GENERIC GUIDELINES FOR IMPLEMENTING TRANSPORT POLICY

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ABSTRACT

A major problem in the transport sector in South Africa is the lack of delivery, i.e. the inability to implement policy. This malady in our public bureaucracies is attested to by many people, including both the current and the past State Presidents .It is suggested in this paper that there are various reasons for this undesirable situation, but that primarily the problem relates to a lack of understanding of the complexities of policy implementation.

In an attempt to assist in rectifying this situation, which has many both economic and social deleterious consequences, this paper provides some theoretical background to policy implementation, and puts forward, for consideration by transport authorities, approaches culled from policy implementation theory. Of particular relevance is a "protocol" for addressing the problem which was first proposed by Prof. Brynard. This approach recognizes five variables in the implementation process: context, content, commitment, capacity and clients and coalitions, which act together, often simultaneously and synergistically, but always in a complex fashion, to create both an opportunity and a challenge for policy implementation. The challenge is adapt policy implementation and programme delivery to the resultant complexity through tools such as Brynard's "5-C protocol".

The paper examines the theoretical policy implementation process as a guide to transport policy implementation and illustrates the concept based on the author's professional experience in the field, as a guide to those entrusted with policy implementation and the consequent delivery of transport related programmes.

1. INTRODUCTION

It is common cause that government in South Africa suffers from an inability to implement its policy and strategy programme. This failure has been attested to in the public media by eminent persons such as the current and previous State Presidents, the Governor of the Reserve Bank, the Minister of Finance and many others.

In the Transport sphere examples include the taxi recapitalization programme, the current rural road network, elimination of congestion in our metropolitan areas, improved road safety, efficiency in rail and port operations and many others. The shortage of funds cannot be blamed for this inability since during recent years the Treasury has dramatically increased funding resources for transport.

This problem however does not apply across the whole spectrum of Transport; the development of our primary airports and our national roads, as well as progress in addressing the rural access problem attest to the ability to deliver in certain circumstances.

What is the reason for this dichotomy in policy implementation in government in South Africa? It is suggested in this paper that the problem might lie in the lack of appreciation of the complexities of policy implementation process. As an aid to an appreciation of what is involved in the implementation of policy, i.e. the delivery of policy generated programmes, a short generic background of the process is provided below, and the critical variables which influence the process are described.

2. INTRODUCTION – WHAT IS POLICY IMPLEMENTATION?

Whilst it is not easy to formulate public policies which are universally acceptable "it is excruciatingly hard to implement them in a way that pleases anyone at all, including the supposed beneficiaries or clients", (Bardach, 1977:3). It is a fallacy to assume that policy implementation is the mere carrying out of what was decided on by the policy-maker. Rather it is a complex process which involves many considerations, such as the policy-maker's intentions, the adequacy of resources to implement the policy, the political feasibility of the policy, economic uncertainties and administration capacity and practicality, at least.

Whilst policy implementation is often held to represent the break in the policy process from policy to administration, in the real world no such clear delineation exists. (Jones, 1984:164). Policy implementation is neither a routine nor very predictable process and it is a challenging puzzle as to why some policies succeed and others fail.

Policy implementation is a key feature of government's administrative functions, but despite this, until the late 1960's there were few studies of policy implementation. Recently however "a new wave of interest in policy studies, including policy implementation has emerged from scholars in South Africa and abroad" (Brynard, 2000:164). This is an important development since it is only through the actual implementation of a policy that government's goal realization and delivery function becomes possible. Much of what government departments do during the implementation of policies may appear to be routine, mundane or tedious – however close examination reveals that vigorous and sometimes bitter political struggles take place during the policy implementation phase. (Anderson, 2003:194). The assumption of bureaucratic neutrality, claimed by early scholars of public administration, such as Woodrow Wilson is a misnomer, which is not supported by actual experience, and most government agencies have a great deal of discretion in how they implement policy.

