GOVERNANCE FROM THE BOTTOM UP: COMPLEXITY AND DIVERGENCE IN COMPARATIVE PERSPECTIVE

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This symposium article examines how the threefold governance framework of the symposium actually works across multiple policy sectors and multiple politically systems. It undertakes a comparative survey of governance-related developments across three policy sectors: environment, education/higher education and forests. To control for differentiation in political structures, the article studies the policy sectors with respect to three political systems Canada, England and Germany, taking into account the role of the European Union, the federal systems and international actors. This broad macro comparative focus enables the authors to make one of the first empirical efforts to assess the presence and sweep of governance arrangements across both policy sectors and states; and to assess the degree of convergence around particular governance practices.

INTRODUCTION

The symposium introductory article argued that, while governments clearly remain in the business of governing, they do so increasingly by experimenting with new modes of governance that share authority, use a variety of novel policy instruments and result in new kinds of institutions. It also argued that the persistence of government in the age of ‘new’ governance challenges uni-dimensional theories that try to detect simple shifts ‘from government to governance’, a challenge compounded by disciplinary disputes about the meaning of ‘governance’. The introductory article proposes a multi-dimensional framework that distinguishes an underlying dimension bounded by the ideal types of monocentric and polycentric governance and three cross-cutting dimensions that capture the potential for new institutional, political and regulatory arrangements. The framework generates a clear distinction between the case of highly monocentric, top down, hierarchical governments experimenting with new political, institutional and regulatory arrangements, and the same arrangements in the hands of decentralized, multi-level governance systems – and all the variations in between.

This article has two objectives. First, it tests the conceptual framework’s utility: is it possible and analytically useful to locate developments along the chosen dimensions? Second, asking and answering these questions is intended to address a gap in the governance literature illustrated by the two sources of the symposium framework itself. Howlett et al. (2009a) offer a single case study targeting the re-regulation debate. Treib et al. (2007) provide an abstract account of methods and metrics for identifying and comparing governance shifts; they offer only a preliminary discussion of different governance modes in a single dimension.

Between these two sources lies a vast, largely unexplored territory of comparative governance studies. Such studies potentially can answer key questions about governance including: (a) those raised in the introductory article concerning the particular evolution of governing patterns along the three crosscutting dimensions and the nature of the relationship between the three dimensions; but also (b) others, such as the impact of...
policy sector characteristics or questions of timing on the outcomes of governance shifts along one or more dimensions. This article uses the existing studies of governance and governance shifts in three jurisdictions and across three policy sectors to assess the extent to which the symposium governance framework could organize comparative studies and answer these questions.

This article’s broader sectoral focus, compared to the other Symposium articles, requires a commensurate shift in the levels of analysis across the three dimensions. The institutional dimensions are not substantially affected in the three case sectors. However, a wide and diverging range of different networks and policy instruments may operate in the sub-sectors of each case. This article makes a mild adjustment to the framework for the political dimension by not plotting all the actor relationships but rather providing an overall impression of the sector as suggested by a ‘participatory style’. On the regulatory dimension, space restricts this article to presenting an overview of the general ‘policy mix’ of a basket of instruments, commenting on the variety and overall impact of instruments, rather than plotting each sector instrument.

The chosen sectors pose a realistic challenge to the framework. Environment and forests provide examples of those wicked or even ‘super wicked’ problems (Levin et al. 2009), which originally spurred governance experiments and for which new governance arrangements are supposed to be uniquely well adapted. Complexity, uncertainty, and heterogeneous interactions (Voss and Kemp 2006) creating difficult problems of coordination are all present. Education (and higher education) policy, besides absorbing significant resources and posing its own coordination problems, is related to the innovation and sustainability agendas that have driven policy development across a variety of sectors in the developed world for numerous years. The educational field contains all the fundamental elements of governance theory: multi-level decision-making arenas; structural conflict between centralization and decentralization; a multitude of different actors with significant power and very different vested interests.

The country case selection provides a control for some of the key factors underpinning the symposium framework’s institutional dimension. This article focuses on two federal systems (Germany and Canada), and on a unitary system with hybrid devolved/federal elements (England operating within the United Kingdom). The focus on Canada controls for the influence that European Union (EU) regional integration has on the member state governance systems, both a federal state such as Germany and a largely unitary UK system. The EU’s impact provides an additional interesting comparison for the Canadian federal system: both have elements of Type I (focused around functional authority being distributed across a limited number of territorial levels and bounded by territorial spaces) and Type II multilevel governance experiments as specified by Hooghe and Marks (2003). The component provinces and member states have very different competencies and capacities across the different sectors, providing significant variation for comparative purposes. The unitary case selection forces the analysis to ascertain whether the UK state structure has triggered similar or different patterns of governance compared to the federal systems.

