



Good Governance: An Integrity Approach

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'Good Governance': A brief history



- 1980s Originally emerges as a standard for conditional aid (Doornbos 2003),
- **1990s** World Bank expands it to be a general measure of country development (Kaufmann, Kraay, and Zoido-Lobatón 1999, Gisselquist 2012).
- 2000s Used by (some) political scientists to name a kind of moral ideal for all governments, developing or developed.
- But really... its just picking up a much older idea typically called 'good government' or 'good administration' (eg, see, Hume; Montesquieu; the Federalist; Woodrow Wilson)

'Good Governance': The Key Question



What makes a good executive structure?

- First, what duties and role-specific reasons do agents have within the executive as they exercise public powers? See, 'public service values'
- Second, what structures of rules, norms, and incentives should surround these agents to secure compliance?
- This question is as relevant in Victoria Square as it is in Nairobi.

Roadmap



- 1. Current Conceptions in Political Science
 - 1. Pluralist Lists
 - Instrumentalism
 - 3. Impartiality
 - 4. Public Will
 - 5. True Public Interest
- 2. An Integrity Conception

3. Deal with some objections

1. Pluralist Lists: principle



- World Bank: 'voice and accountability', 'political stability and the absence of violence', 'government effectiveness', 'regulatory quality', 'rule of law' and 'control of corruption' (Kaufmann, Kraay, and Zoido-Lobatón 1999).
- OECD, UN, Asian Development Bank etc: add or substitute other qualities like 'transparency,' 'fundamental freedoms,' 'equity', 'openness', 'efficiency', 'coherence', 'predictability,' 'responsiveness', 'forward vision', 'participation', and 'inclusiveness' (Gisselquist 2012).

Call that a list? THIS is a list







1. Pluralist Lists: problem



 Nothing necessarily incorrect with pluralist lists. They are fairly intuitive.

 But if we can isolate more fundamental values in governance, then we can order, balance, and interpret the items on these lists in a consistent and coherent manner.

We will then have far greater explanatory and
 justificatory power for policy.

2. Instrumentalism: principle



 General Principle: good governance is merely a 'technical' question, not a moral one. It is whatever best serves its 'principal'.

'If I see a murderous fellow sharpening a knife cleverly, I can borrow his way of sharpening the knife without borrowing his probable intention to commit murder with it; and so, if I see a monarchist dyed in the wool managing a public bureau well, I can learn his business methods without changing one of my republican spots. He may serve his king; I will continue to serve the people; but I should like to serve my sovereign as well as he serves his' (Wilson, 1887, 220)

2. Instrumentalism: problem



Problems:

- Who the executive structure meant to serve qua 'principal'? The people? Politicians? The legislature?
- Why should the executive not check the power of that principal?
- Is the executive constrained, morally, in doing what its principal wills?
- What is the principal does not know what best for implementation?

Upshot:

 The science of public administration is very important, but it needs to be complemented by normative theory.

3. Impartiality: principle



• General Principle: 'Our definition of impartiality in the exercise of public power is the following: When implementing laws and policies, government officials shall not take into consideration anything about the citizen/case that is not beforehand stipulated in the policy or the law' (Rothstein 2011, 13).

3. Impartiality: principle



 Problem: its too stringent. Governance cannot always involve excluding 'anything about the citizen/case that is not beforehand stipulated in the policy or the law'.

- Most obviously when designing NEW policy or law.
- But more generally, see 'street level bureaucracy' (Lipsky, 1990).
- Note: impartiality as merely a bias principle is plausible, that is, merely excluding partiality.

4. The Public Will



 General principle: the executive should do what the public wills, prefers, etc...

Problems:

- Indeterminate: What is the public will, if not merely the determination of the legislature?
- Incomplete: At best it's a side constraint of action, rather than a determinative of action.

5. The Public Interest: principle



- General Principle: good governance is just whatever executive structure best promotes what is good for society.
 - Outcome defined.
 - NOT policy neutral. Since executive's make policy, a good executive has good policy.

Examples

- Public preference view: 'public value' qua Michael Moore
 (1995) the good is whatever people happen to think is good.
- Objective list views: good governance judge by outcome indicators – healthcare, education, security, economy, etc.

5. Public Interest: problem?



- Too controversial? Well any conception of good governance will be controversial
- **Technocratic?** It does not claim to justify rule by the wise, but only how the wise should judge those who role.
- Missing the point because not policy neutral? But what is the value of an executive that gets the public interest wrong? Pursues bad policy?