What then does policy implementation comprise? Whilst implementation is easy to understand in the abstract and is defined in dictionaries, the "doing" of policy implementation is not always so simple. It is a process that is highly interactive with other administrative activities. Pressman and Wildavsky have defined it as "a process of interaction between the setting of goals and the actions geared to achieving them", and also suggest that it is "the ability to forge subsequent links in the causal chain connecting actions to objectives" (Pressman and Wildavsky, 1979: xxi). Whilst this might appear not very difficult to bring about, the "interactive" element of the process can lead to complications in the implementation process. The problem and issue definition, and acceptance, the agenda setting process as well as the policy formulation activities are not always conclusive in any sense, and unresolved dilemmas and conflicts are often carried over the to implementation or delivery process.(Jones,1984:165).In fact, Williams states that the most pressing implementation problem is moving from a decision to operation in such a way that what is put in place bears a reasonable resemblance to the decision and can function in the institutional environment. (Williams, 1975:451). Policy implementation

can prove to be the Achilles heel of the whole policy and administrative processes – policies are not self-implementing and public officials play a major role in this process or on the other hand have power to nullify the process. (Hanekom, 1987:55).

The process of interpreting the will of the legislators and of giving practical meaning to this affords considerable latitude to the bureaucracy in imposing their own views on policy implementation which might well be different from the legislative arm of government. In general the more complex the policy issue is, the more ambiguous is the policy; and this ambiguity leads to a greater use of administrative discretion, particularly in respect of difficult issue. (Jones,1984:178). Jones also suggests that the extent of the administrative discretion which takes place in the implementation of the policy is influenced by available resources and political support. He offers what he terms a "more concrete" definition of policy implementation as "a set of activities directed towards putting a program into effect", and suggests that in particular three activities are significant:

- Organization   -   the arranging of resources
- Interpretation   -   the translation of policy language into feasible plans and
                           directives, and
- Application   -   the routine provision of the necessary services and instruments.

This observation is particularly relevant to the current government milieu in South Africa

3. APPROACHES TO POLICY IMPLEMENTATION

Public policy theory suggests that there are three main eras in the development of approaches to policy implementation.

The first generation of thinking on the subject (prior to the early 1970's) made the assumption that implementation is an automatic process which follows legislation naturally and logically. Policy implementation was held to be a cog in the administrative machine. Hjern and Hull, (1982:107) quoting Hume suggested that policy implementation could be labelled as the "single-authority, top-down" approach: "so great is the force of laws and of particular forces of government and so little dependence have they on the humours and tempers of men that consequences almost as general and certain may sometimes be deduced from them as any which the mathematical sciences afford us". Administration, and by implication policy implementation, under the influence of scholars such as Woodrow Wilson and Weber was conceived as being scientific, rational, predictable and ultimately machinelike. Policy implementation was thus merely a cog within the administrative machine. This thinking has been particularly manifest in South Africa for many decades.

As the limitations of this model began to emerge generally as the result of policy failure, it became apparent, during a second era of thought on the subject, that public policy worked less as an efficient and orderly machine and more as a process of "muddling through," as pointed out by Lindblom (1979). Scholarship in public administration and organizational behaviour revealed that policy implementation was not a logical, rational or automatic process but rather a political process often more complex than policy formulation. Meticulously documented case studies showed how complex policy implementation really was and why it was folly to assume that just because a policy had been legislated for rational implementation would automatically follow.

The third era in the development of policy implementation theory sought to create systematic theories for the policy implementation process of a general nature and not just focused on one or two cases. As research progressed two separate discernable approaches were revealed; the "top-down" perspective whose proponents claim that an understanding of policy implementation should be sought in the goals and strategies adopted in the statutes as structured by the implementers of policy, and the "bottom-up" perspective which suggests that implementation is best studied by starting at the lowest level of the system and moving upwards to see where the implementation is more successful, or less so. (Birkland, 2001:178).

The top-down approach has remained the more important genre. This perspective starts from the authoritative policy decision at the top level of government and poses the following questions.

- To what extent were the actions of implementing officials and target groups consistent with the objective and procedure outlined in the policy decision?
- To what extent were the objectives obtained over time?
- What were the principal factors affecting policy outputs and impacts?
- How was policy reformulated over time on the basis of experience?

The bottom-up approach was a reaction to overly structured top-down approach, based on identifying weaknesses in it and suggesting alternatives to address the weakness. Researchers begin to view policy implementation, not from the perspective of the policy-makers exercising direct and determining control over policy implementation, a "noble lie," but rather from the perspective of "street level bureaucrats" who implement policy at the point of contact of the target groups. (Lipsky, 1972:391 – 409). Certain proponents of this viewpoint suggest that "discretion at lower levels is not only inevitable but also desirable - - so that they better fit local needs". (Palumbo and Colustor, 1987). The bottom-up approach recognizes that goals are ambiguous rather than explicit, and may conflict with other goals in the same policy area. (Birkland, 2001:182). Often there is a conflict of interest between implementing agencies and politicians – and top-down models are more concerned with compliance with the legislation whilst bottom-up approaches recognize the value of conflict avoidance by bargaining and sometimes compromise. (Tovenvlied, 1996:25– 57).

