rescue Committee, Lutheran Immigration and Refugee Service, US Committee for Refugees and Immigrants, United States Conference of Catholic Bishops/Migration and Refugee Services, and World Relief (UNHCR, 2015d).
8. In the case of the reception and placement grant, my own perspectives were certainly influenced by the views of the non-governmental community, but were also informed by the information provided to me by my own staff, and by my own interactions with resettled refugees and with stakeholders in local communities. That is as it should be.
9. This case concerns one of my first experiences in incorporating an NGO proposal into government policy, while I was serving on the staff of the US National Security Council. It is discussed in greater detail in Schwartz (2002).
10. For background on these issues, see the Congressional Record of the Joint Hearing of the Subcommittees on International Operations and Human Rights and Asian and Pacific Affairs (Congressional Record, 1995).
11. As a relatively young NSC staff member, I was deeply influenced by the experience, which has over some 20 years informed my own perspectives on the creativity and talent in the NGO community and its value to officials in government.
12. As a practitioner, I often considered these factors in my own engagement with NGO stakeholders. For example, in 2011, at a time when the US Congress was considering action that would reduce US overseas assistance significantly, I authored a public note to NGO partners and others, noting that I found “myself deeply concerned – even heartbroken – by the prospect of proposed humanitarian aid reductions of historic and devastating proportions” (Schwartz, 2011b). I went on to describe the programmes that would be sacrificed with the cuts in a not-so-subtle effort to help garner NGO support for efforts to thwart them. But frankness also requires a willingness to share information about bad news, as I sought to do in a subsequent newsletter, when I attempted to be frank about how security screening

procedures were limiting our capacity to move quickly to resettle Iraqis in the US (Schwartz, 2011c).

13. This challenge became particularly apparent to me in the context of the Asian tsunami response, when I served as the UN Secretary General's Deputy Envoy for Tsunami Recovery. Out of a US\$14 billion aid effort, private contributions constituted some US\$5.5 billion (Tsunami Evaluation Coalition, 2006, p. 14). There was an enormous proliferation of NGO organisations in affected countries, far beyond the capacity of the UN to coordinate them easily.

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Alignments of instruments and action in governance: a synthesis – revisited and extended

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(Received 15 September 2015; accepted 29 January 2016)

This synthesis concludes this Special Issue (II) by revisiting and extending the synthesis which concluded Special Issue (I) in December 2015. The focus is again on instrument-action alignments in governance in terms of their nature, pervasiveness and warranting. Of particular interest are inherent challenges of diversity, interconnection and responsibility which require appreciative, integrative and legitimation capacities. These challenges and capacities, involving their form, significance and intertwining, are central to the thematic interests and concerns of the Special Issues.

Keywords: instruments; action; governance; diversity challenge; interconnection challenge; responsibility challenge; appreciative capacity; integrative capacity; legitimation capacity

Introduction

The synthesis concluding Special Issue (I) in December 2015 begins with three interrelated propositions on the importance, respectively, of alignments of instruments and action in the structuring and dynamics of governance; of action involving instruments in the addressing of problems, needs and demands of a society and economy; and of instrument design, use and evaluation in the fostering of responsible and legitimate action in the public interest (Thynne, 2015, p. 264). The propositions underpin the Special Issues. They highlight significant aspects of the nature, pervasiveness and warranting of the alignments, as addressed in the December synthesis and again in this companion synthesis in revisited and extended form.

This time, the nature, pervasiveness and warranting of the alignments are seen as embodying diversity, interconnection and responsibility challenges which, correspondingly, require appreciative, integrative and legitimation capacities. The challenges and capacities together embrace all features of the alignments. The challenges are interconnected, with the capacities being complementary and mutually supportive. The challenges entail understanding and sense-making, in respect of which the capacities are crucial for responding and achieving results.

As the nature, pervasiveness and warranting of the alignments are addressed here in terms of inherent challenges and corresponding capacities, reference is made to the other articles in this Special Issue, as well as to other analyses. The articles and other

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analyses consider many matters of sectoral and systemic importance from theoretical and practical perspectives. Understandably, only a select few of the matters can be brought together in this discussion.

