



Lapa 24

FROM BUREAUCRACY AND BUSINESS TO PUBLIC CORPORATION
The Perspective of a Language of Public Enterprise Management

by

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INTRODUCTION*

The concept "public enterprise" is, like the concept of "public management", a paradox. The "public" refers to "politics" and "administration", whereas the "enterprise" and "management" refer to business and markets.

The concept of "public corporation" shares the same interesting and challenging ambiguity. Wherever this concept is used, it is reasonable to expect compromises between business and bureaucracy. While it is true that in many Western countries it is possible that a central, a state-level or a local government owns a majority of shares in a business corporation, it may be difficult to subordinate the corporation to the government's social and economic policies. On the other hand, a purely bureaucratic type of organization, as ably interpreted by Weber (1972/1922) in his ideal typical construction, is ill-suitable for many of the functions of modern governments.

It is understandable that governments have been willing to seek for solutions which share positive features of both business and bureaucracy and which avoid as many of the drawbacks as possible. The "public corporation" - here seen as a general term designating many types of solutions - is best understood as an attempt towards this end.

The purpose of this paper is to discuss first some of the conceptual issues of the public corporation. Here, the purpose is to develop a "language of public enterprise" for discussing the problems of the public corporation. Second, the paper consists of several illustrations which concern the Finnish circumstances. The final part of the paper is a brief conclusion.

CONCEPTUAL ISSUES

Preliminary Questions

Many of the issues raised by the public corporation are conceptual. First, one need ask which are suitable dimensions to consider the public corporation. This means a necessity to seek for a language to discuss both actual public corporations, existing almost-public-corporations and planned public corporations, and to discuss in comparative terms all these types of public corporations whatever is the Western country where they exist or are on the way to be founded.

A second conceptual issue concerns the perspective to be applied. The perspective chosen here is that of "public management" (Back and Sevenhuijsen 1985). For the present purposes, the public management perspective can be decomposed into two parts: on the one hand the perspective of a public enterprise management, and on the other hand the perspective of the Ministries and the Cabinet exerting strategic and, as the case may be, operational control. Let us call these two perspectives those of *internal public management* and *external public management*.

The quest for a perspective also gives rise to the issue of the constitution of the public management. One can distinguish, on the one hand, a *micro-constitution*: linguistic, cognitive, intellectual and psychological constitution. Here, the public managers are constituted as *subjects* on the basis of their fitness to linguistically preconstituted roles demanding given linguistic competences and linguistic performances; on the basis of their cognitive capacities; on the basis of their intellectual mastery of their field; by the predicament of their life history. The cognitive constitution has, since Barnard's and Simon's early work, received the main emphasis both in managerial research and doctrine, although also

the psychological (Burns 1978) and the linguistic (Ahonen 1985a) constitution have been accounted for.

One can also distinguish a *macro-constitution* of public management. Public management entails also participation in social processes: technological, macroeconomic, socioeconomic, fiscal, business, political, legal, administrative, corporatist, scientific, cultural and symbolic.

A grasp of both the micro-constitution and the macro-constitution is essential as well in theory as practice of public management. Knowledge of the two types of constitution is a must also for R&D and reform which mediate between theory and practice. Thus here one deals with a third important conceptual issue of perspective: the relationship between *theory* and *practice* in public management; also this issue must be covered by the "language of public enterprise" to be developed.

A Quest for a Language of Public Enterprise

According to linguists (Jakobson 1975), any quest for a language must account for two dimensions: first, a stock or "paradigm" of units of grammar and vocabulary, and second, combinations of these units in actual language-in-use. Analogously, one can seek for a language to discuss the public corporation. Immediately below, the purpose is to outline the structure of such a language - before applying this language.

The language of public enterprise must consist of several levels. For the present purposes three levels of language suffice: an abstract level of all types of public enterprise, a level of the public corporation as a type of organization, and a concrete level of singular public corporations. The more general languages are paradigmatic for the more specific ones; in this sense there is, i.g., a stock, common to all public enterprises, of all possible

relationships to the government budget, and a more specific stock of such arrangements in applications of the public corporation (Figure 1.).

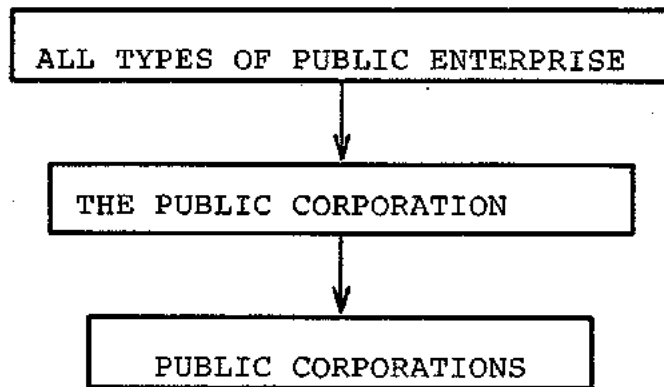


Figure 1. Levels in the language of public enterprise.

One must also specify what to talk about on the three levels of language. This question can be clarified by a classification of a few concepts and their interrelationships (Figure 2.; cf. Greimas and Landowski 1976). In this classification of meanings which organize public enterprise, two dimensions are distinguished: a dimension of the economic principles applied in public enterprise, and a dimension of the type of public management of the enterprise. The logical relations are contradictions (\longleftrightarrow) between elements which cannot be simultaneously present without problems, contrarities ($\langle---\rangle$) between elements which can be simultaneously present but which belong to quite different domains, and implications (\longrightarrow) between elements of which one implies and complements the other. The classification illustrates also the mediations between the micro-constitution and the macro-constitution of the public enterprise.

