

**United Nations Committee of Experts on Public Administration
Eleventh Session**

Intergovernmental governance and regimes governance

**Multi-Level Governance (MLG): The Role of Public
Administrations**

Francisco Longo

The three presentations we have heard raise the issue of how Public Administrations should develop within the new paradigm of multi-level governance.

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Robert Agranoff identifies four eras in the development of inter-governmental relations:

- (1) Legal and jurisdictional inter-governmental relations

The first Inter-Governmental Relations (IGR) model appeared with the creation of modern Nation States and their need to organise themselves geographically. It is characterised by its stress on legal and jurisdictional issues.

- (2) Welfare State interdependencies

The second model appeared with the development of The Welfare State and is characterised by what Agranoff terms "deep interdependence" among the various players making up the governance system.

- (3) Governmental partners

The third model arises from the incorporation of the private sector (both profit and non-profit) in the provision of public services. New non-governmental agents were added and became partners of the State, providing services in a less regulated setting in which market forces were given priority.

➤ (4) Networked Inter-Governmental Relations

The last model is characterised by networked relations, featuring the various players in the governance system (local governments, business associations and interests, etc.). The model of relation changed, shifting from competition to col.laboration

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One should realise that the characteristics of each era have been added to public administration practices, creating an amalgam of all four. What currently characterises multi-level governance is that it comprises the activities and dynamics drawn from the different eras, crosses organisations' legal geographic and jurisdictional boundaries, and takes on a power and identity of its very own.

For example, the Spanish Constitution states that the country is organised in municipalities, provinces and autonomous communities [regions]. There are also counties, consortia, regional boards, district councils, etc. If that was not enough, there is a host of for-profit and non-profit private players that also provide public services and fill the gaps the State cannot. Since 1986, Spain has been a member of the EU, forcing the country to take part in a supra-national organisation and accept its directives.

In this context, public administrations must learn to manage the complexity arising from a plethora of players and demands.

We shall begin with the recurring problem of jurisdictional disputes. This issue is generally tackled from the legalistic standpoint, with questions focusing on the level at which powers are or should be placed to avoid overlaps and duplications.

However, the real world reveals that jurisdiction cannot be framed solely in terms of a vertical logic in which tiers of government carry out various functions (legislating, regulating and implementing). This is because government processes also occur in parallel, with negotiation among players, informal rules that shape organisational behaviour, unofficial ways of regulating the governance system, and so on.

Accordingly, when dealing with the question of the attribution of powers, the process should be seen as a dynamic requiring constant rebalancing in response to both external factors and internal ones.

The concept of 'powers' is a fuzzy one. That is particularly true if we take into account the dysfunctions associated with systems of multi-level governance, namely attributing responsibilities but not willing resources—something all too common in devolutionary processes.

Making resources available sometimes boils down to tackling public sector inefficiencies. Another dysfunction found in GMN systems is what one might term expansionary emulation, or put another way, the creation of inefficient duplication. This can occur, for example, when a government grants certain powers to a lower tier but fails to scrap the now redundant administrative apparatus at the higher level. To round off the subject of dysfunctions, one should mention the recurring problem of accountability within a system of multi-level governance. Traditional control systems lose value from the moment networked systems either replace or complement hierarchical ones.

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All of these dysfunctions reflect the predominance of governance systems based on vertical integration and hierarchy, and the weakness of relational mechanisms (which are patchy and depend on whatever the local culture happens to be). MLG requires the acquisition of certain capabilities in public systems to overcome these dysfunctions.

In the first place, there is a need to come up with a reasonably rational design for allocating powers if public administration's ability to make and enforce demands is to become more credible. An interesting proposal is to review and extend the principle of 'subsidiarity' so that it embraces not only the question of who acts but also of how they act and choose the most appropriate measures. From this standpoint, a good multi-level system of governance is one in which there is always a legitimate candidate (preferably, also the most efficient and best-placed one) for making change.

From this perspective, the key to tackling MLG lies in approaching mutual problems by drawing on a knowledge base that is both nurtured and exploited by contributing organisations. The communication channel must be based on negotiation, building consensus, and collaboration. Here, it would be well worth exploiting Internet and Communication Technologies (ICT) and social networks to build professional communities used to collaboration and in which there is less political interference.

Public administrations should also acquire political management, or relational management capabilities, forcing them to go beyond their

traditional obsession with red tape. In an MLG system, there should be many voices and sources of legitimacy. Hierarchical government needs to adopt a more mature, strategic role in its relations with social agents.

All of these proposals for change allow one to divine a new path towards accountability. The interdependences and collective nature of measures in an MLG system mean that the old hierarchical approach is no longer applicable in all cases. Under the old system, various 'principals' tried to ensure their 'agents' fulfilled their assigned tasks within the chain of delegated command (voters delegating powers to their elected representatives, public managers to their subordinates and so on). Now a new context requires a new approach.

From the constitutional perspective, accountability should stem from a set of rules and principles that create a political system of weights and counterweights that can be institutionalised in various ways. These ways may not necessarily be of the top-down variety and could include cross-cutting mechanisms (for example, professional codes of conduct) and allow citizens/users to directly evaluate the services provided.

Here, it is vital to consolidate transparency and freedom of information measures to put all citizens on an equal footing. Only thus can one properly monitor and evaluate results. This would enable public administrations to link past, present and future measures, weigh their successes and failures and to learn how to improve their governance models.