

IIAS
International Institute
of Administrative Sciences



IISA
Institut International
des Sciences Administratives

Improving Administrative Sciences Worldwide

Congrès international de l'IISA, 2011

THÈME DE L'IISA
PROBLÈMES GLOBAUX ET RÉGULATIONS NATIONALES :
LES DÉFIS DES STRATÉGIES DE RÉGULATION

Rapport
Lausanne, Suisse
Juillet 2011

2011 International Congress of IIAS

IIAS THEME
GLOBAL PROBLEMS AND NATIONAL REGULATIONS :
CHALLENGES TO REGULATORY STRATEGIES

Report
Lausanne, Switzerland
July 2011

www.iias-iisa.org

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INSTITUT INTERNATIONAL DES SCIENCES ADMINISTRATIVES

L'IISA est une association internationale à but scientifique dont le siège est à Bruxelles. Créé en 1930 par le Congrès international des sciences administratives tenu à Madrid, l'IISA est la première des institutions spécialisées à affirmer, au niveau mondial, sa volonté scientifique pour résoudre les problèmes et les défis des administrations nationales et internationales. Il reste aujourd'hui la seule institution internationale spécialisée en sciences administratives et en administration publique, un lieu unique pour la recherche et la coopération, ouvert aux universitaires et aux praticiens de toutes les régions du monde.

L'Institut est représenté dans une centaine de pays et compte parmi ses membres des Etats, des Sections nationales, des Organisations internationales et des membres collectifs. Il est par ailleurs doté d'un Statut consultatif auprès de l'UNESCO et du Conseil économique et social des Nations Unies, et est membre du Conseil international des sciences sociales. L'Institut développe ainsi ses programmes en synergie avec les principales organisations afin de promouvoir la coopération internationale dans le domaine de l'administration publique.

L'IISA a pour mission de promouvoir le développement des sciences administratives, l'amélioration du fonctionnement des administrations publiques, le perfectionnement des méthodes et des techniques administratives et le progrès de l'administration internationale. Une grande part des activités de l'IISA est consacrée à l'analyse et la recherche (congrès, groupes de travail, séminaires), à la formation (ses publications, sa Revue internationale des sciences administratives, trimestrielle, publiée en espagnol, en anglais, en français et en chinois, sa Lettre d'information, son site internet), ainsi qu'à l'expertise et à la consultation (L'Institut répond à des demandes spécifiques de gouvernements, d'organisations internationales ou de toute autre agence).

L'association spécialisée et les groupes régionaux de l'Institut développent également et de façon permanente des travaux et un suivi des évolutions dans leur domaine spécifique. L'Association internationale des écoles et instituts d'administration (AIEIA) vise à répondre aux besoins de développement institutionnel de la gestion publique et de l'administration. Le Groupe européen pour l'administration publique (GEAP) a pour objectif le développement de l'administration publique et de la théorie administrative dans le cadre européen. Le Groupe Latino-américain pour l'administration publique (GLAP) a pour objectif le développement de l'administration publique dans les pays d'Amérique Latine.

Les activités de recherche de l'IISA sont essentiellement menées dans le cadre de ses Groupes de projet et ses Manifestations majeures annuelles (Congrès, Conférences, séminaires).

INTERNATIONAL INSTITUTE OF ADMINISTRATIVE SCIENCES

The IIAS is an international association with scientific purpose whose seat is in Brussels. Established in 1930 by the International Congress of Administrative Sciences held in Madrid, the IIAS is the first of the specialised institutions to affirm, worldwide, its scientific willingness to resolve the problems and challenges of national and international administration. It is today the only international institution specialised in administrative sciences and public administration, the primary meeting place for research and co-operation, and open to academics and practitioners from all regions of the world.

The Institute is represented in approximately one hundred countries and counts among its members States, National Sections, International Organisations and Corporate Members. The Institute also has Consultative Status with Unesco and the Economic and Social Council of the United Nations and is a member of the International Social Science Council. It thus develops its programmes in synergy with the major organisations to promote international co-operation in the field of Public Administration.

The purpose of the IIAS is to promote the development of administrative sciences, the better operation of public administrative agencies, the improvement of administrative methods and techniques and the progress of international administration. A large part of IIAS activities is devoted to analysis and research (Conferences, Working Groups, Seminars, etc.) information (its publications, quarterly International Review of Administrative Sciences - published in Spanish, English, French and Chinese, Newsletter, website) and expertise and consultancy (the Institute responds to specific requests of governments, international organisations, or any other agency).

The Institute's Specialised Association and Regional Groups also develop and follow-up research in their specific field of interest. The International Association of Schools and Institutes of Administration (IASIA) aims to respond to the institutional development needs of public management and public administration. The European Group for Public Administration (EGPA) is responsible for the development of public administration and administrative theory relative to the European environment. The Latin American Regional Group (LAGPA) is responsible for the development of public administration in the Latin American countries.

The IIAS research activities are mainly carry out by its Project Groups and its annual Major Events (Congresses, Conferences, Seminars).

REMERCIEMENTS

L'Institut international des Sciences administratives remercie vivement l'Institut des hautes études en administration publique, la Confédération suisse, le Canton de Vaud, la ville de Lausanne, La commune de Montreux, la ville de Vevey, la Loterie romande, la librairie Payot, Marti Construction, Caran d'Ache et Lombard Odier.

ACKNOWLEDGEMENTS

The International Institute of Administrative Sciences should like to thank the Swiss Graduate School of Public Administration, The Swiss Confederation, the Canton de Vaud, the City of Lausanne, the commune de Montreux, the City of Vevey, la Loterie romande, la librairie Payot, Marti Construction, Caran d'Ache et Lombard Odier.

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INTRODUCTION

Problèmes globaux et régulations nationales : les défis des stratégies de régulation

La globalisation est devenue partie intégrante de notre quotidien. Pour le meilleur et pour le pire, le citoyen a été confronté, à travers le monde, à un phénomène ou à un évènement qui dépasse les frontières de son pays. Le commerce et les flux d'investissements pendant la dernière décennie ont généré des bénéfices colossaux en termes d'emploi et de réduction de la pauvreté à travers le globe. Mais cela a, en même temps, entraîné une prise de conscience accrue des disparités, des déséconomies et autres désavantages de la globalisation qui sont devenus concrets, ne serait-ce que cette dernière année, avec l'impact de la crise économique et financière, la menace d'épidémies, de catastrophes climatiques, de migrations majeures, ou encore les négociations complexes qui se sont tenues lors du sommet de Copenhague pour déterminer responsabilités et solutions concernant les changements climatiques. La communauté mondiale est directement affectée. Les conflits sociaux sont légion. Les autres pays sont tenus pour responsables. Les gouvernements se trouvent en ligne de mire.

Avec l'administration publique confrontée à de telles problématiques, garantir un cadre juridique et de régulation dans un pays, tout en se basant sur les principes que sont action, transparence, neutralité, efficacité et responsabilité, respect de la règle de droit, est une dimension clé. Or, dans nombre de pays, l'amélioration de la régulation a reçu une attention insuffisante. Une raison à cela : les réformes de régulation sont complexes, ne serait-ce que parce qu'elles impliquent des acteurs variés au sein de secteurs étroitement liés. Néanmoins, et a fortiori de nos jours, ces problèmes se compliquent par leur dimension internationale. Si des améliorations sont susceptibles d'avoir des répercussions notoires sur l'efficacité des gouvernements, la performance des marchés et les relations internationales, elles sont de plus en plus difficiles à mettre en place et à gérer.

Dans ce contexte, le fil conducteur proposé pour la conférence de Lausanne en 2011 est Problèmes globaux et régulations nationales : les défis des stratégies de régulation, thème à travers lequel l'accent sera mis sur la stratégie à adopter pour gérer au mieux les problématiques posées par l'interdépendance internationale. Afin d'aborder le sujet suffisamment en profondeur, trois sous-thèmes seront abordés visant les champs touchés de façon significative par cette interdépendance. Ces thématiques ont par ailleurs tendance à s'imbriquer, puisqu'elles ont trait à la problématique de la régulation. Leurs implications sont par ailleurs internationales pour nombre d'états membres et organisations affiliés à l'Institut.

1. Utilisation et gestion internationale de l'eau

Cette problématique se pose au regard de l'importance grandissante de l'accès à l'eau et de sa gestion dans différentes parties du monde. Pendant de longues années, l'accès à l'eau a été considéré comme un acquis et gratuit. Néanmoins, des pénuries d'eau ont souvent pu occasionner de graves conflits nationaux et internationaux. La gestion de l'eau comporte une politique de régulation portant sur le partage de l'eau et une politique des prix. Cela doit également engendrer des projets d'investissement nécessitant la mobilisation d'experts. La gestion de l'eau est indissociable de la mise en place de structures d'administration, souvent nécessaires à la négociation d'accords pour le partage international des ressources en eau. Cette question fait partie de la gestion publique et requiert les compétences de gouvernance des gouvernements.

2. Migrations et enjeux transnationaux

En parallèle de la globalisation grandissante, de nombreux pays observent un afflux massif de population à leurs frontières. L'augmentation des mouvements de population a dépassé la supervision des gouvernements. De nombreux Etats ont pris conscience de la nécessité accrue d'encadrer administrativement les services dévoués à la gestion et régulation des flux migratoires (emploi, logement, sécurité sociale etc). Ils ont également ressenti l'urgent besoin de répondre aux besoins sociaux propres à cette population immigrée en expansion. Dans ces pays où l'immigration massive pose problème, les gouvernements se sont par ailleurs vus confrontés aux problèmes sociaux et familiaux laissés derrière eux par les travailleurs immigrés dans leur pays d'origine. Etablir la connaissance de ces mouvements de population au niveau de l'administration, la capacité de négociation avec les pays d'accueil ou d'origine, les diasporas naissantes, sont autant de problèmes fondamentaux qui seront analysés sous le thème 2.

3. Nouvelles pistes face au besoin croissant de nouveaux régimes de régulation

La confiance des peuples dans leur gouvernement est en déclin dans beaucoup de pays. Une des raisons principales de ce phénomène trouve naissance dans l'utilisation inefficace voire inexistante des processus de régulation vis à vis des problèmes sociaux par les gouvernements. Le fiasco Lehman Brothers en 2008 est un bon exemple. Suite à cette débâcle, de nombreux gouvernements se sont vus obligés de contrôler et réguler les transactions financières dans différents secteurs des régions concernées. Si la situation n'est plus contrôlée, la peur d'une nouvelle crise financière d'envergure internationale se fait ressentir amenant avec elle un nouvel effacement de la santé financière de nombreux pays. En conséquence, notre attention se portera tout d'abord sur la dimension organisationnelle des processus de législation et de régulation. A l'ordre du jour notamment, comment établir de meilleures lois et règles. A aborder également, les devoirs et responsabilités internationales dans ces processus de régulation. De plus, on espère engendrer un débat sur l'éventuelle mise en place d'une fonction centralisant la coordination et gestion de la régulation; la répartition des responsabilités en terme de régulation aux différents niveaux de gouvernement; l'organisation des relations extérieures afin de gérer la régulation à un niveau international de façon efficace ; et enfin, contrôler les responsabilités du secteur privé.

INTRODUCTION

Global Problems and National Regulations: Challenges to Regulatory Strategies

Globalization has become an integral part of our daily lives. For better or worse, ordinary citizens the World over have come to be touched by some phenomenon or event beyond their frontiers. Trade and investment flows over the last decades have generated huge benefits in terms of employment and poverty reduction in many parts of the globe. At the same time, widespread perception of the disruptions, diseconomies and other disadvantages of globalization have been given concrete form, in the last year alone, by financial/economic crisis, the threat of pandemics, environmental disasters, major migrations, or the complex negotiations around responsibilities and solutions at the Copenhagen Conference on climate change. The World community is directly affected. Social conflicts abound. Other countries are seen as being responsible. Governments are pushed into the front line.

In the face of such challenges to public policy, ensuring the quality of a country's laws and regulations, based on the principles of effectiveness, transparency, neutrality, efficiency and accountability, made and applied under the rule of law, is a key dimension. In many countries, better regulation has received inadequate attention. One reason for this is that regulatory reforms are complex because they involve a wide range of actors in many interlocking sectors of activity. However, more than ever today, they are complicated by the international dimension. While these are the kinds of improvements that can have substantial payoffs in terms of government effectiveness, market performance, and external relationships, they are intrinsically hard for governments to organize and manage.

Against these backgrounds, it is proposed that the overarching theme for the Lausanne conference in 2011 should focus on "Global Problems and National Regulations: Challenges to Regulatory Strategies," in which a central feature will be that of how best to deal with the challenges of global interdependence. To do this in sufficient depth, there will be three subthemes covering areas of international regulatory interdependence of very actual significance. These themes tend to have cross cutting administrative issues of improving regulatory quality. They would have international implications for many member states and organization affiliated with the Institute.

1. Water Use and International Management:

The issue is proposed in the light of growing importance of water supply and management in different parts of the world. For many years, the water supply has been regarded as given and free. However, the shortage of water has often generated serious domestic and international conflicts. The water management seems thus to entail administration of water sharing regulations and pricing. It also embraces water project investment procedures and mobilizing expertise. The water management is inextricable from building administrative capacities, which are frequently required for negotiation of international water sharing agreements. The issue is an indispensable part of public management and government governance capacities.

2. Migration and Trans-national Challenges

Concomitant with the rise of globalization, many countries have been witnessing the rapid flows of population across their borders. The extent of population movements has no longer come under the effective control of government. Increasingly, different states have become aware of the need of structuring administrative services to manage and regulate immigration flows (employment, housing, social security etc). They have also been feeling an urgent necessity of synchronizing the growing immigrations with a diversity of indigenous social needs. In those countries where the outflow of populations has been the problem, the government has found itself to deal with the societal and family problems left behind by workers emigrating abroad. Building the administration's knowledge of these flows, and the capacity to negotiate with sending or receiving countries, as well as emerging diasporas, are some of the eminent issues relative to this subtheme.

3. New Trajectories to the Rising Need of Regulatory Regime

Public trust in government has been in decline in a large number of countries. One of the root causes for this phenomenon frequently lies in inefficient and ineffective use of regulations over many social issues by government. The Lehman fiasco in 2008 was one of the good examples. At the aftermath of this crunch, various governments have been required to control and regulate financial transactions in different sectors of the respective regions. If the issue is left unattended, there has been a growing fear that the fiscal crisis of international magnitude will soon reappear and bring another melt down of the fiscal health of many states. In view of these issues, the sub-theme will first focus on an organizational dimension of legal and regulatory procedures. This includes such pertinent agendas as how best to incorporate quality principles into new laws and rules. The issues will also account for international obligations and implications of these national regulatory regimes. In addition, the section will generate discussions on a central function of managing and coordinating regulation; distribution of regulatory authorities between levels of government; organization of the external relations function to handle international regulatory affairs effectively; and finally controlling private sector responsibilities.



RÉSUMÉ DU RAPPORTEUR GÉNÉRAL

SUMMARY OF THE GENERAL RAPPORTEUR

“ON VOIT QU’ILS VIVENT BIEN; LA VILLE EST PROPRE. NOTRE MUNICIPALITÉ Y TIENT BEAUCOUP ET ELLE A RAISON”

(CHARLES-FERDINAND RAMUZ, NÉ À LAUSANNE EN 1878-1947, ANTI-POÉTIQUE : SALUTATION PAYSANNE, 1921)

Le thème général de cette conférence était « Problèmes globaux et régulations nationales : les défis des stratégies de régulation ».

Cette conférence a pu bénéficier de plusieurs contributions qui ont été regroupées autour de trois thèmes: Utilisation et gestion internationale de l'eau, Migrations et enjeux transnationaux et Nouvelles pistes face au besoin croissant de nouveaux régimes de régulation.

“L’ÉQUILIBRE EST SON PAIN QUOTIDIEN”

(PIERRE-ALAIN TÂCHE, NÉ À LAUSANNE EN 1940, SUR LA LUMIÈRE EN ANNIVIERS, 2003)

Lorsque l'on regarde toutes les contributions et les possibles recoupements, la notion «d'équilibre» semble émerger comme mot clé à la fois dans notre approche mais aussi du point de vue du contenu. Il y a quatre conclusions formelles et quatre conclusions substantielles à tirer de cette conférence.

Quatre équilibres formels

Il semble y avoir un équilibre entre les universitaires qui sont les moteurs de la pratique et les praticiens qui sont les moteurs des universitaires. Cette interaction équilibrée a été exprimée dans une phrase partagée par les deux communautés que rassemble l'IISA : «J'ai appris ...».

Il semble également y avoir un équilibre entre les modèles rigides et la réflexion originale et créative. D'une part, les modèles solides réduisent la complexité des réalités. D'autre part, la réflexion originale et créative génère de nouvelles questions et accroît la complexité. Il y a un équilibre dans la réduction et l'expansion de la complexité à travers un mécanisme commun et la croyance partagée dans le pragmatisme vis-à-vis des modèles et de scepticisme vis-à-vis des systèmes de pensée trop ouverts.

Un troisième équilibre est un langage de plus en plus partagé entre nos cultures administratives qui sont assez variées et qui ont des histoires différentes.

Enfin, il y a un équilibre entre anciens et nouveaux problèmes et leurs solutions. Cette perspective historique montre que nous apprenons du passé, et que ce qui est nouveau n'est pas toujours aussi nouveau que certains inventeurs voudraient nous le faire croire.