The nature of the alignments: diversity challenge and corresponding appreciative capacity

Instruments and action in governance are aligned in ways that involve instruments concomitantly being means, centres and results of action in numerous arenas of institutional-organisational activity within and across the state, market and civil society as interlocking sectors (Thynne, 2015, pp. 265–268). As means, instruments are bases of action; as centres, they are integral components of action; and as results, they are outputs and outcomes of action. This triality of alignments, while significant even when limited in form and application, is all the more significant given the existence of many such alignments, which in turn are often aligned in differing and overlapping configurations. A consequence is a complex mix of alignments embodying a challenge of comprehending and coping with diversity, which requires a sound appreciative capacity.

Instruments and action: diversity challenge

Alignments of instruments and action as means, centres and results are founded in instruments and action being decided on, in action being taken in the use of instruments, and in instruments and action being reviewed. These broad, interdependent phases of an instrument-action process concern various types of instruments and action aimed at key bases of different types of goods and services: see Figure 1. The relationships are

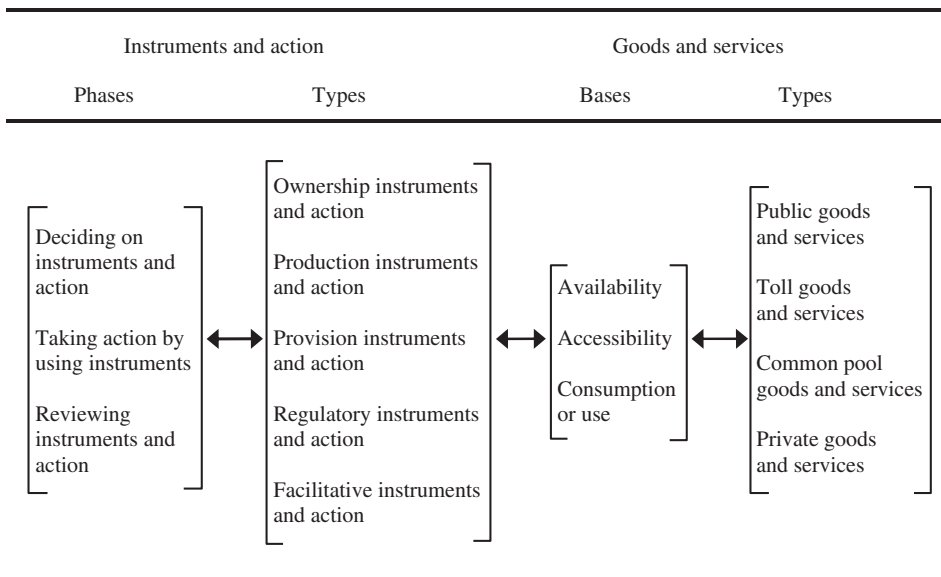


Figure 1. Instruments, action, goods and services.

multi-dimensional, and also multi-directional beyond what the arrows in the figure suggest, with relationships both horizontally and vertically among types of goods and services, their bases, and the instruments and action addressing them. The relationships highlight and confirm the challengingly diverse scope and reach of the alignments in governance (Thynne & Peters, 2015, pp. 74–77).

Types of goods and services as the foci of instrument-action alignments are distinguishable as public, toll, common pool and private, based on whether they are naturally available or consciously made available, whether or not access to them can readily be restricted, and whether or not their consumption or use actually or effectively renders them unavailable for subsequent consumption or use (Thynne & Peters, 2015, pp. 74–77; cf., Ostrom & Ostrom, 1977, pp. 7–17; Weimer & Vining, 2011, pp. 72–91; Hood, 1986a, pp. 1–6). This recognition of their being varyingly available, accessible and consumed or used makes them susceptible to many different combinations of ownership, production, provision, regulation and facilitation, with each combination potentially comprising a variety of instruments and action directed at expanding or limiting availability, fostering or impeding access, and encouraging or dissuading consumption or use, coupled with necessary maintenance or replenishment initiatives. The result is further confirmation of the diversity of instruments and action as a significant feature of governance.

Combinations particularly of ownership and regulation with an array of instruments and action are central to the governance of an economy, including the possibility of divestment and deregulation of goods and services in one area of it being accompanied or countered by alternative investment and regulation in that or some other area. This is appreciated by Knott with reference to where investment in infrastructure and the strengthening of employment and environmental regulation have occurred at the same time as, or been in response to, the selective divestment of state-owned enterprises and the deregulation of banking, finance, telecommunications and transport. The experience illustrates how the change or reform pendulum concerning instruments and action can simultaneously swing in opposite directions in governance.

