

THE GOVERNANCE OF PUBLIC SAFETY AND JUSTICE IN A DIVERSE SOCIETY

MIGUEL ÁNGEL GANDARILLAS AND ÁNGEL CUEVA (COORDINATORS)

The Governance of Public Safety and Justice in a Diverse Society

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CHAPTER 2

Local Governance: Challenges and opportunities

Pilar Mairal ¹, Gema Pastor ² and María José García ³

1. Introduction. The development of a new government and administration model for public issues in the local sphere

In the last decades, the local sphere has become a laboratory to encourage and implement innovative experiences, mainly inspired by the paradigm of governance, in order to emphasise and value local public services and policies. A combination of different factors has made public governments and administrations commit to innovative actions and methods. We can mention economic and financial causes (shortage of public resources as a consequence of the economic crisis, and cutbacks in social spending because of the fiscal deficit); management causes (inefficient and ineffective public services and polices that do not meet citizens' needs); social causes (social problems are bigger, more complex and interconnected so specialised knowledge is needed to solve them); and political causes (citizens mistrust politicians and public agents, who have lost their legitimacy).

In order to face all the problems mentioned above, political and administrative authorities had to revise or reinvent their traditional model to manage public issues. The new management model of public administration has received different names: 'inclusive open government' (OECD, 2008), 'open administration' (OECD, 2002), 'relational administration' (Ramío, 2009) or 'collaborative public administration' (Vigoda). All these names emphasised how government and public administration relate to citizens under this approach. It implies that the public institutions become more open aiming to engage reliable allies or partners to jointly solve the many complex social problems of our time. Social actors become active agents who create positive appraisal for the public results (Bourgon, 2010). They combine their own resources (skills, experience, competence, ideas, time, etc.) with political and administrative resources (management, funding, staff, etc.) in order to meet social needs and arouse public appreciation (Pastor Albaladejo and García Solana, 2012a, 2012b). This new *modus operandi* of governments and public administrations in their relation with societies is based on the theoretical paradigm of Governance (Kooima, 1993). This tendency clearly opts for networking management and in general is ruled by the three Cs: cooperation, coordination and collaboration (Pastor Albaladejo, 2014).

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In this chapter we will explore the concept of governance (its definition and the elements of its theoretical approach) and we will also analyse the challenges and opportunities that public officers and managers will have to face in the framework of this model.

2. The concept of Governance

The idea of governance appeared in the context of and as a response to the so-called 'crisis of governability'. This discourse about efficiency emphasised the interactions between states and societies and the horizontal coordination among social agents in the policy-making process (Natera, 2005, p55). Michael J. Crozier, Samuel P. Huntington and Joji Watanuki (1975) wrote about the factors of the crisis of governability in western democracies in the *Report on the Governability of Democracies to the Trilateral Commission*. According to the authors, the fact of putting welfare state into question due to the fiscal crisis derived from the democratic development itself. This happened because governments were unable to exercise their authority to face dispersed interests, the financial management of their activities and also increasing social pressures (Valdés 2008).

In the last two decades of the 20th century, western countries understood that the only way to get out of the crisis of governability was to implement structural changes through an adjustment of the dimensions of the state and the introduction of new management tools in the public sector. They would aim to improve its performance and results, and ultimately, to guarantee the capacity of the system to deal with social demands in the diverse society (Ruano, 2002). This way the concept of governance includes other institutions and cross relations in the political and administrative scene (Natera, 2005). So the idea of modern governance appears in the context of a contemporary debate on the transformation of the role of the state in public management. The traditional model of monocentric state is turning into a fragmented polycentric state by letting private actors participate in the definition of the public space (in the 'core'). The role of the state is therefore updated because it takes over the management and the organization of stakeholders' networks and their interactions when rendering public services. The state also becomes an active agent because it provides the necessary conditions for the interactions.