Quatre équilibres substantiels

Il est clair que nous avons rééquilibré l'idée que « le gouvernement fait partie du problème » vers l'idée que « le gouvernement fait partie de la solution », dans les trois thèmes de travail. Évidemment, «le gouvernement faisant partie de la solution» nécessite de se focaliser pleinement sur ses performances afin de ne pas se transformer en problème.

Un second équilibre est l'interdépendance entre la spécialisation et la coordination, si nous regardons les domaines politiques, de pays, ou de cycles de gestion et de politique, l'hyper spécialisation crée de nouveaux problèmes et nécessite une coordination suffisante.

Il est également devenu clair qu'un instrument politique, même celui de la régulation, n'est pas suffisant pour atteindre une politique équilibrée. Les politiques équilibrées exigent un mélange équilibré d'instruments politiques tels que les instruments juridiques et économiques, de communication et de prestation de services directs.

Enfin, un équilibre est nécessaire entre la propriété de l'initiative et les partenaires. Si la propriété de l'initiative n'appartient qu'à l'un des partenaires, cela devient inégal. Les partenaires doivent détenir une responsabilité équilibrée dans l'initiative, la mise en œuvre des objectifs et la maîtrise des instruments pour qu'une politique soit efficace et efficiente.

Tous ces équilibres ont créé un pont idéal et une interaction parfaite entre les académiques et les praticiens présents à cette conférence.

“ON VOIT QU’ILS VIVENT BIEN; LA VILLE EST PROPRE. NOTRE MUNICIPALITÉ Y TIENT BEAUCOUP ET ELLE A RAISON”

(CHARLES-FERDINAND RAMUZ, NÉ À LAUSANNE EN 1878-1947, ANTI-POÉTIQUE : SALUTATION PAYSANNE, 1921)

The general theme of this conference was « Global problems and national regulations: challenges to regulatory strategies ».

This conference benefited from several contributions which were clustered around three themes: Water use and international management, Migration and trans-national challenges, and New trajectories to the rising need of regulatory regime.

“L’ÉQUILIBRE EST SON PAIN QUOTIDIEN”

(PIERRE-ALAIN TÂCHE, NÉ À LAUSANNE EN 1940, SUR LA LUMIÈRE EN ANNIVIERS, 2003)

When looking at all the contributions and the possible cross-sections, 'equilibrium' seems to emerge as a key word in our approach and from a content point of view. There are four formal and four substantial conclusions to be made from this conference.

Four formal equilibria

There seems to be an equilibrium of academics who are driving practice and practitioners who are driving academics. This equilibrated interaction was expressed in a shared sentence by the two communities which IISA is bringing together: 'I have learned ...'.

There also seems to be an equilibrium between rigid models and 'out of the box' thinking. Solid models reduce the complexity of realities. On the other hand, out of the box thinking generates new questions and expands complexity. There is an equilibrium in reducing and expanding complexity through a shared mechanism and belief in pragmatism vis-à-vis models and skepticism vis-à-vis too open systems of thinking.

A third equilibrium is an increasingly shared language between our administrative cultures which are quite varied and which have different histories.

Finally, there is an equilibrium between old and new problems and solutions. This historical perspective demonstrates that we are learning from the past, and that new is not always as new as some inventors want us to believe.

Four substantial equilibria

It is clear that we have rebalanced the idea that 'government is part of the problem' to 'government as part of the solution', in all three working themes. Obviously, 'government as part of the solution' requires a sharp focus on its performance not to turn into a problem.

A second equilibrium is the interconnectedness between specialization and coordination, whether we look at policy fields, or countries, or management and policy cycles, hyper specialization creates new problems and requires sufficient coordination.

It also became clear that one policy instrument, even regulation, is not sufficient to have an equilibrated policy. Equilibrated policies require an equilibrated mix of policy instruments such as legal and economic instruments, communication, and direct service delivery.

Finally, an equilibrium is required between ownership and stakeholders. To the extent that ownership is only present for one stakeholder, this becomes uneven. Stakeholders need to have an equilibrated ownership of the objectives and the instruments for an efficient and effective policy.

All these equilibria have made a good bridge and interaction between the academics and the practitioners present at this conference.

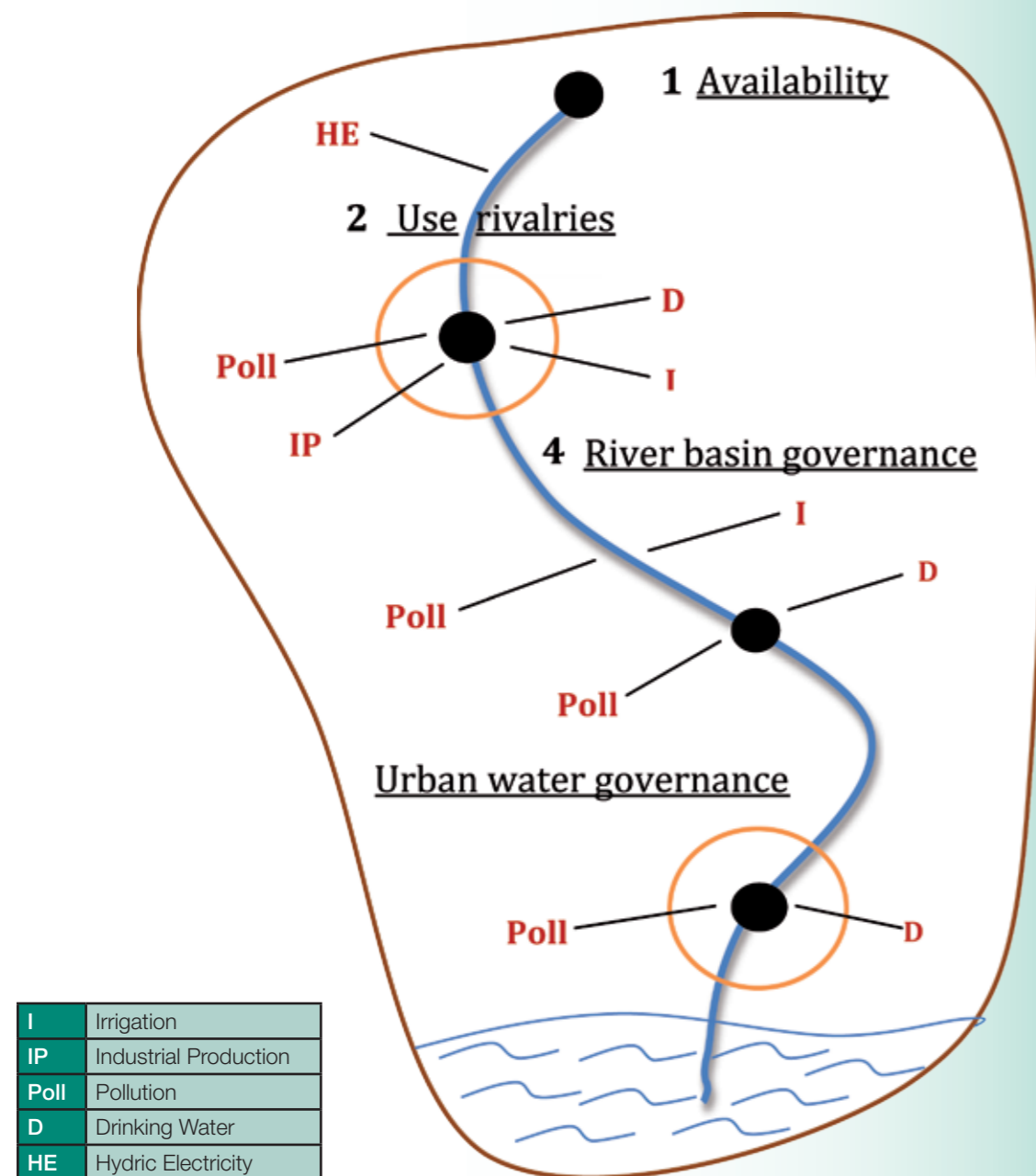
THÈME 1 / THEME 1

UTILISATION ET GESTION INTERNATIONALE DE L'EAU
WATER USE AND INTERNATIONAL MANAGEMENT

BY PETER KNOEPFEL

The following report is based on the twelve papers presented and discussed during the Workshop on Water Use and International Management which were selected out of 19 proposals. The selected titles and the authors figure in the Bibliography. They stem from eight countries (China, France, Germany, Hungary, India, Indonesia, Italy and Switzerland) and mainly cover one or two of the four domains figuring in graph 1 which also gives the basic structure of this presentation (overall water availability, general use rivalries, urban water governance and basin-wide river governance); given the fact that today the problem of access to drinking water must be considered as the most prominent issue it is not astonishing that eight of the twelve papers are mainly dedicated to this vital subject.

Graph 1: the four main problem domains of water management



1. Overall Water Ability and Supply

Especially the Chinese contributions demonstrate the tremendous challenges of water-basin-wide shortfalls which are expected to still increase due to climate changes and increasing water consumption within the concerned water basins. But such shortfalls will also affect other Asian countries and they even concern Switzerland which is currently considered as a veritable water-castle with its abundant precipitations (water and snow) in the alpine regions. As Hu Xianzhi remembers such shortages are especially important in the North-West regions of China and they are frequently followed by extreme regional and seasonal flood periods. In China, the ongoing urbanization and industrialization process, global warming, water pollution, water overuse and the population growth also contribute to such water shortages as Zhang Xiuzhi demonstrates. Several authors propose, as a remedy, to increase storing capacities (dams, retention basins), to promote systematically water saving awareness, to raise water prices and to create «water conservation cities» (as practiced in China). For China and Indonesia the authors propose as another remedy an extension of waste water treatment facilities and other means of water recycling technologies.

In many countries the overall water availability could be increased by enhanced transboundary cooperation. Examples for such agreements are given for Hungary. In fact, as Aron Buzogány shows, this was one consequence of the successful protests against the planned dam on the river Danube planed by the Hungarian central government in cooperation with the neighbouring countries' governments of Austria and Slovenia. Other papers discuss such international agreements for China and Switzerland (cooperation between France and Switzerland for the management of the Rhône river basin). Such treaties allow improved schemes for water resource allocation amongst the concerned regions and fighting against water losses.

Another strategy the astonishing success of which is discussed by Aron Buzogány for the case of Hungary is the application of the European Water Framework Directives of the European Parliament and of the Council of 23 October 2000 (Directive 2000/60/EC) which postulates for each water basis a good status of all waters, river districts and a basin authority, integrated water management and full cost pricing schemes (Aubin and Varon 2004). One author (Zhang Xiuzhi) discusses the search for alternative resources as proposed for China which consists of extracting water from 800 meters deep. But such solutions might lead to environmentally problematic lowering of groundwater levels and to irreversible damages in the concerned under-grounds. As Hu Xianzhi notes, such strategies are furthermore hampered by unclear institutional regulations of rules property rights on water which are in the case of China frequently a «disorder».

2. Regulation of water use rivalries

By means of a new conceptual framework called «institutional regimes of natural resources» (Gerber et al. 2009) and its practical application Christian Bréthaut and Géraldine Pflieger discuss the difficulties of water management in the tourist station of Crans-Montana (canton of Valais in Switzerland) and in the Vallée du Rhône (Switzerland and France). They show how institutional regimes, composed by specific water related public policies and private law based property rights might contribute to regulate rival water uses in a peaceful way. As demonstrated in graph 1 the most important use rights rivalries concern drinking water, irrigation (agriculture), pollutant/sediment absorption and transportation, industrial production, hydroelectric power production and the services delivered by water resources to mainly to numerous biotic resources such as wetlands, nature conservation areas with a high biodiversity etc («ecoservices»). The authors stress that such management schemes first of all must clearly define a global quota for each of these various water uses which should guarantee the reproduction capacity of the entire hydric system and, in a second step, define precise use rights to be attributed to individual users by means of clearly regulated administrative instruments (withdrawal concessions, licenses etc.). This holds not only for pollution rights but also for the – rival or complementary – use rights to other goods and/or services produced by one and the same resource. Global quota must be adapted to overall climate or seasonal and regional variations of the overall water supply within a given basin.

Most of the papers dealing with conflicting water uses do also propose instruments to re-distribute water rights in favour of ecological water services to the detriment of environmentally damaging water uses such as pollution sinks (for water pollution) and/or reducing industrial uses which are considered as being particularly suitable for water recycling means. The analysis of the mismanagement of a Yamua river sub-basin in India presented by Ramakrishna Nallathiga proposes various schemes for water-basin-wide regulations of – recognized – «use values (direct and indirect values) as well as none use values and option values, like biodiversity, existence value like habitats and species as well as other none values (culture, heritage)» He insists on the introduction of more market oriented instruments which should lead to a more equal allocation of water rights.

Christian Bréthaut, Géraldine Pflieger (Switzerland), Hiroko Kudo (Japan) and Aron Buzogány (Hungary) stress the necessity of improvements of coordination between political administrative actors operating different water management activities. Such cooperation concerns especially drinking water policies, agricultural policies, urbanization and industrialization policies as well as nature protection policies (ecoservices). They consider it highly problematic when e. g. agricultural policies promote the use of fertilizers, chemical plant treatment measures etc. while water protection agencies fight without success for improvements of the quality of

the affected groundwater. In the same sense agencies in charge of large urbanization projects should coordinate their planning processes with agencies responsible for the newly created drinking water demand or waste water treatments. Empirical materials presented in the Swiss contribution on Grand Montana make clear that actors must before all construct robust, locally adapted and integrated institutional arrangements on the bases of national and regional legislation. Such arrangements should be able to govern the concrete allocation of water use rights to each of the mentioned user group, to control their behaviour and to eventually adapt them to changing conditions. They are not only built on property and use rights stemming from common law, as Elinor Ostrom proposes, but they also include concrete implementation acts of these national, regional or even local public policies.

3. Urban water governance

Probably the most challenging problem of water management in the world concerns the right of access to drinking water postulated in many national and international catalogues of human rights. One of the focal issues of this debate is water pricing and the corresponding governance of drinking water production and distribution within urban settlements. It is therefore not astonishing that eight of the twelve contributions discussed in the workshop deal with these two questions. They do this in the frame of an international comparison (Gérard Naulleau et Paulin de Latour) demonstrating, amongst others, the need for full cost pricing and for subsidies for private operators at the beginning of public private partnerships, the probable necessity of crossed subsidies (cities and rural areas) and the need for autonomous regulators representing local public authorities and users. On a more or less universal and theoretical level Rahel Schomaker and Melanie Nofz distinguish between "competition for the market" (bedding process) and competition "in the market". They propose a vertical disintegration of the infrastructure of each water service function such as extraction, water treatment and distribution in terms of an unbundling process and discusses risks of regulatory capture.

The other contributors deal with special situations in their own countries. For Italy Vera Parisio, stresses the controversial discussions on the recent Berlusconi Government decree forbidding the traditional «in-house providing» of drinking water by municipal agencies and obliging local governments to choose between private enterprises and mixed companies with at least 40% of private capital (this law has been rejected in a popular votation of July 2011).

Hiro Kudo (Japan) discusses the still rare participatory schemes for water management in her country and she comes to the conclusion that in the analysed case of the city of Yamagata such processes contrary to her initial expectations did not lead to lower water prices but rather to fulfil the popular willingness to improve water quality and supply security. The author is furthermore astonished that within Japanese cities' water management the otherwise frequently used model of public private partnership called in this country «private finance initiative (PFI)» does not play a significant role.

Liyuan Dai and Shilu discuss the important increases of water prices under all governance structures encountered in China such as outsourcing the building of infrastructural facilities, complete outsourcing of construction and exploitation for a given period of time or even the complete transfer of property rights to private enterprises. Nevertheless they consider that prices are still too low.

Wijaya, Andy Fefta shows the lacking balance between social, environmental and economic goals in Indonesian urban water management practices, especially in slum areas. The contribution criticises the dominance of a «profit must be increased»-philosophy, cost inefficiency due to corruption, "collusive and nepotistic practices and inadequate government structures" and claims for "depolticized public water enterprises".

Further postulates suggested by the authors can be summarized in the following points:

- Local water services should include both drinking water delivery (as a universal access right) and waste water cleaning services; the unbundling of these two functions and a system of cross financing still remains subject to controversies. But there seems to be no way of avoiding public subsidies.
- In many countries prices for drinking water are still too low; they should be increased towards full cost pricing; for low income families there is a need for public subsidies. The introduction of the polluter pays principle leading automatically to increased treatment taxes needs time. Remember that even highly developed countries like Switzerland only introduced full cost schemes in terms of an abandon of public subsidised for water treatment in 1998.
- Nobody contests that the public service of drinking water production and distribution can be delegated to private enterprises. But current experiences with full privatizations of these services (infrastructure and service delivery) show mainly negative results in terms of social sustainability (increasing of drinking water prices). They might also have negative impacts on the level of economic sustainability (bankruptcy of the private water service enterprise). Such negative experiences have motivated several big cities (Berlin, Marseille, Chinese cities, Italian cities) to rebuild public water services. Other cities operating public private partnership schemes carefully limit the concession periods at three to five years (Gérard Naulleau et Paulin de Latour).
- In the case of collaborations with private enterprises most authors and discussants agreed to clearly regulate the bedding procedures guaranteeing «competition for markets» (Rahel Schomaker, Melanie Nofz) and avoid corruption and monopolies of specific bedders without any public and citizens' control (Andy Fefta Wijaya for the Indonesian case).