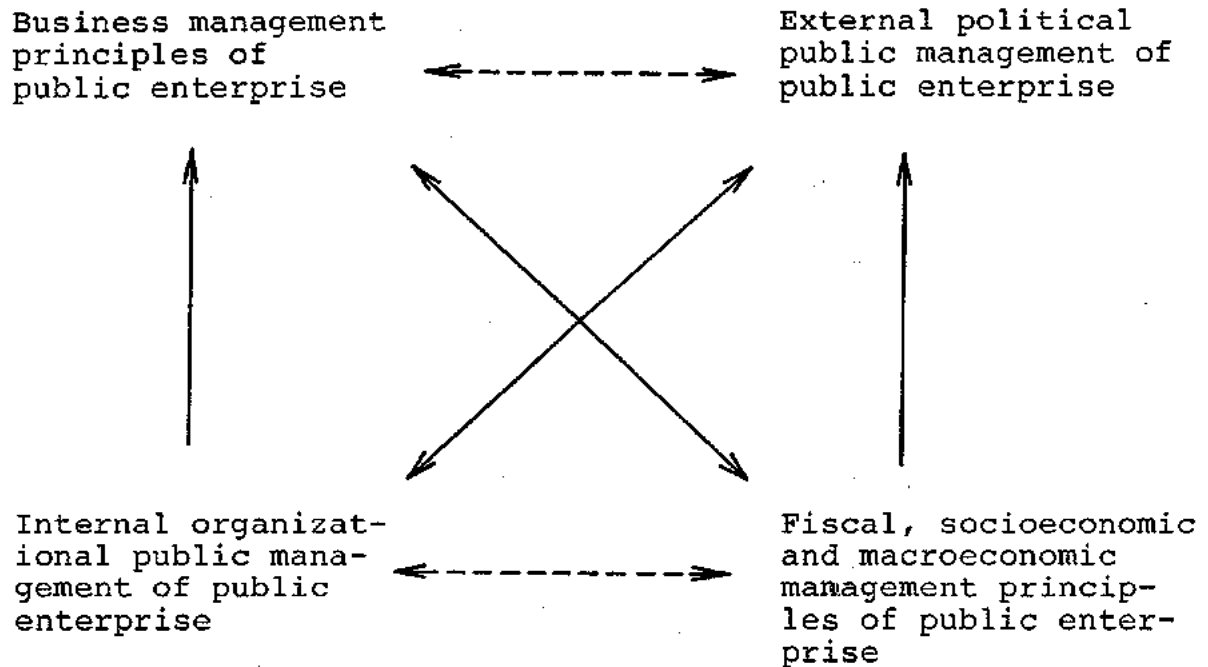


Figure 2. A classification of concepts of public enterprise.

The classification promises contradictions where business management principles collide with fiscal, socioeconomic and macroeconomic management principles. Contradictions may exist also where external political and internal organizational public management interfere. The implications (—>) suggest that the application of fiscal, socioeconomic and macroeconomic principles may well pertain to external political public management, whereas the internal organizational public management tends to apply business management principles.

Elaborations

The language of public enterprise must cover both the internal and external aspect of public enterprise management, and both the micro- and macro-constitution. These two aspects can be combined, too (Figure 3.).

