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**MULTI-LEVEL
GOVERNANCE AND
THE NEW PUBLIC
MANAGEMENT:
INFUSING NEW IDEAS
INTO TRADITIONAL
FEDERALISM
APPROACHES IN THE
STUDY OF
INTERGOVERNMENTA
L RELATIONS**

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Abstract: We argue that the concept of multi-level governance (MLG) can help to uncover and understand changing trends in intergovernmental relations and policy-making. We also consider the linkages between the public administration literature, particularly the new public management (NPM) approach, and the concept of multi-level governance. Both the MLG and NPM approaches can help to enhance traditional approaches to understanding internal intergovernmental relations in federal systems. We draw on empirical examples from three Western federal systems: Canada, the United States, and Australia. In particular, we focus on how the concept of MLG can help to illuminate changing forms of intergovernmental relations (supranational-federal-state/provincial-local) and as well as the horizontal expansion of governance in these systems to non-governmental organizations (NGOs) and other actors.

■ **INTRODUCTION: MULTI-LEVEL GOVERNANCE, FEDERALISM, AND PUBLIC ADMINISTRATION**

Scholars of public administration have generally embraced the empirical study of collaborative and network governance, public-private partnerships and other such phenomena, leading to theoretical and conceptual development in this field. These scholars have also applied the concept of multi-level governance (MLG), originally developed in European Union studies. (Multi-level governance will be defined below.) As scholars of public policy and public administration have conducted research along these lines for many years, they might ask: what is new about multi-level governance? On the other hand, many scholars of federalism and inter-governmental relations, in particular, those outside of Europe, have been unaware of the concept of multi-level governance or have tended to dismiss its utility with respect to their research.

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We argue that the MLG concept can help to uncover and understand changing trends in governance. Applying this concept can encourage federalism and intergovernmental relations (IGR) researchers to look beyond the traditional literature to new grounded work by scholars of public administration, geographers, students of environmental studies, aboriginal studies, and other related fields, both academic and practical. While some scholars in these fields use the term MLG specifically, others use closely related concepts and terms, including network governance and collaborative governance. Many of these scholars, even those whose research focuses on federal systems, do not adopt or use traditional concepts of federalism, and we suggest that this may be because traditional concepts of federalism are too constraining and may not fit well with their empirical research. Yet federalism may be an integral part of some of these areas and add depth to research. We argue that the MLG concept can offer a middle ground to bridge federalism scholarship and these other disciplines, by encompassing both the horizontal expansion of governance, as well as the vertical levels of government in federal or decentralized unitary systems. The MLG approach allows for a broader interpretation of federalism, along the lines of network federalism (see our discussion in Stein and Turkewitsch, 2010b), as well as the incorporation of concepts relevant to the public administration literature.

In this article we discuss the relationship between the concepts of multi-level governance (MLG) and new public management (NPM) and how they can be applied to the study of internal intergovernmental relations in federal systems. We draw on empirical examples from three Western federal systems: Canada, the United States, and Australia. In particular, we focus on how the concepts of MLG and NPM can help to illuminate changing forms of intergovernmental relations (supranational-federal-state/provincial-local) as well as the horizontal expansion of governance in these systems to NGOs and other actors, often overlooked by traditional federalism approaches. In particular, we consider Type II MLG (Hooghe and Marks, 2003, see below for a definition) and its relevance for analyzing changes in intergovernmental relations and public administration. While a focus on normative questions of democratic legitimacy has recently drawn the attention of some MLG theorists (e.g. Piattoni, 2010), this article focuses primarily on evaluating the application of analytical approaches to the three case examples.

This introductory and theoretical section, Section I, defines the concept of multi-level governance (MLG), and discusses its relationship to the literature on federalism, the concept of the new public management (NPM) and recent literature in the field of public administration. Section II will examine changing forms of governance in three Western federal systems: Canada, the United States, and Australia. In particular, we will focus on how the concepts of MLG and federalism can help to illuminate changing forms of intergovernmental relations (supranational-federal-state/provincial-local) and as well as the horizontal expansion of governance in these systems to non-governmental organizations (NGOs) and other actors. Section III will offer a comparative analysis and a conceptual discussion of how the concept of multi-level governance and related ideas from the new public management approach and public administration literature can add to studies of federalism by using a broader definition of intergovernmental relations. This will be followed by brief conclusions and suggestions for further research.

Defining Multi-Level Governance

As there is no single, commonly accepted definition of multi-level governance, in defining multi-level governance we incorporate some of the most broadly accepted aspects of the concept.² In Hooghe and Marks' (2003) work on Type I and Type II MLG (to be discussed below), we note that multi-level governance can describe the increasingly complex patterns of policy-making, authoritative decision-making and intergovernmental relations in federal and decentralized unitary systems. This expanded concept encompasses the broader scale and scope of decision-making, the increase in numbers and types of decision-makers (including private sector actors such as corporations and unions, non-governmental organizations, members of social movements, and individuals in civil society), as well as the multiple levels of decision-making. As we have noted in our previous writing (Stein and Turkewitsch, 2010b), multi-level governance can be considered

² In our previous work we have discussed and analyzed the various competing definitions of multi-level governance in detail. See: Stein and Turkewitsch, 2008a.

as an empirical/substantive construct, a normative ideal, and as a conceptual approach. We argue that it is important to distinguish between these usages, although it may sometimes be difficult to separate their usage. Our primary focus in this article is on the evaluation and application MLG as an analytical approach, although we include some discussion of MLG processes in substantive terms.

Hooghe and Marks (2003) distinguish between two sub-types of multi-level governance, Type I and Type II. Type I MLG shares many similarities with federalism. According to Hooghe and Marks, it refers to general-purpose jurisdictions operating at a limited number of levels, which may include the supranational, national, regional, sub-national and local. Such general-purpose jurisdictions “bundle together multiple functions, including a range of policy responsibilities...” (Hooghe and Marks, 2003, p. 236). Furthermore, “[t]he membership boundaries of such jurisdictions do not intersect. This is the case for jurisdictions at any one level, and it is the case for jurisdictions across levels.” (Hooghe and Marks, 2003, p. 236). However, they argue that, “while membership of Type I jurisdictions is nonintersecting, competencies are often shared or overlapping. There has, for example, been a secular trend away from compartmentalization in federal polities” (Hooghe and Marks, 2003, p. 236, footnote 6). Hooghe and Marks describe Type II MLG as, a form of governance “in which the number of jurisdictions is potentially vast rather than limited, in which jurisdictions are not aligned on just a few levels but operate at numerous territorial scales, in which jurisdictions are task-specific rather than general-purpose, and where jurisdictions are intended to be flexible rather than durable” (Hooghe and Marks, 2003, p. 237). We generally consider Type I MLG to refer to interactions among vertical levels of governance (including the local, regional and supranational levels that are often left out of traditional federalism approaches), and we regard Type II MLG to be representative of the horizontal or outward expansion of governance to NGOs and other actors.

Type I and Type II MLG processes typically co-exist (Hooghe and Marks, 2003, p. 238). Hooghe and Marks (2003) note that, “Type II governance is generally embedded in Type I governance...” (Hooghe and Marks, 2003, p. 238). We suggest that the overlap between Type I and Type II MLG provides some common ground for intergovernmental relations and federalism scholars and scholars of public administration as well as specialists in policy areas such as environmental policy and health policy. The question of how Type II MLG processes are embedded in Type I MLG systems (federal or decentralized unitary systems) is also a significant one for further empirical research and conceptual refinement.