The analysis confirms the prevalence of polycentric governance arrangements. However, attention to the interaction of polycentrism with the institutional, political and regulatory dimensions provides evidence of different governance arrangements, with the outcomes substantially due to the impact of institutional choices on the political dimension. Specific national governance styles, where observed, are usually created by the interaction of institutions and regulatory preferences, but an ‘EU effect’ on governance
arrangements is also observable where the EU has competence. The reality is far too complex to be captured by the idea of a simple shift from government to governance. The case studies follow this order: environment policy, education (and higher education) policy and forestry policy. Each case maps out the core characteristics with respect to the three governance dimensions. Section five plots the policy sector in each country against each dimension, emphasizing the comparison of countries and sectors. The concluding section assesses how well the combinations of problems, institutional histories, strategies and policy mixes in the case studies fit the symposium framework.

ENVIRONMENTAL POLICY

Assessing Canada’s institutional dimension first, Canada’s constitutional structure divides legislative power between the federal and provincial levels; the sharing of environmental regulation between these two levels is inherently complex, ambiguous and subject to contestation (Harrison 2000). Since the 1970s, the respective governments have experimented with mechanisms to enhance shared responsibility and coordination, reducing hierarchy and increasing the (polycentric) scope for a wider range of ‘stakeholders’ to contribute to policy formulation (Skogstad 1996).

For English environmental policy, the core focus is the UK state. There are devolved aspects (especially after 1997), including differentiated budgetary discretion and separate environment agencies (Smith 2007). Nevertheless, the British system retains a strong top-down element in terms of executive power, the control of the overall budget, and so on. Central government has set the broad legislative framework, leaving the detailed aspects of policy fine-tuning and implementation either to specialized and/or local bureaucrats. One core UK administrative challenge is matching the common law tradition and informality with implementing EU law (Wurzel et al. forthcoming 2012). The local government structure varies substantially across the UK, but generally local government continues involvement in areas such as waste management. Public and private actors at all these levels create a polycentric environment.

The UK institutional approach has emphasized discretion, technical specialization, co-operation between regulators and regulated, and practicability (Weale et al. 2000, pp. 180–1), causing policy to be generally reactive to new environmental problems and focused on case-by-case solutions – instead of fixed, uniform principles. This fits with the UK’s common law and case law orientation. EU membership has changed this pattern, forcing more specified and formal implementation management on UK policy actors.

In Germany, as in Canada, environmental competences are not distributed equally across the various sectors and issues (Wurzel et al. forthcoming 2012). The Federal government dominates in air pollution, waste management and noise pollution, but the German Länder retain power over water management and nature protection. This renders adoption of cross-sectoral and multi-level government environmental approaches difficult and complex (Wurzel 2002). German institutional trends prioritize strong legal/constitutional mandates.

The EU’s decision making and implementation requirements influence significantly both Germany and the UK (Weale et al. 2000). This complex institutional system of access/veto points and limited resources define a relatively open EU process. Policy formulation has been oriented around elite networks representing the Commission and member state executive, tending towards a hierarchical approach to policy-making (Börzel 2010).
Moving to the political dimension, Canadian policy contained a rather exclusive process involving the regulators and industry in the early years of environmental policy-making, similar to the UK (Skogstad 1996). Recent decades reveal a conscious effort to build consultative mechanisms and require public participation. Organized interest groups have exploited these processes more than the general public. The ongoing policy-making tensions between federal and provincial governments have given substantial scope to consultation between government levels although some provinces take initiative with minimal input from other provincial or the federal governments (Harrison 2000; Valiante 2007).

The traditional UK participatory style involved consultation with the regulated to achieve compliance, rather than regulatory imposition (Weale et al. 2000, pp. 180–1), but did not emphasize inclusion of all societal groups. The EU process has forced more detailed UK implementation planning. Moreover, both the UK and Germany now have a strong array of non-governmental actors (including environmentalists, scientists and industrial representatives) that influence both member state and EU levels. The German national participatory style relies heavily on consensus and consultation with societal actors across the socio-economic spectrum (Wurzel et al., forthcoming 2012). The degree of policy-making involvement of environmental actors has varied over time, but the Federal government has made a strong effort to involve such groups. The German policy approach is relatively legalistic and formalized, focused on explicit statements of principle and minimizing administrative discretion (Weale et al. 2000).

Similar to the UK, the Canadian instrument strategy has focused on regulation, but has involved (in the development, enforcement and implementation of these regulations) a strongly consultative process between the regulators and the regulated and with the provinces deploying many of these instruments (Hessing et al. 2005). The precision and enforcement of this legislation has been constrained by limited information available to the regulators, collegial relations between the regulators and regulatees, restrictions on citizen enforcement and complaint mechanisms, and limited administrative resources for enforcement. Various political and financial difficulties convinced the Canadian government to include economic/market-based instruments, non-regulatory agreements and informational tools in the mix as the system moved towards greater decentralization of environmental administration (Howlett 2000, p. 320).