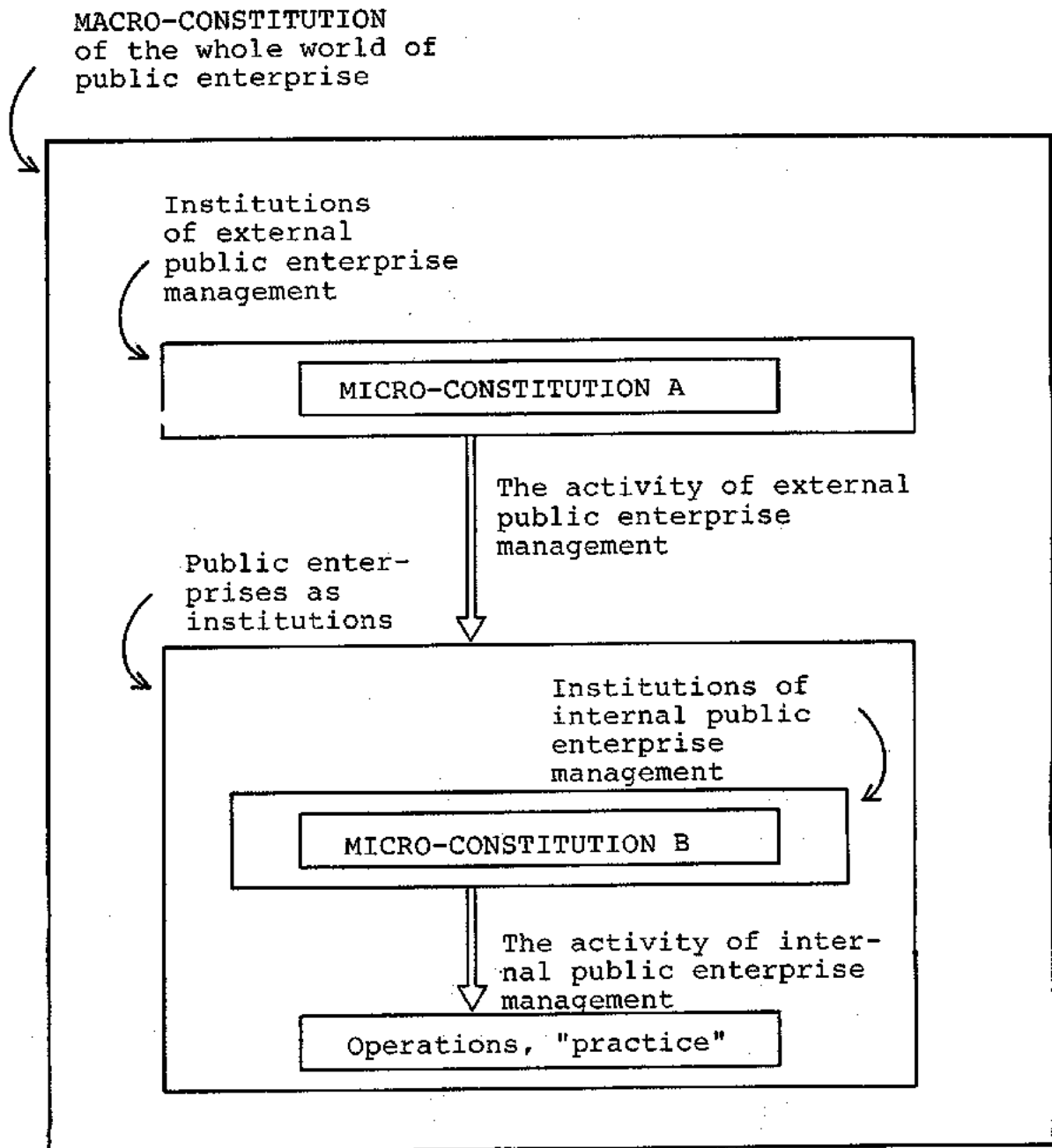


Figure 3. A diagram of public enterprise management.

From the point of view of the language of public enterprise, the relationships between theory and practice on any of the three levels distinguished above are relationships between languages of different kinds. A complication is brought about because "theory" consists not only of abstract formulations but also of actual research practice guided rather by conventions than strict rules, and because "practice" can be divided into routines perhaps almost automatically performed and spheres where reflection may have a grand role indeed (cf. Tiihonen 1985). These considerations lead to a fourfold classification (Figure 4.).

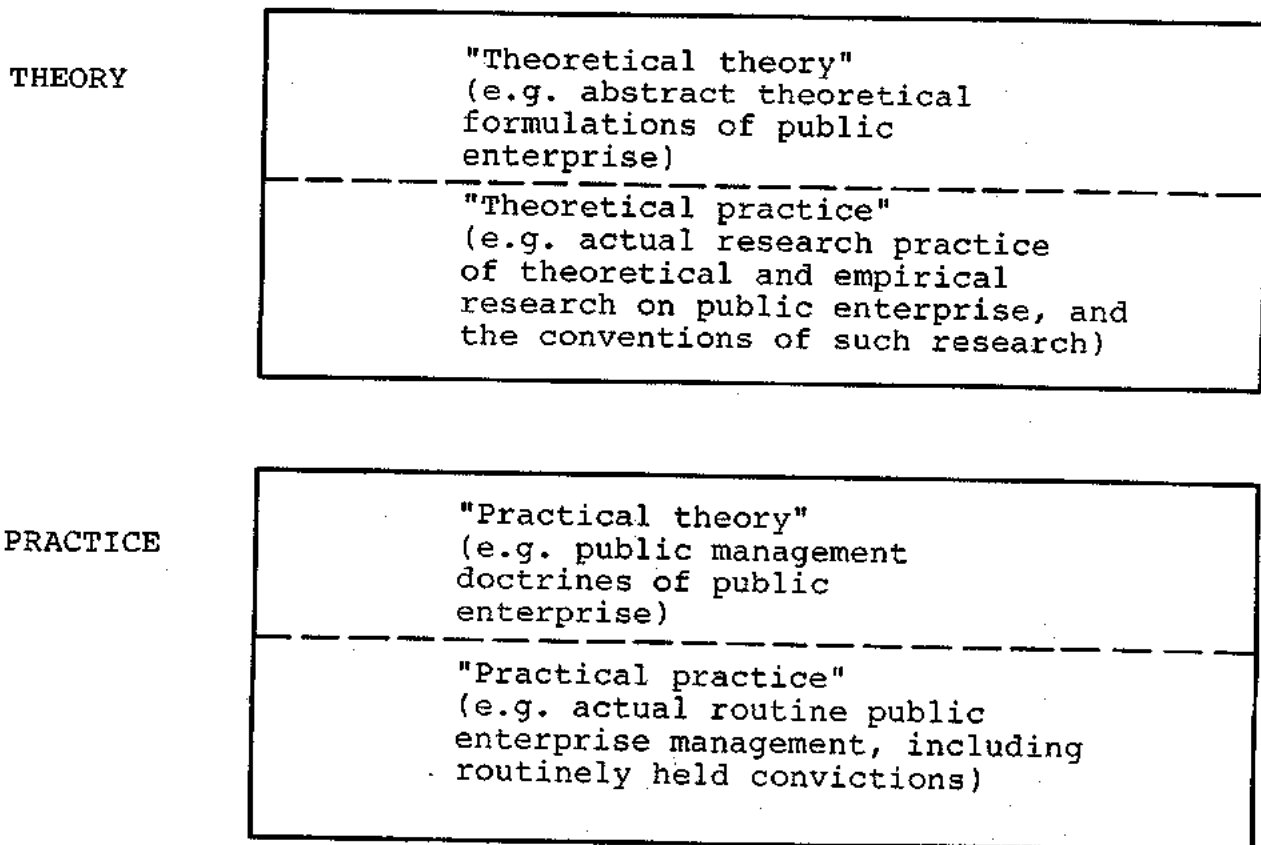


Figure 4. Theory and practice of public enterprise.

Other complications arise because theory and practice interact, and because the more general the level of the language of public enterprise, the more "theory" and the less "practice" has to say, and vice versa. For example,

there can hardly be any theory of a singular public enterprise - whereas the "practical theory" (the doctrine of the management of that enterprise) may be articulate indeed.

Problems

This sketch of the structure of the language of public enterprise shares the dilemma of all studies of language: no reconstruction of grammatical rules and vocabulary is exhaustive. Every language is dynamic and changing; moreover, grammars and vocabularies impose a non-innocent normative effect on actual language-in-use. This makes it a question of research economy to decide where theorizing should end and application and testing begin.