This distinction between Type I and Type II MLG has been generally accepted and applied in the literature. Yet, there may be room for more theoretical refinement of these two types. There is also some debate over the issue of whether, when considered as substantive constructs, Type I and Type II MLG overlap. As Piattoni (2010) notes, “Bache (2008) and Conzelman and Smith (2007) understand these two Types in a rather straightforward way, as different ways of organizing the delivery of specific services in modern democracies. In this sense, Type II jurisdictions may also be territorial and get superimposed on Type I jurisdictions. Fairly common examples are national health care units, school districts, industrial consortia, and so on” (Piattoni, 2010, p. 25). Others question the need for the distinction between Type I and Type II MLG (for example, Leo and Enns, 2009, citing Blatter, 2004). They point out that in several studies in the Canadian context “simple [T]ype I—[T]ype II dichotomies were nowhere to be found” (Leo and Enns, 2009, p. 94; Young and Leuprecht, 2004). We find it theoretically useful to consider the relevance of both Type I and Type II MLG in our analysis of federal systems, although our main focus in this article is on empirical examples of Type II MLG. As this article primarily considers relationship between public administration literature and MLG, we focus on Type II MLG because of its closer links to the NPM concept and public administration literature, and because empirical examples of Type II MLG provide the best illustrations of emerging MLG processes in these three federal systems.

Theorists of public administration and public policy have made some of the most significant advances in theoretical contributions to MLG, although their contributions are more indirect than direct. Moreover, they often use different theoretical labels to encompass the new governance phenomena that they are highlighting,

such as “network governance”, “committee governance” or “new modes of governance”. One of the most prominent theorists in this respect is Donald Kettl (2000, 2009). According to Kettl,

“at every level of government [in the United States] partnerships with both governmental and nongovernmental partners have proliferated at an accelerating rate [in recent years]. That has made government both *horizontal* – in search of service coordination and integration with nongovernmental partners in service provision – and *vertical* – through both traditional and hierarchical bureaucracies and multilayered federalism. It is not so much that the horizontal relationships have supplanted the vertical ones; rather the horizontal links have been layered on top of the vertical ones. That, in fact, was the implicit precept of the ‘reinventing government’ movement of the 1990s” (Kettl, 2000, p. 494).

In our view, Kettl’s description of the layered horizontal and vertical relationships shares some similarities with Hooghe and Marks’ (2003) statement that Type II MLG processes are “embedded” in Type I MLG. Hooghe and Marks’s use of term “embedded” suggests the prior existence of Type I levels followed by horizontal expansion to Type II MLG. In the same way, Kettl’s description of the expansion of horizontal processes “layered on top of” existing vertical levels signifies that the horizontal expansion of governance (or Type II MLG) is a more recent development. Yet the term embedded also suggests that the two Types of MLG are “interlocked” whereas as the term layered suggests that the interaction between the two types of relationship is perhaps less enduring.

Kettl uses the concept of “networks”, drawn from the literature of network sociology, to analyze what he calls “the transformation of governance” in public administration and the “global public management revolution” that has evolved since the beginning of the millennium. He points to accelerated trends to economic globalization and devolution at the end of the last century as the primary source of an increased intertwining of public and private networks. Like MLG theorists, he notes that these patterns of public and private partnerships occur at both the horizontal and vertical levels of governance, and are a “key to high performance government in the twenty-first century” (Kettl, 2000). His ideas have been embraced and expanded on by a number of other prominent experts in public administration theory in a large variety of public policy sectors.³

Multi-level Governance and Federalism

In an earlier paper (Stein and Turkewitsch, 2008a), we examined the origins and evolution of the concept of multi-level governance, and contrasted and compared it with Anglo-American and European traditions of federalism. We have since argued increasingly for the utility of the former concept (MLG) and applied it to various emergent and mature federal systems, and to decentralized unitary systems (e.g. the U.K.) in both Western Europe and beyond.⁴ As our original focus was on the relationship between federalism (and levels of government) and MLG, our conceptual focus was primarily on Type I MLG. At the time, we saw less utility in the concept of Type II MLG, particularly as applied to the study of federalism. However, our views on Type II MLG have shifted, and we now argue that the concept of Type II MLG is increasingly useful. Type II MLG processes are an area that traditional scholars of federalism overlook, and as discussed above, in this article we will primarily highlight empirical examples of the horizontal expansion of governance and its relevance for the administrative dimension of intergovernmental relations in federal systems.

The Public Administration Literature and MLG

In contrast to traditional approaches to public administration which highlighted several features of bureaucratic behaviour, most notably “hierarchy and rules” (Pollitt et al, 2007, p.1), a shift in public administration thinking in the 1980s and 1990s accompanied the institution of new public management

³ For example, among public administration theorists contributing to these ideas, see Blair (2002), Howlett (2002), Agranoff and McGuire (2003), Kamensky and Berlin, eds. (2004), Van Kersbergen and Van Waarden (2004), and Goldsmith and Kettl, eds. (2009). Other specialists in public administration and public policy who have offered innovative theoretical contributions recently in specific public policy sectors will be cited below.

⁴ See: Stein and Turkewitsch, 2009, 2010a, 2011a, 2011b.

changes in the Anglo-American world (specifically New Zealand, Australia, the U.K., the U.S. and Canada) (Vining and Weimer, 2005, p. 209; Schön-Quinlivan, 2011, p. 80) and later in many other OECD countries (Gruening, 2001, p. 2). Although some scholars have argued recently that public administration is moving towards a post-NPM phase (e.g. Levy, 2010), we suggest that, given its significance in the recent literature, a comparison of NPM with the MLG approach is still relevant. According to Dahlström, Peters and Pierre (2011, p. 263), “[t]he basic idea of NPM was to boost the efficiency of the public sector by separating policy from the service delivery operations of government, and also specializing and fragmenting government” (Dahlström, Peters and Pierre, 2011, p. 263). These changes led to a “decentring” of government, meaning that it “deprived the centre of significant steering capacities...” (Dahlström, Peters and Pierre, 2011, p. 263). Thus, NPM reforms are viewed as changing government in much the same way that MLG has been perceived as moving power away from central state governmental interactions upwards to the supra-national level, downwards to regional and local governments and outwards to NGOs and other private actors. Similar changes in approach occurred in the public administration literature as have occurred in some of the recent federalism literature – a shift from a hierarchical approach or strict division of roles to networked approaches and the horizontal expansion of policy making and implementation incorporating the roles of private actors and NGOs. The shift in approach in the public administration literature also mirrors the emergence of the governance approach in political science and related fields.⁵ Piattoni (2010, p. 20-21) also includes a discussion of the relationship between MLG and “network governance,” noting that the two concepts address “many of the same empirical developments.” (Piattoni, 2010, p. 20). Many of the empirical examples of Type II MLG processes in the empirical section below are policies and programmes initiated through NPM reforms. The horizontal expansion of governance to NGOs and other actors has implications for the study of public administration and represents the strongest link between the MLG and public administration literature.

As with MLG, there is no commonly agreed-upon definition of NPM (Vining and Weimer 2005, p. 209). Homburg et al (2007) bring together a list of some of the most commonly cited reforms that are considered to be under the auspices of the new public management. Among these reforms most relevant to MLG theorizing are: first, “...highly decentralized structures, like semi-autonomous organizations, rather than large multi-purpose hierarchical ministries or departments” or “arms-length executive agencies” (Homburg et al, 2007, p. 4, citing Pollit et al, 2004); second, “the use of divisional structures in public service resulting in breaking down former unitary bureaucracies, as well as inter-organizational relations with organizations in private and voluntary sectors (public-private partnerships, PPP) resulting in blurred and broadened frontiers between the public sector, the market sector, and the voluntary sector” (Homburg et al, 2007, p. 4, citing Hacque 2001); and third, “a widespread emphasis on contracts (or contract-like relationships) instead of formal, hierarchal relationships” (Homburg et al, 2007, p. 4). Similarly, in 2001 Gruening listed twenty “undisputed characteristics,” which are “identified by most observers” of NPM to include: “budget cuts; vouchers; accountability for performance; performance auditing; privatization; [citizens as] customers...; decentralization; strategic planning and management; separation of provision and production; competition; performance measurement; changed management style; contracting out; freedom to manage (flexibility); improved accounting; personnel management (incentives); user charges; separation of politics and administration; improved financial management; and more use of information technology” (Gruening, 2001, p. 2, table 1).