The payments for ecosystem services addressed by Mukherjee and Howlett entail combinations especially of provision, facilitation and regulation. The payments are facilitated, while also being regulated, by buyer-seller agreements and associated funding agreements, which themselves are facilitated and regulated. The agreements cover services involving, for example, the provision of food and water, the facilitation of soil and water enrichment, and the regulation of land use and climate impacts. Such services are open to various instruments and action in the pursuit of effective environmental governance.

Combinations of provision and facilitation are also considered by Schwartz concerning responses to humanitarian crises. Government-NGO partnerships facilitate the provision of humanitarian assistance to many people in need. They do this through a matching of service funding with service delivery, supported particularly by experience-based information, deliberation and analysis as essential facilitative instruments and action in humanitarian governance.

All combinations, along with instruments and action, are shaped by how states conceive their roles and develop the necessary response capacities, as acknowledged by Milward. The type of regime, history, culture, political forces, socio-economic circumstances, and numerous other factors coalesce in differing ways to create the contexts, arenas and tapestry of governance.

Instruments and action: appreciative capacity

The diversity of instruments and action in governance involving means, centres and results heightens the importance of organisational knowledge of the choices available and of the reasons for the instruments and action that are decided on, taken and reviewed in many arenas. The knowledge concerns their fitness for purpose in terms of declared policy objectives as affected by contextual forces and the characteristics of the goods and services being addressed. As such, it is very dependent on comprehensive research and analysis of their actual or likely effects, accompanied by sound reasoning, assessment and communication.

The acquisition and application of this knowledge are the core of an appreciative capacity, which is informed by ideas of an “appreciative system”, “setting” and “judgement” concerning how “reality is selected and structured by . . . interests and by the standards which . . . interests generate” as a mixed “reality system” and “value system” (Vickers, 1968, pp. 107–108). The capacity focuses and conditions the viewing and interpretation of contexts, events and developments in governance. Through various lenses, research and analysis, a keen appreciation can be gained, for example, of significant interests, commitments and interrelationships in respect of particular goods and services. This appreciation is vital to the instrument and action responses of the organisations involved (Thynne & Massey, 2013, pp. 298–304).

All goods and services have stakeholders whose interests must be appreciated as having implications for instrument-action alignments and the choices made. The interests varyingly concern their availability, accessibility and consumption or use, individually and collectively. Thus, for example, interests in the availability, accessibility and consumption or use of public goods and services such as clean air, human rights, health enhancement, cultural heritage, peace and security, and of common pool goods and services such as oceans, rivers, fisheries and forests, can range from protection, promotion and maintenance through to denial, exploitation and degradation. These differing interests can be firmly held and actively pursued by the relevant stakeholders. How they are interpreted and assessed affects the choice and efficacy of ownership, production, provision, regulatory and facilitative instruments and action aimed at sustaining the goods and services with dispersed and inclusive benefits for a community (Hardin, 1968; Kaul, Grunberg & Stern, 1999; Newell & Wheeler, 2006; Ostrom, 1990; Poteete, Janssen & Ostrom, 2010; Thynne & Massey, 2013, pp. 301–302).

In these and other circumstances, the fulfillment of policy commitments often requires a clear appreciation of ways of interrelating instruments and action involving the ownership, production, provision, regulation and facilitation of goods and services. An example is a railway, the production and ownership of which facilitates provision and the regulation of fares, with possible flow-on effects being the facilitation and regulation of other forms of transport with which the railway is competing provision-wise at the same time as collaborating on provision coordination for the benefit of commuters. The various instruments and action involved are distinguishable from one another, while being interrelated regarding the railway as their common focus. The expected outcome is a railway which is available, accessible and used in an effectively integrated transport system as a matter of public interest (Thynne & Peters, 2015, p. 77).

An appreciative capacity embracing interpretation, research and analysis of the kind indicated in the above examples is essential throughout governance. Accordingly, while varying in scope and emphasis in response to specific forces and demands, it is

applicable alike to the arenas of economic, environmental and humanitarian governance addressed by Knott, Mukherjee and Howlett, and Schwartz.