Another lesson given by linguists and other students of language is that the test of any reconstruction of a language is in the use of that reconstruction. This use is only one sequence in the famous "hermeneutic circle" of understanding, starting perhaps from the "parts" of language-in-use which is only preliminarily understood, continuing to the "whole" of a reconstructed language, and going on, again, to the parts now supposedly better understood due to the reconstruction. Moving in this circle is essentially what this study consists of.

APPLICATIONS

The purpose of the applications of the present "language of public enterprise" is to investigate if and why the public corporation is possible in the Finnish circumstances, and how this type of organization became possible. The first application discusses the established types of organization of Finnish public enterprise, distinguishes some paradigmatic elements of these

types, and considers the possibility of the public corporation in the terms of the elements.

The second application concentrates on the macro- and micro-constitution of the public corporation in Finland. Here the purpose is to analyze how this type of organization is currently possible as a topic of discussion and reform work.

The topic of the third application is the recent Finnish suggestion for two types of public corporation, a suggestion made by the government Commission on Public Enterprise. The final application is a discussion on the pre-history of the Finnish public enterprise; here, both theoretical and practical influences as well as their interaction are treated.

Is It Possible? Finnish Types of Public Enterprise Organization and the Public Corporation

The Finnish sector of public enterprises produces around 18 per cent of the industrial value added, and its share of industrial investment is more than a fourth. This sector employs around 6 per cent of the labor force and about 12 per cent of the industrial labor force. Around 20 per cent of the Finnish exports are produced in this sector. (State-owned companies 1984; Ahonen 1983).

The language to discuss the existing types of Finnish public enterprise organization can be understood in terms of two axes, a paradigmatic axis of selection, and an axis of combination. Here, forms of public enterprise organization can thus be understood as combinations elements from the relevant stock. Figure 5. (cf. Ahonen 1985a) gives a tentative characterization of the elements of public enterprise organization in Finland:

L (Legal position), C (Capital), B (Position vis-à-vis the government budget), F (Finance), P (Pricing), O (The type of business objectives), I (Decision-

AXIS OF SELECTION

A	L	C	B	F	P	O	I	A	S	M	E	R
L ₁ Only under public law	C ₁ Has no capital defined	B ₁ Included in the government budget	F ₁ Cannot raise loans	P ₁ Rates (or strictly regulated prices)	O ₁ No business objectives stated	I ₁ Investment included in the budget	A ₁ Only commercial accounting	S ₁ May receive permanent subsidies from the budget	M ₁ Is organized as an ordinary government agency	E ₁ Employees predominantly civil servants	R ₁ Subject only to government auditing	
		B ₂ Investment only in the budget	F ₂ Only cash loans from the government	P ₂ Prices	O ₂ Only a surplus/deficit target	I ₂ Only investment decided by Parliament	A ₂ Both business and commercial accounting	S ₂ May receive only temporary subsidies	M ₂ Is organized under a board with political interests	E ₂ Managers predominantly civil servants, employees not	R ₂ Subject to both government and business auditing	
	B ₃ Excepted from the budget	F ₃ Cash and long-term loans from the government	O ₃ E.g., profit of turnover, return on capital invested		I ₃ Investment decided by own board and management	A ₃ Only business accounting	M ₃ Is organized under a business-type board		E ₃ No civil servants	R ₃ Subject only to business auditing		
L ₂ Under both public and private law	C ₂ Has a defined capital	B ₃ Excepted from the budget	F ₄ Loans also from the market	P ₂ Prices	O ₃ E.g., profit of turnover, return on capital invested	I ₃ Investment decided by own board and management	A ₃ Only business accounting	S ₂ May receive only temporary subsidies	M ₃ Is organized under a business-type board	E ₃ No civil servants	R ₃ Subject only to business auditing	
L ₃ Only under private law												

AXIS OF COMBINATION

Figure 5. Elements of types of organization of public enterprise.

making concerning investment), A (The type of accounting), S (Receipt of subsidies from the government), M (The type of managerial organization), E (The type of employees), and R (The type of external auditing). Now each type of organization can be coded: $L_i C_j B_k \dots R_t$, where the i, j, k, \dots, t may receive values from 1 to 2, 1 to 3, or 1 to 4, depending on the element in question.

The present forms of public enterprise organization in Finland are the following (see also the Appendix about the largest public enterprises in Finland):

- I. an ordinary government agency, a "pure bureaucracy", but with business functions
- II. a public enterprise organized as agency (an example: the State Railways)
- III. a public enterprise organized as agency, but with a board which includes extraorganizational members (an example: The State Computer Centre)
- IV. a public enterprise based on a fund drawn from the government budget (the only case: the State Granary)
- V. the Post Bank (a body of indirect public administration)
- VI. a public enterprise organized as a business corporation with government majority and subject to private law (the Corporation Act) and special regulations of public law (an example: the Finnish Broadcasting Corporation)
- VII. a public enterprise organized as a business corporation with government majority and subject to private law (the Corporation Act) only (an example: Neste Oy, an oil refining corporation).

In the terms of Figure 5. and with some simplifications, the above seven forms of organization can be coded as follows:

- I. $L_1 C_1 B_1 F_1 P_1 O_1 I_1 A_1 S_1 M_1 E_1 R_1$
- II. $L_1 C_1 B_1 F_1 P_1 O_2 I_1 A_2 S_1 M_1 E_1 R_1$
- III. $L_1 C_1 B_1 F_1 P_1 O_2 I_1 A_2 S_1 M_1 E_2 R_1$
- IV. $L_1 C_2 B_3 F_4 P_1 O_3 I_3 A_2 S_1 M_2 E_2 R_2$
- V. $L_1 C_2 B_3 F_4 P_1 O_3 I_3 A_3 S_2 M_2 E_1 R_1$
- VI. $L_2 C_2 B_3 F_4 P_1 O_3 I_3 A_3 S_2 M_2 E_3 R_3$
- VII. $L_3 C_2 B_4 F_4 P_2 O_3 I_3 A_3 S_2 M_2 E_3 R_2$

For the purpose of comparison, it is also useful to give the code of a pure private business firm:

(VIII.) $L_3 C_2 B_3 F_4 P_2 O_3 I_3 A_3 S_2 M_2 E_3 R_3$.