Overall, Homburg et al describe the NPM approach as “a rather chameleon-like and paradoxical creature” and they suggest, therefore, that it is hard to define its key features (Homburg et al, 2007, p. 5). Some scholars consider participatory policy-making to be a key feature of NPM (Homburg et al, 2007, p. 5, citing Vigoda and Golembiewski, 2001), while others disagree with this assertion (Homburg et al, 2007, p. 5, citing Gruening 2001). Among the disputed characteristics of NPM, Gruening lists: “legal, budget, and spending

⁵ A number of scholars have produced histories and analyses of the emergence of the governance approach. See, for example, Rhodes (2000), as cited by Hooghe and Marks (2003); and also Peters and Pierre 1998.

constraints; rationalization of jurisdictions; policy analysis and evaluation, improved regulation; rationalization or streamlining of administrative structures; and democratization and citizen participation” (Gruening, 2001, p. 2, table 1). Overall, there is overlap between the commonly agreed upon characteristics of NPM, as well as some of the disputed characteristics, and the MLG approach, broadly defined.

In sum, there are several similarities between the MLG (primarily Type II MLG) and NPM approaches. Both concepts highlight decentralized rather than hierarchical administrative structures, an increased role for NGOs and PPPs in policy-making and implementation, as well as participatory policy-making, in particular a greater role for citizen involvement. Overall the two concepts focus on the significance of many of the same empirical changes in government, public policy and public administration (Piattoni 2010). A further similarity is that there is no commonly agreed-upon definition of NPM or MLG. In addition to these similar theoretical leanings, the MLG and NPM approaches have several other commonalities. First, MLG and NPM are conceived of as both empirical constructs and analytical approaches.⁶ NPM is an empirical construct defined by the concrete changes it has engineered in western governments, and a theoretical approach described in the public administration literature. Gruening (2001) suggests that, the changes undertaken by governments emerged first and, “[o]nly later did academics identify the common characteristics of these reforms and organize them under the label of New Public Management” (Gruening, 2001, p. 2, citing Dunsire 1995, p. 21). Second, both MLG and NPM have normative elements, and have raised normative questions.⁷ Scholars have discussed normative questions related to MLG and NPM relating to democratic legitimacy (e.g. Piattoni, 2009, Piattoni, 2010) as well as bureaucratic and/or policy-making efficiency (Vining and Weimer, 2005, p. 210). For Piattoni, a key normative question in relation to the MLG literature is: “[d]oes MLG ensure wider and fuller participation in decision-making (input legitimacy) and, for this reason, produce better policies (output legitimacy) than other modes of governance?” (Piattoni 2009: 163). As both MLG (particularly Type II MLG) and NPM include the wider involvement of NGOs, PPPs and the private sector in policy-making, we would suggest that the same question of input legitimacy and output legitimacy could be posed in relation to NPM processes.⁸ Third, both approaches have been criticized for being too descriptive or atheoretical.⁹ These theoretical and other similarities are among the reasons that the two approaches complement each other.

An obvious but key difference between the concepts is that while MLG (specifically Type I MLG) incorporates the role and interaction of levels of government (including the sub-national, local and supranational), the NPM approach does not. This is significant for the study of intergovernmental relations in federal, quasi-federal and decentralized unitary systems, as well as the European Union, and is an advantage of the MLG approach over NPM in such studies. However, in our view, the overlap between Type I and Type II MLG and the interaction between them are currently an important area of theorizing and empirical research for scholars of intergovernmental relations in federal and decentralized unitary systems.

Hooghe and Marks’ (2003) work in elaborating the concept of Type II MLG is one of the earlier examples of linkages between the public administration/public policy literature and MLG theorizing. In their elucidation of Type I and Type II MLG, Hooghe and Marks (2003) draw from several bodies of literature

⁶ See our discussion of MLG as an empirical and analytical approach, as well as its normative elements, in contrast to federalism, in Stein and Turkewitsch, 2010b.

⁷ See Piattoni (2010) on normative questions in MLG theorizing. See Vining and Weimer, 2005 for some discussion of normative elements in NPM. Hood and Peters (2004, p. 267) also point to a normative element in the NPM approach, particularly when it first emerged. And Lewis and Marsh also point out that the concepts of participatory and network governance include both empirical and normative elements (Lewis and Marsh, 2012, p. 6).

⁸ To reiterate, although normative questions are not the primary focus of this article, they remain an important aspect in current academic debates on both of these concepts, especially MLG. We plan to more fully consider some of the normative elements of MLG, particularly in relation to federalism, in our forthcoming book. The book, tentatively entitled, “Multi-Level Governance and Federalism: Analyzing Intergovernmental Relations” will be published by Edward Elgar.

⁹ See Vining and Weimer, 2005, p. 210, citing Gruening, 2001 for criticisms of the NPM approach. In the MLG context, Gualini (2004) makes this criticism of the MLG approach (as cited in Stein and Turkewitsch, 2008a, p. 10). For a review of the academic criticisms of the MLG concept, see Stein and Turkewitsch, 2008a.

(Hooghe and Marks, 2003, p. 233). They describe five “islands of theorizing” (European Union studies, international relations, federalism, local government and public policy), which have been relatively isolated from each other. In each of these distinct bodies of literature scholars attempted to explain and understand the dispersion of authority away from central state governments (Hooghe and Marks, 2003, p. 234).

Peters and Pierre (1998) writing about the governance debate and public administration have also analyze the similarities and differences between governance approaches and new public management theory. They note that,

“[t]he debate about ...emerging forms of governance occurred at nearly the same time as the diffusion of the new public management (NPM) in many western democracies, principally the United Kingdom and the Antipodes...For some scholars, the governance debate was triggered in part by the management philosophy advanced by the NPM experts (see, e.g., Rhodes 1997). Certainly, there are many similarities between the mainstream debate on the emerging forms of governance and the overarching philosophy behind the NPM.” (Peters and Pierre, 1998, p. 3).

Similarly, Ongaro et al (2010) observe,

“...the systematic involvement of a plurality of actors, sometimes referred to as policy networks... crosscutting levels of government and the boundaries of the public sector, has over time come to be considered an element in governments’ search for improving public policy and service delivery. In this the notion of governance has also become inextricably entwined with accounts engaging with the New Public Management, although often the latter are too much focused on the internal operations of the public sector, or on instruments based on market-type mechanisms.” (Ongaro et al, 2010a, p. 3).

In the American literature, public administration/public management scholars such as Kettl (2005) have adopted approaches closest to an MLG perspective. Some newer works, most notably the two volumes edited by Ongaro et al. (2010; 2011), *Policy Performance and Management in Governance and Intergovernmental Relations*, and *Governance and Intergovernmental Relations in the European Union and the United States: Theoretical Perspectives*, have attempted to bridge public administration approaches with the study of intergovernmental relations, and have highlighted some of the older linkages between these approaches. In their academic history of the IGR and governance, Ongaro et al (2010) note, “the notion of IGR has a long history in the public administration literature, especially in the US scholarly and empirical context...” (Ongaro et al, 2010a, p. 2). They point out that, “[t]he notion of governance, too, is in many respects as old as public administration although its prominence in the literature, especially in connection with notions like networking and collaboration in the public sector, is a more recent phenomenon” (Ongaro et al, 2010a, p. 2).

Given the areas of overlap between the NPM and governance approach, public administration and public policy scholars such as Osborne (2010) have recently developed the concept of the new public governance (NPG), which aims to move beyond the new public management, and draws from institutional and network theory (Osborne, 2010, p. 10).¹⁰ Pollitt and Bouckaert (2011, p. 22) describe the new public governance as a variant of the governance approach. As with NPM and MLG these scholars do not offer a single definition of the NPG concept, however in line with MLG scholars Osborne notes that, “[t]he NPG is ... both a product of and a response to the increasingly complex, plural and fragmented nature of public policy implementation and service delivery in the twenty-first century” (Osborne, 2010, p. 9). Osborne argues that NPG “posits both a *plural state*, where multiple interdependent actors contribute to the delivery of public services, and a *pluralist state*, where multiple processes inform the policy-making stream.” (Osborne, 2010, p.9). The incorporation of theoretical views by public administration scholars that include elements of the governance approach brings them even closer theoretically to the MLG concept.