Because of the relative strengths and weaknesses of these two different approaches, researchers have sought to synthesize the two approaches into one model which embraces the strengths of both approaches. The sought for model would address both the structuring of policy from the top and the probability of its subversion or acceleration at the point of implementation. (Birkland, 2001:184). Whilst there are differences which exist between the proponents of the two different approaches there is general agreement about the complexity and dynamism of the process and that it is a multi-actor endeavour influenced by both the content and context of the policy being implemented. (Brynard in Cloete and Wissink, 2000:174). The primary differences do not relate to which actors and organizations are most important, but exactly how important each is.

Whilst various models have been proposed, the most impressive approach to the author relies on a framework for studying public policy known as the Advocacy Coalition of Sabatier (1986:31). He suggests the top-down approach is best when there is a dominant programme (i.e. legislation) that is well- structured and where resources for studying implementation are limited. By contrast where there is no dominant programme and where one is interested in the actual dynamics of the local implementation, the bottom-up approach is best. It is emphasized that implementation involves a myriad of transactions and interactions but the key to success is continued coping with contexts, possibilities,

alliances and events. Crucial to this is the willingness to acknowledge and correct mistakes and to shift direction. Nothing is more vital than self-correcting and nothing more lethal than blind preservation.

4. ROLE PLAYERS IN POLICY IMPLEMENTATION

Public policies are rarely self-executing, and in modern political systems once policy has been legislated for, implementation is formally carried out through the complex array of administrative agencies termed the bureaucracy. However there are also secondary role players involved in the process and Bardach (1977:9) describes the implementation process as "strategic interaction amongst numerous special interests all pursuing their own goals", which might not be compatible with the policy mandate" given to the bureaucracy. Thus, although the bureaucracy is the primary implementer of the public policy there are a great number of other political role players in the implementation process.
These include, but are not restricted to:

- public officials who play a major role, and have to "walk the rope" between politics and professionalism, and whose actions can be decisive in the process,
- the legislature, which generally assumes a monitoring role,
- the judiciary, which can provide clarity in the interpretation of statutes, and pressure and interest groups, which deserve more attention than they have hitherto been given in the process in South Africa.

5. EFFECTIVE POLICY IMPLEMENTATION - THE 5C PROTOCOL

Whilst policy may be defined in many ways, implementation moves the process from political goals to results on the ground. A useful device for making sense of all the twists and turns in the process is Brynard's "5C Protocol". (Brynard, 2001:186).

Working on the basis that implementation is a complex political process rather than a mechanical administrative one, the 5C protocol is proposed as a framework within the "complex dynamic maze of implementation" may be understood. Whilst the "maze" is unique to each situation certain critical variable have been identified by Brynard (2001:178 – 186) from his synthesis of accumulated scholarship on the subject. These variables, he suggests form the important causal factors which embrace divergent implementation perspectives on differing issues in different political systems and in countries at varying economic levels of development. Each of the variables is linked to and influenced by the others to varying extents depending on the specific implementation situation.

The five variable of significance identified by Brynard are content, context, commitment, capacity and clients and coalitions.

5.1   Content
As regards content, policy is regarded as either distributive, regulatory or redistributive. Fundamental to this causal factor is the assumption that "policies determine politics" and the most significant political fact is that governments coerce. (Lowi, 1972:298 – 310). Policy content is therefore a function of the level and type of coercion by government. Brynard quotes scholars who suggest "the content of policy is not only important in the means its employs to achieve its ends, but also its determination of the ends themselves, and in how it chooses the specific means to reach those ends". (Brynard 2001:180). Indicating this choice of ends and means as well as the setting of goals and the actions geared to achieving them is the content of the policy.

5.2 Context

Whilst it is generally accepted that "a context free theory of implementation is unlikely to produce powerful explanations or accurate predictions". The focus here is on the institutional context "shaped by the larger context of social, economic, political and legal realities of the system". (Brynard, 112001:180). Whilst formal institutional relationships may be in place, bureaucratic contexts favourable to implementation more often grow out of human interactions than hierarchical regulation.