Although governance has been defined in different ways, it is important to highlight the one given by Jan Kooiman, one of the most important authors of this theory. He defines governance as '*the emerging pattern arising from governing activities of social, political and administrative actors...*' (1993:2). Despite all its meanings, governance mainly refers to the use of a new style in the art of governing and managing. It implies a change of

the institutional organisation to include the collective values existing in the interaction between the public sector, the private sector and the society (Cerrillo 2004; Prats 2010). From this point of view, the focus is on both the actors and the interaction process.

Luis Aguilar (2006, 2014) defines governance as *'the process by which the actors of a society take decisions about the kind of coexistence they want to obtain and the way in which they need to coordinate in order to succeed (their sense and capacity of direction)'*. He even identifies the exogenous and endogenous factors of the constraints and weaknesses of governments. Esther Del Campo (2014) defines it as *'the combination of political management and social coordination, being different from the logic of markets and hierarchies. It is based on the interaction between the different social actors (both public and private) that aim to achieve social goals of general concern in a participative, collaborative and responsible way'*. This concept emphasises the method to exercise power, manage institutions and coordinate different actors who collaborate with the public administration. It combines collective interests and also resources and capacities.

In view of all the definitions and scenarios of governance, these are some of the main elements of the model:

- An active civil society (social capital): An active society, involved in governing actions, is essential for governance. This factor is related to the democratic aspect of governance: citizens' participation, legitimacy and authority.
- Public leadership: It is a basic element to successfully steer and promote effective governance structures and create the necessary conditions for its development, where the leader will be able to face either perfectly normal situations or others with a high degree of uncertainty (Natera, 2005).
- Network creation: governance requires formal and informal networks so the actors can consolidate their bonds of confidence. This is a way to promote cooperation for the different models of dialogue, coordination and horizontal and vertical organization.
- Coordination and cooperation to solve collective problems: Governance is a model based on the cooperation and coordination of many public and private actors aim to share resources and capacities in order to jointly resolve collective problems.

3. Governance at the local level

Studies in the local sphere (especially in the area of urban policies) have been very important in governance approaches. Most of the case studies have been carried out in this context (Natera, 2005) because they tried to connect good governance with citizens' welfare. For this reason governance development has been influenced by two phenomena: the municipalism fostered by globalisation (glocal); and the development of the institutions of local administrations in a multi-level context. This is especially important when we study big cities.

Power relationships between regional governments (Arenilla, 1991), together with the increase of political and institutional power of local governments, have strengthened the role of local administrations. This has favoured different innovations: the creation of new frameworks for intergovernmental dialogue and cooperation; the normalisation of tools for institutional and political communication; the development of mechanisms to guarantee transparency, responsibility and cost-efficiency (O'Donnell, 2001); and finally, the promotion of spaces for citizen's participation in the institutions. A good example of this is the role played by the citizen (as voter, subject, client or user) in the design, implementation and assessment of the political strategies and local services. These factors are also related to decentralisation processes, adaptation to regulatory changes, deconcentration of the administration and adaptation to municipal structures.

In summary, new processes have appeared and they have resized local governments, their functions in a multilevel context and their position in the territory. The following is a list of the most important processes:

- **Proximity in the interactions:** Local level is a reference point for citizens, from a political and administrative point of view. It emphasises the effectiveness of proximity in the new services focused on the community. The model of local governance also means being close to people's needs and demands. The idea of proximity, in the framework of public services and policies, comes from the combination of different factors. Although proximity is a complex construct, as it is the global society, it is based on the economic theory of development and the idea of the territory as a strategic factor. Its actors (economic fabric) can highlight shared assets and promote the advantages of a particular physical space (Mairal, 2009). From the point of view of local governments and administrations, this concept is translated into more integrated public services based on the interaction between public resources and citizens.