Overall, we suggest that the concept of MLG should have great appeal to scholars of public administration. It melds well with recent approaches in the public administration literature, sharing similarities with the NPM approach and one of its theoretical successors, specifically the new public governance. In terms of its application to the administrative dimension of intergovernmental relations, the MLG approach, in

¹⁰ See Osborne, 2010, ed. for a comparative evaluation. See also Pollitt and Bouckaert, 2011.

particular the concept of Type II MLG, is very relevant, as we shall see in the empirical examples in the three cases to be discussed below.

■ CHANGING FORMS OF GOVERNANCE IN THREE FEDERAL SYSTEMS

Our primary focus in this section is the development of common trends in the Australian, Canadian and American federal systems, specifically changing patterns of intergovernmental relations, and shifts in the nature of governance, regulation and policy-making. We suggest that in recent years there has been a common trend in environmental policy in Canada, the U.S., and Australia towards the vertical expansion of policy-making and implementation to the supranational, state/provincial, and local levels, and the horizontal expansion of decision-making and implementation to incorporate transnational networks, NGOs, civil society, corporations and other private-sector actors. We argue that these broad trends are best examined from the perspective of multilevel governance, rather than traditional hierarchical and competitive approaches to intergovernmental relations. Our aim is to consider their implications for how we analyze current patterns of policy-making in these three federal systems, rather than to uncover the source of these changing patterns of intergovernmental relations.¹¹

Many of the examples we cite are drawn from the work of scholars of health policy, health practitioners, those involved in administration and hospital management, and bureaucrats in provincial health ministries, rather than from political scientists whose main scholarly focus is federalism. Given their focus on applications in the health care field, these writers are more inclined to adopt a “bottom up” perspective, and accordingly, they also seem to be more open to a multi-level governance approach. They highlight many areas that are often overlooked by political scientists who adopt and apply a more traditional “top-down” federalism perspective.

Australia

The MLG approach is increasingly relevant to the study of Australian federalism, internal intergovernmental relations, and public policy, particularly in the areas of environmental policy and health policy. Several new forms of interaction can be best viewed through the lens of Type II MLG. These new forms of public-private intergovernmental interaction include: Community Cabinets; Public-Private Partnerships in hospital administration; collaboratives and network governance in water resource management, and natural resource management in environmental policy; and co-management and collaboration in aboriginal governance, including environmental protection.

Some scholars of Australian federalism were relatively early adopters of the MLG concept. Painter (2001) applies the MLG approach drawn from EU studies (and cites a definition of MLG from Marks et al, 1996) to Australian federal-state relations in two empirical case studies (vocational education and training, and gun control policy). Painter notes that collaborative institutional arrangements in Australian federalism date to the early 1990s, although these institutional processes had been developing for some years before that. He points specifically to the “New Federalism” of Prime Minister Bob Hawke. First, several Special Premiers’ Conferences were held, and later the Council of Australian Governments was created in 1992 (Painter, 2001, p. 141). Painter concludes that there may be a “long-term trend towards the diffusion and institutionalisation of more collaborative forms of coordination in the Australian federation” (Painter, 2001, p. 149). Painter’s study focuses primarily on Type I MLG, and his work does not elaborate on any Type II MLG processes in the Australian context.

Other scholars have continued to analyze and evaluate the success of the collaborative inter-governmental arrangements brought in by the New Federalism reforms (e.g. Jones, 2008 and Jones, 2009). In recent years,

¹¹ We plan to include some discussion of the source of these changing patterns of intergovernmental relations in our forthcoming book. See footnote 8 for a reference to the title of this forthcoming volume.

analysts of Australian federalism have highlighted a continuing trend towards centralization of power to the federal level (Hollander and Patapan, 2007), while at the same time suggesting that the concept of “pragmatic federalism” can explain this centralizing tendency (Hollander and Patapan, 2007, p. 281). Hollander and Patapan define “pragmatic federalism” as being “characterised by a direct engagement or confrontation with pressing problems, an engagement unmediated by larger theoretical concerns” (Hollander and Patapan, 2007, p. 281). We suggest that an MLG approach may also enable scholars of Australian federalism to focus their empirical research, as well as their conceptual and theoretical analyses, on other aspects of IGR, namely the horizontal expansion of governance to private sector groups and NGOs, which is best viewed through the lens of Type II MLG. However, we note that the New Federalism reforms in Australia have not widely involved Type II MLG processes in practice.

Scholars writing in Environmental Management, Geography, and Public Administration journals have provided detailed empirical case studies of new forms of collaborative and network governance emerging in certain areas of the Australian system. Although many of their theoretical and conceptual perspectives share similarities with a Type II MLG approach, most often these writings do not engage directly with the federalism and MLG literature.

The horizontal expansion of governance in various policy sectors, such as health policy and environmental policy, offers a contrast to increased trends towards centralization noted by other scholars (e.g. Hollander and Patapan, 2007). Those scholars who note the trend towards centralization in Australia have generally not considered the horizontal expansion of governance or Type II MLG processes in their published work.

Some authors use an approach that ties federalism scholarship to an MLG-type approach. For example, Hollander (2009) analyses “overlap” in Australian federalism with a focus on environmental policy. He cites Brown’s (1994) definition of overlap, drawn from the Canadian context: “a situation where we have more than one government operating in the same policy domain. More precisely, it occurs when multiple levels of government provide similar goods and services to similar clients” (Hollander, 2009, p. 138, citing Brown, 1994). Some aspects of “overlap” might be best described and evaluated using the concept of MLG. Although Hollander’s article focuses on federalism reform in Australia and attempts to remove this overlap in the name of efficiency and cost-effectiveness, he notes that, “[w]hile the Australian federation has been subject to strong centripetal forces in Australian federalism, the states, nevertheless, have continued to play a significant role in both policy making and implementation ...and the concurrency embedded in the Australian federation means that the system has continued to exhibit characteristics of Grodzins’ ‘marble cake’ of shared activities”¹² (Hollander, 2009, p. 141). Other authors offer similar examples of continued collaboration and overlap in Australian federalism, as we shall discuss below.

Baracskey (2011) adopts a collaborative federalism approach similar to that of MLG in his comparative study of health policy in Australia, the U.S. and Malaysia. Baracskey’s work discusses collaborative relationships between levels of government and NGOs in considering the implementation of health policy and specifically how this plays out in response to outbreaks of infectious diseases, using the example of the H1N1 virus in Australia (Baracskey, 2011, p. 317). His research considers the role of supranational institutions, such as the World Health Organization, regional bodies, as well as hospitals, in a conceptual approach that we note shares similarities to both Type I and Type II MLG. He writes that, “...from an analytical standpoint, the collaborative approach adeptly captures how the blurring distinctions between national and sub-national governments are reflective of aspects that other dimensions of federalist theory do not always adequately explain” (Baracskey, 2011, p. 319). Baracskey finds that this collaborative federalism approach is particularly applicable in Australia, where he notes “there is shared administrative responsibility,

¹² As we noted in Stein and Turkewitsch 2008b, Grodzins (2007 [1960]: 54) states that American federalism can no longer be described as a “three-layer cake” with separate functions at the federal, state, and local levels, but rather he proposes the alternative term “marble cake,” consisting of mixed or intermingled functions across levels.

accountability and implementation at each tier of government, and with the private and non-profit sectors” (Baracska, 2011, p. 322).