The pervasiveness of the alignments: interconnection challenge and corresponding integrative capacity

Together, the many instrument-action alignments in governance – with instruments and action being decided on, with action being taken in the use of instruments, and with instruments and action being reviewed – increasingly involve numerous intersections of the state, market and civil society comprising a host of commitments and impacts in multiple arenas (Thynne, 2015, pp. 267–269). This makes them collectively very pervasive, with significant implications for governance becoming “holistic” (Perri, Leat, Seltzer & Stoker, 2002) with appropriate forms of “holism” being adopted (Dunleavy, Margetts, Bastow & Tinkler, 2006, pp. 480–485). Thus, complementing the diversity challenge and need for an appreciative capacity, there is an onerous interconnection challenge for which an integrative capacity is vital.

Instruments and action: interconnection challenge

Governance as “the totality of interactions” (Kooiman, 2003, p. 4) of the state, market and civil society is dependent on, and conditioned by, a multitude of legal foundations, institutions-organisations, relationships, decision-making, spatial dimensions, and people: see Table 1. The various arrangements, which are largely sector specific and distinctive as depicted in the table, become intermingled in practice as instruments and action cross-cut sectoral boundaries. A consequence is a significant challenge of how differing legal prescriptions, structures, norms, decision approaches, and delineations of people and place might most effectively be interconnected in arenas in which various instruments and action need to be brought together to maximise goal achievement with positive effects in the public interest (Thynne, 2015, p. 268).

Fostering interconnectedness is particularly demanding when state-centric and state-market instruments and action need to be combined with, or to give way to, instruments and action based on expected synergies of mixed state-market-civil society involvement (Wettenhall & Thynne, 1999; Thynne & Peters, 2015, pp. 79–82). Here, governance has genuinely to be “interactive” (Kooiman, 2003; Torfing, Peters, Pierre & Sørensen, 2012) and “collaborative” (Ansell, 2012; Emerson, Nabatchi & Balogh, 2011), with a critical requirement being the effective blending of the arrangements outlined in Table 1. A failure to meet this requirement will lessen or deny the possible benefits of synergy.

The adoption of synergistic approaches involving the intertwining of several instruments and action compounds the difficulties in answering some significant interconnection questions. For example, the co-existence of a number of principal-agent relationships is sure to embody divergent views concerning “what agent autonomy will be helpful to fulfill the principal’s preferences” (Olsen, 2015, p. 428)? More broadly, should the inter-organisational alliance strategy be that of “complementarity” as coordination or “embeddedness” as conflation (Evans, 1997, pp. 179–182)? Also, what balance should be struck between the “exploitation” of “rules, routines, and knowledge that are known to work” and “exploration” as “a willingness and an ability to experiment with rules, routines, and knowledge that might, but often do not, provide

Table 1. State, market and civil society arrangements.

The state as an Organised	The market as an Organised	Civil society as an Organised
<p>Legal foundations:</p> <ul style="list-style-type: none"> • Constitution • Statutes and ordinances • Regulations and orders 	<p>Legal foundations:</p> <ul style="list-style-type: none"> • Contracts • Constitutions as member agreements (in accordance with a Companies Act or the like) 	<p>Legal foundations:</p> <ul style="list-style-type: none"> • Customary law and lore • Constitutions as member agreements (in accordance with a Societies Act, Cooperatives Act, Trade Unions Act, etc)
<p>Institutions-organisations:</p> <ul style="list-style-type: none"> • Legislature • Executive (government) • Judiciary • Government organisations (ministries/departments, executive agencies, statutory bodies, etc) 	<p>Institutions-organisations:</p> <ul style="list-style-type: none"> • For profit non-government organisations (private and publicly listed companies, corporations, firms, etc) 	<p>Institutions-organisations:</p> <ul style="list-style-type: none"> • Not-for-profit non-government organisations (associations, cooperatives, unions, clubs, etc) • Families, clans, tribes
Political	Economic	Social
<p>Relationships:</p> <ul style="list-style-type: none"> • Influence and command 	<p>Relationships:</p> <ul style="list-style-type: none"> • Money and exchange 	<p>Relationships:</p> <ul style="list-style-type: none"> • Trust and association
<p>Decision-making:</p> <ul style="list-style-type: none"> • Debates and votes leading to majority decisions • Reasoning leading to judgements • Discharge of duty or exercise of discretion leading to appropriate decisions and action 	<p>Decision-making:</p> <ul style="list-style-type: none"> • Bidding and negotiations leading to agreements 	<p>Decision-making:</p> <ul style="list-style-type: none"> • Discussion and debates leading to consensus
Community	Community	Community
<p>Spatial dimensions:</p> <ul style="list-style-type: none"> • A country as a clearly defined territory, with regions, districts, etc delineated within it 	<p>Spatial dimensions:</p> <ul style="list-style-type: none"> • Diverse territories within and beyond a country 	<p>Spatial dimensions:</p> <ul style="list-style-type: none"> • Diverse territories within and beyond a country
<p>People:</p> <ul style="list-style-type: none"> • The public (citizens, residents, voters, taxpayers, recipients of goods and services) • Office-holders (politicians, judges and officials) 	<p>People:</p> <ul style="list-style-type: none"> • Investors and shareholders • Directors and employees • Customers and clients 	<p>People</p> <ul style="list-style-type: none"> • Members • Employees and volunteers • Donors • Beneficiaries