- **New profiles of the social actors:** Municipality becomes a diverse territory which has experienced social changes. This defines the new roles of the collective and individual recipients of public action and makes it necessary to adjust dialogue and attention to diverse needs. In this sense, the citizen has become an agent of change (Bresser and Cunill, 1998) who demands and supervises the efficiency of local actions through three aspects: the cycle of public policies and management; political actions; and a close and more participative administration.
- **New actors appear in the process to provide public services and resources:** the new stakeholders (businesses, social entities, associations and public institutions providing services to other institutions) have changed the duality between public and private management of public services. They have new roles and functions which are sometimes complementary (coordination, design, counsel, assessment, implementation of actions, staff management, attention to citizens, etc.).
- **New relationships and new shared resources:** The paradigm of local governance is based on creating networks of actors who account for interests and resources and who participate, at a different degree, in public decision making and in the design of public policies. Both in rural and urban contexts cooperative processes, developed through commonwealths, consortiums or any other collaborative space, have fostered the management of new resources for citizens and the awareness about the elements of public policies.
- **Development of new intergovernmental relationships** through fostering municipalism and cross-cutting policies. Spaces for coordination and flow of resources have been created in order to tackle with problems not limited to the territory or that demand a supra-local approach (public safety, environmental sustainability, health, etc.). New work spaces, interaction protocols and financial tools have been created to support local administration as relations between administrations progressed.
- **Decentralization of power and deconcentration of administrations** have made governability possible because different actors have been able to participate in public policies. Local governmental actions have been successful because they have adapted their resources to the real needs of the territory and its population. There are now new ways to organise technical structures; citizens' participation and the evolution of procedures and planning methodologies, management of the information, coordination and assessment.

- **The introduction of technologies in public administrations** has changed the scope of public services and policies and has given citizens access to public resources. Technologies have modernised public services, however there are still some pending questions: the updating of procedures, the training of public workers, the participation of citizens to improve processes and the implementation of real procedures.

Several elements, taken from the combination of all these processes (adaptation to a global world and society; actors' engagement, development of networks in the territory), demarcate the implementation of the governance approach:

- a) From the point of view of local governments, the concept of governance means that political management structures become more open towards specialised analyses of social needs and collective demands. A local approach makes institutions and political managers more flexible. The idea of governance defines a way to exercise power through closer and more collaborative methods.
- b) Citizens make demands, contributions and propositions while political and administrative structures understand them and facilitate relationships. Neighbours sense that local administration, which is the closest to them, is a link with public services, and eventually, with institutions managing collective issues and resources shared in the territory.
- c) Local structures have been adapted to these new interactions with other actors. A diagnosis involving the population (at a different level) is present in almost all inter-departmental and cross-cutting policies (strategic plans). Besides, tools to assess the services have been standardised and new technological resources have been introduced to manage internal information and to broaden the channels of communication.
- d) Coordination processes are seen as a strategy to improve local organisations; and cross-cutting strategies as a way to obtain effectiveness and cost-efficiency in public policies, either departmental or integrated.
- e) In relation to the two previous points, organisational charts of local administrations have developed areas and departments aimed to integrate local resources in order to meet citizens' needs in the framework of horizontal integration.
- f) Local administrations have developed inter and intra-organisational networks involving other public administrations (European, national or regional) and different

social actors (business and professional associations, non-governmental organisations, private companies and citizens' associations). These networks, which have a different degree of visibility, promote initiatives and projects led by both the public sector and private organisations.

- g) The territory occupies its rightful place and the public and private agents working in it enhance its values to attract investment, economic activities and resources. These convergence processes provide a new collaborative scenario to promote the economic sector, cultural and environmental resources and actions with specific groups, etc.

It is not difficult to give a name or put a face to what we have mentioned before, especially if we think of our town, either as a neighbour, an employee of the public administration or a member of a public entity. Therefore, the governance approach lies beneath everyday activities such as making a complaint about an incidence related to a public service (for example, public transport, street cleaning or insufficient lighting in our street); inter-agency committees that monitor socio-educational programmes to combat school absenteeism; participatory citizens' councils; and other work spaces where municipal managers, unions and businesses can promote employment or tourism, and agree fiscal benefits and incentives for SMEs and entrepreneurs.

In summary, local governance suggests a more interactive and collaborative model of management in towns, beyond the performance and impact of municipal policies and services. This new approach to local government modifies the management of public resources combining collective interests, decision-making processes and actors of the territory.