Blanken and Dewulf (2010) consider Public-Private Partnerships (PPPs) and Private Finance Initiatives (PPIs) in hospitals in the Australian state of Victoria in comparison with the UK. They note that Australia and the UK are at the “forefront” in the creation of PPPs (Blanken and Dewulf, 2010, p. s36). It seems to us that such partnerships “between health care providers, building and management companies, and financiers” (Blanken and Dewulf (2010, p. s37) are an important area of study within the broader context of health policy and intergovernmental relations in Australia and the UK.

Zurba et al (2012), focus on aboriginal governance, and consider “[c]o-management, cooperative or collaborative management” (Zurba et al, 2012, p. 1131). Zurba et al write that, “there is a diversity of arrangements in Australia, ranging from this model of shared management to a system of indigenous protected areas (IPAs) which are run by indigenous groups themselves, recognized and supported as part of the national protected area system” (Zurba et al, 2012, p. 1131). Their conceptual analysis does not touch on the MLG literature or discuss the Australian federal structure or inter-governmental relations system in great detail. Zurba’s descriptions of the collaborative processes are reminiscent of NPM and Type II MLG. Furthermore, the addition of an MLG perspective would allow for the incorporation of intergovernmental relations, including the federal and state levels, in the study of these Indigenous Protected Areas.

Community Cabinet meetings as a form of participatory governance offer a further possible empirical example of Type II MLG in Australia (Lewis and March, 2010). This is in contrast to those who point to increased centralization under the aegis of the national government. Community cabinets started at the state level in Queensland in 1998 and were then adopted in South Australia. Such meetings are held once a month, and involve government ministers visiting different areas of the state to meet members of the public and discuss local issues of concern (Lewis and March, 2012, p. 7). Community Cabinets were initiated at the federal level in 2008. The meetings are open to members of the public with prior registration. The meeting starts with a one-hour public forum during which the Prime Minister and cabinet ministers answer audience questions. Short, pre-arranged meetings on specified topics between attendees and small groups with individual ministers then follow (Lewis and March, 2012, p. 8). Overall, Lewis and March remain skeptical about the outcome of the Community Cabinets, suggesting that they do not really constitute participatory or network governance, rather they are hierarchically imposed to validate executive decisions (Lewis and March, 2012, p. 15). They note that this shares similarities with “networking in the shadow of hierarchy” and the concept of meta-governance, described by some scholars (Lewis and March 2012, p. 15). We note that Peters (2008, p. 6) has also theoretically considered these governance processes. Peters defines meta-governance as the “governance of governance,” a sort of “steering” of informal governance processes without hierarchical control (Peters, 2008, p. 6). The issue of hierarchical control within network governance processes raises important theoretical and conceptual questions about MLG, including the relationship between Type I and Type II MLG, which we will attempt to address in our final analysis and conclusions.

Benson and Jordan (2010) focus on the issue scaling in water policy in a comparative analysis of the EU and Australia. Their work offers empirical descriptions of Australian water quality policy that suggest that an MLG approach is increasingly appropriate in this context. They note that, “[i]n Australia, the scaling of water governance has evolved from an initial situation of (mostly) lower level task allocation to one of multi-level task sharing” (Benson and Jordan, 2010, p. 9). Benson and Jordan (2010) apply a comparative federalism approach that also integrates elements of the MLG approach drawn primarily from the EU context, and is therefore an example of the more synthetic approach that we are advocating. We suggest that more work along these lines would be beneficial.

We also note that there are other articles in environmental studies journals that are relevant to MLG scholarship in Australia. For example, Prager (2010) focuses on collaboratives,¹³ including Natural Resource

¹³ Collaborative is a term that Prager uses which is synonymous with partnership (Prager, 2010, p. 710). Collaboratives are comprised of stakeholders representing their community or various organizations (Prager, 2010, p. 710)

Management (NRM) bodies in Australia, that are similar to Type II MLG processes. The article provides empirical examples of governance processes that would be of interest to MLG scholars; however, it does not explicitly theoretically cite or touch on the MLG or federalism literature.

In a further empirical study that is relevant to scholars of MLG in the Australian context, Head (2011) analyses civic engagement and community consultation in Australia. In one of his four case studies focusing on environmental policy, he notes that “[m]ulti-stakeholder processes in environmental and natural resource management (NRM) have become common in Australia in the last 20 years” (Head, 2011, p.108-109). He notes that some policy areas, such as foreign policy, are less amenable to civic engagement, as they are more technical or are characterized by closed decision-making processes (Head, 2011, p. 104). Head suggests that community consultation is “increasingly embedded in several key policy areas such as urban welfare services and environmental management” yet, he finds that in many cases civic engagement is merely symbolic (Head, 2011, p. 102). This variation across policy areas is relevant to MLG theorists, as we shall discuss below.

Canada

This sub-section offers empirical examples of Type II MLG governance processes in Canada, largely drawn from health policy and environmental policy.¹⁴ We will also cite some examples of trans-boundary cooperation between Canada and the U.S., which represent Type II MLG processes in action.

In terms of health policy, in Canada, First Nations Health Networks represent an example of multi-level governance in terms of both the vertical, as well as the horizontal or “outward” expansion of governance. Substantively, they may also represent an example of overlapping Type I/Type II multi-level governance, as described by Leo and Enns (2009, p. 94). Scholars of Canadian federalism and students of aboriginal politics in Canada have increasingly adopted a multi-level governance perspective (e.g. Papillon, 2008); however there has been little direct focus on health policy. An exception to this is the work of Smith and Lavoie, who describe and outline the role of First Nations Health Networks, each of which brings together several First Nations communities under a tribal council, planning body or health authority (Smith and Lavoie, 2008, p. 101-2). The Health Transfer Policy initiated by the federal government in 1987 gives First Nations communities flexibility in self-governance (Smith and Lavoie, 2008, p. 102). Transfer agreements with First Nations and Inuit groups include health care at several levels of governance: the community level, which focuses on direct delivery of services; the zone level, at which coordination and supervision occur; the regional level, at which consultation and advising take place; and the headquarters services, under the jurisdiction of the First Nations and Inuit Health Branch of Health Canada, at the federal level (Smith and Lavoie, 2008, p. 103). Smith and Lavoie (2008) describe First Nations’ development of collaborative networks, which involve several communities, organized through affiliation with health authorities or tribal councils (Smith and Lavoie, 2008, p. 103).

Elson (2005) also points to the existence of a horizontal aspect of multi-level governance, which he describes as “informal power sharing” on the part of Ontario’s Ministry of Health. Private, public, and non-governmental actors, particularly the Ontario Medical Association, the Ontario Hospital Association as well as the province’s major teaching hospitals have played a role in influencing health policy decisions (Elson, 2005). We argue that multi-level governance as a conceptual framework can be particularly useful for analyzing the role of regional and local level health care management within the Canadian provinces, as well as the influence of private, non-governmental or other public actors.

The multi-level governance approach also invites scholars to increase their focus on the urban or local level within the federal system. In Canada, there are an increasing number of Trilateral Partnerships between the federal, provincial and local levels of government, and a greater focus on coordination between these

¹⁴ See Stein and Turkewitsch, 2011a for a discussion of IGR in Canada and an examination of Type I MLG processes in the Canadian and American contexts.

levels of government on a broad array of policy issues. One example of a Trilateral Partnership, which also highlights local government involvement in health care, is the Vancouver Agreement, signed in 2000 (Bradford, 2005, p. 41). The Vancouver Agreement brought together a significant number of actors from all levels of government. These included: twelve federal departments; nineteen provincial ministries and agencies; two local government authorities; as well as the Vancouver Police Department and the Vancouver Coastal Health Authority (Bradford, 2005, p. 41). In terms of its policy direction, the Vancouver Agreement placed emphasis on improving population health in the urban centre as a foundation for economic and community regeneration (Bradford, 2005, p. 41). The multi-level governance approach encourages an emphasis on the study of policy coordination in Trilateral Partnerships.