The comparison of the forms of public enterprise organization suggests that all the forms except the first are, as expected, mixtures of bureaucracy and private enterprise. Also the more business-like models of public enterprise (VI, VII.) emphasize *political, administrative and in part (VI.) also legal control* (see the elements M and R, and also L).

But what would a public corporation be in the same terms? Here, one is compelled to "translating" the British public corporation into the Finnish language of public enterprise. As in any translation, one must bring a long "citation" to the national discussion (Andersson and Heiskanen 1985). Here as in all translations it is reasonable to expect that - as linguists advise - a translation word by word is out of question. I.e., this as any diffusion of social innovations is partial.

The basic features of the British public corporations of nationalised industries are well-known (see, e.g., Keyser & Windle 1978; Nationalised Industries in Britain 1982). If translated into the Finnish language of public enterprise, the public corporation can be coded as:

(IX.) $L_2 C_2 B_3 F_4 P_1 O_3 I_3 A_3 S_2 M_2 E_3 R_2$.

The fact that this coding is possible suggests that, in principle, the public corporation is possible in the Finnish circumstances. After all, it is nothing more than existing elements which are required to assemble the new type of public enterprise organization. Moreover, there exists already some - although rather rare - types of organization which much resemble the new type: the types IV., V. and VI.

These conclusions cannot, however, be final. Thus one must elaborate them by investigating *how* the public corporation is possible in the Finnish scene.

How Is It Possible? About the Constitution of the Finnish Public Corporation

The abstract, formal possibility of a type of organization is still only a most partial explanation. Therefore the type must also become intelligible in a network of macro- and micro-constitution. This means also the concretization of the language of public enterprise by giving that language a strong Finnish accent.

Let us take the macro-constitution first (cf. KM 1985:2). What is the macro-constitution which contributes to the possibility of the Finnish public enterprise?

From the point of view of the technological and scientific constitution of the public corporation in Finland, technological development has gradually decreased differences between different occupations. The expansion of service and information occupations has simultaneously narrowed the gap between public and private organizations. As a result, interpretations according to which public services should be provided only by public bureaucracies have declined in importance.

New economic interpretations have also contributed to the constitution of the Finnish public corporation. A constant threat of stagflation has led from an increasing supply of publicly provided services to stress on economizing.

At the same time, the concept of a "publicly provided service" has received new interpretations; it has become less self-evident that such services should be provided free, and the utilization of rates has become more common. Some types of previously purely public services have also become susceptible to competition unheard of before, such as in postal services to business firms.

In the political, legal, administrative and corporatist constitution of the Finnish public enterprise, one encounters first the troubled politician who simultaneously tries to get rid of the losses of some of the public enterprises but has to try to satisfy the citizens in their capacities as voters, taxpayers, consumers and employees. Finland has also had its share of scandals in the field of public enterprises, cases of evident and visible managerial incompetence or bribery. In the prevailing circumstances it is understandable that there are demands of an accountability which is more clearly defined than before, especially because traditional "bureaucratic" patterns of organization and the related procedures are found less suitable for the external and internal management and the operations of the public enterprises.

One can find also newer legal interpretations supporting the establishment of public corporations in Finland. The current legislation is quite complicated as far as public enterprises are concerned, and simplifications are welcome. However, also contrary legal interpretations exist, opposing the delegation of power from the Parliament - delegation which the establishment of public corporations would require.

The corporatist constitution of the public corporation is likewise uncertain. Although the public corporation would ensure more participation for representatives of personnel and unions in the decisionmaking of public enterprises, some union leaders foresee losses of union influence and membership.

Culturally and symbolically the constitution of the Finnish public corporation is neither too certain. Some of the public enterprises, such as the

Post and Telecommunications Administration and the State Railways, are national institutions with a long and glorious history, and almost any change easily leads to popular opposition.

In the internal constitution, the managers of many public enterprises conceive of their role as a locus of conflicting demands. Especially in enterprises organized as agencies both political and business as well as administrative linguistic competence and performance is needed, and the management must also possess a sufficient competence to interpret the citizens' demands. The public corporation might well simplify this confusion of languages.

Cognitively and intellectually, many public enterprise managers are quite ready for the introduction of the public corporation. Their expectation is that this type of organization would clarify the boundaries between external and internal public enterprise management, and between business principles and other economic principles (cf. Figure 2.); the public corporation would reduce uncertainty in their decisionmaking.

Many public enterprise managers prefer to compare their condition rather with that of private enterprise managers than that of public managers in the bureaucracy proper. Many of these managers also adhere to general management doctrines. This makes them welcome changes towards explicitly stated objectives and performance standards and clearly defined accountability; they are ready to substitute much of their current safety for the autonomy, challenge and risk of business.

According to a recent study (LTT 1983) and a recent survey (KM 1985:2, Appendix), the managers of the public enterprises organized as agencies do, with few exceptions, perceive the external public management concerning their enterprises rather as a nuisance due to the detailed control. They also see the external management as inadequate due to failures to state explicit objectives. The managers direct their criticisms especially on ties to the government budget, which they consider conducive to inefficiency. They also

criticize the constraints to rapid operational decisions and their lack of independence in personnel policies.