4. Challenges and opportunities for the development of local governance in the 21st century

Local governance tailors municipal services and policies using collaborative strategies. This shows the transformation of local governments' role and vision (Brugué and Comà, 1998). However, the resizing of local administration derive from two key moments in the design of its structures and services: on one hand, the increase of its establishment plan and the scope of its actions, thanks to public revenues coming mainly from real estate and construction; and on the second hand, the subsequent end of this dynamic and the management of the financial crisis.

Although the crisis has exposed the consequences of the lack of a strategic overview and financial planning tools necessary to implement some services and projects, local approach must recover its value in this new situation of shortages. The criteria of effec-

tiveness and cost-efficiency must be adjusted to real needs while rebuilding co-responsibility in networks involving rulers, politicians, professionals, non-governmental institutions and citizens. Quim Brugué, Joan Font and Ricard Gomà (2003) mentioned authors like Jeremy Bentham or John Stuart Mill to highlight the role of the local framework for public actions where effectiveness can be improved and democracy enhanced. It is very eloquent that these ideas from the 19th century are now fully valid to face the uncertainties of the beginning of the 21st century.

4.1. Limitations of the new scenario

Although the economic crisis has remodelled local administration and adjusted its activity to provide budgetary stability, according to constitutional criteria the main limitation to encourage innovative initiatives in relation to governance is not economic. There are also other factors that must be studied as a variable that affects these processes:

- **The unbalance between timetables and deadlines of public administration, citizens and social and economic entities** alters the planning and implementation of programmes, which demand flexibility to be efficient and obtain visible results for participating actors and recipients of the public services. Despite the introduction of technical and technological mechanisms to improve coordination, information management and internal and external communication, administrative procedures (from a policy and technical perspective) have not been adapted to the real needs of the territory and its citizens, or the groups that participate in the networks.
- **An excessive fragmentation of the traditional structures of local administrations working in silos.** The design is basically sectoral supported by departments focused only on financial management and control. Even though governance models mainly appeared to solve these problems, and modernisation experiences have sought the integration of services and the improvement of inter-department coordination, the excessive fragmentation of services slow down the development of strategic projects that require a cross-cutting approach to obtain a better performance. Information management, coordination, integrated planning, economic management or multi-disciplinary work have yet to be dealt within the processes of change and improvement related to local governance.
- **Resistance to change among actors.** Citizens, local governments and officers of public administrations very often resist new projects and initiatives so they become an obstacle to improvement. In most of the cases the problem is either they distrust objectives and results or do not get involved in the proposals, recommendations and

monitoring of the activities carried out. As a result, good ideas and practices lose their value and people become frustrated.

It is obvious that it is difficult to reverse the impact of the economic crisis in local administration, especially because citizens demand a wider attention from public services now that resources are limited. However, scarcity must be taken as an opportunity to soften resistance to governance models that improve effectiveness and efficiency, take profit from what has been learnt and optimise resources.

4.2. Challenges

Innovation is present in our everyday vocabulary of public sector, however in many cases it does not result in successful initiatives. Although the idea of social innovation is quite vague, the Europe 2020 strategy specifically refers to social innovation and the implementation of social policies. Some recommendations are related to inclusive approaches, such as 'one-stop-shops', or specialized approaches through case managers or innovation partnerships based on a combination of interests and of public-private resources. This encourages the role of civil society through the implementation of the necessary tools to develop sustainable cooperation.

These approaches are connected to social policies and can also be applied to other fields of the municipal actions. In this sense, we would like to highlight some challenges that should be borne in mind:

- a) Local governance approach is conceived as a strategy to project public actions in a territory. This implies a recognition and appreciation of the networks created around public policies. If we add to all this the normalisation of advanced tools for the diagnosis, planning and assessment of public services, and the role played by private entities (either for-profit entities or non-governmental public entities), it will be possible to exploit our experiences and the good practices implemented in other territories which have recognised the value of leadership and the collaborative management of public resources.

In respect of that, awareness-raising is vital and an exchange of experiences becomes a tool for making previous specialised experience profitable. On the other hand, establishing networks promote citizens participation beyond occasional involvement in politics or public services. Hence there is a need for a more active role of the different social actors and citizens in order to enhance the public sense of the co-management structures, co-decision and social dialogue.