Source: Thynne & Peters (2015, p. 76).

improvements” (Olsen, 2010, p. 21)? These questions are directly interrelated, which further compounds the difficulties in fostering effective interconnections.

Interconnection challenges regarding various instruments and action are inherent in economic governance, as reflected, for example, in Knott’s references to investment and regulatory initiatives accompanying or countering divestment and deregulation in the same or other areas of an economy. Accompanying and countering measures similarly exist in environmental governance where, as Mukherjee and Howlett recognise, tensions and trade-offs have to be managed involving mixes of quite rigid legal-command tactics of imposition and more flexible, negotiated ways of forging economic and social relationships of environmental significance. They are also found in humanitarian governance especially when it is essential to combine urgent forms of social and economic assistance, while concomitantly distancing and protecting them from national security concerns and commitments, as appreciated by Schwartz.

Instruments and action: integrative capacity

As more and more instruments and action in governance need to be blended or merged within and across the state, market and civil society, the strategic maximisation of desired synergy gains assumes considerable significance and, accordingly, requires serious attention concerning organisational structures and modes of operation. There are numerous pulls and pushes of inter-activity and independence which must not only be understood, but also subtly and effectively managed. The competing and often incompatible forces at play accentuate the interconnection challenge, in response to which an astute integrative capacity is crucial.

Such a capacity encompasses reasoning that, of “domination, compromise and integration” as contrasting means of addressing conflict in and beyond organisations, “integration” geared to the achievement of a “functional whole” as a form of “integrative unity” is the most appropriate and enduring (Follett, 1941a, p. 31, 1941b, pp. 71, 77–80). At the same time, it draws on “cooptation” as a “process of absorbing new elements into the leadership or policy-determining structure of an organisation as a means of averting threats to its stability or existence” (Selznick, 1949, p. 13). Thus, in essence, through a skillful coupling of integration and cooptation, the aim of the capacity is to nurture and sustain the togetherness of various instruments and action that should be interconnected, with an appropriate organisation having overriding responsibility for them.

The interconnection demands of principals and agents, of inter-organisational alliances, and of consolidation and experimentation in terms of instruments and action are particularly apt targets for an integrative capacity. They test the strength and agility of organisations in managing a host of asymmetries concerning power and other resources, motivations and commitments, and what works and what needs to be changed. The asymmetries lie in a “shifting mix of deliberate design and adaptive behaviour” inherent in organisations being both “deliberately created and reformed in order to achieve substantive ends” and “social organisms that evolve over time as an unplanned result of historical processes” (Olsen, 2010, pp. 18–19). This can certainly stretch the capacity, while making it all the more important in the quest to unify interrelated instrument-action alignments.

The capacity readily applies to the interconnection needs of investment-divestment and regulation-deregulation initiatives of the kind considered by Knott regarding economic governance. Similarly, because of its interconnection focus and value, it is an

essential basis of the funding and delivery capacities of governments and NGOs as partners in humanitarian governance addressed by Schwartz, as well as more widely of the analytical, operational and political capacities advocated by Mukherjee and Howlett for throughout governance.