After 2003, the Canadian federal government instigated a ‘smart regulation’ strategy to better match the range of tools to the particular context (Valiante 2007, pp. 88–9). The federal government also instituted fiscal incentives and more general subsidies and funding for environmental objectives/activity, pollution prevention information and eco-labelling (‘Environment Choice Scheme’). The provinces have used their more limited taxation powers to institute charges. Since the late 1990s industry has pushed for voluntary agreements; the Canadian federal government negotiated several specific agreements with particular industries and created ‘voluntary challenges’ to reduce environmental degradation (Valiante 2007, pp. 93–6).

The UK approach to instruments has been relatively pragmatic, tailoring standards to local conditions and specific polluters rather than imposing uniform standards (Jordan 2002). The UK policy-makers opted for regulatory instruments, negotiated with industry (and implemented through unwritten agreements with polluters), general legal guidelines and standards, and flexible implementation systems, all tailored to local political and financial exigencies (Wurzel et al., forthcoming 2012). This made actors less receptive to market-based instruments with fixed, explicit specifications; however, the paucity of other flexible approaches, e.g. voluntary agreements, remains a puzzle.
In the UK policy mix, regulations still dominate (Wurzel et al. forthcoming 2012). A range of taxes has been adopted gradually, most notably the limited 1990s ecological tax reform. Tradable permits are a bigger innovation: the UK government introduced the packaging recycling notes scheme to implement the EU packaging directive and participates in the EU climate change scheme to implement climate change obligations.

For both the UK and Germany, the EU now provides most core environmental legislation. A central EU activity has been responding to the potential threats to the common market from individual member state policies. However, this process works both ways. Member states such as the UK and Germany have had a strong incentive to try to ‘upload’ their domestic level instruments and standards, to minimize the costs of adjustment and to maintain the national economic sector’s competitiveness. Such regulatory competition has led Germany and the UK to promote contrasting instruments and EU intervention in contrasting issue areas (Héritier et al. 1996).

This historical legacy combines with a limited constitutional scope and limited budget to push the EU towards regulation (Majone 1994). EU environmental policy comprises roughly 1,000 pieces of regulation, roughly a dozen VAs, a low profile eco-label system, and the greenhouse gas tradable permit scheme (Wurzel et al., forthcoming 2012). The nature of EU regulatory design is becoming more flexible and participatory (for example, the Water Framework Directive).

The German instrument strategy has reflected a range of activist principles and strongly stipulated command and control regulation since the 1970s (Héritier et al. 1996). The German emphasis on the precautionary principle has promoted regulatory ambition and traditional instruments (Weale et al. 2000, pp. 157–9). The number of domestic regulations has reached approximately 35,000 by the mid-1990s (Wurzel et al., forthcoming 2012). The German strategy regarding other instruments is more ambiguous. Reflecting the longstanding consensual relationship between business and government, voluntary agreements have a long history. Other instrument types seem less popular although the Germans pioneered the first ‘Blue Angel’ eco-labelling scheme (Wurzel et al., forthcoming 2012).

EDUCATION AND HIGHER EDUCATION POLICY

Educational policies are multi-level systems from a structural viewpoint, since all countries possess at least three institutional arenas where educational policies are processed day-by-day: the national level, the local level (regional or provincial) and the individual institutional level. European Union member states now boast a fourth level as a result of the EU’s increasing involvement in education and higher education policy (Alexiadou 2007). Therefore, Education and Higher Education (E and HE) are forms of ante litteram multi-level governance systems. Over the last two decades, all Western countries have attempted to guide their schools and universities towards more efficient and effective forms of behaviour and to performances that more closely fit social and public needs. Consequently, governments have had to change their traditional ways of coordinating and governing education, and adapt their educational systems to a plurality of new, often contrasting, social and political requirements (such as greater institutional accountability, and more freedom of choice for families; decreased funding but greater public demands and expectations; increased differentiation, but also a greater degree of standardization of minimal output requirements). There has been a process of change whereby the approach
towards the coordination of educational policies has shifted towards a common model entailing far-reaching changes along the three governance framework dimensions.

On the institutional dimension, this process of change is clearly visible in England: since the introduction of the 1988 and 1992 Education Acts, there has been a radical reversal of the traditional decentralization of the educational system. The importance of England’s Local Education Authorities has been considerably diminished, and the systemic governance of education has been centralized through the introduction of mandatory national curricula and the establishment of the Office for Standards in Education (Whitty et al. 1998; Ball 2003; Ranson 2008). The most important HE changes have been the end of the binary system, with the upgrading of the former polytechnics to university status, and the establishment of new agencies for the evaluation of research and teaching. Central government also decided to change the traditional way of financing universities, as the country moved from a system allocating funding on a consensual basis to a system where the funding process is becoming highly competitive.