The multi-level governance perspective can also be useful for understanding other developments in health policy in the Canadian provinces. One such example is regionalization of health care governance. Contandriopoulos et al (2004) refer to such regionalization as the “creation of a new organizational structure of authority in order to increase strategic capabilities at the intermediary level” (Denis, 1999; Denis and Valette, 2000, as cited by Contandriopoulos et al, 2004, p. 629). Contandriopoulos et al suggest that although regionalization is often considered to be equivalent to decentralization, it is best described as a more complex process of decentralization coupled with elements of centralization (Contandriopoulos et al, 2004, p. 629). As part of health care reforms in the 1990s, regionalization reforms were implemented in nine provinces order to achieve financial goals (Contandriopoulos et al 2004: 629). Contandriopoulos et al consider the role of Regional Board initiatives in Québec from a public management perspective. They view regionalization as a form of renewal of the governance of the provincial health care systems (Contandriopoulos et al 2004: 629). Similarly, in Ontario, Regional Health Authorities and Local Health Integration Networks (LHINs) exist as possible avenues for the decentralization of provincial authority from the Ministry of Health and Long Term Care, particularly with respect to management and governance of health care policy (Elson, 2005).

There are also many cases of participatory environmental governance in Canada and the U.S. that are best viewed from an MLG perspective. Within the literature on collaborative public management, Newig and Fritsch (2009) examine 47 cases of participatory environmental governance in Western Europe and North America. Although their study seeks to evaluate the effectiveness of MLG systems, their study is useful for our purposes because it brings together a list of cases in the U.S. and Canada that are best viewed through the lens of Type II MLG. As Newig and Fritsch (2009) point out, there are several examples of the horizontal expansion of governance in terms of increased public involvement in the environmental recovery of the Great Lakes (Newig and Fritsch, 2009, p. 207). In the cases of the Ashtabula River in Ohio and Collingwood Harbour on Lake Ontario, local groups collaborated to improve environmental conditions in order to support economic development in fisheries and tourism (Newig and Fritsch, 2009, p. 207). The Collingwood Harbour case involved government agencies from different levels of Canada’s federal system, including the environment ministry (Environment Canada), the Ontario Ministry of Natural Resources, and the Ministry of Environment and Energy. It also involved NGOs and community groups (Krantzberg and Houghton, 1996, p. 480). The cases of the Ashtabula River, the Bay of Quinte and Collingwood Harbour involved the interaction of local, regional and supranational actors, as well as “participatory processes in a multi-level governance context” (Newig and Fritsch, 2009, p. 207).

In addition to these local movements, further examples of multi-level governance with respect to environmental recovery of the Great Lakes are the transnational agreements between Canada and the U.S. and the emerging system of “transboundary Great Lakes governance” (Karkkainen, 2004, p. 86). In 1972, Canada and the United States negotiated a Great Lakes Water Quality Agreement, which set goals for water quality and reflected pollution measures that each country had enacted as part of national pollution control laws. In 1978 and 1987, revisions of the Agreement set the goal of moving towards “integrated ecosystem management” of the Great Lakes (Karkkainen, 2004, p. 86). Besides the federal governments of Canada and the United States, actors in the system of trans-boundary Great Lakes governance include subnational governments in each country, intergovernmental and nongovernmental organizations, and members of civil society, forming a “web of regional trans-boundary cooperation” (Karkkainen, 2004, p. 87). Participants include the eight American states and two Canadian provinces bordering the five lakes, as well as

representatives from the major ports and municipalities in the region, Native American and Canadian First Nations governments, regional intergovernmental organizations, environmental NGOs, fishing and sporting organizations, businesses and trade associations, and scientific experts (Karkkainen 2004, p. 87).

Karkkainen suggests that these “polycentric governance arrangements” rest on

“...deep, ongoing, transboundary collaboration among multiple state and nonstate parties committed to the co-management of a shared resource... The institutional arrangements that jointly comprise the management effort extend well beyond the organs of the respective sovereign states to include subnational and nonstate actors, interacting through both formal and informal—and sometimes even nominally extra-constitutional—channels to effect governance” (Karkkainen, 2004, p. 90).

In his references to collaborative and informal governance processes incorporating non-state actors, Karkkainen’s discussion of polycentric governance bears many similarities to Hooghe and Marks’ (2003) discussion of Type II MLG.

In addition to the roles that cities have played in the collaborative governance processes described above, there are an increasing number of urban-level initiatives in the area of environmental and climate change policy in Canada and the United States. As Gore and Robinson (2009: 137) note, “since the late 1980s, local governments in North America have emerged as leaders in climate change response and have become important actors in a multilevel system of climate change governance.” However, traditional approaches to federalism and intergovernmental relations have typically overlooked the role of local government, which they viewed as “creatures” of their respective states or provinces.

In both Canada and the United States, cities have formed a national municipal network, each of which has taken on the issue of climate change. In Canada, most cities are members of the Canadian Federation of Mayors and Municipalities (CFMM), and in the U.S., many cities are members of the Conference of Mayors (Gore and Robinson, 2009, p. 141). Each national network has partnered with the transnational environmental and climate change networks. The International Council for Local Environmental Initiatives (ICLEI), an international association of local governments, as well as national and regional local government organizations, is among the most significant of these networks (Gore and Robinson, 2009, p. 140). The CFMM has worked with the ICLEI in the Partners for Climate Protection Initiative (Bradford, 2005, p. 35). In Canada, the federal government’s “Green Municipal Funds” enables the CFMM to manage investments in technologies for environmental issues such as waste management and water treatment (Bradford 2005, p. 35).

United States

As we shall elaborate in this section, in the United States, a broader perspective of federalism and inter-governmental relations, close to that of multi-level governance, is increasingly adopted and endorsed by scholars in the fields of public administration and public management (e.g. Kettl, 2000; Hoflund and Farquhar, 2008); law (e.g. Trubek, 2006; Blum, 2008), and sociology (e.g. Heimer ed., 2008) as well as policy practitioners in government agencies (e.g. Farquhar, 2008). We find that scholars in these other fields are more likely to adopt an approach similar to that of MLG than are traditional federalism scholars. We cite examples from the literature on health policy and environmental policy that demonstrate that an MLG approach is increasingly useful for both scholars of public administration and of federalism in considering changing patterns of inter-governmental relations, policy-making and implementation processes. In the environmental policy area in particular, we also cite comparative examples from the Canadian context.

Recent literature in comparative environmental policy (e.g. Durant et al eds., 2004; Scheberle, 2004a; Scheberle 2004b; Schalger, 2004; John, 2004; Durant, 2004), new public management and public organization (e.g. Newig and Fritsch, 2009), and environmental and natural resources law (e.g. Karkkainen, 2006) has been more open to considering new initiatives in multi-level governance terms. Furthermore, academics in other fields such as geography (Bulkeley, 2006; Bulkeley and Moser, 2007) and urban studies (e.g. Gore and Robinson, 2009) have published single case studies and “small-n” comparisons of local environmental

management and examined new processes in urban governance from perspectives that resemble those of the MLG approach.¹⁵

Trubek (2006) considers “new governance” and “soft law” in health care in the United States. Trubek’s definition of new governance is very similar to the definitions of multi-level governance that we outlined above.¹⁶ She observes that “new” governance, “...includes devolution of government, public-private partnerships, new types of regulations and incentives, network creation, coordinated data collection and dissemination benchmarking, monitoring, and active individual involvement” (Trubek, 2006, p. 148). Furthermore, she notes that, “[d]evolution moves power to lower levels of government, including local and state, and de-emphasizes inflexible nationally administered programs. There is a multilevel interaction in which the national government sets standards, or provides funding with a relationship among the federal, state, and local level” (Trubek, 2006, p. 148). Also mirroring the horizontal or “outward” expansion of governance, as defined in the multi-level governance approach, Trubek points out that additional aspects of “new” governance are public-private partnerships, and the use of negotiation through networks (Trubek, 2006, p. 148).