The warranting of the alignments: responsibility challenge and corresponding legitimation capacity

Warranting – as authorising, justifying, and vouching for – underlies instrument-action alignments in terms of the fundamentals of responsible and legitimate governance (Weber, 1947; Beetham, 2013; Thynne, 2012, 2015, pp. 269–271). Responsibility and legitimacy require that the alignments be warranted appropriately. The meeting of this requirement, as determined with reference to the sources, forms and consequences of their being, or purportedly being, authorised, justified and vouched for, poses a considerable responsibility challenge in respect of which a legitimation capacity is essential.

Instruments and action: responsibility challenge

Some meanings of responsible as forms of responsibility are set out in Table 2. Each of the meanings is directly relevant to the alignments, as depicted in the table. They are individually significant, while being interrelated and interdependent.

Responsible as duty-bound is broadly about the allocation or assumption of duties-responsibilities for deciding on instruments and action, for taking action by using instruments, and for reviewing instruments and action, as recognised in Figure 1 and Table 3. This representation suggests the possibility of contrasting architecture and construction approaches to the performance of these duties: see Table 3. The architecture approach is sequential with an emphasis on orderliness, while the construction approach is iterative and adaptable (Thynne, 2009). Of course, they are only abstractions which could be couched in various other ways. But they do assist in mapping what and how instrument-action duties are, or could be, organisationally distributed and performed within and across arenas of governance.

Of immediate interest are the various duties involved in authorising, justifying and vouching for instruments and action in their deciding, taking and reviewing which are now widely distributed and performed in multiple configurations. The configurations are a particularly prominent feature of governance. They have become “more complex and more consequential” the more governments have moved to share “the collective-action stage with private actors, both for-profit and not-for-profit”, with significant issues arising regarding the availability and proper use of information and financial resources, the likely productivity gains of co-activity, the existence of shared commitments and motivations, and the acceptable degree and allocation of discretion (Donahue & Zeckhauser, 2008, pp. 496, 505–510).

Such issues are appreciated by Schwartz as being especially pertinent and sometimes problematic in situations in which NGOs, at the same time as having allocated duties and receiving government funds as partners of a government in the provision of humanitarian assistance, assume responsibility for quite actively and openly criticising government policies and programmes and advocating initiatives in line with their own interests and concerns. This can create tensions, if not more serious conflict, requiring considerable sensitivity and tolerance by government officials in managing the partnerships. At stake can be a need to ensure an NGO’s ongoing involvement in recognition of its

Table 2. Responsible concerning instruments and action.

Some meanings of responsible	Instruments and action – involving deciding, taking and reviewing
Responsible as duty-bound	Instruments and action as the duty of a person or organisation
Responsible as ethical	Instruments and action as conditioned by ethical norms and standards
Responsible as accountable	Instruments and action as matters for which a person or organisation is accountable
Responsible as cause	Instruments and action as the cause of an event or circumstance
Responsible as liable	Instruments and action as matters for which a person or organisation is liable

Table 3. Instruments and action: contrasting approaches to deciding, taking and reviewing.

Phases (encompassing duties)	Architecture approach	Construction approach
Deciding on instruments and action	Blueprint deciding: instruments and action are decided on independently of taking and reviewing	Pilot deciding: instruments and action are decided on by trialling taking and reviewing
Taking action by using instruments	Sanctity taking: instruments and action must accord fully with the blueprint	Adjustable taking: instruments and action can be modified in response to relevant circumstances
Reviewing instruments and action	Summative reviewing: instruments and action are reviewed only when considerable experience has been gained	Formative reviewing: instruments and action are reviewed on a regular ongoing basis

expertise and experience being critical to the success of a programme and irreplaceable by an allocation of provision duties and funds to a private for-profit contractor.

Similar issues are relevant to the policy styles, design dynamics and instrument uses addressed by Mukherjee and Howlett, especially concerning payments for ecosystem services. This arena of governance comprises various provision, regulatory and facilitative duties with differing configurations in their allocation-assumption and performance. The management and effectiveness of the exchange, command and associative relationships among the buyers, sellers, funders and wider communities involved are directly and substantially affected by how the duties are interpreted, distributed and performed.