4. (Interregional – national) river basin management

As already mentioned in the first point, the present authors and discussants wholly agree that reasonable integrated water management must encompass the uses of all goods and services produced by a specific hydric resource and that it cannot be built on traditional administrative institutional jurisdictions. Integrated management needs functional territorial entities such as required by the mentioned European Water Framework Directive of 2000 which was developed on the basis of the French model (cf. Aubin and Varone). Whenever such an approach can not be realized for political reasons, Geraldine Pflieger recommends a pragmatic functional approach considering, for water each use actually made in a given river basin, specific adapted regulatory territories including various municipalities (local governments) and cantons (regional governments) which should be interconnected by means of public law contracts containing specific rules for solving the concerned water use rivalries. Discussants proposed such pragmatic solutions also for transnational co-operations along a given river basin.

According to the mentioned concept of institutional regimes for natural resources such river basin wide governance structures should include all use right owners (and correspondingly, all actual users of goods and services of the water) as relevant stakeholders. The application of the EU Water Framework Directive within most of the European member states demonstrates that such governance structures frequently will be built up on various levels of sub-basins and even of sub-sub-basins. They therefore represent frequently multi-level governance structures including local, regional and basin-wide user actors. Furthermore, they not only include state actors (as regulators) but also public and private use right owners, especially the end-users. Several paper givers and discussants insisted on the requirement that such governance structures also include the «owners» of use rights to ecological water services which might be either economically interested landowners such as farmers which e. g. Depend on regular inundations of their fields or actors representing the interests of biotic resources deserved by ecoservices (environmental NGOs).

These governance structures must be capable to produce basin wide binding decisions which guarantee a strict coordination between local, regional and basin-wide water users. They therefore need jurisdiction powers and robust conflict solution mechanisms. Such a structure needs a double democratic legitimation stemming both from the central state and the local and regional communities. In such complex industrialized societies as we find them in Europe and increasingly in Asia too, such structures cannot be constructed on totally autonomous local communities as suggested by Elinor Ostrom for common pool resources (Ostrom 1990) nor can they be entirely imposed by central states' public policies. They furthermore must inevitably include all public agencies dealing with the regulation of goods and services of the concerned hydric system which cannot anymore act independently on "there" river basin.

As a subjective reporter I am aware that most of the presentations and the discussions during the three sessions of the Water Management workshop were much richer than this somehow rather poor report. But I hope, nevertheless, that the presented text is enough convincing the readers about the enormous challenges politic-administrative management of water resources encounter these days and in the very uncertain future bearing enormous needs for adaptation to already clearly identifiable and damaging climate changes.

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THÈME 2 / THEME 2

MIGRATIONS ET ENJEUX TRANSNATIONAUX MIGRATION AND TRANS-NATIONAL CHALLENGES

BY CECILIA IMAZ AND DENISE AMYOT

During the selection process 22 abstracts were proposed for subtheme 2 and 16 papers were accepted to be presented at the Congress.

Varied and interesting cases were discussed on specific countries in 4 regions: Australia, North America (Canada, USA, Mexico) Europe (Switzerland, Germany, Lithuania, Italy, Portugal, Greece) and Asia (India, China, Indonesia) to analyze migration management challenges in different realms: migration policies, regulatory regimes, social issues and human rights, from the receiving and sending countries perspectives, according to the case presented.

The particularity of each country situation did not diminish the fact that many countries share similar concerns, being immigration, emigration or transmigration countries, taking into account that the majority involve at least two of these processes.

POLICY PLATFORM - THEME 2 MIGRATION AND TRANS-NATIONAL CHALLENGES

Speakers:

Dr. Eduard Gnesa (FDFA) gave a broad and comprehensive perspective of immigration in Switzerland and stated that almost 22% of its working force comes from abroad.

Patrick Terrain (ILO) presented extensive quantitative data on current and future immigration in the world to show how indispensable migrants are for more than 100 countries.

Ana Lucia Colleo (JMDI) addressed the positive and negative impacts of migration on the joint initiative of the Economic Union.

Erik Bergrud (ASPA) talked about the romantic idea of America as the Promised Land for immigrants; used his own case to show how immigration can be successful and useful to the host country and posted the question to better understand migration today: does the lamb remain behind the golden door?

General remarks:

1. Migration is and always has been an economic factor for growth and development
2. From a global perspective, migration is an important and complex topic in the international arena
3. Managing migration is a task for public administrators that have to look at it further than a demographic perspective and approach it in a comprehensive way.

1ST WORKSHOP ON GENERAL POLICY ISSUES

Presentations by: Cristina Gabiati from Italy, Soma Pilay from Australia, Audrome Pauliukeviciute from Lithuania, Mathilde from Portugal and Raymond Saner and Lichia Yiu from Switzerland spoke about particular cases on migration policies.

Intercultural topics were often mentioned as challenges for governments and societies, and the idea of migration as a problem for public administration was persistent, whether from China, Lithuania or Switzerland.

2ND WORKSHOP SESSION ON POLICY AND SOCIAL ISSUES

Presentations: Christopher Koller from Switzerland, Anwar Sanusi from Indonesia, Luis Garcia Cardenas from Mexico, Olga Zygoura from Greece.

Along with challenges that countries with massive migratory flows of people face, as insufficient to deal with and lack of co-ordination in federalist structures, best practices were also mentioned as policies of interregional migrations used in over populated countries and protection of irregular transmigrates from underdeveloped countries.

3RD WORKSHOP SESSION ON SPECIFIC TOPICS AND HUMAN RIGHTS

Participants: Kalu Kalu, from USA, Ming Li from China, Sunday Olukoju from Canada.

Identity was one of the topics addressed in this session, and the rise of hybrid communities due to immigration from very different cultures. Best practices for policy replication were also presented.

Several cases discussed the need for better policies and migration management due to the fact that governments are dealing with persons, not commodities, and the human rights international standards stand as a global goal.

Even though nowadays, most countries use different processes of migration-emigration transmigration, immigration-European's and Canadian's approaches on migration was focused on integration and managing migration, while cases of sending countries and over populated ones in America (Mexico and USA) and Asia focused on management and support.

One task that should be highlighted is that in order to improve in managing migration is the need of bilateral and regional agreements on the matter in order to alleviate the burdens on governments as well as on migrants.

Ideas for consideration and orientation for action

Many presentations mentioned the needs for integration of migrants into societies, and the absence of coordination between the different institutions dealing with migration, as one of the main problems most countries face.

Eight points will be raised:

1. It would be suggested that future presentations on the subject talked more about the different governance models that could guide jurisdictions and offer examples of lessons learned from the implementation of successful models.
2. Migration is part of human development; it is an agent of progress. It was also mentioned that migration is about rights of current and future migrants but only once did we hear about the roles and responsibilities of those immigrants as "citizens" towards their new country of adoption from a social, economic, cultural and sustainable perspective. Those for example would include responsibilities to vote, to participate in society, respect of the values of their country of adoption, to protect their new country of adoption, and the human rights of that country. It is proposed that countries introduce a "Charter of Citizen" and not only for immigrants but for all citizens of the country.
3. Many countries are beginning to face serious shortages of labour force, have brain drain and aging population. As the famous writer Richard Florida said in a tweet this week: "Great crises make us better at using our own precious and critical economic resource: human talent." It is believed that this management of human talent should include all people linked to migration whether the immigrants themselves or the people supporting them.
4. Ms. Geraldine Fraser Maleketi spoke during the Brabant lecture of the need for public administration to treat citizens as customers to ensure citizens are part of the discussion in government approaches. It is interesting to ask who are the "customers"?
 - the immigrants
 - the receiving society
 - or both
5. And do immigrants and the citizens of their receiving country really have choice in the "customer service" they received, do they have a say in current migration approaches?
6. In all the presentations made, more speakers talked about the importance of engaging society and immigrants in the migration discussion. It was at times felt like as public administration knew it all or was doing trials and errors achieving at times, successes or achieving mitigating strategies. None were about dialogue to create a better awareness of the situation, context, needs, gaps, opportunities and challenges engaging the citizens themselves and very few presentations could offer comparative analysis that could serve as benchmarks except the excellent one done by Christopher Keller of Switzerland.
7. Even though a number of administrative aspects were covered (whether structures or processes), except for Canada none of the presentations touched on the "service culture" that should characterize the citizen-oriented approach of a growing population that is at risk, namely, the immigrant population. It is suggested that today's jurisdictions rethink their approach by placing the migrant citizen at the centre of their approach, rather than public administration at the centre of the migration issue.

8. Another point to be raised is that none of the documents talked about possible future-oriented scenarios and their potential economic, social and cultural impacts. They talked about the past, the present, but not about the future and the priorities to be addressed in advance. Eduard Gnesa, of Switzerland, has rightly spoken of "the right immigrant at the right border." Let's add "at the right time under the right conditions" to avoid the disastrous situations too often reported in the media.
9. Another interesting gap in the presentations touch the "gender perspective policies" linked to migration. This inclusion would also have meant a more holistic approach to the issue of migration.

Conclusion:

In short, when speaking of migration, one is in fact speaking of human development and leadership, which must be tackled from two perspectives, namely, that of the immigrant and that of the society receiving the immigrant:

- the society receiving the immigrant: must accept the immigrant, integrate the immigrant and develop the immigrant;
- the immigrant: must adopt his/her new environment, must adapt to his/her new environment and must contribute to his/her new environment.

In conclusion, we would add that the Conference provided opportunities for learning, reflection, possible solutions, even comparisons that will make it possible to more soundly manage migration issues and ensure the human development of citizens in their own right, be they the immigrants of yesterday, today or tomorrow. The future of humanity is at stake.

THÈME 3 / THEME 3

NOUVELLES PISTES FACE AU BESOIN CROISSANT DE NOUVEAUX RÉGIMES DE RÉGULATION NEW TRAJECTORIES TO THE RISING NEED OF REGULATORY REGIME

BY GUANGJIAN XU, CHINA

The main topic of sub-theme 3 is new trajectories to the rising need of regulatory regime. There were 15 presentations on four workshops and several presentations were missed for various reasons. These presentations covered main areas of reform of regulatory regime, from the general issues to financial, energy and social fields and they are covered almost continents and many countries or regions also. There were also very thorough discussion on the workshops among paper authors and participants.

On the general issues, we shared many findings and conclusions from the presentations. Mr. Pedro Andrieu from Argentina, presented a study about the state of capture, taking Argentina's privatization of public services as cases. According to this study, the state capture could be proved and the results show how some private groups were grossly benefited while some weak social groups, especially those of lower income, were in the end damaged in the process of privatization. This study is one of important lessons for other developing nations for right regulation to minimize the danger of corruption and capture. His presentation and paper is a good case for privatization and regulation in public utilities industries. We can learn from his paper that it is very important to prevent from the state of capture and corruption and protect the rights of weak social groups.

Mr. Tim Jaekel from German Research Institute for Public Administration Speyer (GRID), presented a study about what are the best regulatory solutions based on international perspectives on benchmarking in public administration. The presentation defined three ideal types of benchmarking in the public sector (hierarchical, collegial and voluntary benchmarking) and drawn a link between the three ideal types and a set of basic characteristics of local systems. Performance measurement and benchmarking systems at the local level in six European countries (Germany, Great Britain/England, Sweden, Germany, Austria and Switzerland) were analyzed. This topic is the core of public administration and led in-depth discussion among the participants. This is a good case for the benchmarking administration and performance measurement. Professor Masahiro Horie from Japan reviewed regulatory administration and reform efforts in Japan in the last three decades in his presentation, based on the review he pointed out that decision making by consensus, gradualism and other features characteristic to reform in Japan are main characteristic.

The reform of regulation in financial field has been one of hot issues in recent years since the outbreak of global financial crisis. There are four presentations from Egypt, UK, Switzerland and Lebanon, these presentations discussed regulatory system of financial field from different angles, for instance, Professor Hanan Elnaggar from Egypt presented her study about the very special system in Egypt and the reform in recent years. She discussed how could Egypt develop and implement a dual-banking system of regulations for both conventional and Islamic banking. Professor Les Metcalfe from UK presented his findings about the reform of Euro in current turbulent times and there were very good discussion on his paper, this is a very hot issue in current because of public budget crisis in few member countries since the global financial crisis. He presented two main kinds of reform strategy: one is a consolidation strategy to strengthen and reinforce the existing regime to make it more crisis-proof and better able to serve its original goals. The other is a transformation strategy aimed at designing and implementing a more appropriate and less crisis prone regime than the existing one. According to his study, a consolidation strategy would prove inadequate because the existing regime is too narrowly based and lacks the governance capacities that will be needed to manage a much larger and more complex euro zone. A transformation strategy is a more difficult option but offers a better prospect of building a regime that can cope effectively with the challenges ahead. However, this is a very controversial topic and there was not any common conclusion in our workshop. Ms. Karin Wendt from IDHEAP discussed a multi-level (national, regional and international spheres) regulation issue taking the case of counter the financing of terrorism in Europe. This is a very important perspective for better understanding of multi-level regulation regime.

The energy industry is one of traditional regulated fields and the reform of regulation of energy industry has been a key topic in recent years. There are three presentations from Indian and Belgium in our workshop. Mr. Kumar and Mr. Nath from India presented their study on the open access regulatory reform in the field of electricity in India in last seven years. They reviewed the development of Electricity Act of 2003 and discussed the achievements and problems in the open access reform. The independence of regulatory body was discussed also in their presentation. Mr. Joery Mattys from Belgium presented a study on the regulatory issues in the field of electricity in EU and Belgium and the relationship among autonomy and co-ordination. We discussed how to deal with the relation between the regulatory body of EU and Belgium. This paper is a very good case for multi-level regulation on energy field in EU.

NOUVELLES PISTES FACE AU BESOIN CROISSANT DE NOUVEAUX RÉGIMES DE RÉGULATION NEW TRAJECTORIES TO THE RISING NEED OF REGULATORY REGIME

BY DIETER SCHIMANKE, AUSTRIA

Regulation, regulatory state and - some two decades ago - deregulation are words used not only in the academic world, but also in the practice of politics and public administration. There is no clear definition or identification what is "regulation" and what doesn't belong to the field¹. The reasons for this unclear situation are different theoretical backgrounds and the mixture between the use of the same word in academic publications and in the political practice. The expression of "Regulatory Regime" in the programme of the Lausanne conference seems to concentrate on an active role of the political and administrative institutions.

The conference offered two formats to analyze the present situation on concepts and practice of regulation or regulatory regimes. The first comprised a greater number of papers on concepts and new developments, on different cases (on national systems and selected sectors) and also on comparative studies². The second was the new format of "Policy Platform" that brought in another perspective into the communication at the conference (like a horizontal dimension of a matrix, whereas the first one built the vertical dimension). In this platform the conference had - inter alia - the chance to refresh the picture of OECD. It has two hearts in its body: in the recommendations on regulatory policy we find an approach to reduce the public functions; the modern concepts are called "reduction of political and administrative burdens", "standard-cost-model" etc. And it was reported from a study of a consulting company that in Switzerland alone the benefit by reducing the administrative burden could be 50 billion Swiss Franken - but with many open questions on the method and the single findings. The second heart of OECD was talking about 12 practical recommendations reported by Josef Konvitz: it is on the one hand the message of a certain active role of the public institutions, especially the highest political level and embedded in the concept of a "regulatory governance cycle", to improve the effectiveness and efficiency of public programmes, orientated on the needs of the users (citizen?). But on the other hand this function of the public institutions is limited and should be controlled regularly on necessity, reduction, administrative costs. The idealistic model of these concepts is still the limitation of public powers in relation to the society and the economic system, as it is formulated by the different directions of (neo-)liberalism. The NPM (New Public Management) is part of these approaches and has brought in the economic view into the public sector with the internal dimensions of efficiency and effectiveness (with numbers for measuring and comparing the input, output and external effects), improvement of structures and tools, personnel and HRM, and some more approaches borrowed from the world of private companies.

These are, in very brief words, the background and the themes of the papers and debates during the Lausanne conference. It started with the attempt of the definition. But without a theoretical clarification of "better regulation", "smart regulation", "regulatory policy", "reduction of political and administrative burden" we are talking on different subjects. And the demarcation between administrative science and politics are blurring. Especially the invited consultants used the words around "better regulation" - more or less explicitly, but at least between the lines - for formulating demands on specific improvements of the programmes that need external advice. It seems that regulation, regulatory regimes, better regulation, etc. is exaggerated towards a meta-policy.

Below this conceptual level in general the papers and debates of the conference presented quite interesting information on innovations and new approaches of problem solving through different countries and administrative sectors. Even single national case studies presented interesting information on national approaches: Turkey, Maroc, United States. Turkey³ is reporting on nine independent Regulatory Agencies: Capital market, Radio and Television, Competition, Banking Regulation, Information and Communication Technology, Energy Market, Sugar, Tobacco and Alcohol, Public Procurement. Maroc⁴ has developed different institutions ("cadre et institutions de régulation social au Maroc"): National Council for Human Rights, Ombudsman and Economic, Social and Environmental Council. And the US-paper⁵ made it very clear which ideologies are behind the discussion on state functions, the active politics and establishing special agencies between state, market and society. The single Presidents pursued different political strategies which had an impact on legitimization and public trust/distrust. The Swiss reform on registry of the citizen⁶ demonstrates the effects of information technologies on the structures, procedures and instruments of the public administration with changes in the relationship between the public administration and the citizen. But regulations on IT-policies have also consequences for the "internal life" of the public administration - a common result of the case-studies on India and Italy⁷. Two studies worked out more the relevance of external factors (including lobbying, power-systems etc.): the regulation on veterinary drugs and especially the decisions of implementation⁸; the similarities and differences of the regulatory policies in the two countries of Germany and Japan⁹. One difference between the two countries with an effect on the contents of the regulatory policies is the character of political decision making: negotiating and principle of majority (Germany) and decision-making by consensus (Japan). The differences of the principles, basic structures, and politico-administrative cultures have an influence on the scope, speed, contents and implementation of the regulatory policies. In a cross-country-comparison how far benchmarking is an approach of national politics a paper differs between voluntary, collegial and hierarchical¹⁰. These three different political styles can explain differences in the regulatory policies. Therefore the

recommendations of OECD on regulatory policy¹¹ are not really matching with the differences in the single states, but develop an idealistic model with (indirect) political implications. Those who rely more or less on this perspective are recommending issues which neglect certain dimensions of the politico-administrative reality. This is the case especially with the "standard-cost-model" or the discussion on "administrative burden"¹².