Of the two federal nations, Canada and Germany, Germany’s 2006 constitutional reform has created a situation where the power and duties of the central state and regional Länder are fairly evenly distributed. In Canada all powers over educational matters rest with the nation’s provinces. Canada is the only country without a federal/national ministry for education; all power seems to lie with the bottom two levels of the system (the provinces and the schools/universities). The lack of any federal agency has been resolved by the creation, in 1967, of a Council of Ministers of Education, which now plays a pivotal role in the coordination of the overall system. Germany has witnessed the almost total devolution of powers and responsibilities in education, thanks to the 2006 constitutional reform. The EU plays no formal institutional role, since education is one of the areas left by the European treaties to the full responsibility of national governments.

Concerning the political dimension, in all three countries public bodies hold most of the power. Depending on these countries’ chosen institutional design, the role of public institutions (national or provincial governments) is of pivotal importance. However, due to the new strategies chosen to regulate educational policies, other actors have managed to acquire a certain leverage. All three countries are characterized by the important role played by families (which, through their choices, considerably influence the financial standing and the reputation of education/higher education institutions), by the association of school teachers in the educational field, and by national associations of university rectors in the HE field.

However, certain emergent supranational actors have gained noticeable political influence in the educational field. Despite the weak educational provisions of EU treaties over the past twenty years, there has been a clear shift in EU strategy towards increased intergovernmentalism (Walkenhorst 2008). This new strategy has featured two fundamental elements: the extension of co-operation on an extra-EU basis (the Bologna process), and the introduction of new EU decision-making mechanisms, notably the ‘open method of co-ordination’ (OMC). The EU does not exactly represent a fourth level of governance hierarchically positioned above that of the state, but acts rather like a freelance agent operating throughout the education systems.

The regulative dimension is probably the most important within education, because it shows how the governance of such policy fields really works. While E and HE governance arrangements in Germany were of the traditional control and command variety, England’s and Canada’s arrangements were far less hierarchical and characterized to a greater degree by the decentralization process. Recently, governments have decided
to change their approach to the administration of their E and HE systems, and all three countries have adopted the same policy strategy template. Indeed, Germany, Canada and England have based their new strategies around exactly the same policy tools and targets: institutional autonomy and accountability; assessment and evaluation; targeted extra-money; benchmarking; and re-design of the decentralization/centralization balance in governance arrangements. Essentially, they have all adopted, albeit in different forms, the ‘steering-at-a-distance’ approach to governance (Hudson 2007; Paradeise et al. 2009; Huisman 2009; Capano 2011). Steering-at-a-distance means that the central political powers set the system’s goals, while all the actors involved – within the educational sector, the multiplicity of schools and higher education institutions – try to contribute towards the pursuit of such goals by choosing the best possible trade-off in relation to their institutional capabilities.

For example, in England and Canada, schools and universities have lost part of their traditional autonomy. In English education policy – due to an aggressive policy of evaluation and assessment, the importance given to parental choice, and the introduction of national testing to ensure state control of the skills acquired by high school leavers (Ranson 2008) – strong governmental policies based on competition for research and teaching funding now characterize English higher education (Chitty 2004; Tapper 2007). In Canada, both the centralization of control over school curricula and funding by the provincial governments and the considerable importance given to parental choice (Lessard and Brassard 2006) resulted in Canadian higher education now being characterized by a contractual relationship between the provincial governments and their universities (Shananan and Jones 2009). Federal policy tries to ensure that universities are strongly committed to develop research useful from the socio-economic viewpoint (Jones 2006).

In Germany, the trend towards a common template has meant, for example, the diminishment of the power of the supervisory authorities previously in charge of schools, in the name of institutional autonomy. Schools are now being increasingly empowered concerning organizational, financial and educational matters (Wenzel 2000; Huber and Gordel 2006). The politics of educational decentralization and institutional autonomy have also begun to affect higher education: Germany’s Länder have granted greater institutional freedom (regarding funding, organization and recruitment) to the universities since 1999. New boards of governors have been established in many cases, with the power to appoint university rectors and presidents. An accreditation agency system also was established. Regional government is clearly requiring universities to give greater importance to social needs. Simultaneously, the national Government has launched a new programme designed to reward excellence in the field of research. Furthermore, the system has become internally more competitive (for students and for money), and students’ fees have recently been introduced (Orr and Jaeger 2009).

Within the framework of this re-design of national strategies, it is interesting to observe the EU’s importance for Germany and England. The EU’s focus has broadened beyond its initial, rather timid interest in vocational education to encompass all aspects of educational and HE policies. Nevertheless, EU strategy consists of the ‘soft’ regulation of education policy: nothing is mandatory, everything is optional. This explains, for example, the enthusiastic acceptance of the Bologna process. However, Capano and Piattoni (2011) have shown that the intensification of supranational activities, and the adoption of certain procedures and policy instruments, very often appear to be considerably influenced by national policy legacies, and are always designed to fit the specific national context and prevailing interests. The EU’s role is a highly influential, albeit indirect, one: to produce
ideas, goals, standards, benchmarks, data production and flows that generate constant comparisons (Grek et al. 2009).