Whatever the arena and context, duties in authorising, justifying and vouching for instruments and action need to be performed appropriately. This brings responsible-ethical to the fore as a cornerstone of integrity in governance which, as “a quality of individuals . . . as well as of organizations”, requires performance “in accordance with relevant moral values, norms, and rules” (Lasthuizen, Huberts & Heres, 2011, p. 387). It demands internal self-discipline and right practice, coupled with external control and review (Aulich, Wettenhall & Evans, 2012; Head, Brown & Connors, 2008; Huberts,

Maesschalck & Jurkiewicz, 2008; Thynne, 2012). Its centrality necessitates “more conceptual and theoretical clarity” in search of a sound “balance between different measures for fostering ethics and preventing unethical conduct” (Lasthuizen, Huberts & Heres, 2011, p. 384).

Schwartz acknowledges the vital role of ethics in humanitarian responses by government-NGO partnerships in accordance with the principles of humanity, impartiality, neutrality and independence. Initiatives by NGOs, separately and through various coalitions, have seen the development of codes of conduct embracing commitments to equity, accessibility, generosity and wellbeing in the provision of humanitarian assistance.

Duties and ethics, along with causality and liability, in authorising, justifying and vouching for instruments and action are threaded together by accountability as responsible-accountable, which “involves establishing facts and assigning causality and responsibility, formulating and applying normative standards for assessing conduct and reasons given, and building and applying capabilities for sanctioning inappropriate conduct” (Olsen, 2015, p. 425). The threading significance of accountability and the difficulties in ensuring, protecting and promoting it have special salience for many instrument-action alignments. This is largely because governance, being “embedded in networks across levels of government, institutional spheres, and the public-private realms” with “informal partnership and dialogue, more than hierarchical command and formal control relationships”, inevitably results in “uncertainty about facts and causality, ambiguous and contested normative standards, and unclear power relations [which] create a space for competing interpretations” as well as for “multiple channels of accountability” (Olsen, 2015, pp. 427, 434, 436). Accordingly, the ongoing need to ask and act meaningfully on answers to the question “does public accountability work?” is now much more pressing and more taxing than previously from “democratic”, “constitutional” and “learning” perspectives alike, with their respective concentrations on “control by citizens’ elected representatives”, “prevention of corruption and abuse of power”, and “enhancing government effectiveness” (Bovens, Schillemans & ’t Hart, 2008, pp. 225, 230–232).

Responsibility in terms of causality and liability can frequently be indeterminable for reasons just indicated. It requires detailed evidence and analysis beyond simply the compilation and presentation of information and data. But even then, settling on “who to praise or blame depends not only on hard evidence and correct causal understanding”; it is also influenced by how “interpretations of experience compete for acceptance on the basis of both evidence and power” (Olsen, 2015, p. 432). This is consistent with the “blame game”, comprising “spin”, “self-preservation”, “avoidance”, “credit”, “trust” and related factors, being such a significant feature of responsibility in governance, positively and negatively (Hood, 2011).

Experience in the use and reform of instruments and action in economic governance embodies important issues of responsibility as causality, liability and accountability regarding significant gains in some areas often being at the expense of considerable losses in others. The issues are pertinent to Knott’s analysis of circumstances in which increases in economic growth, innovation and entrepreneurship have been accompanied by rises in income inequality and declines in employment rights and conditions. The practical responses thereto must be genuinely responsible to have any meaning and value.

Mukherjee and Howlett recognise that governments are usually concerned about success and failure in the design of policies, the choice and use of instruments, and the

achievement of desired outcomes. A focus of concern could well be a discovered mismatch between means and ends, with instruments and action proving not to be suited to policy objectives and the prevailing policy style. This is likely to result in relevant remedial initiatives. But will it necessarily be complemented by appropriate accountability and acceptance of liability?

Schwartz raises several interrelated accountability questions concerning NGO involvement in the provision of humanitarian assistance in partnership with a government. One is reasonably clear-cut in addressing the accountability of NGOs for compliance with explicit contractual and funding conditions. The others are more complex in embracing the scope and significance of their accountability to various stakeholders, the specific activities for which they ought to be held accountable, the performance measures and assessments of relevance to their accountability, and the accountability and related consequence-liability considerations regarding their performance outcomes and any failure to deliver. The questions are certainly important, with ongoing deliberation being necessary by all who have an interest in them.