The debate on regulatory policy has the advantage that the perspective is internal and external. I.e. that beside the internal dimensions of efficiency, effectiveness, improvement of structures and tools etc. the concepts include also the external dimensions of quality and results. Regulatory policy, especially in respect of the approach of "better regulation", should not be overloaded by an understanding as a "Meta-Policy". In politics and in the public administration we have strong and increasing challenges, not only based on, but intensified by the fiscal crisis that is already an economic and a structural crises (there are other challenges: energy and water provision, environment, transportation, demography and social security systems, migration, unemployment etc. that are raising the question, what is the best policy for resolving market failures and for regulating these sectors). The public institutions are questioned for active interventions, for improvement of services, for fulfilling their public duties. And the demand on active regulation can go beyond the responsibilities layed down in the basics of the political system (mainly the constitution and other laws). We find a mismatch between responsibilities - that are reduced during the times of neo-liberalism - and public demands. The answers to this crisis of legitimacy of public institutions are a stronger state and a higher level of political participation (including new forms through social networks).

In sum, the state is coming back in the Post-NPM-time!

The subtheme 3 was well chosen for the conference, because it combined information on good examples (national and comparative) with conceptual and more systematic-oriented analysis. And it reduced popular and wide-spread approaches like the concept of "administrative burden" to the level what they are: either a product of good salesmanship (consulting companies) or the attempt to change the political system ("slim state", i.e. to transfer public task to the society and private sector) - or just a new pig chased through the village. On the other hand, the debate and the practice of regulatory policy offer several suggestions and proposals for modernizing and improvement of the public administration.

1. M. Horie is reporting in his paper on 'Management and Reform of Regulatory Administration in Japan' on a widely accepted understanding of Public Regulation in the Japanese Government: 'Regulation is an intervention of national or local government to the activities of private enterprises or individuals in order to realize specific policy objectives. Typical . is a regulation by permission, authorization and so on. In relation to such permission, authorization and others, there are various kinds of requirements such as reporting to a government office from an enterprise or an individual. There is also an administrative guidance of regulatory nature.'
2. In the following footnotes we refer to selected papers delivered at the Lausanne-conference of IAS, July 2011.
3. See Nalan Demiral, The efficiency and functionality of independent regulatory agencies in developing countries: Turkish Case.
4. See Mustapha Taimi, Nouvelles orientations de l'action publique et régulation économique et sociale dans un contexte International globalisé et libéralisé: cas du Maroc.
5. See Melchior Powell, An examination of recent regulatory failures, recommendations for reform, and their impact on citizen trust in globalized world.
6. See José Formaz and Olivier Glassey, Technologie et régulation: L'échange international des données d'état civil.
7. See Jyoti Rattan and Vijay Rattan, A critical analysis of administration of Information Technology regulatory authorities in India: International and national legal perspective; Laura Ammannati, Regulation Information and New Information Technology. Do "wiki-based instruments" play an influent role in regulatory procedures at the global level?
8. See Fritz Sager et al., How domestic are domestic regulatory regimes really? The regulation of veterinary drug dispensation in three European countries.
9. See Koichiro Agata, New frontier for convergence of information-communication. Convergence of regulation in Japan compared to Germany.
10. See Tim Jaekel/Sabine Kuhlmann, How to find the 'best' regulatory solutions? International perspectives on benchmarking in public administration; see also two more comparative papers of Julia Fleischer (Regulatory failures as coordination failures: The effects of organizational structures on environmental regulation - with four ideal-types of organization dynamics) and Seok Hyeon Choi and Pan Suk Kim, Account and Assessment of Foreign Labour Regulations in South Korea and Taiwan: Focusing on State-Business Relation Structure in the East Asian Developmental State and its Effects on Foreign Labour Policy.
11. Presentation of Josef Konvitz, Global problems and national regulations: Challenges to regulatory strategies, presentation during the 'Policy Platform' at the IAS-conference in Lausanne.
12. During the 'Policy Platform' a consultant presented a study on administrative burden in Switzerland and mentioned 50 billion Swiss Franken, which looks to be very unrealistic.

NOTES INDICATIVES SUR LES PLATEFORMES POLITIQUES *ISSUE PAPERS ON POLICY PLATFORMS*

PLATEFORME POLITIQUE SUR L'UTILISATION ET GESTION INTERNATIONALE DE L'EAU

PHILOSOPHIE

« Lien » entre le point de vue scientifique et le point de vue pratique: les praticiens partagent des informations avec les académiques qui reçoivent ces renseignements – discussion sur les données contextuelles

OBJECTIFS

Un débat animé par les praticiens utile pour les praticiens et les académiques, présentant les connaissances sur les thématiques du secteur publique relatives à la gestion de l'eau et fournissant un large éventail de points de vue pour un débat se voulant contradictoires.

Les contributions étaient axées autour des questions d'administration publique suivantes (il n'était pas nécessaire de traiter tous les points):

1. Responsabilité administrative: éviter les dédales bureaucratiques et privilégier les intérêts sectoriels;
2. Division des responsabilités entre les autorités centrales et locales, financement; enjeux administratifs à relever; contrôle de la répartition des fonctions ;
3. Offre de services: réponse aux citoyens/utilisateurs – accès, politique de prix, support professionnel, etc. ; efficacité et efficience ; équité et éthique ;
4. Coordination opérationnelle ex. Gestion des prix de l'eau, administration au niveau collectif et en partenariat avec les sociétés privées, prise en considération des structures légales;
5. Prise de décision et définition des politiques publiques – structure institutionnelle: définition des politiques en tenant compte de la rareté de l'eau, distribution et traitement de l'eau ; utilisation appropriée du savoir technique, d'un point de vue des ressources internes et externes ; choix des instruments politiques ; contrôle et évaluation des politiques ;
6. La dimension internationale : gérer les relations et les négociations inter-pays ; établissement d'une politique nationale ; influence sur les décisions relatives à la régulation et élaboration de règles ; participation aux organisations supranationales ;
7. Comparer les politiques de gestion de l'eau dans les différentes régions du monde tout en dessinant les contours des développements et arrangements institutionnels des actions collectives eu égard à la gestion de l'eau.

Débat organisé autour des questions principales telles que :

1. Quelles sont les forces, les faiblesses et les défis futurs ?
2. Comment les gouvernements nationaux rencontrent au mieux les besoins locaux dans les contextes nationaux et supranationaux ?
3. Donner de bons exemples de résolution des problèmes.

POLICY PLATFORM ON WATER USE AND INTERNATIONAL MANAGEMENT

PHILOSOPHY

« Bridge » between the Scientific point of view and the Practitioner point of view :
Practitioner sharing information and Academics receiving information – context debate

OBJECTIVES

Practitioner's debate useful for Practitioners and Academics, presenting knowledge of public administration issues on the topic of Water Management by providing a range of points of view in a contradictory debate.

The following Public Administration Issues were covered (it was not needed to treat all the matters):

1. Lead Administrative Responsibility: avoiding playing into the hands of bureaucratic or sectoral interests;
2. Central/Local Division of Responsibilities and financing; the administrative challenges to be overcome; and control of devolved functions;

3. *Service Delivery: responsiveness to citizens/users – access, pricing, professional support, etc; effectiveness and efficiency; equity and ethics;*
4. *Operational coordination e.g. in managing water pricing, steering and administering management at collective level in society and in partnership with private companies, or taking into account legal structures;*
5. *Policy Decision taking – Institutional Structure: Policy design in accordance with water scarcity, water distribution and water treatment; backing with adequate technical knowledge, from both internal and external sources; choice of policy instruments; policy monitoring;*
6. *The International Dimension: handling inter-country relationships and negotiations; establishing a national policy position; influencing international regulatory decisions and rule making, participating in supranational bodies;*
7. *Comparing water policies in the different regions of the world tracing the institutional developments and arrangements of collective action regarding water management.*

Debate organised around key questions related to the fields:

1. *What are the strengths, the weaknesses and the future challenges?*
2. *How can national governments best relate local needs with national and supra-international contexts?*
3. *Provide good examples on how problems were solved?*

PLATEFORME POLITIQUE MIGRATIONS ET ENJEUX TRANSNATIONAUX

PHILOSOPHIE

« Lien » entre le point de vue scientifique et le point de vue pratique: les praticiens partagent des informations avec les académiques qui reçoivent ces renseignements – discussion sur les données contextuelles

OBJECTIFS

Un débat animé par les praticiens utile pour les praticiens et les académiques, présentant les connaissances sur les thématiques du secteur publique relative à l'eau et fournissant un large éventail de points de vue pour un débat se voulant contradictoire.

Les contributions étaient axées autour des questions d'administration publique suivantes (il n'était pas nécessaire de traiter tous les points):

1. Responsabilité administrative: éviter les dédales bureaucratiques et privilégier les intérêts sectoriels;
2. Division des responsabilités entre les autorités centrales et locales, financement; enjeux administratifs à relever; contrôle de la répartition des fonctions ;
3. Offre de services: réponse aux citoyens/utilisateurs – considérations multi-ethniques ; appels et redressement ; assistance santé ; information relative aux conditions d'intégration etc. ;
4. Coordination opérationnelle ex. En gérant les points relatifs à l'immigration, ou en prenant compte des structures légales;
5. Prise de décisions et définition des politiques publiques – structure institutionnelle: assurer une politique d'intégration et équilibrer les intérêts ; mise en place de procédures appropriées d'intégration ; choix des instruments de politique ; évaluation et contrôle des politiques ;
6. La dimension internationale : gérer les relations et les négociations inter-pays ; agir ensemble entre le pays d'origine et le pays d'accueil ; élaboration d'une politique nationale ; influence sur les décisions relatives à la régulation et élaboration de règles ; participation aux entités supranationales ;
7. Personnel et RHM: composition multi-ethniques; conditions de formation;
8. Ressources: assurer un cadre budgétaire suffisant et adéquat;
9. Relations avec les medias afin qu'ils jouent un rôle informatif, positif et même constructif.

Débat organisé autour des questions principales telles que :

1. Quelles sont les forces, les faiblesses et les défis futurs ?
2. Comment les gouvernements nationaux rencontrent au mieux les besoins locaux dans les contextes nationaux et supranationaux ?
3. Donner de bons exemples de résolution des problèmes.

POLICY PLATFORM ON MIGRATION AND TRANS-NATIONAL CHALLENGES

PHILOSOPHY

« Bridge » between the Scientific point of view and the Practitioner point of view:

Practitioner sharing information and Academics receiving information – context debate

OBJECTIVES

Practitioner's debate useful for Practitioners and Academics, presenting knowledge of public administration issues on the topic of Migration by providing a range of points of view in a contradictory debate.

The following Public Administration Issues were covered (there was no need to treat all the matters):

1. *Lead Administrative Responsibility: avoiding playing into the hands of bureaucratic or sectoral interests;*
2. *Central/Local Division of Responsibilities; the administrative challenges to be overcome by national central authorities and local authorities;*
3. *Service Delivery: responsiveness to citizens and migrants – multi-ethnic considerations; appeals and redress; healthcare assistance; information delivery regarding integration conditions etc.;*
4. *Operational coordination e.g. in managing immigration related security issues, or taking into account legal structures;*
5. *Policy Decision taking – Institutional Structure: ensuring policy integration and the balance of interests; backing with adequate integration procedures; choice of policy instruments; policy monitoring;*
6. *The International Dimension: handling inter-country relationships and negotiations – getting the act together between country of origin and "welcoming" country; establishing a national policy position; influencing international regulatory decisions and rule making, participating in supranational bodies;*
7. *Staffing and HRM: multi-ethnic composition; training requirements;*
8. *Resources: ensuring a sufficient and workable budgetary framework;*
9. *Relations with the Media so that they play an informative, positive, even contributory role.*

Debate organised around key questions related to the fields:

1. *What are the strengths, the weaknesses and the future challenges?*
2. *How can national governments best relate local needs with national and supra-international contexts?*
3. *Provide good examples on how problems were solved?*

PLATEFORME POLITIQUE SUR NOUVELLES PISTES FACE AU BESOIN CROISSANT DE NOUVEAUX RÉGIMES DE RÉGULATION – UNE MEILLEURE RÉGULATION DANS UN MONDE GLOBALISÉ

PHILOSOPHIE

« Lien » entre le point de vue scientifique et le point de vue pratique: les praticiens partagent des informations avec les académiques qui reçoivent ces renseignements – discussion sur les données contextuelles

OBJECTIFS

Un débat animé par les praticiens utile pour les praticiens et les académiques, présentant les connaissances sur les thématiques du secteur publique relative aux régimes de régulation et fournissant un large éventail de points de vue pour un débat se voulant contradictoire.

Quelques questions d'administration étaient à couvrir (il n'était pas nécessaire de traiter tous les points):

1. Quels sont les principaux défis pour acquérir une qualité de régulation dans la conjoncture actuelle (la crise fiscale étant un des défis parmi d'autres domaines politiques complexes) ?

2. Dans quelles mesures les dispositions sont-elles engagées pour garantir le respect des principes majeurs pour une bonne régulation des objectifs des politiques, la rentabilité, la transparence, la prévisibilité, la reddition des comptes, la révision régulière etc ?
3. En adressant cette question, comment les gouvernements ont-ils réussi à établir le concept de la politique de régulation en tant qu'ensemble des processus gouvernementaux' qui sont respectés par tous ?
4. Quelle est l'étendue des progrès dans la mise en place d'un réseau institutionnel cohérent pour soutenir une telle politique, et pour contrer les systèmes disparates et mal coordonnés, qui sont progressivement apparus par le passé en fonction de certains besoins?
5. Le processus de décisions aux niveaux national et international est-il efficace pour rencontrer les nouveaux besoins? Les instruments politiques adéquats sont-ils sélectionnés pour faire face à un problème donné et si oui, avec quelle rapidité ? Dans quelle mesure l'analyse d'impact de régulation (RIA) est-elle systématiquement utilisée au niveau des choix majeurs de politique? Quels sont les obstacles principaux à assurer la compatibilité des régulations internationales et des nouvelles priorités globales, et comment mieux les traiter?
6. Où se situent les principales défaillances en terme de gestion de la régulation et des erreurs de système telles que l'information périodique, techniques de consultation, acquisition de la conformité, l'évaluation etc ?

Débat organisé autour des questions principales telles que :

1. Quelles sont les forces, les faiblesses et les défis futurs ?
2. Comment les gouvernements nationaux rencontrent au mieux les besoins locaux dans les contextes nationaux et supranationaux ?
3. Donner de bons exemples de résolution des problèmes.

POLICY PLATFORM ON NEW TRAJECTORIES TO THE RISING NEED OF REGULATORY REGIME – BETTER REGULATION IN A GLOBALIZED WORLD

PHILOSOPHY

« Bridge » between the Scientific point of view and the Practitioner point of view :
Practitioner sharing information and Academics receiving information – context debate

OBJECTIVES

Practitioner's debate useful for Practitioners and Academics, presenting knowledge of public administration issues on the topic of Regulation by providing a range of points of view in a contradictory debate.

The following Public Administration Issues were covered (there was no need to treat all the matters):

1. What are the main challenges to achieving regulatory quality in today's conjuncture (the fiscal crisis being just one among many complex policy areas)?
2. How far are measures being seriously instituted to ensure respect of the key principles for good regulation of clear policy purpose, cost effectiveness, transparency, predictability, accountability, regular review etc?
3. In addressing this whole issue, how successful have governments been in establishing the concept of a regulatory policy as a 'whole-of-government policy' respected by all?
4. To what extent has there been progress in building a coherent institutional framework to support such a policy, and overcome the disparate, ill coordinated systems, which had progressively emerged in the past according to need?
5. How effective are the decision processes both at national and international levels for meeting new emerging needs? Are the right policy instruments for a given problem selected, and how soon in the decision process? To what extent is regulatory impact analysis (RIA) systematically used at least for major policy choices? What are the key obstacles in ensuring compatibility with international regulation and emerging global priorities, and how best to address them?
6. Where are the main failures in terms of regulatory management and oversight systems such as periodic information, consultation techniques, achieving compliance, evaluation etc?

Debate organised around key questions related to the fields:

1. What are the strengths, the weaknesses and the future challenges?
2. How can national governments best relate local needs with national and supra-international contexts?
3. Provide good examples on how problems were solved?

CONFÉRENCE BRAIBANT BRAIBANT LECTURE

RÉSUMÉ

PAR GERALDINE J FRASER-MOLEKETI, DIRECTRICE,
GROUPE DE GOUVERNANCE DÉMOCRATIQUE, PNUD

Les crises ont ouvert la voie au changement et ont montré la voie d'un progrès aux bénéfiques des peuples, à la fois au sein du gouvernement et de la gouvernance. Les exemples abondent. Les crises ont été bénéfiques à chaque fois que les peuples et les gouvernements ont pris la peine d'explorer les leçons qu'ils peuvent en tirer et écouter les messages se font très clairement entendre. Mon objectif dans cette conférence est d'ouvrir un débat, qui peut faire la lumière sur la nature de la crise actuelle et donner un sens à la direction que nous, au PNUD, mais également d'autres organisations et les gouvernements en général, seraient bien avisés de suivre.