5.3 Commitment

Whilst effective and efficient bureaucratic structures may be in place trying to implement highly logical and necessary policy, without commitment from those responsible for the implementation, little will happen. (Warwick, 1982:135). This variable is critical to effective implementation when viewed from both the top-down and bottom-up perspectives. Brynard (2001:181) suggest two further facts as also being of importance in effective implementation, viz., that commitment is important at all levels of the process – which includes state level as well as "street level", and secondly commitment influences, and is in turn, influenced by, all the four other variable in the 5C protocol.

5.4 Capacity

Brynard (2001:181) views capacity in terms of general systems thinking as the structural, functional and cultural ability to deliver the necessary public services. This includes both tangible resources (e.g. human, financial, and technological) as well as the intangible requirements such as leadership, motivation, courage and endurance; "the political, administrative, economic, technological, cultural and social environments within which action is taken must also be sympathetic or conducive to successful implementation" (Brynard, 2001:192). Analytic literature appears to be unanimous in stressing the importance of capacity as the prime need for effective implementation, and Brynard suggests that where scarce resources exist such as in South Africa changes are needed in government focus, structure, functioning and organizational culture if policy implementation is to be successful. (Brynard, 2001:182).

Brynard (2001) as suggests that an analysis of the success of the South East Asian tiger cubs in creating the capacity for sustainable government identified the following prerequisites for success:

- "Committed, strong, competent and honest political and administrative leadership and direction.
- The existence of, and consensus on, a clear natural vision and attainable action place in strategic policy sectors.
- The availability of resources and the optimally creative pragmatic coordinated use thereof.
- Effective strategic and operational management (design implementation, monitoring, evaluation and policy reviews).
- A developmental social and organizational culture with a strong work ethic.
- Amenable democratic and economic environments.
- A substantial measure of good luck!"

5.5   Clients and coalitions

It is important for effective policy implementation that government should join coalition of interest groups opinion leaders and other outside actors who actually support a particular implementation process since power shifts can strongly influence a particular policy implementation process. It is essential in implementation analysis and research to determine and catalogue the potentially influential clients and coalitions whose interests are important enough for them to attempt to influence the policy implementation process. However it is important also to avoid being "bogged down" with an unmanageable number of "minor" actors. For this reason it is necessary to identify those stakeholders who may have a real effect on the policy implementation. (Brynard, 2001:185 – 186).

Whilst policy implementation is a complex process with many twists and turns in moving from a set of political goals to results on the ground, the 5C protocol appears to offer the potential for unravelling and making sense of these twists and turns.

6. POLICY IMPLEMENTATION FAILURE AND LESSONS TO BE LEARNED.

Policy implementation is not always successful, and no matter how thorough the policy formulation process has been, more often than is generally realized, policies are unsuccessful or even fail (Birkland 2001:188 and Hanekom1987:61).

Ingram and Mann (1980:12) suggest that "success and failure are slippery concepts, often highly subjective and reflective of an individual's goals, perception of need and perhaps even psychological disposition towards life." Failure is perhaps in the eye of the beholder, and whilst one person may suggest that a policy has failed, another may look at it as a first step towards a larger goal (Birkland 2001:188).

There are many and various reasons why policy implementation is not successful. Ingram and Mann (1980), as well as Hanekom (1987) suggest the following as some of them:

- Because of an endeavour to cover all possibilities policies may embrace so much detail that they become vague?
- Interrelatedness of policies. Because policies are interrelated a policy aimed at solving a possible problem may create problems in another area. Subsidies for bus operators to make bus fares affordable to the poor, may, for example lead to dissatisfaction and unrest in the unsubsidized taxi sector.
- Excessive policy demands. One may expect too much from policies without adequate resources to meet the demands.
- Accurate theory of causation. Policy will fail if it is not based on sound causal theory.
- Failure of political institutions. Broad central government policy may not be implemented at lower levels of government.
- Choice of ineffective policy tools – often a product of compromise or ideological predisposition.
- Complexity of many societal problems may which prevent policies having the desired effects. The adaptability of the populace to policy directives may also frustrate policy objectives.
- The required expenditure on policy implementation may be in excess of the cost of the problem itself.
- The impact of changing circumstances often renders policies less successful than aimed at.

- Alternatives to the policy. Failure should be assessed in terms of the "do nothing" approach, or of other policy options.
- Quantification of goals or problems may not be possible.
- Determination of public interest. Policies should pursue the general interests of the public; but who, or what group is taken as representative of the "public interest"?
- Imperfect knowledge of the problem may inhibit the framing of the solution.