Concerning the regulatory aspects of the educational sector, those countries (i.e. Germany), which were used to a control and command approach to governance, have abandoned this in favour of a softer form of regulation. Those countries that had traditionally adopted a less hierarchical and intrusive approach to governance (such as Canada and England) have now become more strictly regulative. Thus, the first category of country has become less hierarchical while the second category has become more so.

**FORESTRY POLICY**

On the institutional side, Canadian forest policy presents a particularly clear example of the complex and multi-dimensional character of governance shifts. The original constitutional division of powers provides for the provinces to have exclusive legislative jurisdiction over public (Crown) lands within each province. Both the extent and economic importance of the forests found on these provincial Crown lands (especially in the west) and the subsequent confirmation of jurisdiction to legislate for the management of forests in a constitutional amendment seem to leave the provinces in an unassailable position. Canada lacks even a junior Minister responsible for forestry at the federal level, and the Canadian Forest Service has become largely a research institution (Howlett 2001). Provinces with important forest holdings developed provincial forest services, originally for resource inventory and protection but later with significant management and audit functions, and a body of provincial forest law.

Despite this apparent embeddedness within the monocentric/hard law quadrant of the framework, recent developments indicate a surprising institutional fragility. As noted below, forest politics has been characterized not merely by a move to a more participatory style, which might have been accommodated within a set of monocentric institutions, but also by calls for both decentralization of decision-making authority and more extensive use of financial and information instruments (Howlett et al. 2009b). In the Canadian context, the imperative to respond to the constitutional recognition of First Nation and Metis rights and title (originally a model proposed by resource dependent communities) has given decentralization added impetus.

Completing the shift towards a genuine and complex multi-level structure, the export orientation of the forest industry renders the sector extremely vulnerable to trade and trade-related (including environmental) developments that both fall squarely within the constitutional competence of the federal government and call for a co-ordinated Canadian response. As in environment and education, periodic intergovernmental discussions through the Canadian Council of Forest Ministers currently manage multi-level coordination, but institutional development remains weak.

Similar tensions exist in the two EU jurisdictions, where member states retain legislative competencies over their forests but increasingly confront a wide range of problems, e.g. the role of forests in climate change mitigation or transboundary forest health, where greater EU coordination seems inevitable. There is a similar centrifugal pull in calls for a decentralized forest administration more responsive to local needs and, in many EU countries, a powerful constituency supporting it in the shape of private forest landowners.

Thus, in the UK, the UK Forestry Commission was broken up into regional components during the devolution of powers, and an agency, Forest Enterprise, created to
manage public forests. In Germany, traditional federalism or Type I multi-level governance continues to handle forest policy. A federal framework law that originally aimed at increasing total forested area while balancing the interests of the general public (especially concerning recreation) and forest owners nonetheless allows considerable room for the Länder to address local issues and constituencies. The Land forest services are well-developed and maintain a close relationship with private forest owners, who control about half the forested area in Germany (Elsasser and Pretzsch 2004).

On the political dimension, the general trend towards a more participatory policy style, already noted in the environmental policy section, has affected each of these jurisdictions. The impact of this trend differs depending on the extent to which: (a) the institutional arrangements are capable of accommodating greater participation without fundamental transformation and (b) the new actors that participation introduces bring with them ideas and values that clash with those of the old policy elites.

In the Canadian case, distinctive tenure arrangements between provincial governments and vertically-integrated forests products companies have created a particularly durable ‘clientilist’ policy style (Atkinson and Coleman 1989; Rayner and Howlett 2009). It proved particularly difficult to open up the closed style of government-industry bargaining (Howlett and Rayner 2001) that clientilism supports, and both more participatory and more decentralized styles of policy-making were resisted in favour of periodic ‘expert’ consultations. Nonetheless, developments over the last decade indicate shifts along both axes. Most provinces have experimented with a more participatory style of policy-making, often with unexpected consequences.

Of the European cases, the UK policy style was closest to the Canadian, though the relative unimportance of the forest sector in the UK and the predominance of private forest landowners made the transformation to polycentric and softer governance arrangements a much less bruising process. Here, as in Germany, a traditional consultative policy style demonstrated its ability to manage the conflict over the planting of conifers in lowland areas as governments gave credence to the advice of ‘mainstream’ NGOs such as the Royal Society for the Protection of Birds and engineered a policy change towards more flexible policy instruments that could achieve multiple goals (Mather 1991; Kanowski and Potter 1993).