As far as the psychological micro-constitution of the Finnish public enterprise management is concerned, one can ask if all the present managers in public enterprises organized as agencies could successfully manage public corporations. The "suitable" personal predicaments, from the earliest childhood experiences to later professional history, may be different in the two cases. In the first case, one can expect to find the personality types of risk-avoiders who, however, are able to combine a set of such diverse skills as interaction with private business and with politicians. In the second case, the personality types are rather those of risk-takers and with a narrower spectrum of interaction skills. Does not real trouble result if the public corporation managers would be recruited in the same way as earlier and nominated by the Cabinet - but business-like performance would be required much unlike it used to be?

The micro-constitution of external public enterprise management in many respects differs from the corresponding constitution of the internal management. Conflicts prevail rather between politics and administration, and it is unclear if the public corporation would bring about a solution. Cognitively and intellectually, the "external public managers" might welcome the public corporation as a medium for tightening their strategic grip on public enterprises. However, one can ask also here to what extent all the current external public managers would be suitable for managing public corporations.

If It Is Possible, What Could It Be Like? Two Suggested Finnish Types of Public Corporation

The recent Finnish suggestion for two variants of the public corporation (KM 1985:2) consists of two new forms of organization, primarily for public enterprises currently organized as government agencies. For these enterprises, the models would mean a leap from the present external detailed control of the budget, of the personnel and of other issues. The hold of external public enterprise management on the enterprises would rather tighten than the opposite, but explicitly stated socioeconomic (such as service) and business objectives and corresponding accountability would be substituted for external intervention to details.

The possibility to establish public corporations or to reorganize existing enterprises into such corporations would be based on a general law. There would besides be a special law on each public corporation, specifying such issues as the task of the corporation or details of its administration. The public corporation could obtain loans from the general financial market only provided that its special law allows this.

In the more radical variant, the public corporation would be altogether excluded from the government's yearly budget except increases in its capital, loans from the government and payments of profits to the government. In the more conservative variant, the investment of the public corporation would be included in the government budget. The latter variant would well be suitable for a sophisticated tool of social policies; here, it would be possible to compensate by budgetary means the costs of tasks considered socioeconomically necessary to the extent that these tasks are conducive to losses.

The both Finnish variants of the public corporation would open the enterprises to market forces, but the models would also provide for many means of

strategic competition. For instance, it would be possible to establish subsidiaries organized as joint-stock corporations. Flexibility and rapid operational decisions would be boosted by the administration of the public corporations by boards with only 5-10 members. These boards would include representatives of the corporation management, external cooperative partners, the relevant Ministry, and personnel or unions.

The public corporation would challenge the existing Finnish types of organizing public enterprise (cf. the discussion pertaining to Figure 5.). The two models would contribute to bridging the gap between the agency and the government business corporation as types of public enterprise organization; but one can easily see that the public corporation would be only a new combination of existing elements of public enterprise and no absolute break with the past. This can be seen by coding the two suggested models in the language developed above:

(X.) $L_1 C_2 B_2 F_2 P_1 O_3 I_2 A_2 S_1 M_2 E_2 R_2$

(XI.) $L_1 C_2 B_3 F_3 P_1 O_3 I_3 A_2 S_2 M_2 E_2 R_2$

The general law on public corporations would be welcome also from a constitutional point of view. Although according to the Finnish basic constitutional law, the Form of Government of 1919, public enterprises should be managed according to general principles prescribed in law, no such legislation has been passed up to the present time.

The two models of the public corporation are explicitly designed for enterprises which are currently administered as agencies. It is understandable that such enterprises as the Post and Telecommunications Administration, the State Computer Centre and the Government Printing Center have been eager to publicize their interest in the new models. However, it is to be expected that also such agencies without the explicit character of public enterprises but with significant business activities as the State Technical Research

Center, the State Granary (organized currently as a fund) and some of the business corporations with government majority (such as the Finnish Broadcasting Corporation, the government's alcohol monopoly Alko or the government's oil refining corporation Neste) will be seen as candidates for public corporations.

The Finnish suggestion for two types of public corporation is realistic only if it is politically feasible. One can ask, for instance, if the Parliament will accept the delegation of powers to the executive which the general law about public enterprises would entail. Will the Parliament find that this delegation is compensated by the explicit objectives and accountability in the new models of public enterprise?

Another question of feasibility is the possibility to build up a coalition to support the establishment of the public corporation. Here, it seems that supporters of privatization - who are relatively few in Finland - will welcome the new models. However, also opponents of privatization may find the new models acceptable as mere tools of increasing efficiency - and as tools for avoiding privatization proper.

An important question of implementing the two models of the public corporation is the ability of the Parliament, the Cabinet and the relevant Ministries to take decisions on objectives. Will politics here be - unlike elsewhere - a field of free competition among different opinions and interests? Will a long run be emphasized unlike usually in politics - which tends to stress "immediate gratification" and that which is visible? Will politics here enable decisions such as necessary cutbacks of services or will the burden remain on the shoulders of administration and public enterprises?

The implementation of the suggested models will take place not only in a context of political and administrative institutions and interests, but also the corporatist realities of the present-day Finland will be brought to bear. The unions of the public enterprises now organized as agencies will

be very reluctant to accept changes; the mere existence of some of the unions is dependent on the status quo. The unions find an ally in some questions in the agency which represents the government as an employer, and this agency would preserve much of its control over personnel policies also in the public corporations. While the models of the public corporation would ensure flexibility in redesigning and expanding activities, they might fail to provide for much opportunity for adaptations in the amount and tasks of personnel.