These are some only of the possible reasons for the failure of policy implementation, and it should be borne in mind at all times that the implementation of public policy is to a large extent dependant on the manner in which the bureaucracy operates. It has been said by John Stewart Mill that "when everything is done through the bureaucracy, nothing to which the bureaucracy is adverse can be done at all" (Mill 1947:115). Fortunately, given that policies fail, or at least appear to do so, relatively often, failure provides the opportunity to learn from the mistakes.

7. APPLICATION TO SELECTED PAST SOUTH AFRICAN POLICY INITIATIVES

For the purpose of illustrating the success or otherwise of the transport policy process in South Africa during the past four or so decades, two policy initiatives are analysed. The first is the policy of providing a sound system of intercity primary or national roads for the country and the second is the provision of an efficient system of public transport for our urban or metropolitan areas.

It is the contention of this paper that the first initiative has succeeded and the second failed. Why is this? Using but not restricting the discussion to the 5C protocol the following **very summarised** observations may be made.

Firstly as regards policy "content". The national road network, set up in terms of the National Roads Act, a "distributive" policy in that it provided for the creation of a public good for the general welfare, very specifically identified the means for the objective of the policy, viz., the National Transport Commission, as well as the vehicle to achieve the ends sought, viz., a unit in the Department of Transport, and later the "Roads Agency". A seamless web between the goals and the actions geared to achieve them was thus created. The interpretation of policy language into feasible plans and directives was clear. In contrast the public transport issue addressed by firstly the Urban Transport Act and later the National Land Transport Transition Act resided under legislation that attempted to be both distributive and regulatory in nature. The legislation did not create "clear cut" directives for attaining its objectives but rather blunted the thrust of the endeavour by allocating responsibilities to three tiers of government which, over the decades, have not enjoyed amicable intergovernmental relations. Policy language was not easily translatable into clear and decisive action plans.

Considering the second leg of the 5C protocol "context", the roads programme has been carried out through an effective institutional arrangements (both before and after 1998) and effective working relations which were not significantly influenced by the social, political and legal factors. It has been basically a "professionally" managed process. On the other hand the urban transport endeavour has been blunted by an amorphous system of intergovernmental relationships and competencies and subject to social, economic and particularly political influences, i.e. the Group Areas Act.

In respect of "commitment" it is suggested that the roads objectives have enjoyed far more commitment than the objectives of the urban transport policy, with its nebulous responsibilities allocated to different levels of government as well as the relationship

between the rail and road based public transport modes. Commitment applies to both government and at "street" levels. It is suggested that the commitment of some of the role players at this latter level towards effectively implementing policy directives has not been very strong. Conversely the roads policy has been able to be implemented with a "top down" approach whilst the urban transport policy has suffered form the necessity to implement it with a "bottom up" approach with inadequate commitment from all role players.

If we consider "capacity" and all the factors bound up in this concept as described in the body of this paper, it is apparent that capacity for implementing the national roads policy has, over decades, far exceeded that of the public transport policy initiative. Even the problem of lack of financial capacity in the roads sector, which developed during the 1980's was obviated by the introduction of a policy of road tolling. There appears to be, or have been, no similar innovative approach from the city authorities to address this problem despite the Urban Transport Act having provided opportunities to do so.

Perhaps the political and professional will did not exist at this level. Is it possible that the prerequisites for success mentioned in the example given of the "South East Asia tiger cubs" existed at the central government roads level and not in the urban transport milieu?

In a similar manner the fifth element of the 5C protocol the need for effective interaction with clients and coalitions appears to have been realized to a greater extent in the national roads sector than in the urban field. In this latter case the authorities, in the face of difficulties in implementing the policy, and there were many, were content sit back and pass the problem on to central government instead of dealing with it where the primary competency existed.

In a similar fashion comparisons could be made between the national roads and urban transport sectors in respect of reasons given in this paper for the policy implementation failure. However space does not permit this analysis here – though the reader is advised to make his or her own comparisons in respect of all the reasons presented for the policy implementation failure mentioned.

8. CONCLUSION

Primarily because of the general inability of government to deliver on its policy objectives, a fact endorsed by no less a person than the State President, it is suggested that there is a need for practitioners in the field of transport policy implementation to gain a better understanding of the process.

This paper attempts to stimulate debate on the subject of policy implementation in transport through providing a résumé of current theory on the subject and then examining two specific transport policy thrusts as an example, in an attempt to understand why the one was successful and the other not.

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