The German policy style remains strongly corporatist, again demonstrating the ability of these traditional policy styles to survive into an era of supposedly ‘new governance’. The German case illustrates especially well the connection between the persistence of a particular policy style and the adoption or non-adoption of particular policy instruments associated with new governance. In the case of certification, private landowners in Germany strongly resisted the FSC standard as an alien imposition that poses unacceptable costs to small landowners (Cashore et al. 2004). A regional FSC standard for Germany was negotiated only in 2010. Landowner organizations and Land forest administrations were also prominently involved in amending the federal Nature Conservation Act to include a Sustainable Forest Management (SFM) requirement, while resisting changes to the Federal Forest Act that would strengthen nature protection.

In the UK, the Forestry Standard provides a guidelines approach to good forestry practices nationwide and is intended to steer forest policy and forest management at all levels (Forestry Commission 2004). The Forestry Standard is also the basis for the UK’s approach to forest certification: the UK Woodland Assurance Scheme, one of the very earliest national schemes of this kind that, unusually, both FSC and PEFC recognize
However, local authorities retain powers to preserve trees and to regulate both tree planting and felling under their planning authority; some large scale forestry and forestry-related projects (such as road-building) are subject to environmental impact assessment, creating the usual problems of horizontal and vertical coordination by means of Type II multilevel governance (Sangster 2004).

The Canadian policy mix has been pulled in numerous different directions. The introduction of new actors facilitated by the experiments with a participatory policy style has generally been associated with a renewed recourse to regulatory instruments. However, the persistence of clientilism is observable in the continuing use of discretionary language in the relevant legislation and the lack of monitoring and enforcement capability on the part of provincial forest services. Here, as in the other jurisdictions, problems of vertical and horizontal policy coordination have come to the fore, with significant impacts on forests originating in other sectors and from cross-cutting issues such as climate change. While Germany is attempting to address these issues through the coordinating mechanism of a National Forest Program (NFP) (Howlett and Rayner 2006), supported by Regional Forest Programs according to the logic of federalism (Suda and Beck 2004), both the UK and Canada are continuing to work with less formal Forest Strategies whose steering capacity remains uncertain (Howlett et al. 2004).

The continuing divergence between the UK and Germany on the question of NFPs underlines the slow EU emergence as a ‘fourth level’ of governance in either of the main senses of MLG. The European Forest Action Plan attempts to pull together various global and pan-European obligations and EU treaty commitments (e.g. the Lisbon objectives of sustainability and competitiveness), but continues to stress the exclusive competence of member states and the EU’s coordinating role. To the extent it is based on the use of policy instruments, they have until recently been restricted to the most general kinds of information sharing and procedural supports (Winkel et al. 2009). It remains to be seen whether the 2011 Oslo conference of European forest ministers will agree to begin negotiations for a legally binding forest agreement and, if so, what form that agreement will ultimately take.

In general, the forest policy sector in all three cases exhibits a tendency towards hybrid old and new governance arrangements that are supported by the persistence of well-entrenched policy styles and associated policy legacies. The moves towards polycentric arrangements observable in all three cases are generally not matched by a similar shift from hard to soft law, to policy styles that favour non-state actors or to enduring informal institutions.

ANALYSIS

What does the symposium framework reveal when we compare the governance arrangements across jurisdictions in each of the three sectors?

Along the institutional dimension (figure 1), the ‘EU effect’ is clearly observable. The strong presence of EU legislation in the environmental field, with specific implementation requirements, has focused attention on adherence to EU treaties and specified procedural and legislative outputs in the UK system, moving the UK closer to the German institutional arrangements. Canada, by contrast, has retained much of the informal and consultative approach to environmental policy that it once shared with the UK. The overlap of forest and environmental governance has ensured a similar trend in forest policy, albeit one less clearly observable given the lack of EU competence in the forest area. In education,
however, the pre-eminence of national and subnational governments confuses the picture, with a trend towards more centralized and coordinated arrangements in Canada and the UK and towards decentralized ones in Germany.

Along the power dimension (figure 2), the now familiar ranking where the German arrangements generally favour state actors, followed by Canada and the UK, is found in education and forests but not in environmental policy. The active role of the provinces, which have tended to accord greater influence over outcomes to local political elites and economic interests, have created the Canadian dynamic. Similarly, the more closed and informal character of Canadian environmental policy-making disrupts the general tendency of power arrangements to be the outcome of interactions between a larger and more diverse group of actors in the environmental policy field, followed by forests and then education. On this dimension, the identity and interests of the non-state actors is crucially important. In education, the important factor is the role of civil society actors such as students and parents (more significant in the UK, though increasingly salient in both Canada and Germany); in forests and environment, while civil society is increasingly vocal, the most significant non-state actors for policy formulation and implementation may be powerful corporate interests.