Trubek outlines several empirical examples of “new governance” in health care policy in the U.S. in the mid-2000s. These examples are also relevant to analysis through the conceptual lens of multi-level governance. One example is new sites of collaboration in which stakeholders (including health care providers, government, employer-payers, and, in some cases, health care consumers or patients) are involved in addressing health care issues. These sites include: “quality collaboratives, local technology groups, and groups planning to pool public and private coverage systems” (Trubek, 2006, p. 152). Collaboratives are in place at the national, state and local levels.

Another development that can be viewed through the lens of Type II MLG is the National Quality Forum, which, as Hoflund and Farquhar note, brings together health care stakeholders from both the private and public sectors to address issues of quality and performance (Hoflund and Farquhar, 2008, p. 121). The Forum has over 370 members from different “sectors in the health care industry, including purchasers, consumers, providers, and quality improvement organizations” (Hoflund and Farquhar 2008, p. 125).

There are also some examples of the outward expansion of governance in health policy at the local and state levels in the United States, such as networks of community-based health and human service agencies, which have ties to state and federal level government agencies (Huang and Provan, 2006). For example in 1992, Arizona contracted out mental health services to five Regional Behavioral Health Authorities. These regional authorities have at different points in time been managed by non-profit and for-profit managed care companies (Huang and Provan, 2006). Huang and Provan (2006) and Provan, Huang and Milward (2009) examine a network of community-based health and human service agencies in Arizona, however their focus is primarily on network analysis, which overlooks intergovernmental aspects. On the other hand, the traditional federalism approaches omit this type of network altogether in their analysis. From our perspective, what is needed is a more integrated approach, such as multi-level governance, which considers both the vertical intergovernmental (federal-state-community/local) dynamics as well as the horizontal aspects of such networks.

It may be too soon to consider the significance for intergovernmental relations of the Obama administration’s health reforms, namely the Affordable Care Act, which was signed into law on March 23,

¹⁵ See, for example, recent work in journals such as *Local Environment*; *Climate Policy*; and *Climatic Change*, which provide a wealth of cases overlooked by traditional federalism studies.

¹⁶ Trubek also brings a multi-level governance perspective to the study of U.S. health policy because of her writings on “new governance” in the context of the European Union, namely the Open Method of Coordination. This is an interesting example of cross-pollination between European Union studies and policy studies in the U.S. context. See: Trubek and Trubek, 2005. Her approach also shares much in common with the literature on “new modes of governance”, in particular that which focuses on the European Union. See, for example the volume edited by H eritier and Rhodes, 2011.

2010.¹⁷ However, the trend of increased participation by non-governmental actors, public-private partnerships, quality coalitions and other groups seems likely to continue under this legislation. In our view, the MLG approach is likely to prove more useful for considering these changes, as it can provide a broader perspective that traditional approaches to federalism and intergovernmental relations may overlook.

Turning to the North American political science literature, scholars of federalism are increasingly open to using the term “multi-level governance,” although they often use it interchangeably with federalism.¹⁸ Others have applied the concept of MLG, and have made theoretical refinements to the approach. For example, with a focus on climate change policy in North America, Selin and VanDeveer (2009a) consider multiple levels of government involvement in policy making, as well as new forms of interlocking partnerships of public, private and civil society actors. Selin and Vandever define multi-level governance as “actors operating across horizontal and vertical levels of social organization and jurisdictional authority around a particular issue” (Selin and Vandever, 2009c, p. 316). They note that, “North American climate change governance includes extensive horizontal and vertical interaction among federal, state, provincial and municipal policymakers, private-sector leaders, and civil society representatives” (Selin and VanDeveer, 2009b, p. 7). However, they also suggest that, “in contrast to European Union (EU) multi-level governance, North American climate change politics has not included strong national government leadership or much effort to coordinate policies across jurisdictions” (Selin and VanDeveer, 2009b, p. 7). They argue that unlike in the European Union, climate change governance in Canada and the U.S. has been characterized mostly by “bottom-up dynamics” (meaning that policy initiatives have originated from lower levels of government, specifically the local or state/provincial levels) rather than “top-down policy making” (Selin and VanDeveer, 2009b, p. 7). We suggest that this is a key analytical distinction, and we will discuss the significance of bottom-up initiatives and top-down pressures in MLG theorizing in the conclusions.

Turning to empirical examples of initiatives and programs best understood from an MLG perspective, several authors cite the Chesapeake Bay Program as an example of a new form of collaborative governance (Costanza and Greer, 1995; Karkkainen, 2004; Posner, 2009). The Program is “a collaborative watershed management partnership” (Posner, 2009) of the District of Columbia, the states surrounding the Bay, the Environmental Protection Agency and other federal agencies, as well as non-profit advocacy groups and local governments in the region. The movement initially established itself as a network involving governmental, nonprofit, and private enterprises that collaborated to clean up the bay (Posner 2009). This network eventually became institutionalized in the form of the Chesapeake Bay Program (Posner 2009). Posner (2009) points to the Chesapeake Bay Program as an example of “collaborative environmental governance.” Karkkainen (2004) refers to the Partnership as an example of “post-sovereign environmental governance” that is considered to be among “the most extensive, mature, institutionally complex, and successful of the new ecosystem governance arrangements” (Costanza and Greer, 1995, as cited by Karkkainen, 2004, p. 80).

Karkkainen, in his work on “post-sovereign governance” notes that in the area of environmental policy,

“The United States... is rapidly shifting from a conventional sovereignty-based regulatory model based on hierarchical, piecemeal, command-style rules, toward a model based on locally or regionally tailored, broadly integrative, collaborative, and experimental polyarchic governance arrangements” (Karkkainen, 2004, p. 78, citing Dorf and Sabel, 1998; and Sabel et al., 2000).

There are additional examples of the outward expansion of decision-making in environmental policy to include non-governmental actors, civil society groups and private businesses, as well as vertical expansion to include different levels of government. Durant et al. (2004) point to the Colorado Plateau Ecosystem

¹⁷ See the websites: <http://www.healthreform.gov/index1.html> and <http://www.healthcare.gov> Accessed: July 19, 2010

¹⁸ For example, in his work on climate change policy in multi-level system, Rabe (2007) refers to the U.S. and Canada as multi-level governance systems, but does not go into deeper theoretical discussion about MLG. However, in his other work, Rabe is more disposed to use a “network governance” terminology and approach, as in his analysis of a “climate governance network for California” (Rabe, 2009a, p. 46).

Partnership Project. The partnership project was developed by the Environmental Protection Agency (EPA) and the National Park Service, and also involved other governmental and non-governmental partners including federal agencies, state governments, Native American tribes, government councils, and private businesses in Colorado, as well as bordering regions of Utah, Arizona and New Mexico (Durant et al., 2004, p. 15).

Another case of a regional climate change policy initiative by groups of states and provinces that is better analyzed from an MLG perspective is the Regional Greenhouse Gas Initiative (RGGI). Beginning in 2009, the Initiative established a “regional cap-and-trade scheme” for carbon dioxide emissions from power plants in a group of ten Northeastern states (Selin and VanDeveer, 2009c, p. 120-121). The Initiative also involves several Canadian provinces whose delegates attend meetings as observers (Selin and VanDeveer, 2009c, p. 120-121). Selin and VanDeveer (2009c) note that the process and negotiations leading to the Initiative has helped to build regional coalitions for environmental and climate change policy and support for greenhouse gas reductions among public, private and civil society actors (Selin and VanDeveer, 2009c, p. 120-121). The rules for participants in the RGGI are outlined in a “model rule,” which was drafted in a collaborative process involving comments from energy producers in the region, local civil society groups, and corporations (Selin and VanDeveer, 2009c, p. 121).