The results of the implementation of the two models of the public corporation also depend on the shape which enterprise-customer relationships will assume. The rapidly expanding know-how concerning private services may not suffice here. One need for instance ask to what extent it is possible to cross-subsidize functions conducive to losses by profitable functions. One need also guard against an exhaustive concentration on firms as customers in order to avoid low service quality for individual citizens. Further, it is important to remember that a given *distribution* of public services to different regions or to different social strata may have the character of a public good. Finally, the possibility of citizens to participate - at least through national political institutions - in decisionmaking about production and distribution is an important characteristic of publicly provided services. This participation in part determines the legitimacy of the political, social and economic system.

It is evident that only the application of the two Finnish models of the public corporation will lead to answers in the questions of feasibility and implementation - though may be not solutions to all the pertinent problems (cf. Seidman 1983). Here, it is reasonable to expect some tailor-made solutions considered most suitable, but also compromises which may not really satisfy anyone.

How Did It Become Possible? Towards a Prehistory of the Finnish Public Corporation

In the research on and the practice of public management, history is needed as elsewhere in social research and practice for better interpretations as to what the object of investigation and other interest is. Everything which presently exists bears traces of its own genesis; indeed, any such object is nothing but such a trace and can be grasped only as such a trace. No special problems arise although history should be written about the Finnish public corporation which does not yet exist except in plans. Also such an object has become possible as an object of discussion, debate and R & D through its genesis, and also this kind of object can be understood by investigating this genesis. A prehistory of the Finnish public corporation can be outlined from the point of view of the relevant theoretical and practical thinking and theory-practice interaction (Ahonen 1983; Ahonen 1985b; Ahonen 1985c; Puumalainen 1976).

A suitable period to begin is the period when Finland was an autonomous grand-duchy within the Russian empire from 1809 till 1917. During this period, the public postal services, established in the 17th century when Finland was a part of Sweden, developed further as an organic part of the expansion of networks of transportation and communications. When the autonomy of Finland became reality in the 1850's, the government forests were organized as a public enterprise in 1858, and the State Railways began operation in 1862. However, the first enterprise which was to develop into one of the prototypes of the Finnish public corporation, the Post Bank, was established only in 1886.

Immediately after Finland gained her independence, there was a boom in the expansion of public enterprise. The newly independent nation bought the stock majority of a large paper and pulp producing corporation in 1918, and launched at the beginning of the 1920's enterprises in chemical industry,

mining, power production, aviation and the manufacture of arms and ammunition. The purpose was to organize the new enterprises as what amounts to public corporations, but the 1923 and 1924 sessions of the Finnish Parliament failed to pass the pertinent legislation. At the beginning of the 1920's the government established another prototype of the public enterprise, the State Granary, which was organized as a fund outside the government budget, and with a character much resembling the recent suggestion concerning the public corporation exempted from the government budget.

During this early period, it is hard to distinguish the respective contributions of theoretical and practical thinking to the possibility of the public corporation. The world of social sciences was then dominated by law which assumed a strictly legalistic and heavily pragmatic orientation; in these circumstances the distance between academic and practical constitutional and administrative lawyers was narrow and these two roles often combined in the same person. It is understandable that the 1923 and 1924 attempts failed when it was found that the proposed rights of the enterprises to obtain loans from the loan market would be unconstitutional.

At the turn of the 1920's and the 1930's the ideological atmosphere changed towards more stress on government non-intervention in the economy. Although the economists began already to have they say, it was still clearly the practitioners who dominated. After a heavy debate the Finnish Parliament decided in 1931 to organize many of the enterprises established in the early 1920's and later as business corporations with government majority. The re-organization took place according to private law, i.e. the Corporation Act. This solution was a compromise: the conservatives would have preferred the sale of the enterprises to private firms, whereas the liberals and the social democrats expressed their doubts as to the possibilities of political control of the government business corporations. In 1931 the Parliament also passed a general law to be applied in some of the public enterprises not to be

organized as business corporations nor to remain as mere agencies, but this law never gained much importance.

During the following fifty years, formally little changed in the organization of the Finnish public enterprises. Minor novelties were the establishment of such an enterprise as Alko, the government's alcohol monopoly, in 1932, and the subjection of the Finnish Broadcasting Corporation under the direct control of the Parliament in 1948. In these two cases not only the Corporation Act was applied, but also special legislation was passed with prescriptions about the special status of these enterprises. During and immediately after the Second World War, the emphasis of the government business corporations changed somewhat towards metal industry due to the demands of arms and ammunition production and the type of the war indemnities to the Soviet Union. The corporation which was since the 1960's to be the largest, Neste Oy, an oil refining corporation, was established in 1946.

Another change, stressing the public character of the government business corporations, was their subjection in 1947 to the auditing by the National Audit Bureau, the executive's audit agency. During the 1950's and the 1960's, the sector of the government enterprises organized as business corporations grew relatively much faster than the sector of enterprises organized as agencies; however, neither the growth of the share of the former sector in the country's economy was much above nil during that period. During the two decades, solutions stressing the public nature of the enterprises organized as business corporations were continuously taken such as in establishing factories in less developed regions or in basic industries where private capital was in short supply. In the prevailing ideology the function of the corporations was seen predominantly to supplement the industrial structure of the nation to the extent that private enterprise did not or did not want to assume the risks required, or promote regionally balanced economic development (cf. Puumalainen 1976).

In the 1970's and the 1980's, the doctrine of the government business corporations has changed away from an emphasis on their public functions. In the major part, this development has not been the result of conscious efforts but rather reaction to changes in the domestic and foreign markets and industrial structure. In an important sense this is in accordance with the Finnish less ideological way of the development of the public enterprise sector - never through nationalisations and seldom through explicit statements of policy.

More and more of the Finnish government business corporations have gone international and diversified their structure by buying or establishing domestic and foreign subsidiaries. While the number of the parent companies increased only from 17 to 24 between 1968 and 1981, the increase of subsidiaries (real estate excluded) was from 64 to 162 during the same period. The number of 50 per cent government joint ventures increased during the same period from 6 to 34 and the corresponding figures for less than 50 per cent ventures were 447 and 1070 (Ahonen 1983). Meanwhile, also the ties of interlocking directorates, binding the corporations to the establishments of private business, have been maintained and increased.