On the regulatory dimension figure 3, education policy generally demonstrates a greater reliance on soft law instruments than the other two policy areas, though the differences are much less marked in Germany with its strong tradition of legalism than in the other two countries. While Canada and England have adopted a softer form of steering in education (based on standards, benchmarking, ex-post evaluation; targeted grants), Germany still adheres to its tradition of more precise and binding legislation (passed by both federal government and the Länder). In environment sector, the precision and enforcement of Canadian environmental legislation has been constrained by the limited information available to the regulators, the strong interaction between the
regulators and the regulated groups versus more sporadic public input, and by limited administrative resources to enforce legislation. These constraints, and the increasing presence of negotiated instruments, subsidies and other instruments, place Canada at the dividing line between hard and soft law compared with Germany and the UK.
There is a very similar dynamic operating in Canadian forest policy; the UK contrasts, with the replacement of the tax-based incentive for planting with the targeted subsidy instrument accompanied by the UK forestry standard marks a shift towards a more formal instrument (albeit still on the soft law side of the axis). German forest policy, again, reveals an equilibrium on the instrument dimension, with a preference for hard law that is supported by EU-level developments.

The depiction of governance arrangements, as presented in the three bi-dimensional figures, provides answers to at least two significant questions about governance, albeit answers that also suggest an urgent need for further clarification. First, following a simple version of the ‘old government to new governance’ thesis, we expect to see governance arrangements clustering in the lower right hand quadrant of the diagrams, having moved there from the upper left hand quadrant over the last decade. Instead, the arrangements are clustered in the top right hand quadrant, indicating a general tendency towards polycentric governance that is nonetheless characterized by the persistence of more formal institutions, more state power and a greater reliance on hard law than the proponents of ‘new governance’ would predict.

Second, the extent to which the individual cases cluster in this upper right hand quadrant could be a function of either national peculiarities or distinctive and convergent features of the policy areas themselves. In the former case, we should see the country flags clustering together; in the latter case, there should be clustering amongst the education, environment and forestry cases regardless of the countries in question. While there is some support for ‘national exceptionalism’, with the country rankings on almost every sector and across each dimension showing Germany as more formal, state-centred, and legalistic, followed by Canada and then the UK, the significant exceptions to this trend require explanation.

The general tendency towards polycentric arrangements is clear. In environmental policy, governance involves a substantial number of actors with national impact: international treaties and organisations, regional organisations, public and private actors at the national/federal level, public and private actors operating at the provincial/devolved region and local level. The highly complex EU institutional system and substantial societal policy involvement pushes the two EU states further along the polycentric axis than Canada (although the EU’s complexity and its executive focus prevent a fully polycentric outcome). In education policy, however, polycentrism is a function of traditional federalism. England’s schools and universities enjoy a considerable degree of independence, leading to a more informal policy style - albeit one subject to more centralized ‘steering at a distance’ of the overall system.

Canada and Germany, as established federal systems, clearly have more polycentric arrangements, since the educational arena is not only characterized by the presence of the usual societal (students, employers and public opinion) and organizational (the individual schools and universities) actors, but also by the involvement and sometimes leadership of these nations’ basic federal units (Länder and Provinces). Forest policy falls somewhere in the middle. As in the environment case, many new actors have become involved in the formulation and implementation of forest policy, bringing new ideas and, sometimes, political conflict in their wake. New institutions have often developed as a response to the difficulty newcomers found in penetrating traditional subsectoral arrangements. Multi-level governance has been both a cause and a consequence of the venue shopping that followed, with the magnitude of these impacts depending largely on the salience of forests and forestry issues in the various countries.
CONCLUSION

The symposium introduction poses a series of questions about the patterns in governance arrangements that emerge once governance is understood and depicted as a multi-dimensional phenomenon. This article presents a macro-level comparison between different sectors and jurisdictions, one constrained by space limitations and necessarily lacking the kind of fine-grained detail found in single case studies. Nonetheless the comparative method provides some answers to these questions and guidance for future research.

Most clearly, the plots suggest that polycentric relationships prevail in each of the sectors and jurisdictions under study. However, polycentrism is not matched by similar locations on the vertical axis, resulting in plots clustered in the upper right-hand quadrants rather than the lower right-hand quadrants predicted in the ‘government to governance’ thesis. Historical analysis would confirm a general trend from monocentric to polycentric arrangements, or a shift to the right in the diagram. This is not accompanied by a shift from top to bottom on the vertical axes. There are at least two possible explanations for this outcome. First, the polycentric shift may simply be faster or easier to observe than governance shifts on the other axes, such that the plots represent transitional arrangements. Changes in institutional arrangements and policy styles involving broader and deeper involvement by civil society actors, both globally and locally, have been observed in many policy sectors, and not just those studied here. Analysis undertaken in a few years’ time might reveal a common trajectory to the right, followed by a movement to the bottom of the diagrams or a two-step governance shift.