Instruments and action: legitimation capacity

While responsibility in itself is an essential core of instruments and action being authorised, justified and vouched for in governance, it is not sufficient for duties, ethics, accountability, causality and liability largely just to be determined, assigned and responded to in a particular arena. A fundamental, complementary requirement is that they satisfy preconditions concerning the legitimacy with which power is distributed and exercised. Included are a “conformity to rules”, the “justifiability of rules in terms of shared beliefs”, and “legitimation through expressed consent”, with legitimacy comprising these “moral or normative aspects of power relationships; or, more correctly, the sum of these aspects”, which have consequences for “the character of a given relationship, and . . . the behaviour of those involved in it” (Beetham, 2013, pp. 20, 25).

This crucial cementing of legitimacy and responsibility confirms the importance of a legitimation capacity, the essence of which is an organisational commitment and ability to achieve high standards of integrity based on an effective intertwining of sound rule conformity, articulated common beliefs, and secured public consent (Thynne & Massey, 2013, pp. 309–311). The capacity applies throughout to how instruments and action are authorised, justified and vouched for in their deciding, taking and reviewing. Its foci and foundations are clear, while allowing where appropriate for differing organisational imperatives and contextual forces as governments, NGOs and for-profit entities collectively, but varyingly, contribute to governance.

A legitimation capacity is an essential foundation of the analytical, operational and political capacities advocated by Mukherjee and Howlett regarding the effective matching of instruments, action and policy objectives, just as it is of the experience and expertise capacities of governments and NGOs as partners in the provision of humanitarian assistance, as addressed by Schwartz. Its significance makes it much more than a value add-on to these capacities. It must permeate and guide them in seeking to ensure integrity in each phase of deciding, taking and reviewing instruments and action.

Such requirements mean that all contributors to public affairs need to be fully aware of the forms, demands and benefits of their legitimacy in relevant contexts. Thus, for example, some global non-government entities, by reason of their knowledge, proximity, experience and empathy, “are recognised as legitimate by some larger public (that

often includes states themselves) as authors of policies, of practices, of rules, and of norms” – in keeping with which “they set agendas, they establish boundaries or limits for action, they certify, they offer salvation, they guarantee contracts, and they provide order and security” (Hall & Biersteker, 2002, p. 4). Their legitimacy enables them to undertake these activities more meaningfully and effectively in the public domain than they would otherwise be able to in protecting and enhancing public life and wellbeing (Thynne & Massey, 2013, p. 310).

A legitimization capacity is especially important in the external review of instruments and action, and in the management of actual and potential conflicts of personal interest and public duty. The former requires a review body having the capacity to be an effective hands-on guardian of the duties and ethics of the reviewed, while concomitantly safeguarding its own duties, ethics and independence (Thynne, 2012, pp. 37, 44–45). The latter requires a manager having the capacity to be an incisive blender of hands-on and hands-off, with hands-on entailing the use of hard and soft law, and hands-off comprising discussion, persuasion and encouragement of self-reflection and restraint (OECD, 2003, pp. 21–38). The significance of the capacity in these and other circumstances demands that it be fully supported in its development and application.

Concluding comments

The many alignments of instruments and action in governance constitute an instrumentalisation phenomenon akin to “the quango-cratization of the world” in the 1980s (Hood, 1986b). Indeed, they are directly related in form and substance. Thus, quangos, as with other organisations of governance, are instrumental means, centres and results of action, while also deciding on, using and reviewing other instruments, including other organisations.

Instrument-action alignments as core features of governance are certainly numerous and pervasive, with their diversity and interconnection being ongoing challenges. There warranting is crucial and also challenging in terms of responsibility, involving the need for constant vigilance and proper responses. Such challenges require well-developed appreciative, integrative and legitimization capacities, without which responsible and legitimate action in the public interest is less likely than it should be in governance.

Whether or not instruments have outrun governments remains debatable. It could well be so in particular arenas, but not in many others, subject to empirical research and verification. But it is clear that governments must keep apace with them, if not ahead, with vital needs and requirements of public action, responsibility, legitimacy and trust being met appropriately and effectively. It must be other than a hare and tortoise situation.

Disclosure statement

No potential conflict of interest was reported by the author.

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