Le document suggère que, au cœur du problème, se trouve un modèle de gouvernance qui a échoué. C'est ce qu'on appelle le « business model » ou le modèle de marché de la gouvernance, car il cherche à imposer, sur le gouvernement, les méthodes, mais aussi les valeurs et les normes de l'entreprise privée. Il reposait sur l'hypothèse que le gouvernement est, par définition, moins efficace que le secteur privé, car il «est isolé de la rigueur du marché» (S. Ellington 2011:139) et trop protégé pour son propre bien. Cette hypothèse arbitraire a lancé une offensive sur le gouvernement, qui continue toujours, dans certains endroits. Cette attaque a été principalement dirigée contre l'État administratif, qui a vu la lumière du jour pendant la Grande Dépression et prospéré dans le sillage de la reconstruction d'après-guerre, la décolonisation et les efforts de développement, dans les années 1950 et 1960.

Fait remarquable, cette attaque et l'affaiblissement de l'État a peu d'effet sur les budgets des forces armées ou des services de sécurité, dont l'importance relative a augmenté dans les cas notables au cours des dernières décennies en dépit des «dividendes de la paix» qui étaient censées suivre la fin de la Guerre Froide. Bien que les généralisations doivent être évitées, il serait juste d'affirmer que de trop nombreux pays ont cherché à résoudre la crise par des coupes dans les services publics. Ajoutée à l'externalisation massive, la réduction des prestations sociales a modifié le profil et à certains égards, la pertinence du gouvernement, dans la perception des citoyens. Pour l'empirer les choses, l'externalisation et la privatisation ont ouvert toutes grandes les portes aux opportunités de dépassements de coûts massifs, à la corruption et aux détournements de fonds publics. Prononcées dans certains pays, ces tendances ont amené le gouvernement et l'administration publique à la déconsidération, provoquant le déclin rapide de la confiance du public, ainsi que d'une érosion massive du capital social et du service public.

Dans de trop nombreux pays, certains touchés par la crise, l'effet cumulatif de cette combinaison de tendances a contribué à élargir un fossé creusé entre le gouvernement et le peuple. Le chômage massif, en particulier chez les jeunes, le déclin des services sociaux et les disparités de revenus à la hausse allant de pair avec une corruption massive, ont contribué à faire grandir le cynisme, l'aliénation et l'anomie. Autrement dit, il y a un risque que les citoyens puissent cesser de participer ou de placer leur confiance dans le gouvernement et la gouvernance. Si cela se produit, la démocratie est en danger. Soit les citoyens perdent tout intérêt ou, comme il arrive souvent, les élites gouvernementales s'approprient l'État pour leurs propres fins privées. Les événements des derniers mois ont révélé toute une série d'abus, mais également envoyé un message sur les questions qui doivent être abordées.

Rétablir l'ordre et des objectifs dans le chaos provoqué par les crises appelle à un leadership engagé et au professionnalisme compétent. Il convient de souligner que les deux reposent sur le renforcement des institutions, la réappropriation de l'espace public et la création d'un environnement structuré, où les citoyens prennent part aux processus de gouvernance en tant que parties prenantes responsables et membres de la communauté concernée. D'une certaine manière, nous devons nous efforcer de rétablir, parmi tous les peuples, la conviction que, en temps de crise en particulier, « nous sommes tous dans le même bateau ».

En affaiblissant l'État, nous avons affaibli la démocratie, qui repose sur un sentiment de communauté et sur l'idée que le pouvoir appartient non seulement à la population, mais doit également être appliquée à des fins dans lesquelles elle a un intérêt. Les notions de communauté et de participation citoyenne sont celles qui font la vitalité de la gouvernance démocratique. Sans un sens du partage, ni la participation, ni la confiance dans les objectifs du gouvernement ne peuvent être attendues. Cependant, ce sont des notions qui ont été minées par le « business model » de la gouvernance. Le modèle de marché ou d'entreprise a reposé, en effet, sur des hypothèses technocratiques qui confiaient les fonctions de gouvernement à des experts et de laissaient aux manager experts le soin d'effectuer ces tâches avec efficacité et efficience. Rien d'autre ne semblait avoir de l'importance. Cette hypothèse est allée de pair avec l'idée de traiter les citoyens comme des clients ou des consommateurs. Idée qui a prévalu dans les années quatre-vingt et quatre-vingt-dix, avec des effets désastreux sur la démocratie.

La source d'inspiration pour ce concept néo-libéral n'est autre que le modèle de l'acteur rationnel, qui a des antécédents de longue date. Il a donné des résultats positifs en termes de renforcement de nos revendications à l'espace privé et aux droits individuels. Toutefois, on peut affirmer qu'il a également renforcé une perception négative du gouvernement en général et de sa branche exécutive, en particulier. Il renforcé l'idée que la meilleure façon de gérer est de réduire la taille de l'État. Il a engendré

la croyance que, pour toutes fins utiles, tout gouvernement est un empiétement sur la vie privée uniquement tolérable dans les domaines de la défense, de l'ordre public, de la sécurité publique et de la dispensation de la justice.

Les leçons des crises - à la fois naturelles et artificielles - nous racontent une toute autre histoire ; que les gens, en général, attendent beaucoup du gouvernement, pourvu qu'il soit leur gouvernement. Un fort sentiment de communauté, d'«être dans le même bateau », de partager des objectifs communs et des intérêts à long terme représentent des conditions essentielles pour la gouvernance démocratique. Pour désamorcer les bombes à retardement que les crises représentent, nous avons besoin d'États efficaces, de professionnels du gouvernement, et une gouvernance démocratique. Nous devons donner aux collectivités et aux citoyens le sentiment que quelque chose peut être fait, que quelque chose sera fait, et qu'ils ont un intérêt dans le résultat.

ABSTRACT

BY GERALDINE J FRASER-MOLEKETI, DIRECTOR,
DEMOCRATIC GOVERNANCE GROUP, UNDP

Crises have opened avenues to change and showed the way to progress, in government and governance, that benefited peoples. Examples abound. Crises have proved beneficial whenever peoples and governments have taken pains to explore the lessons they may yield and listen to the messages that come through loud and clear. My goal in this Address is to open a debate, which may shed light on the nature of the ongoing crisis and make sense of the direction which we, in the UNDP, other organizations and governments at large would be advised to follow.

The paper will suggest that, at the heart of the problem, lies a failed model of governance. It's called the business model or market model of governance because it sought to impose, on government, the methods but also the values and standards of private enterprise. It rested on the assumption that government, by definition, is less efficient than business because it "is insulated from the rigours of the market place" (S. Ellington 2011:139) and overly protected for its own good. This arbitrary assumption started an onslaught on government, which still goes strong, in some places. The attack was mostly directed against the Administrative State, which saw the light of the day during the Great Depression and prospered in the trail of post-war Reconstruction, Decolonisation and the Development Efforts, during the 1950s and 1960s.

Remarkably, this onslaught and the hollowing out of the State had little effect on the budgets of the armed forces or the security services, whose relative importance increased in notable cases over the past decades in spite of the "peace dividend" that was supposed to follow the end of the Cold War. Though generalisations must be avoided, it would be fair to argue that all too many countries have sought to address the crisis through cuts in public services. Added to massive outsourcing, downsizing social services has altered the profile and in some ways the relevance of government, as it comes through to people. To make the matters worse, outsourcing and privatization opened wide the windows of opportunity for massive cost overruns, corruption and embezzlement of public funds. Pronounced in certain countries, these trends have brought the government and public administration to disrepute, causing the rapid decline of public trust, as well as a massive erosion of social capital and public service.

In all too many countries, some affected by the crisis, the cumulative effect of this combination of trends has been to drive a wedge between government and people. With massive unemployment, among the youth especially, declining social services and rising income disparities in tandem with massive corruption, cynicism, alienation and anomie have been allowed to grow. Simply put, there is a risk that citizens may cease to have a stake or put their trust in government and governance. However, if this happens, democracy is in danger. Either citizens lose interest or, as has often happened, the government elites appropriate the State for their own private purposes. The events of recent months revealed a train of abuses but also sent a message on the issues that need to be addressed.

Restoring order and purpose in the chaos caused by the crises calls for committed leadership and competent professionalism. It needs to be emphasised that both are predicated on institution-building, reclaiming public space and creating a structured environment, where citizens take part in the processes of governance as responsible stakeholders and concerned community members. Somehow, we must endeavour to restore, among all people the belief that, in hard times especially, "we are all in this together".

In hollowing out the State, we hollowed out democracy, which rests on a sense of community and the idea that power not only belongs to the people but also must be applied to purposes in which they have a stake. The concepts of community and citizen participation are these that give vitality to democratic governance. Without a sense of sharing, neither participation nor trust in the objectives of government may be expected. However, these are the concepts which have been undermined by the business model of governance. The market or business model has rested, in effect, on technocratic assumptions which would entrust the functions of government to experts and leave it to expert managers to carry out these tasks efficiently and

effectively. Nothing else appeared to matter. This assumption went in tandem with an idea of citizens as clients or consumers, which prevailed in the eighties and nineties, with disastrous effects on democracy.

The source of inspiration for this neo-liberal concept is none other than the rational actor model, which has long antecedents. It yielded positive outcomes in terms of reinforcing our claims to private space and individual rights. However, one may argue that it has also strengthened a negative perception of government in general, its executive branch in particular. It bolstered the idea that less government is best. It engendered the belief that, for all intents and purposes, all government is an encroachment on individual privacy and tolerable only in the areas of defence, law and order, public security and the dispensation of justice.

The lessons of the crises – both natural and man-made – tell us a different story; that people, by and large, expect a lot from government, provided it's their government. A strong sense of community, of "being in this together", of sharing common purposes and vested long-term interests represent vital prerequisites for democratic governance. To defuse the ticking bombs that crises represent, we need effective States, professionals in government, and democratic governance. We need to give communities and citizens the sense that something can be done, that something will be done, and that they have a stake in the outcome.

RÉSUMÉS DE PAPIERS PRÉSENTÉS
PENDANT LE CONGRÈS
*ABSTRACTS OF PAPERS PRESENTED
DURING THE CONGRESS*

A. SUBTHEME 1: WATER USE AND INTERNATIONAL MANAGEMENT

1. INSTITUTIONAL INTERVENTION IN RIVER WATER MANAGEMENT: THE STUDY OF YAMUNA RIVER SUB-BASIN IN INDIA

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Abstract

Water is a primary resource for several human activities, and rivers are a major source of water in several parts of India. Unfortunately, rivers also becoming a major sink of wastes that flow into them. River water management is an important area of natural resource management that crosses several disciplines, and, in order to be more effective, it requires public intervention through appropriate institution and an action plan approach. River water authority is normally set up for assuming the managerial function of river water administration (mostly at regional/ basin level), particularly with regard to the sharing/ allocation of river water. The allocation of river water in itself is a contentious subject, especially when it flows through several states; a similar problem arises now with regard to its pollution across them.

This paper makes an attempt to highlight the status of water of an inter-state river (river Yamuna), and discusses the need for establishing an exclusive administering agency for ensuring better river water quality and quantity. It first analyses the critical state of Yamuna river water resource in the past and the impending need for public intervention; the use of economic values of water as one of the guiding principles of prioritization and allocation of water to uses and jurisdictions is also discussed. It also takes stock of the performance of the implementation of Yamuna Action Plan (YAP) as an institutional approach towards river water management, and attempts to identify the alternate institutional arrangements and appropriate policy instruments for achieving the objectives within a broad management framework.

Key Words: River water management, water pollution, public intervention, economic valuation, institutional mechanism

2. THE CHALLENGES AND THEIR SOLUTIONS OF WATER RESOURCES OF A MODERN SOVEREIGN STATE : TAKING CHINA AS A CASE

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Abstract

In fact, due to the complex climate, geography, the activity of human being and other complex factors the water resource management in a sovereign state which is characterized by a regional division of water resources administration system has facing many challenges, such as the time and space conflicts between the demand and supply of water resources, geographical distribution conflicts between the administrative divisions and water basin boundary, the conflicts between water environmental attributes and the simply water resource management; the conflicts between overall and local interests. Water management has a long history in China, its theory development can be divided into three stages: from simple water quantity management, to the water quality management, and now to the overall ecological water management. Even so, the Chinese present management system has to face the limitations and constraints of technological, institutional and policy. These limitations make water resource management ineffective and the water problems become more severely, such as the serious water shortage, severe water pollution, ineffective water resources management system, low-level water technology and Weak conservancy facilities. The experience and lessons have proved that water resources management is not only an issue about management and technology, but an issue about public and politics. In China, we should study the water problems

in different viewpoints and search for the solutions in the multi-dimensions and Omni-direction, namely, the four approaches should be taken to resolve the water problem, which including the technical, management, political and social approaches. Firstly, it is important to develop the science and technology of water resources management; Secondly, china government should reform the traditional water management system and try to form a kind of new management system which is based on the whole basin of water, the effective management of cross-border body and more citizenship anticipation Thirdly, the international dialogue and cooperating mechanism should be constructed to strengthen international cooperation. Lastly, Citizen's education and NGOs' mobilization will play the more and more important role in the water management, especially in water saving and water protection.

Key Words: Modern sovereign state, Water resource management, Challenges and solutions, China.

3. THE CHALLENGE OF URBAN WATER USE IN CHINA AND ITS RESPONSE STRATEGIES

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Abstract

At the 2003 International Water Forum, experts pointed out that global fresh water resources are quickly shrinking. Global warming, drought, pollution, water overuse, population increase etc. are all contributing to the decrease of this valuable resource. China, as a vast country with a large population and limited water resources, faces acute problems of water shortage. Its fast growing urban centers are now quickly confronting water use challenge. This paper is a description of the acute water use challenges facing China's urban centers and an evaluation of China's implemented and proposed strategies for alleviating this acute urban water use problem.

4. AN ANALYSIS ON THE REFORM MODEL OF CHINA'S URBAN WATER UTILITIES

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Abstract

In the past decade, urban water supply in China had been changed from the welfare regime to the market model. On the whole, the reform of China's urban water utilities has made great achievements, and the market orientation for the reform has been accepted by the residents and the government. But there are still many problems in the urban water utilities.

This paper aims to discuss a proper reform mode for urban water utilities in China. It would retrospect the history of China's urban water utilities reform. Based on this, it analyzes core problems of the reform. Then the paper would introduce several models for the market-oriented of water projects and compare their adaptability for China. Lastly, it puts forward a proper model for the reform of China's urban water utilities from the point of view of stakeholders.

5. THE POSSIBILITY OF CITIZEN PARTICIPATION IN WATER MANAGEMENT - SOME CASES OF DESIGNATED MANAGEMENT SYSTEM IN JAPAN -

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Abstract

Japanese water management is in difficulty. Major issues are: small and middle sized municipalities and their suppliers have difficulty in sustaining businesses; skilled and experienced staff would be in shortage; there would be no sufficient water supply in the future. Public service delivery processes in Japan have undergone structural reform and water supply is not an exception; however it has peculiarities, which make it difficult to reform. Some water management systems have introduced designated management system and started to outsource the process to private enterprises. While many other services enjoy the expected advantages of outsourcing, such as cost cutting, improving efficiency, and enabling accountability, water management failed on these regards.

The paper analyzes all three cases of Japanese water management. The cases are analyzed with policy process analysis with focuses on; objectives of outsourcing, correlation of objectives and means, and role of citizen participation. One case in particular shows the potential of citizen participation in water management. When people can access to information and participate in decision-making processes, they reach consensus for paying higher tariff to have a better quality of services.

Key Words: water management, designated management system, citizen participation

6. SERVICES DE L'EAU ET PARTENARIATS PUBLIC-PRIVÉ : QUELS MODÈLES DE TARIFICATION, DE FINANCEMENT ET DE RÉGULATION DANS LES PAYS EN DÉVELOPPEMENT ?

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Résumé

L'accès aux services de l'eau constitue l'un des principaux Objectifs du Millénaire pour le Développement (OMD). Ce document de travail a pour objectif de dresser un bilan des expériences de Partenariats Publics Privés (PPP) mis en place ces vingt dernières années dans les secteurs de l'eau et de l'assainissement dans les Pays en Développement (PED). Il analyse les questions de tarification, de financement et de régulation et leur rôle dans la viabilité des PPP. Il ressort de cette revue des expériences réalisées que la viabilité des PPP d'accès aux services de l'eau – que ce soit du point de vue des pouvoirs publics ou de celui des opérateurs privés – nécessite des modèles originaux de subvention aux usagers, et/ou dans une moindre mesure, aux opérateurs privés. Il ressort également de l'analyse que les investissements nécessaires au développement des infrastructures requièrent des formes hybrides de financement (secteur privé, secteur public, dons), les contrats de type concession BOT tels que pratiqués dans les pays OCDE ne permettant pas de générer suffisamment d'autofinancement ni d'assurer la bancabilité des projets. En conclusion, des recommandations relatives aux enjeux de régulation pour les pouvoirs publics sont présentées et discutées.

7. LE SERVICE HYDRIQUE EN ITALIE : GESTION PUBLIQUE OU PRIVÉE ?

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Abstract

Models of Water Management in Italy.