Alternatively, the plots in the upper right hand quadrants may reflect the more complex reality discussed in the introductory article, one in which states continue to play an important role in governance now and for the foreseeable future. Explanations for this phenomenon range from claims that apparent governance shifts are purely symbolic, with states retaining effective control over apparently more open and participatory arrangements, to the various versions of substantive and permanent but hybrid governance shifts. These hybrid arrangements include the many versions of governance ‘in the shadow of hierarchy’ and the interpenetration of modes of governance arguments. Can the comparative analysis suggest which explanation is most plausible?

First, there was a very coarse-grained difference between the three countries relating to the vertical dimensions on the diagrams: Germany tends to have the most formal institutions, the greater state influence over decisions and more recourse to hard law, followed by Canada and the UK. Nonetheless, within each country there was a clear pattern of differences between the sectors in terms of the degree of polycentrism. For Germany and the UK, environment is usually the most polycentric followed by forests and then education. In Canada, forest governance is usually the most polycentric with education and environment located together but in a less polycentric position. Concerning the vertical dimensions, the situation is very idiosyncratic but there is some evidence of an ordering of sector locations that is similar on one dimension but not on another. For example, power favours non state actors more in education than in the other sectors for all three countries. The most formal institutions are found in environment for Germany and the UK. Hard law is prominent in environment in both of these countries and the least recourse to hard law is found in education in all three countries.

Thus, at the very least, claims about the existence of a ‘national governance style’ across sectors must be treated with caution. Additionally, however, the differences between
sectors on the vertical dimensions suggest some support for Skelcher’s thesis that hybrid arrangements are the result of the interpenetration of different types of multi-level governance. All three countries now exhibit some kind of traditional federal arrangements with policy competencies divided between mutually exclusive or at least formally coordinated jurisdictional mandates. Nonetheless, of the three policy sectors, environment is more clearly involved in the kind of policy making that cuts across traditional jurisdictions and encounters a ‘competency constraint’ in mainstream institutions (Skelcher 2005, p. 94) leading to a shift in power from state to non-state actors. Ironically, this power shift is not matched by a shift towards less formal institutions in the EU countries (the ‘EU effect’), although such a shift is to some extent visible in Canada.

Education is a more traditional policy sector that was often partly responsible for the formation of spatially distinct jurisdictional mandates in the form of solutions to religious, linguistic or cultural conflicts. Independently of the country studied, education governance seems to continue to favour state actors, albeit state actors in more or less decentralized federal arrangements, but less formal institutions are still in place. Although a more fine-grained analysis is clearly called for, on the surface these results support the idea of hybrid arrangements whose precise configuration depends on the nature of the dominant policy problem frames (e.g. ‘sustainability’ or ‘innovation’) and the durability of traditional governing institutions.

The Symposium introductory article also raises the question of the relationships between the dimensions, including the possibility of a kind of ‘nesting’ in which the location on the institutional dimension constrains the possible locations on the other dimensions. Our analysis does suggest a relationship between institutions and politics, albeit one mediated by the dominant problem constructs in the policy sector itself. In the case of the relationship between formal institutions and the persistence of hard law, there is a similarly complex and mediated relationship. In general, within each country, roughly the same ordering of sectors is found along both dimensions, with education usually involving less formal institutions and more soft law, while forestry and, particularly, environment have arrangements that couple more formal institutions and more hard law. However, the fact that the institutional arrangements are much more tightly clustered than the regulatory arrangements alerts us to the fact that there are important exceptions. In the Canadian case, education, though plotted at the same point with respect to the formality of institutions as environment, nonetheless relies more heavily on soft law. In the British case, environment is even more exceptional, with strongly formal institutions and a significant reliance on ‘softer’ law instruments. Even in the German cases, environment, clearly the most formal with respect to institutions, relies less heavily on hard law than does forestry.

It is difficult to offer convincing interpretations of these relationships with such a coarse-grained analysis. Particularly in the case of environment and forestry, judgements about the degree of reliance on soft and hard law have to be made with respect to complex policy mixes that, in the forestry cases, often include highly contradictory and even incoherent instruments. These mixes, where new policy instruments exist side by side with policy legacies from a more consistently formal governance arrangement, are highly dependent for their effects on the balance of power between state and non-state actors. In the forests case in Canada, for example, efforts by environmental organizations to have more formal (but also more participatory) arrangements with a greater reliance on hard law are contested by corporate interests that prefer a more closed formulation process and extensive bargaining over implementation.
Comparative analysis strongly supports the symposium framework’s emphasis on the intrinsic multidimensionality of governance arrangements. Using it we have shown, for example, how the movement towards polycentric arrangements is quite clear across jurisdictions and sectors. While, at this level of analysis, use of the framework cannot reveal much about the concrete features of how policies are really coordinated and steered, a focus on institutional, political and regulatory dimensions of governance arrangements is a very promising research strategy for understanding what governance is and its likely effects on policy.

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REFERENCES


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