¹Europe 2020 is the European Union's ten-year growth and jobs strategy that was launched in 2010. It is also about creating the conditions for a smart, sustainable and inclusive growth to improve employment, productivity and social cohesion. The strategy is based on the efforts of the EU and the national authorities in five big areas: employment, innovation, education, social inclusion and climate/energy.

b) Integrated management of problems and situations that occur in a territory through an inclusive strategy designed to minimise the fragmentation and division of services. In this regard, it is important to have different points of view to address the causes and factors of the situation to deal with. Although citizen participation is essential to get more information to identify the existing needs, officers and practitioners handle this information with limited resources and in isolation, without having formal channels of communication and horizontal coordination.

Public safety policies, seen as cross-cutting but managed within a department, are a good example of the model we present in this paper. Another example is the environmental policies and sustainability: natural heritage, pollution, energy efficiency, waste management, environmental education, etc. (Mairal, 2014). For this reason, we should work on remodelling organizational structures and decision-making processes, establishing multidisciplinary teams with feasible assessable procedures for communication, coordination and information management, especially because new technological solutions are being implemented to improve the effectiveness and performance of actions.

c) It is necessary to take into account non-financial resources of the local administration and social entities. In many cases, the networks of actors involved in the territory provide human and technical resources, information, equipment along with a diffusion and mobilisation capacity, which are not usually considered. These resources add value to the initiatives and can be used according to the objectives, programmes and conditions in the implementation of public services. Rationalising the resources avoid the duplicity of interventions in similar situations, which otherwise would be addressed in an isolated and uncoordinated manner.

d) Accountability is a tool that enhances political legitimacy and improves general confidence on specialised competence and rigour, and the dialogue with the network of civil society. Apart from providing information about financial results of a particular policy or public service, accountability means creating the tools to socially control public action and to take on responsibilities and consequences. Besides, it is important to involve all actors in the accountability when developing models of co-decision and co-production. Accountability is a tool to improve management and the quality of public services; and it offers opportunities to redirect policies towards the community, to take decisions and to strengthen the new networks.

e) Local leadership: It is necessary to create a political and administrative leadership that can exploit the resources existing in the territory and can bring together all the social leaders oriented to co-responsibility. In this respect, leadership is basic

for adaptation aimed to improve effectiveness and efficiency. A shared leadership, sharing tasks and commitments, will be essential to fulfil objectives and coordinate resources with real needs.

5. Conclusions

Local government plays a new role of leadership to implement collaborative strategies among different actors, and to respond to the needs of the territory and citizens in a diverse and changing context. Citizens are not mere recipients any more, and take active part in new strategic and operating processes (diagnosis, planning, assessment, and accountability). In political and administrative structures, the coordination of resources and equipment, along with the organisations of the demands according to a multidisciplinary approach, become key elements to promote new processes. These factors create a new framework to develop public policies under a local governance approach. In this context, different processes coexist: change and adaptation, search for effectiveness of resources and social actors' involvement to create networks.

In the last decades, local governments and administrations have revealed their capacity to establish strategies of shared and collaborative leadership which have laid down innovative processes in public sector. It is necessary to recognise the contribution of different local initiatives based on a governance approach to the progress of a democratic, collaborative and participative culture. Technological solutions have also been applied to processes of communication and information which have modernised local administrations and have improved the knowledge of citizens' needs.

However, there are still many challenges to face: integrating services with multicausal and multidisciplinary approaches; combining resources with coordination structures and procedures to get effectiveness, cost-efficiency and quality of services; and creating co-responsibility parameters for agents and accountability. It is also necessary to emphasise the results of the projects implemented in the framework of governance, finding out their strengths and their contributions in order to use that knowledge and methodologies in subsequent projects.

In summary, governance can renovate efforts to improve welfare of citizens, not only providing services, but also developing a culture for participation in the territory and in the community. Public management and public service values should support the interventions and interactions because they are principles that can guarantee legality (respect for law and order), freedom, equity, and subsequently, participation without labels.

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