Water supply management is considered in Italy: a public municipal service between efficiency et public needs. According to Law n. 133/2008, as modified by Law n. 166/2009, water supply management is considered a public municipal service. Water supply management represents a public service of economic importance (servizio di rilevanza economica) that is to say a service that is capable to influence market competition. The fact that, according to Article 117 of the Italian Constitution, the competition subject is entirely devolved to the legislative competence of the State, implies that in the field of water supply management regions have to respect rules and principles set out by State national laws.

On the contrary, public services which do not have economic importance can be organized by regions and municipalities in a very autonomous way, given that those public bodies are not bound to respect legal provisions enforced by the national Parliament.

Article 23 of Law 133/2008 disciplines three different models for the management of water supply.

According to the first two models –which are considered as “ordinary” - every municipality can chose between the award of the water supply service through a public competition, governed by EU principles, or the direct award of the service to a public-private company (società mista). This second model requires a preliminary public competition for the selection of both company's members and their specific duties inside the company itself (the so called “double object tender : gara a doppio oggetto). In addition, the private participation to the company's capital must be at least the 40 % .This model is considered more efficient than the others

In very really exceptional cases, public bodies can chose the third model of the so called “in house providing”. The application of this model implies preliminary consultation with the Antitrust Authority. This extraordinary model is of difficult application as it implies the creation of sort of a domestic company, completely controlled by the municipality.

As water is progressively developing into a “humanity common good”, water supply management is strictly connected to the fundamental rights fruition. Many doubts arose following the enforcement of the first two models for the award of the water supply management service, by Article 23 of Law n. 133/2008. As a matter of fact, these two models are very likely to determine the increasing of tariffs and make it difficult to protect the public interest to preserve water for future generations.

8. TOWARDS MORE COMPETITION IN WATER INFRASTRUCTURE – WHICH REGULATION DO WE NEED?

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Abstract

For decades water infrastructure has been regarded as given and free, with water supply being the duty of the state. This sight on water infrastructure is not longer suitable, as it can be classified as a private good. To open this infrastructure sector for private participation and more competition, a sound regulatory framework is needed – caused in particular by the characteristics of water infrastructure as a natural monopoly. The introduction of more competition is a challenge for all actors involved, the public administration as well as private enterprises and user groups.

In our paper, after a short introduction and analysis of the main characteristics of water in-frastructure, we discuss different regulation models which could ensure more competition in water infrastructure, the interest of actors involved and in particular the political-administrative constraints. Policy recommendations and a brief outlook conclude the paper.

Key Words: Water supply, Regulation, Competition, Private Sector Participation

9. THEORETICAL ANALYSIS AND PRACTICAL FRAMEWORK ON CHINA'S WATER RESOURCE FEE REGULATORY STRATEGIES

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Abstract

The reform on water resource fee formation mechanism plays a key position in China's water price reform, and is of important strategic significance for mitigating China's water scarcity status. Firstly, the paper makes theoretical analysis on water resources fee's formation mechanism, purpose and nature; second, proposes water resource fee's theoretical rates and calculation methods; again, analyzes in detail the unreasonable aspects on current China's water resource fee formation mechanism; finally, based on the theory and current problems analysis, systematically proposes the reform program for Water resource fee formation mechanisms: scientific development of full-cost water pricing, implementing effective price regulation on water enterprises and optimizing the water resource fee structure.

Key Words: Full-cost water price, China's water resource fee, formation mechanisms, regulatory strategies framework.

10. WATER AS A PUBLIC GOOD IN INDONESIA: AN EVALUATION OF WATER SUPPLY SERVICE PERFORMANCE IN AN INDONESIAN WATER SUPPLY ENTERPRISE AS A MEANS TO ADDRESS SOCIAL AND ENVIRONMENTAL JUSTICE CONCERNS

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Abstract

Evaluating problems of water supply service performances in the Indonesian water supply enterprise carrying social and environmental justice. This requires the investigation to have several interrelated elements. Therefore this paper will consider the reasons for developing outcome performance measurements of a water supply service; identify some appropriate measurements for recognizing and assessing performance problems in the provision of a water supply; clarify interrelationships between service performance problems; and evaluate the achievement of social and environmental goals in the provisions of a particular Indonesian water supply enterprise.

Keywords: Public Good, Water Supply Service Enterprise, Performance Measurement, social and Environmental Justice Concerns

B. SUBTHEME 2 : MIGRATION AND TRANS-NATIONAL CHALLENGES**1. TOWARDS A GLOCAL ITALIAN PUBLIC MANAGEMENT**

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Abstract

Globalization affects governance; State or its administrative apparatus has to be able to answer in the best way to this innovation process. The present analysis aims, in the first part, to explain what the situation of international education and training of Italian public management is; then, try to underline what should be done or improved in order to build a professional profile able to think and act in a context become more global. Proposal is to highlight a glocal public management: a public administration shoots for promoting community's interests but, in the present social, economic and political context, its aim could not longer be restricted; viceversa, it needs a global adaptability.

In the present world, with Globalization, Europeanization and Internationalization, international mobility and training, toward a flexible and dynamic bureaucracy, could be a first step to warrant a reform process useful to open Italian public administration, often self-referred.

Key Words: International education and training - international mobility - public managers - new skills – glocalisation

2. A QUALITATIVE ENQUIRY INTO TRANS-NATIONAL CHALLENGES OF MIGRANT WORKERS THROUGH THE LENSES OF WORK-FAMILY INTERFACE

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Abstract

Background-Against the backdrop of significant migration changes and the further growth projected in the diversity of the workforce, we explore the trans-national challenges of migrant workers, from a cultural perspective.

Aim-Drawing from sociological and administrative theory, we seek to understand how different cultural settings influence trans-national experiences.

Method-We report the results of a qualitative exploratory study through the lens of institutional anomie theory.

Results-Drawing on this evidence, and on sociological and administrative theory, our findings and theoretical explanation lends strong support to understanding that the greater the gap in the cultural orientation of the worker's home country and new country, the greater the disequilibrium and anomie in work family interface. This study also confirms that cross cultural variables has a direct impact on trans-national challenges experienced by migrant workers.

Conclusion-Our findings assist in developing strategic understanding of how trans-national challenges may improve current practices and policies.

Keywords: work-family, culture, institutional anomie

3. CULTURAL MIGRATION STRATEGIC IMPERATIVES: EFFECTIVE CULTURE POLICY IMPLEMENTATION IN THE CONTEXT OF NEW PUBLIC GOVERNANCE. THE CASE OF LITHUANIAN CULTURAL EMIGRATION.

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Abstract

Article analyzes relevant topic of cultural migration strategic imperatives and, provides effective culture policy implementation in the context of new public governance, by broadening the analysis of theoretical aspects of both cultural migration and new public governance, also analyzing main cultural migration strategic imperatives in the context of new public governance in the Republic of Lithuania and examining the results of qualitative expert interviews. The purpose of the work: to analyze cultural migration strategic imperatives through the effective culture policy implementation in the context of new public governance. Main methods of investigation: scientific literature analysis, meta-analysis, semi-structured interviews. Modernization of culture governance in Lithuania may promote and support implementation of cultural services, contribute to the processes of social integration, especially in the field of cultural migration.

4. LES ENJEUX DE LA CONSTRUCTION DE LA POLITIQUE D'IMMIGRATION AU PORTUGAL

Helena Rato

Résumé

Cette communication a pour but de présenter le processus de construction de la politique d'immigration portugaise, en mettant l'accent sur les enjeux de l'évolution de ce processus dans le contexte politique et social du Portugal après la restauration de la démocratie. Ainsi, la communication couvre la période 1974-2010.

En termes méthodologiques, on a utilisé l'analyse documentaire portant soit sur des études de caractérisation de l'évolution de l'immigration soit sur les principaux diplômes législatifs qui ont donné corps à la politique portugaise d'immigration, y compris les Plans d'intégration et d'accueil, ainsi que sur les rapports nationaux et internationaux d'évaluation de cette politique.

En ce qui concerne les résultats l'étude met l'accent sur le rôle joué par les institutions publiques chargées de mettre en exécution la politique d'immigration, notamment par rapport au développement d'une perspective d'insertion des immigrants dans la société portugaise basée sur le principe de l'inter culturalité.

5. THE CHALLENGES CAUSED BY INTERNATIONAL IMMIGRANTS AND COUNTERMEASURES

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Abstract

The rise of international immigrants is the result of globalization. With the globalization speeding, the flow of international immigrants shows a growing tendency in a long term.

Immigrants can bring both advantages and disadvantages either to the sending countries or receiving ones. On the one hand, immigrants speed the movement of productive factors internationally and promote the development of world-wide economy. On the other hand, illegal immigrants become unsteady factors politically and economically to receiving countries, as can be explained from these two aspects. As far as the sending countries are concerned, immigrants result in the loss of talents, while as far as receiving countries are concerned, immigrants cause such problems as transnational criminal, social security and employment of non-technicians.

In order to deal with the problems caused by immigration, the first way is to sign labor bilateral agreements and coordinated management contracts with those countries from which the immigrants come. The second way is to implement immigrant access conditions and quota restrictions, which will timely be adjusted according to domestic labor market demand. Another way is to promote the fusion to make the immigrants adapt to the social culture in receiving countries.

6. MIGRATION TRANSCONTINENTALE PLANIFIÉE POUR RÉDUIRE LE DÉSÉQUILIBRE DU MARCHÉ DE TRAVAIL EN SUISSE ET RÉDUIRE LA PAUVRETÉ DANS LES PAYS AFRICAINS ET DU BALKAN/PROCHE ORIENT

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Résumé

La Suisse connaît depuis de nombreuses années un déficit de main d'œuvre dans tous les secteurs de son économie. Le système qui régit l'entrée des travailleurs étrangers en Suisse répond de manière insuffisante voire inappropriée à la demande de main d'œuvre. Avec le problème imminent du vieillissement de la population qui touchera la Suisse et ses principaux pourvoyeurs de main d'œuvre européens, des solutions efficaces doivent permettre à la Suisse de maintenir sa main d'œuvre à flot. Le recours à des travailleurs de pays tiers devient dès lors un remède indispensable contre le lent démantèlement de l'économie suisse. Cet article révèle les dysfonctionnements de la politique économique d'immigration suisse et ébauche pour les politiques publiques un système de migration circulaire fiable pour les travailleurs semi-qualifiés qui, dans un esprit de bénéfice mutuel, contribuerait substantiellement à la bonne santé du marché du travail en Suisse, tout en offrant une aide non négligeable au développement du pays d'origine des travailleurs et à l'épanouissement des travailleurs eux-mêmes.

7. IT'S A FREE WORLD – REGULATING MIGRANT LABOUR IN ELDER CARE OF FAMILIST WELFARE STATES

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Abstract

At the beginning of the 21st century a number of European welfare states (such as Austria, Germany or Italy) rely on under paid, exploitative and mostly unprofessional migrant labour to provide long term care for their increasing older population. Women from Slovakia, Poland, Romania and other Eastern European countries come to work in Austria, Germany or Italy on a temporary basis; they live with a care dependent and provide care around the clock for a period of

Two or three weeks time taking turns with a colleague. Most of the migrant care workers have severe language difficulties and lack training in nursing care.

They fill a gap that developed because of the increased demand for care due to the demographic trend of ageing populations. The supply of cheap informal care labour that has long been provided

by unpaid (mostly female) family carers is diminishing since women increasingly enter the labour market. Policy makers in the particularly familist welfare states such as Austria, Germany or Italy have kept ignoring the emerging shortage of care labour supply and instead have enacted welfare reforms that focused on the introduction of market mechanisms and cash for care schemes to commodify the various informal resources. The collapse of the Socialist Regimes in Eastern Europe and the European Union enlargement process in fact helped to conserve the unsustainable familist welfare system – which fails to reconcile the demands of economy with social reproductive activities – by providing a cheap labour force. National regulations in the hosting countries justify the exploitation of live- in domestics and carers working on a 24/7 basis for two weeks with only every other Sunday free and only one free afternoon a week. The pay of 40 EUROS per day is far below a fair salary for professional care work. The paper sketches the current elder care systems in the familist welfare states Austria, Germany and Italy and how the recent developments in long term care have promoted irregular or black market work by introducing cash benefits, thus failing to regulate the global problem of care drain in times of demographic change.

8. GOUVERNANCE MULTI-NIVEAUX DE L'IMMIGRATION EN SUISSE 2002-2010. LE FÉDÉRALISME OU LA RECHERCHE DES BEST PRACTICES

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Résumé

La Suisse fait partie des pays d'Europe occidentale avec une forte proportion d'étrangers (1,7 millions, soit 22% de la population résidente en 2010) et une immigration soutenue. Entre 2002 et 2008, la Confédération enregistrait 786'000 entrées de ressortissants étrangers (+54%). La bonne conjoncture économique et les assouplissements successifs en matière de politique d'immigration depuis l'introduction de l'Accord sur la libre circulation des personnes en 2002 expliquent ce phénomène. Les immigrés de l'UE à la recherche d'un travail sont les premiers bénéficiaires de cet essor (72% des entrées), alors que l'immigration des pays tiers a été largement stoppée. A cela s'ajoute une forte augmentation des frontaliers (+45%) atteignant 280'000 en 2008. L'augmentation significative du nombre d'étrangers depuis 2002 et la modification rapide de leur profil constituent dès lors un défi important pour les autorités. Notre enquête démontre que malgré une simplification des procédures depuis 2002, due à l'ALCP et ayant d'abord provoqué une diminution générale des mouvements enregistrés, le travail des services de migration a fortement augmenté dans les cantons et les communes. Ainsi, nous constatons une baisse générale des mouvements mais une forte croissance des octrois de permis destinés aux ressortissants de l'UE. Au cours du même laps de temps, le personnel des services de migration est resté stable. A moyen terme, le défi consistera à harmoniser les pratiques entre les cantons, à améliorer la collaboration entre les différentes structures organisationnelles de l'Etat (Confédération, cantons et communes) mais aussi entre les services compétents tout en limitant la bureaucratisation de l'immigration.

9. DOES TRANS-MIGRATION POLICY EFFECTIVE TO DISTRIBUTE POPULATION AND WELFARE IN INDONESIA?

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Abstract

Indonesia is a sprawling archipelago of over thirteen thousand islands (some mention over seventeen thousand) that stretches three thousand miles from east to west, characterized by significant regional, ethnic, religious, linguistic and cultural diversity. Based on population census of 2010, the Indonesian population is 242,968,342, which spread across Indonesia with approximately 60% live in Java Island. The demographic condition of this has occurred for a long time, and even since Dutch colonial period. Thus, the Dutch colonial government initiated to move landless people from densely populated areas of Indonesia to less populous areas of the country. This involved moving people permanently from the island of Java, but also to a lesser extent from Bali and Madura, to less densely populated areas including Papua, Kalimantan, Sumatra, and Sulawesi. This policy has widely known as transmigration program. After independence, under President Suharto, the program continued and was expanded to send migrants to more areas of the archipelago such as Papua. At its peak between 1979 and 1984, 535,000 families, or almost 2.5 million people, moved under the transmigration program (Ministry of Manpower and Transmigration, 2006 in Wikipedia, 2010).

The stated purpose of this program was to reduce the considerable poverty and overpopulation on Java, to provide opportunities for hard-working poor people, and to provide a workforce to better utilize the natural resources of the outer islands. The program, however, has been controversial with critics accusing the Indonesian government of trying to use these migrants to reduce the proportion of native populations in receiving areas, thus weakening separatist movements. The program has often been cited as a major and ongoing factor in controversies and even conflict and violence between settlers and indigenous populations.

This paper aims to analyze the effectiveness of trans-migration program, in particularly whether this policy could improve population distribution as well as increase the economic condition of the family (alleviate from the poverty). First part of this paper elaborates the transmigration policy. We will discuss the historical background and the implementation of this program. By using the secondary data, we can draw up the trend analysis to determine the trend pattern and explanation of each changing pattern. Second part discusses the impact of this policy to both origin and destination places, is there any significant change in terms of the number of population, and by using on some case studies we will discuss the impact of this policy in improving the economic level of trans-migrants. Third part will discuss some salient aspects contribute for the success failure of this programs. Here, we will focus on socio-politico-economic aspects which might influence to the effectiveness of the transmigration policy. Finally, we attain to conclusion and propose some possible recommendation for improving the effectiveness of this policy.

Keywords: transmigration, population distribution, economic welfare, social conflict, effectiveness

10. POLICY FOR MIGRANTS ASSISTANCE AND PROTECTION IN MEXICO'S SOUTHERN BORDER

Andrea Hernandez, Mexico

Focus: Detail the coordination of the state of Chiapas in its foreign affairs in order to generate a South-South cooperation with Central America. This from the standpoint of developing a policy of human rights protection of the Mesoamerican population (in majority) that transmigrate, migrate and immigrate in Chiapas.

Points to detail:

International coordination mechanisms in which Chiapas participates and develops.

Actions carried in South-South cooperation on human rights for migrants.

Statistics and data on the topic.

The challenges faced in this area.

11. THE PROBLEM OF THE IMMIGRATION AND THE IMPLICATIONS FOR PUBLIC ADMINISTRATION AND THE JUDICIARY IN GREECE

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Abstract

During the last decades the immigration flow and the increasing demand for asylum in Greece has created a big burden for the Administration, but also for the Judiciary, with side effects to the efficiency and effectiveness of both.