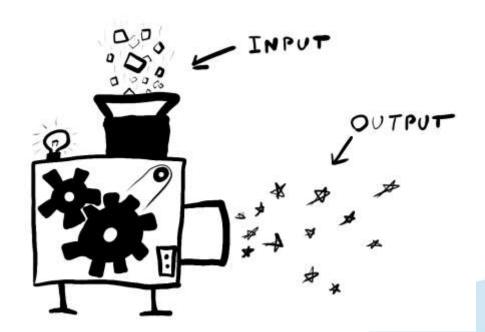
6. Public Interest: problem



- Public office is a trust, characterized by two fiduciary duties:
 - Duty of Loyalty: duty to pursue the public interest as one sees it, bona fide.
 - Duty of Care: duty to be rationally diligent in pursuing the public interest
- Hence the measure of a good trustee is not that they necessarily get things right, but that they are loyal and diligent in trying their best to do so.

7. The Fiduciary Machine





8. The Integrity Conception



Good governance: a structure that ensures that agents exercising the executive function have the robust disposition to rationally pursue the public interest, efficiently without unjustified exaction, consistent with respect for commitments and institutional obligations, within the constraints of legitimacy.

8. The Integrity Conception: the duties



1. Duty to act within the constraints of legitimacy

Roughly, be lawful (unless the law itself is illegitimate)

2. Duty to respect external commitments

 Roughly, fulfil both legal and non-enforceable commitments to other stakeholders

3. Duty to comply with internal 'institutional' obligations

 Roughly, if you make your institution's rules make them accord with the other principles of good governance; if you must obey the rules, then the restrict your discretion

4. Duty to rationally pursue the public interest

Roughly, if the preceding duties leave discretion then apply the fiduciary duties

8. The Integrity Conception: the imperatives



- 5. Principle of efficiency: For any fulfilment of duties 1-4, the more efficient without unjustified exaction, the better;
 - Roughly, for any outcome less cost the better, but does not count if you shift all all the real costs to the public.
- 6. Principle of Robustness: For any structure, the more robust its agents' disposition towards 1-5, the better.
 - Roughly, transparency, incentive alignment, accountability, cultural norms, behavioural nudging. Etc.

9. Objections



- The 'Goods of Government'?: inclusiveness, responsiveness, participation, collaboration, embeddedness?
 - They are a part of the public interest, and thus different executive agents can legitimately take different views on their importance.

Capacity?

 Its exogenous: quality of governance is shown in response to capacity constraints.

Legitimacy?

Its where all the really hard questions lie...



Legitimacy



PROFESSIONAL CONDUCT STANDARDS

EMPLOYEES MUST EXHIBIT THE HIGHEST STANDARDS OF PROFESSIONAL CONDUCT IN ORDER TO MAINTAIN THE INTEGRITY OF THE SOUTH AUSTRALIAN PUBLIC SECTOR.

These professional conduct standards are the disciplinary provisions of the Code of Conduct for the purposes of the Public Sector Act 2009.

Contravention or failure to comply with these professional conduct standards will constitute misconduct as defined by the Public Sector Act 2009. Any employee who fails to comply with these conduct standards may be liable to disciplinary action.

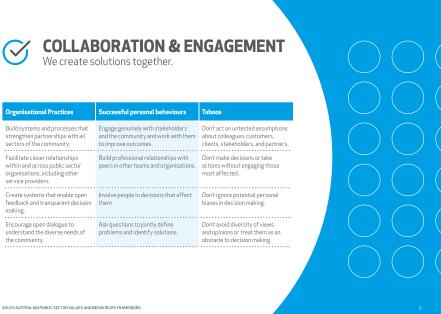
Public sector organisations may choose to issue agencyspecific conduct standards. Additional standards must be consistent with these standards, the Public Sector Act 2009, the Public Sector Regulations 2010 and any other relevant legislation, industrial instrument or Government policy. Such conduct standards are not to be labelled as a 'code'.

CODE OF ETHICS FOR THE SOUTH AUSTRALIAN PUBLIC SECTOR



Respect for External Commitments







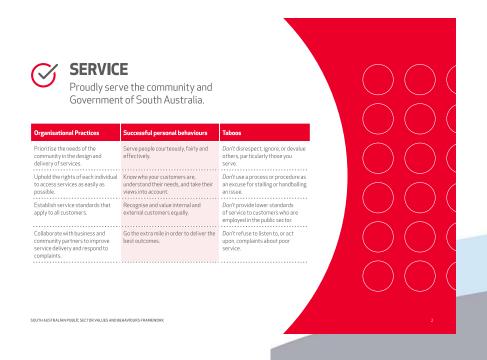
Respect for Internal Institutional Obligations







Rational Pursuit of the Public Interest



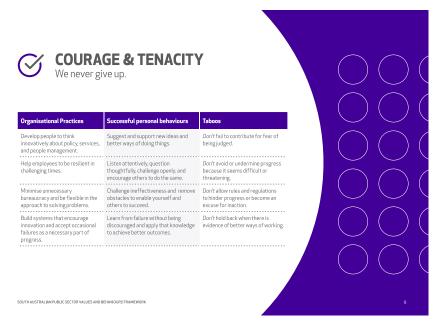


Efficiency





Robustness









Thanks!

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