A further example that is particularly amenable to analysis from an MLG perspective is the participation by U.S. and Canadian cities in the Cities for Climate Protection (CCP) program, “a network that is simultaneously global and local, state and nonstate” (Betsill and Bulkeley, 2006, p. 141). Betsill and Bulkeley suggest that “a multilevel perspective” is particularly useful for understanding this program (Betsill and Bulkeley 2006, p. 141). They suggest that Type II MLG is applicable in “contexts where horizontal/transnational networks of governance take shape” (Betsill and Bulkeley, 2006, p. 150). They add that because in the CCP program “subnational governments and their networks ... act as independent transnational actors,” a multilevel governance approach can be a useful starting point for analysis (Betsill and Bulkeley, 2006, p. 150-151).

■ SECTION III: COMPARATIVE ANALYSIS AND CONCLUSIONS

The examples outlined in Section II demonstrate that a multi-level governance framework highlights new forms of environmental policy-making and implementation, incorporating the horizontal and vertical expansion of governance that traditional federalism approaches often overlook. The multi-level governance approach also melds well with more recent public administration approaches, including new public management and the new public governance, primarily because of the similarities discussed above, and these approaches’ shared theoretical links with the governance approach more broadly. Many of the new forms of governance described here are not typical “top-down” processes in which the federal (or state/provincial) government plays a dominant role in regulation, but instead are based on voluntary agreements among different actors, including local governments, NGOs, firms, and civil society. Many of these collaborative processes are “bottom-up” initiatives. Several of the examples cited above involve environmental policy-making spanning state, provincial and national borders. Regional and trans-border partnerships involving several levels of government as well as civil society groups and other actors are also typically overlooked by traditional federalism approaches, but are well suited to analysis from an MLG perspective.

Important questions to consider are whether “top-down” pressures or policy making help to foster or discourage “bottom-up” initiatives, and whether “bottom-up” initiatives promote or hinder “top-down” initiatives.¹⁹ In traditional federalism approaches, a hierarchical structure is generally assumed, limiting the role of “bottom-up,” local initiatives. Yet, the question of control from the central government versus sub-national pressures for decentralization are a classic debate in the federalism literature, and a point of contention in some federal and unitary systems. In the MLG approach, the interaction across levels implies

¹⁹ We thank the anonymous peer reviewer for *Telescope* for raising this question with us.

that “bottom-up” initiatives from the local or state/provincial level can have influence. Additionally, central state governments may also face “top-down” pressures on policy from a supranational level, such as the European Union. These pressures, as well as an outward pull from Type II MLG actors may place further limitations on the role of central-state governments in policy-making.

In examining this question, another issue to consider is whether the relationship between the central government or supranational level, and regional or local levels are cooperative or contentious. We would suggest that whether top-down pressures facilitate or limit bottom-up initiatives largely depends on the actions and motivations of the top level. MLG theory assumes a cooperative relationship between levels, as well as Type II MLG actors from the horizontal expansion of governance. Federalism and other theoretical approaches may anticipate a more contentious relationship, and we agree that this may be the empirical reality in some situations. Yet, “top-down” pressures to block “bottom up” pressures may face strong opposition from lower levels or from other actors.

The question of “top-down” versus “bottom-up” pressures also pertains to the theoretical or situational perspective of the researcher or analyst. For example, as we noted in the empirical section, health policy practitioners tend to offer a “bottom-up” perspective while federalism scholars may typically focus on upper levels and take a “top-down” perspective. Between these two poles, the MLG approach (incorporating both Types I and II) offers a middle ground. Furthermore, the MLG approach encourages researchers to consider “top-down” versus “bottom-up” pressures, while NPM approaches do not. “Top-down” and “bottom-up” interaction is also particularly important within Type I MLG, and in this sense it is an area in which it is preferable over traditional federalism approaches.

We agree with Howlett (2000), who suggests that in the area of environmental policy, “both [Canada and the United States] are moving not towards each other but towards a third, common, style, that is associated with the development of self-regulation and voluntary initiatives under the influence of New Public Management ideas and principles” (Howlett, 2000, p. 305). Similarly we concur with the views of Huque and Watton who suggest that Canada and the United States are experiencing a “shift away from government regulation and monitoring... towards a scheme of voluntary private-sector initiatives and self-enforcement” in environmental policy (Huque and Watton, 2010, p. 83, citing Valiante, 2002, p. 16). They suggest that in this policy area both countries are “moving towards a system dominated by the principles of voluntarization, corporatization and marketization” (Huque and Watton, 2010, p. 83). Although the Australian case was not included in these authors’ comparisons, the examples we cited above suggest that similar processes are occurring in environmental policy in Australia. The MLG approach is useful for comparative analysis of intergovernmental processes in these three federations.

The examples we have presented here also demonstrate the changing dynamics of health policy and health care provision in Australia, Canada and the United States. The examples cited above, including Public-Private Partnerships in hospital administration and collaborative relationships between different levels of government and NGOs in Australia, First Nations Health Networks, the Vancouver Agreement, and Local Health Integration Networks in Canada, and the Committee for Quality Assurance, the National Quality Forum and other federal, state and local level quality collaboratives, new forms of governance by government agencies in the United States; they are indicative of broader trends and the changing nature of governance and regulation not only in health care policy and administration, but also in other policy areas outlined in other sections of this paper. To reiterate, the multi-level governance approach can be a useful lens to study health policy because it emphasizes the expansion of intergovernmental decision-making both vertically (in terms of federal, state, and community/local dynamics of governance) as well as horizontally (to groups such as collaboratives and public-private partnerships).

In conclusion, the concept of multi-level governance, as well as insights from new public management and new public governance, can be of use to federalism and intergovernmental relations research as well as public administration and policy studies research. By bringing together research from these different areas, the MLG

concept can illuminate changing forms of governance in federal and decentralized unitary systems. In its very definition MLG encompasses the horizontal expansion of governance, the focus of many of the public administration, environmental policy, and health policy scholars cited in this article, as well as the vertical levels of government in federal or decentralized unitary systems, which are a major concern of students of intergovernmental relations.

Although this article highlights many similarities between the Australian, Canadian and American contexts, there remains variation in MLG processes across policy areas, as well as across national contexts. Differences in institutional structure, as well as access points for NGOs and other actors are one factor that may shape the emergence of Type II MLG processes, in the empirical sense of the term. Further empirical research across country cases and policy areas will also enable us to refine the definition of multi-level governance, and extend its use as a framework for analysis. This article is part of our broader research project on multi-level governance in a comparative context, and we refer interested readers to our earlier publications and conference papers on this topic in other contexts, as well as a forthcoming book²⁰ that expands on this research.

The question of steering or hierarchical control within network governance is a point that arises in many of the empirical examples cited in this article. Lewis and Marsh's argument that Community Cabinets as participatory processes are hierarchically imposed to validate executive decisions relates not only to the form and nature of Type II MLG processes but also to normative questions of democratic legitimacy, an issue that we are unable to consider here, due to insufficient space. Although by definition a network in the ideal sense of the term is free from hierarchical elements, we suggest that it may be difficult to find such a case in the empirical contexts that are the focus of our study. MLG itself is also defined in terms of a move away from hierarchical processes of decision-making, yet even in these cases an element of hierarchical control may remain.

The issue of overlap between Type I and Type II MLG processes is also a significant area for development of the MLG concept. We suggest that more research and theorizing on the relationship between Type I and Type II MLG is needed. As referenced above, an interesting debate already exists as to how the relationship between the two concepts should be described – overlapping, layered or embedded. Should Type I and Type II MLG remain analytically distinct or should the two Types of MLG be combined, as Leo and Enns (2009) suggest? We argue that the distinction between Type I and Type II is analytically useful, and provides a short-hand reference for the vertical (Type I) versus the horizontal (Type II) expansion of governance. The intersection of Type I and Type II MLG and the form of coexistence of the two Types are perhaps the most significant area of research for scholars of federalism and intergovernmental relations and scholars of public administration and more specific policy areas. It is also the area in which these disciplines share the most common ground. It is here that the MLG concept can serve as a unifying concept to bridge disciplinary divides.

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²⁰ See footnote 8 for a full reference to our forthcoming book.

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