Greece had to modernize the legislation on immigration and asylum and to organize competent institutions and procedures, in conformity with the constitutional and the European standards and to the international obligations of the country. This legislation has been subject to many changes in a short period of time.

At first, the focus was put on modernizing the procedures and creating new institutions, then, on dealing with the fragmentation and lack of coordination of the competent authorities and, more recently, on developing administrative culture and capacity and creating the necessary infrastructures.

12. MIGRATION, LABOR AND CAPITAL: REGULATORY CHALLENGES OF IDENTITY, CITIZENSHIP, AND HYBRID COMMUNITIES

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Abstract

While the increasing migration, movement of labor and capital across international borders may have created economic advantages for some countries, the world will sooner or later have to deal with such fundamental issues as identity, citizenship, and the emergence of hybrid communities in host countries. Human migration between countries has been with us over the course of thousands of years. Many of the conventional reasons cited as to why most people decide to leave their states of origin range from economic, political, religious, and cultural reasons. Hence, to the extent that the word 'globalization' could offer a normative argument for unrestrained immigration, it may, in fact, lead to more conflicts among and within societies. As hybrid communities develop in host countries it may, in fact, force societies to reevaluate contemporary ideas of citizenship as well as the very concept of statehood.

13. SOCIAL CONFLICT, SOCIAL SUPPORT, SOCIAL INTEGRATION: A CASE STUDY OF AFRICAN IMMIGRANTS IN GUANGZHOU

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Abstract

Inspired by the African immigrants' protest incident, this thesis studies the fast growing foreign immigrants in China in the globalization context—especially those African immigrants in Guangzhou city, and reviews the recent studies by Chinese

scholars on the impacts of immigrants, social support and social networks. The thesis points out the social issues of African immigrants in Guangzhou, and concludes that the problems are caused by lack of public interference and imperfect social network. The thesis gives suggestions on improving government administration, facilitating immigration social integration and providing better public service.

Key words: international immigrant; social support; social network; local government

14. SYNCHRONIZING THE GROWING IMMIGRATIONS WITH A DIVERSITY OF INDIGENOUS SOCIAL NEEDS A REVIEW OF LESSONS LEARNT FROM THE MANITOBA EXPERIENCE

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Abstract

Based on the background of Manitoba's cultural mosaic, this study's aim is to review how Manitoba government responded to the diversity of indigenous social needs like poverty, housing shortage, inner-city decay and systemic barriers leading to underemployment and unemployment. Through qualitative interview and program review, possible lessons that could be of benefit to other jurisdictions are identified in the Manitoba government's settlement strategy. However, some of the personal narratives and observations of 1417 newcomers over three years (2007 to 2010) revealed a variety of needs despite their general satisfaction with the several governmental programs deployed to resolve their social needs. A total of 1271 new immigrants representing about 90 percent of the respondents identified language barrier and cultural barrier as major issues, while an equally high percentage (about 85%) of respondents identified demands to care for nuclear and extended family members locally and overseas as a pressing issue.

15. TRANSNATIONAL MIGRATION AND ISSUE OF HUMAN RIGHTS: NEED FOR A NEW PERSPECTIVE

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Abstract

Transnational migration constantly is on the side of increase in the present phase of globalization. This is exclusive and different than earlier phases, setting the new trends in the world economy. The human mobility in the cross-national context raises questions of socio-cultural and political issues and economic efficacy. In the increase of such situations highlights the need to promote broader agreements among countries to secure better governance of international migration, to recognize the role of civil society in formulating measures regarding human migrations, and to foster full respect for the rights of migrants.

The right to migrate is an option for all those with a minimum of human capital who are not able to materialize their aspirations to social mobility in their countries of origin, whose restrictions on the exercise of economic and social rights end up by undermining the right to stay. In the present context, international movements of persons and families are based on increasingly informed decisions, accompanied by the perception that such moves involve decreasing risks and costs. This is the current attitude to migration, the motives for which are now relatively independent of purely economic considerations. The restrictive logic underlying the measures applied by many governments with regard to international migration is based on their responsibility for safeguarding the interest of natives, which justifies institutional controls over the entry and continuing presence of foreigners.

Numerous international labour standards have been formulated by ILO, a number of which have received the approval of the international community and been incorporated in conventions and agreements on the rights of migrant workers, but in view of the marked disparity observed between the letter of the treaties and their actual application. The great challenge at present is to ensure that States obey the agreements they have signed. Although some instruments probably need to be redesigned in order to adapt them to the prevailing situations.

The current forms taken by mobility represent opportunities for development, but also definite risks of different kinds — such as the traffic in persons, xenophobia, problems of undocumented status, and the lack of protection for migrants— which must be addressed through an integral approach. The governance of international migration must be tackled through dialogue and cooperation, taking a multilateral view which recognizes the complexity of the phenomenon and provides for areas of national autonomy in policy design and implementation. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is imperative for all the governments, because of its inclusive and comprehensive nature.

C. SUBTHEME 3 : NEW TRAJECTORIES TO THE RISING NEED OF REGULATORY REGIME

1. EARLY WARNING SYSTEM OF TRANSNATIONAL IMMIGRANTS EMERGENCY-----AN ANALYSIS BASED ON THE TRANSNATIONAL CHINESE

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Abstract

With the growing globalization the fast development of transnational immigrants both in depth and width changes the international society dramatically. More and more interest confictions between transnational immigrants and domestics happen in the host countries. Along with this new change there are more and more new issues concerning the transnational immigrants. In order to respond instantly and effectively to the transnational immigrants emergencies it is very necessary to set up an early warning system of the transnational immigrants emergency ,which could enable the authority to facilitate the problem in the most early stage and avoid the negative subsequences.

This paper focuses on the causes and mechanism of the transnational immigrants emergencies. The paper applies the basic emergency management principles, considering the special present characteristics of Transnational Chinese, selects the main reflecting indicators of transnational immigrants emergency, and sets up a basic framework of the early warning system of transnational immigrants emergency.

Key words: globalization; transnational; emergency; early warning system

2. THE EFFICIENCY AND FUNCTIONALITY OF INDEPENDENT REGULATORY AGENCIES IN DEVELOPING COUNTRIES: TURKISH CASE

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Abstract

Independent regulatory agencies have emerged as the basic institutional structures of the rising “regulatory government model” after 1990’s. These institutions are different from traditional political and administrative structures because of their original institutional definitions, functions, power ,organizational qualities and importance within the government.

The regulatory agency phenomeon is not a new subject. Many regulatory agencies appeared in public sector related with the markets in USA with the beginning of the nineteenth century and similar institutions emerged first in Western Europe and then in many other countries after 1980’s with the rise of neo-liberal concept.

The existence, legitimacy and power of these institutions producing and implementing public policies in the name of public and independent from bureaucracy and governments have always been a subject of criticism. It has been a matter of discussion how they emerged and overspread. The reason of imposition by the suprational institutions like IMF, WB, OECD and EU and how and why the national governments accepted to transfer their powers to these agencies are the questions to be answered. There have been serious discussions on these subjects worldwide.

Independent regulatory agencies have been an important subject in Turkey’s agenda in the last twenty years. They have been praised for helping the country to avoid the negative effects of global financial crisis (as in the case of Banking Regulation and Supervision Agency-BDDK) but on the other hand they are criticised for helping the governments to avoid their responsibilities (as in the case of Radio and Television Supreme Council-RTUK and Energy Regulations Regional Association –EPDK)

In this paper, it will be discussed if the independent regulatory agencies will play an efficient and functional role in developing countries like they did in developed Western countries by examining the case of Turkey.

3. AN EXAMINATION OF RECENT REGULATORY FAILURES, RECOMMENDATIONS FOR REFORM, AND THEIR IMPACT ON CITIZEN TRUST IN A GLOBALIZED WORLD

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Abstract

This paper will provide an analysis of the recent economic and environmental failures of regulatory practices in the United States and the subsequent crisis in citizen trust in the federal government and its various segments. The paper will examine how approaches to the study of trust in government can be applied to an understanding of a loss of public confidence in all institutions, including private sector organizations.

This paper will also address the diminished regulatory enforcement in the financial arena during the Administration of President George W. Bush, the Administration’s failure to enforce existing regulations, and its failure to develop new regulations in the face of a developing and then a growing financial crises. However, critical national policy changes in regulatory practices have been supported by political attacks against government regulations in general over the past 40 years, and have effectively reduced and impeded the processes of effective regulation. As part of an anti government campaign, federal regulations have been presented as impediments to economic growth, with the result that innovative and risky financial instruments, and financial organizational arrangements were permitted, frequently based on frivolous investment models offered by economists that appeared to magnify investments.

The current global economic crisis can, on the positive side, teach us to better manage capitalism; however, it is imperative that both government and business improve their respective capacities to build and manage trust. As the current economic crisis makes clear, disasters and disastrous public policies can result not only when trust is too low, but also when trust is too high.

Because scholars tend to focus on public trust only during periods of crises, the actual dynamics of public trust in government, and business, remain a largely uncharted territory in need of exploration and mapping. In this sense, public trust is like plate tectonics—it is the foundation upon which institutions stand or fall but often goes unnoticed until the ground shakes or there is an eruption.

This paper will analyze solutions to failures in regulatory capitalism, and document recommendations proposed by institutions attempting to increase the capacity of public officials to regain effective regulatory systems and to regain the public’s trust in the regulatory process.

4. COALMINE REGULATORY REGIME IN CHINA: HISTORY, LOGIC AND PREDICAMENT

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Abstract

Coalmine Safety Regulation provides an important perspective to understand modern state building in China. Viewed from the changing of coalmine market and regulatory agencies, the article traces the history of regulatory state building and argues that the track embodies the following characteristics: firstly, the regulatory reform lacks a clear strategy; secondly, admission control based on licensing is still the primary way of regulation; thirdly, gradual reliance on local government on daily regulation. All parties benefit from the legalization, while actual implementation is the battlefield for different interest. The coalmine workers lacking adequate representation in the regulatory process may explain the lack and lax implementation of safety regulations.

Key words: Regulation; Coalmine; Market; Government

5. NOUVELLES ORIENTATIONS DE L'ACTION PUBLIQUE ET RÉGULATION ÉCONOMIQUE ET SOCIALE DANS UN CONTEXTE INTERNATIONAL GLOBALISÉ ET LIBÉRALISÉ : CAS DU MAROC

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La Modernisation des Secteurs Publics constitue désormais un choix stratégique des gouvernements des pays émergents en vue d'assurer la mise à niveau de l'administration publique pour en faire un instrument efficace au service du développement économique et social.

L'orientation globale de ce processus est déterminée par la redéfinition des missions du secteur public à la lumière du nouveau rôle de l'Etat qui a été façonné par une tendance aujourd'hui universelle : celle d'un Etat qui aide à faire au lieu de faire, qui réglemente et régule au lieu de gérer.

Véritable chef d'orchestre des activités économiques et sociales, l'Etat est appelé à stimuler l'initiative privée sans l'étouffer ni la restreindre. Son rôle est à la fois modeste et ambitieux, car la population attend encore beaucoup de lui : il doit notamment, tout en veillant au maintien des équilibres globaux, protéger l'environnement, aménager le territoire de façon convenable, mettre en place des infrastructures nouvelles, offrir des services de santé et d'éducation et jouer le rôle de catalyseur, d'encadrement et, surtout, de régulation des marchés et des mouvements sociaux.

6. TECHNOLOGIE ET RÉGULATION. L'ÉCHANGE INTERNATIONAL DES DONNÉES D'ÉTAT CIVIL

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Résumé

Dans cet article, nous présentons grâce à une analyse documentaire approfondie les différentes pratiques d'enregistrement des faits d'état civil en Suisse et dans le reste de l'Europe. Après avoir souligné l'importance que revêtent ces données, tant du point de vue de l'Etat que pour les individus, nous évoquerons les tensions qui peuvent exister entre les exigences de protection des données et d'accès à l'information, en particulier depuis que les registres sous forme papier sont progressivement remplacés par des registres informatisés. Afin d'analyser la diversité des pratiques internationales relatives à ces exigences, nous proposerons un modèle de gouvernance des données. En conclusion, nous évoquerons un projet de plateforme pour la communication électronique de données d'état civil qui vise à faciliter la circulation des données d'état civil entre autorités nationales et étrangères.

7. PRIVATIZATION AND REGULATION OF PUBLIC SERVICES IN ARGENTINA: SOME CASES OF "STATE CAPTURE"?

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Abstract

Since the mid 1940s Argentina had a long history of inflation at an average rate of 25% a year, which went up to around 100% in 1975 and exploded into hyperinflation in 1989, the main causes being budgetary deficits including notably the ones of public enterprises. In 1990 a program of federal state reform and privatizations was enacted and implemented in a hurry, without an ethics law and the appropriate regulatory rules being in place as of yet in most cases. The paper intends to summarize what happened in public utilities in general and water and sewage and electricity in particular; and in the public regulatory entities in charge of controlling the observance of the established rules and contracts as well as the people that run them and their actions. After an analysis of several cases, their actors, strategies and consequences, based in documents and interviews, it was found that the "State Capture" could be proved and the results show how some private groups as well as some labor unions were grossly benefited while the real income of some consumer groups, specially those of lower incomes, were damaged because of the generalized increase in the pricing of services. Unfortunately services back in state hands are not doing any better.

8. HOW TO FIND THE "BEST" REGULATORY SOLUTIONS? INTERNATIONAL PERSPECTIVES ON BENCHMARKING IN PUBLIC ADMINISTRATION

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Keywords: performance measurement, performance comparison, benchmarking, public sector, local government, England, Sweden, France, Germany, Austria, Switzerland.

Abstract

The transparency of the consequences of regulatory reform is a key requirement to improving the quality of regulatory regimes. Performance measurement may foster transparency; benchmarking results can be used to identify the best institutional solutions to policy implementation and thereby feed regulatory reforms and contribute to legislative adjustments and "better regulation". Although performance management and benchmarking have been key instruments for modernizing public administration in recent years, we still lack clear comparative evidence about the use of this reform instrument and the means by which it is implemented. Against this backdrop the paper addresses three research questions: (1) which different benchmarking approaches, steering modes and methods of implementation can be identified in European countries? (2) How can similarities and differences in benchmarking approaches be explained? (3) Which preliminary statements can be made concerning the impact of different benchmarking regimes? We define three ideal types of benchmarking in the public sector (hierarchical, collegial and voluntary benchmarking) and draw a link between the three ideal types and a set of basic characteristics of local systems. We analyse performance measurement and benchmarking systems at the local level in six European countries (Germany, Great Britain/England, Sweden, Germany, Austria and Switzerland).

9. MANAGEMENT AND REFORM OF REGULATORY ADMINISTRATION IN JAPAN

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Abstract

Regulation is a most basic function and tool of government and a large number of people are engaged in regulatory activities. For this reason, regulations and regulatory administration has been an important subject of administrative reform in Japan.

This paper reviews regulatory administration and reform efforts in Japan in the last three decades. After reviewing how public regulation is understood in Japan, objectives, targets and contents of regulatory reform, methods and process of regulatory reform and current systems of regulatory reform management are discussed. Then, the regulatory reform activities of the current government, which came into power for the first time in 2009, is also discussed.

Based on the review, decision making by consensus, gradualism and other features characteristic to reform in Japan are pointed out and the necessity of change of mind-set is emphasized.

10. PUBLIC SERVICE MOTIVATION, FROM A PURE PUBLIC ADMINISTRATION PHENOMENON TO A UNIVERSAL BEHAVIOR, BEYOND PUBLIC-PRIVATE DIVIDES. A NEW THEORETICAL PERSPECTIVE

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Abstract

The issue of motivations and incentives of public agents has become again crucial as the New Public Management is being even more questioned. Public service motivation, an old concept from the public administration science, has recently generated a keen interest in the economic literature. However, these two strands of literature have so far completely ignored each other. This paper is the first one that attempts to merge these two strands of literature by drawing from the seminal works of Le Grand (2003), Bénabou and Tirole (2002, 2003, 2006, 2007) and Fehr (2003, 2004, 2006) an enriched concept of public service motivation with broad implications for improving public agents performance.

Keywords: public service motivation, pro-social behavior, altruism, worker motivation, incentives.

11. POPULAR INITIATIVES FOR BETTER REGULATION IN SWITZERLAND

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Abstract

Switzerland will vote on several popular initiatives requesting «good» laws, both on the federal and on the state level. Some cantons, e.g. canton of Zurich, have adopted laws to diminish administrative hurdles to small enterprises – these laws typically also compromise the goal of better access to better regulation. One political party is gathering votes for an initiative to write the following right into the Swiss constitution:

«Every person has a right to laws that are understandable and simply, unbureaucratically and efficiently implemented.»

The proposed paper will study these initiatives and look for common denominators. The – sometimes contradictory – objectives of these initiatives will be analysed in the light of modern legislation theory. The paper will also deal with the question of how new laws on better regulation shall be implemented, possibly including first experiences with such laws on the cantonal level. A comparison to foreign efforts (e.g. Better Regulation Strategy of the European Commission) shall complete the picture.

12. EFFECTS OF ORGANISATIONAL STRUCTURE ON ENVIRONMENTAL REGULATION

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Abstract

This paper analyses how the organisational structure of 'environmental regulation', i.e. environment and consumer protection, affects horizontal and vertical coordination within central government. It applies a new institutionalist organisation theory perspective and argues that organisational changes in central government are influenced by internal requirements arising from governmental regulatory activities as well as external imperatives by the electorate, stakeholders, international bodies and the like. The paper assumes that governmental organisation influences coordination – with effects on the accomplishment of the regulatory task. The paper examines these effects of environmental regulation's organisation in the German federal ministerial bureaucracy, based on a dataset covering organisational changes in German federal ministries between 1949 and 2010. It reveals that the organisational responses to environmental regulation may reduce horizontal inter-ministerial coordination failures, but initiate new vertical coordination challenges.

13. DEVELOPING DUAL-BANKING SYSTEM REGULATIONS IN EGYPT

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Abstract

Egypt is the country that paved the way for Islamic banking and enjoyed its heyday in 1960s. The aim of this paper is to answer the question, how could Egypt develop and implement a dual-banking system of regulations for both conventional and Islamic banking, to catch up its heyday and become one of the most important financial centers of the Islamic industry, especially that it has the potential to do so considering its professional competencies and human capacity, in addition to genuine economic diversity. Demonstration of three models of international experiences of Islamic banking regulations reveals that single Islamic banking regulation systems show some inefficiency in achieving the planned goals. Dual- banking regulation systems are more adapting to the global regulatory system. The unified system has no efficacy. The best for Egypt is to benefit from the experiences of dual-banking systems of Bahrain and Malaysia.

14. REFORMING THE EURO IN TURBULENT TIMES: MISSION IMPROBABLE

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Abstract

The global economic crisis has exposed serious institutional weaknesses in the Euro regime; the system for managing monetary and fiscal policies across the countries sharing the EU's single currency. The impact of the "Great Recession" on government finances and economic performance in all euro zone countries has raised the possibility of sovereign debt defaults and even prompted fears for survival of the Euro itself. It has also led to urgent calls for reforms. Reform of the regime was needed anyway. There were structural flaws in the euro regime from the outset. Further weaknesses emerged because of the way it was organised with a strong emphasis on institutional independence, the separation of powers for monetary and fiscal policy and built-in rigidities. The euro zone's problems exemplify the management deficits that are common to most fields of European integration. But the chronic problem of undermanagement became acute when the Great Recession instigated a bout of turbulence that triggered a succession of national debt crises and threatened the integrity of the euro system as a whole.

In a disintegrating situation the top political priority has been crisis management, to prevent a bad situation getting worse. But the long term viability of the euro zone depends on fundamental regulatory reforms to equip the euro regime with more adequate and appropriate governance capacities. The Maastricht model of regulation established by the Treaty on Economic

and Monetary Union was supposed to assure stability. Its failure to cope with turbulence has shown that it is not fit for purpose. What should be the trajectory of reform? There are two basic options; a consolidation strategy to strengthen the existing regime and a transformation strategy create a new regulatory framework.

This paper argues the need for a transformation strategy. A consolidation strategy would not work because the present regime is too limited in scope to provide an adequate basis for future regulation. Crucially it lacks the capacity to coordinate responses to the systemic problems that cause turbulence in very complex pluralistic networks. Turbulence is not just an accidental external shock that causes temporary disturbance. It is the breakdown of the working relationships among sets of closely interdependent organisations, leading to destructive conflicts and the disintegration of the governance framework itself.

A transformation strategy is a major challenge for political leadership. The purpose is to create new governance capacities to avert turbulence and steer the euro system as a whole. The means of doing so is building macromanagement capacities that perform three integrative governance functions and engage all stakeholders in a change process to stabilise their organisational environment. The first function is promoting a shared diagnosis of systemic problems before they instigate turbulence. The second is establishing procedures and norms for collaboration in designing a new regulatory framework. The third function is developing the governance capacities needed manage the new regime effectively once it comes into operation. The conduct of the macromanagement process must respect the pluralistic character of the system by finding innovative ways of providing effective governance without government. This may not be mission impossible, but it is mission improbable.

15. TAKING A GLOBAL SOLUTION TO THE NATIONAL LEVEL: THE CASE OF MULTI-LEVEL REGULATION TO COUNTER THE FINANCING OF TERRORISM IN EUROPE

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Abstract

Ambitions to find common solutions to shared problems have triggered intense interactions between national, regional and international legal spheres, resulting in a complex web of normative instruments. Looking at the issue from a European perspective, this paper discusses the tensions that arise between, on the one hand, this multi-level regulatory structure, and, on the other hand, the need to give sense and legitimacy to rules in the domestic setting. In doing, so, the paper first turns to the phenomenon of multi-level regulation as such, outlining its evolution and illustrating its main characteristics through the example of counter-terrorist financing. The discussion then looks to possible tensions that such a regulatory set-up can cause from the perspective of the domestic legal order.

16. THE COSTS AND BENEFITS OF IMPLEMENTING BASEL III IN EMERGING ECONOMIES

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Abstract

The aim of this research is to study the impact of the forthcoming banking regulations, generally dubbed Basel III, on emerging market economies (EMEs). Since the governments of most of these nations have already introduced successful banking reforms over the last two decades, their economies were adequately prepared to weather the calamities of the global meltdown. This paper starts by outlining the Basel III impending supervisory requirements. The projected reforms rest on three

main pillars namely: the enhancement of capital adequacy measures, the augmentation of liquidity requirements and the introduction of leverage ratio. In the second part of the paper the effects of the projected Basel III are simulated to forecast the impact on economic growth on a sample of forty-seven EMEs. The sample is divided into two panels comprising newly industrialized nations and secondary EMEs with relatively less industrialized economies and shallower financial markets. The extra measures required by Basel III are found to be highly costly and unnecessary. Finally, a set of policies are proposed to prepare the economies of emerging markets to minimize the costs of implementing Basel III.

Keywords: Financial crisis, Banking regulations, Basel III, Emerging economies, Economic forecasting

17. CHALLENGES IN REGULATORY REFORMS IN ELECTRICITY AND THE ROAD AHEAD: THE INDIAN EXPERIENCE

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Abstract

Electricity is a vital need for the socio-economic growth of a country. The per capita consumption of electricity is a good indicator of economic development. Increased access to electricity may not be a sufficient condition of socio-economic development, but it is an essential condition. As the Government attempts to improve access to and adequacy of electricity supply, it also seeks to make it a market driven commodity from a monopoly service with the regulator watching the interest of consumers and stakeholders and ensuring competition and transparency. This Paper attempts to analyze the Indian experience of regulatory reforms in the Electricity sector as a part of the economic reforms process over the last two decades and identifies the challenges for the future and the road ahead.

Indian economy opened up in the 1990s to the interplay of market forces from the erstwhile government dominated 'command and control' regime. Deregulation and regulatory reforms were introduced to improve competitiveness of the economy and encourage private investments in vital areas that were hitherto the monopoly of the public sector.

The first step towards creating the Institutional framework of regulations in the electricity sector was the Electricity Regulatory Commission Act, 1998 followed by a comprehensive Electricity Act 2003 which operationalized a two-tier regulatory structure at the Central and State levels with an Appellate Tribunal to hear appeals from their orders. In discharge of their statutory mandate the regulatory commissions have notified regulations to facilitate private investment and competition aimed at consumer benefits, development of a national grid and creation of power markets and promotion of renewable energy sources.

It is widely believed that these reforms have been instrumental in bringing in private investments and enhancement in the total generation capacity of more than 90,000 MW in the last two decades, and creating a robust and an interconnected transmission network of 22,400 MW transfer capacity.

Regulatory reform remains an ongoing process involving complex and cumbersome legal issues. While distancing itself from the regulatory role the need for a continued role of government in core areas like environment and consumer protection can never be over emphasized. While ensuring functional autonomy of regulators there is a need for institutional oversight. In the Indian context, the challenge associated with a commodity like electricity is to deal with the concerns and compulsions of political economy in a democratic federal set up in the framework of a transparent regulatory regime, along with harnessing private sector capital, experience and efficiency without exposing the consumer to the mercy of the market.

18. AUTONOMY AND COORDINATION IN MULTI-ACTOR MULTI-LEVEL CONSTELLATIONS. CASE STUDY OF ENERGY REGULATORS IN BELGIUM

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Abstract

Since the last 25 years, regulatory governance has become increasingly more complex. National governments have delegated tasks to other levels of government, both upwards (e.g. EU) and downwards (subnational governments). In addition, tasks have been placed at arm's length by the creation of independent regulatory authorities. Previous researchers have argued that these kinds of fragmentation will lead to the development of new coordination mechanisms, most notably between the European Commission and the regulatory authorities at the national level. However, such a collaboration may place significant dilemmas on the authorities, when they are confronted with conflicting demands from their parent ministry and from the Commission.

This paper explores how fragmentation affects the behaviour of regulators in the context of energy regulation in Belgium. The actor constellation appears to be particularly fragmented, as regional governments are active in this field as well, in addition to the federal and EU-level, and these regional governments have also delegated tasks to their own newly-created independent agencies. We find that regulators coordinate with their counterparts at other levels of government. However, the fragmentation also evokes competition between regulators, particularly regarding contacts at the EU level.

The EU allows only one body per Member State as a point of contact, and both the federal and regional regulators compete to become this single point of contact. For regulatory agencies, being a member of the transnational networks provides important benefits, such as access to technical expertise and formal safeguards for autonomy from the parent minister. We find that networking intensifies the conflicts between the federal and regional regulators.

These findings suggest that agencies develop a strategy to increase their formal autonomy, by linking up directly with the Commission. Finally, the findings demonstrate that collaboration at the supranational level can have unintended consequences by triggering centrifugal forces at the national level.

19. OPEN ACCESS: UNFINISHED AGENDA OF POWER SECTOR REFORMS IN INDIA

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Abstract

The Electricity Act of 2003 ushered power reforms in India. Open access regulations in the Act are of seminal importance. This paper attempts to see the developments in India in the last seven years in the implementation of the regulations and as to whether the results are optimal with respect to the policy objectives with which they were designed. The aim is to find out the limiting factors in the design of regulations and in their implementation which may have hindered the growth of power generation in the private sector on one hand and have not resulted in the efficiencies in the sector to give the advantage of lower cost of electricity to the consumer. The author had been the chief executive of one of the leading distribution company in India for three years and had been involved intricately with the implementation of these regulations. The first hand experiences of dealing with various situations arising out of the regulations have been used to prepare this paper. The problems are identified and a possible solution is attempted at. The differences among the various important stakeholders have reached a point where it needs an immediate redressal otherwise the reforms will suffer irreversibly. The differences are not insurmountable and if properly addressed would result in proper yield of the reforms.

20. IMPLEMENTATION OF INTEGRATED FOOD LAW IN INDIA: THE WAY AHEAD

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Abstract

The food regulatory environment plays an important role in protecting public safety, promoting health and supporting industry competitiveness. However, in India the multiplicity of food laws and standard setting and enforcement agencies was creating confusion in the minds of consumers, traders, investors and manufacturers. Varied quality / safety standards regarding admissibility and levels of food additives and contaminants, food colours, preservatives etc. was leading to harassment of manufacturers of food products and other stakeholders and restricting innovation in food products. Further, thin spread of manpower, food laboratories and other resources under various authorities administering these laws, was not conducive to effective fixation of food standards and their enforcement.

Keeping the above in mind, it was decided to consolidate around eight laws relating to food and to lay down science based standards for articles of food and to regulate their manufacture, storage, distribution and sale, to ensure availability of safe and wholesome food for human consumption, Integrated Food Law titled "The Food Safety and Standards Act, 2006" was passed by the Indian parliament. Since then Food Safety and Standards Authority of India has been established under Ministry of Health and Family welfare in 2008. The authority has also initiated wide ranging consultative process with the stakeholders in the sector and the draft Food Safety and Standards Rules, 2011 have been circulated for feedback.

The present paper proposes to explore the role of FSSAI in the coming years and how there is a need to align the National Regulations on food with international standards and also harmonize the same with CODEX standards. It would also explore the role of FSSAI as a benevolent regulator by promotion of self –regulation viz a viz the regulation through punitive measures.

21. ACCOUNT AND ASSESSMENT OF FOREIGN LABOUR REGULATIONS IN SOUTH KOREA AND TAIWAN, CHINA: FOCUSING ON STATE-BUSINESS RELATION STRUCTURE IN THE EAST ASIAN DEVELOPMENTAL STATE AND ITS EFFECTS ON FOREIGN LABOUR POLICY

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Abstract

The purpose of this paper is to enquire into state-business relation (SBR) which has been structured in the East Asian developmental state and to examine how it affected developments of the foreign labour regulations in Taiwan and South Korea. Following historical institutionalism, this paper regards foreign labour regulations as one of the institutional consequences of the developmental state which emerged as an institutional structure in the East Asian countries. The findings of the analysis reveal while the regulation for foreign labour was generally marked by strong exclusionary practices in the East Asian developmental states due to their employer-centred characteristics, business dominated SBR created a harsher institutional environment for migrant workers than the state dominated SBR in the East Asian developmental state.

22. NATIONAL REGULATION OF THE PUBLIC HEALTH CARE SYSTEM IN RUSSIA

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Abstract

After the dissolution of the Soviet Union in the early 1990s, Russian Federation inherited a publicly-funded health care system that promised comprehensive services to all people, when and where they need them.

But in practice the Russian public health care system was fragmented and financially unsustainable, characterized by over-reliance on curative and inpatient care, with incentives that encouraged providers to hospitalize patients for lengthy periods.

Now the coverage, cost, and quality problems of the Russian health care system are evident. The public health care system is not adept in responding effectively to the health needs of the population, particularly due to the high prevalence of non-communicable chronic diseases such as cardiovascular diseases, cancer, and injuries, which are the leading causes of ill-health, premature mortality and disability in the country. There is a real need for better government regulation of the public health care system. Now the regulation reform of federal and regional health systems is a major challenge for the country.

Key components of the Russian public health care reform are the follows:

- Improving the health status of the population;
- Protecting population against the financial consequences of illness;
- Providing equal access to public comprehensive health care services.

The main aims of Russian pharmaceutical reform are the pharmaceutical market regulation and provision, regulation of rational drugs usage, price monitoring system and creation of the medical products regulatory system. There is special national program for Russian pharmaceutical product development. So the Russian healthcare industry is experiencing robust growth which is primarily driven by several initiatives by the government such as improvement in primary care, efficient implementation of health insurance and an increase in healthcare financing.

The delivery of health care services in Russia is a federal, regional and municipal responsibility, carried out in accordance with federal and regional regulations and funded through multiple sources (for example, the federal budget and transfers, regional budgets, and health insurance).

23. HOW DOMESTIC ARE DOMESTIC REGULATORY REGIMES REALLY?**THE REGULATION OF VETERINARY DRUG DISPENSING IN THREE EUROPEAN COUNTRIES**

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Abstract

The regulation of veterinary drugs plays a major role in securing animal health and food safety. In the present paper, we investigate the ways in which three European countries converge in their regulatory regimes concerning the dispensing of veterinary drugs for livestock. This policy field provides a greater chance for variance in regulatory solutions than matters of drug authorisation. The study aims at inferring the appropriateness of three differing theoretical assumptions which explain the evolving of international harmonisation. We test our assumptions by way of a comparative qualitative case study design, employing the method of congruence. In our analysis of the regulation of veterinary drugs in France, Germany, and Switzerland we find evidence for the functional as well as the historical-institutionalist hypothesis, whereas the third hypothesis claiming no convergence between countries cannot be corroborated. However, domestic politics may be apt to explain implementation processes.

24. PUBLIC PROCUREMENT REGULATION IN THE CZECH REPUBLIC

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Abstract

The public procurement in the Czech Republic has been object of the strong criticisms since several years and it has been perceived as a kind of corruptive practices where the future contractor is know in advance and any involvement of any other bidders would be just a loss of time. The corruption in this area is currently so apparent that voices calling for the setting of ethic, moral and regulation processes in the form of safety and qualification mechanisms designated to cultivate this environment in future are extremely strong.

The best fitting definition of public procurement corruption is the "abuse of trustworthy position for personal profit". Such a definition is clear and it mainly underlines the principle of the separation of the office or officer from the performed activity. However, we have to admit at the same time that such a definition is too general for legal purposes and, thus, not precise enough for any analytical research.

This paper was conceived with the aim at showing, analysing and drafting measures that would reduce the levels of corruption in the public procurement process and improve transparency of criteria of public procurement projects for potential bidders. However, individual mechanisms as included to the tender proceedings should be protected against being questioned for being biased or for lack of qualification.

Public procurement in general is likely to be exposed to corruption pressures. The core task should be the identification of the maximum reduction of the corruption levels by means of improving responsibility of individual actors involved in the public procurement decision-making processes both in the state and private sector.

25. REGULATORY GOVERNANCE IN INDIA:**A CASE STUDY OF TELECOM REGULATORY AUTHORITY OF INDIA (TRAI)**

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 Lausanne, Switzerland, 4-8 July 2011
 Regulatory Governance in India:
 A Case Study of Telecom Regulatory Authority of India (TRAI)

Abstract

In India, with the liberalization of the economy, many sectors which were hitherto monopoly of the State have been opened to the private sector. Out of these sectors, telecom sector has registered phenomenal growth during post-reform period. The growing role of private sector in the telecom sector has raised policy questions such as fair competition; prices; quality of services; involvement of stakeholders; and equitable distribution of services. For dealing with these issues, the Telecom Regulatory Authority of India (TRAI) was set up in 1997.

The objective of this paper is to analyze the role of TRAI in regulating telecom services in India. Based upon the secondary and primary data collected from 200 telecom users, service providers and other stakeholders, the study found that policy initiatives of TRAI have improved competition and reduced tariff rates. However, it has been ineffective in monitoring the quality of services; ensuring universal service obligation; and involving stakeholders in policy formulation.



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