The earlier ideology of providing for a part of the industrial infrastructure and for regionally balanced development has thus been in a relative decline. Recent reforms in the external public management of the government business corporations - documented in a statement of policy by the Ministry of Trade and Industry in 1983 - push them further to the same direction, with decreased detailed control and intervention but more explicitly stated business objectives and more clearly defined accountability.

The public corporation as a model for organizing public enterprise in Finland was first proposed by a government ad hoc commission in 1958 (KM 1958:5). Fifteen years later, another commission investigating issues of local government (KM 1973:60) suggested that the applicability of the public corporation

in local government should be investigated. However, it was only in 1981 that the Finnish Ministry of Finance established a working group for investigating questions of public enterprise, and in 1983 the Cabinet established on the basis of the group's suggestions the Commission on Public Enterprise - the commission which formulated the two models of public corporation discussed above.

Thus the recent suggestions have essentially taken shape during a fairly short period without clear direct precedents. It is only in the recent years that theoretical doctrines capable of legitimizing the public corporation have become common; the recent suggestions carry some clear traces of Finnish interpretations of the management by objectives doctrine (cf. Ikonen 1984) as well as traces of socioeconomic theories of public enterprise (cf. Rees 1976; Nove 1974; LTT 1982). Also the Finnish "public philosophy" has opened a space for the public corporation through increasing demands for efficiency and effectiveness, on the one hand, and for accountability and social responsibility, on the other hand.

Up to now, the discussion in this section has concentrated on the pre-history of the Finnish public corporation from the point of view of macro-constitution. What about the viewpoint of micro-constitution? There, one should necessarily penetrate into the history of the shaping of the identities of different public enterprises, and the role of leading personalities in this shaping. Unfortunately these are issues which cannot be analyzed in this paper.

CONCLUSIONS

This paper has predominantly, both in the quest for a language of public enterprise and in the applications, developed categorizations and posed questions to be tried in detailed research, R&D, reforms and managerial practice. It is evident that many of the relevant questions have not been yet asked at all.

The questions posed and the preliminary answers suggested hopefully provide for guidelines for future research and also future practical doctrine. Whichever the arena of future considerations, the perspective adopted and applied here advises that knowledge of and about public enterprise management remains moving in a "hermeneutic circle" of increasing understanding: from the "parts" of pieces of research or fragments of practical experience to the "whole" of the language of public enterprise, back again to the parts, and so forth.

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Appendix. THE LARGEST PUBLIC ENTERPRISES IN FINLAND, 1983 OR COMPARABLE PERIOD*

Enterprise	Type	Main sector	Turnover million FIM (1 FIM ≈ 0.15 USD)	Profit (+)/ loss (-) million FIM	Staff	Supervising Ministry
<i>Other sectors except finance</i>						
1. Neste	Business corporation	Oil refining	23,246	75	5,326	Trade & Industry
2. Posti- ja telelaitos	Agency	Post and telecom. services	4,990	470	45,500	Traffic & Communications
3. Enso-Gutzeit	Business corporation	Forest industry	4,589	41	13,444	Trade & Industry
4. Valmet	Business corporation	Metal industry	3,624	39	11,654	Trade & Industry
5. Outokumpu	Business corporation	Mining	3,561	15	9,231	Trade & Industry
6. Imatran Voima	Business corporation	Power generation	3,478	40	4,329	Trade & Industry
7. Kemira	Business corporation	Chemical industry	3,449	25	6,901	Trade & Industry
8. Rautaruukki	Business corporation	Mining and metallurgy	3,003	1	7,712	Trade & Industry
9. Alko	Business corporation with special legislation	Manufacture & sale of alcoholic beverages	2,708	695	3,800	Social Affairs & Health
10. Valtionrautatiet	Agency	Railways	2,497	-884	27,500	Traffic & Communications
11. Finnair	Business corporation	Airlines	1,960	3	5,035	Traffic & Communications
12. Valtion hankintakeskus	Agency	Government procurement	1,880	3	300	Trade & Industry

Continued

Appendix continued.

Enterprise	Type	Main sector	Turnover million FIM	Profit (+)/ Loss (-) million FIM	Staff	Supervising Ministry
13. Veitsiluoto	Business corporation	Forest industry	1,740	3	3,606	Trade & Industry
14. Veikkaus	Business corporation	Football pools & lotteries	1,589	618	726	Education
15. Metsähallituksen metsät	Agency	Forestry	923	157	4,800	Agriculture & Forestry
16. Yleisradio	Business corporation with special legislation	Broadcasting	909	48	4,692	Traffic & Communications
17. Sisu-Auto	Business corporation	Metal industry	609	-27	1,762	Traffic & Communications
18. Valtion polttoainekeskus	Agency (business corporation 1984-)	Peat extraction and peat products	601	8	2,900	Trade & Industry
19. Valtion viljavarasto	Based on a fund drawn from the government budget	Government granary	588	1	353	Agriculture & Forestry
20. KemiJoki	Business corporation	Power generation	258	0	570	Trade & Industry
21. Valtion ravitsemiskeskus	Agency	Restaurant services	185	1	1,580	Finance
22. Valvilla	Business corporation	Textile industry	185	-27	1,187	Trade & Industry
23. Valtion tietokonekeskus	Agency	Computer services	180	6	750	Finance

Continued

Appendix continued

Enterprise	Type	Main sector	Turnover million FIM	Profit (+)/ loss (-) million FIM	Staff	Supervising Ministry
24. Valtion painatuskeskus	Agency	Printing	139	3	530	Finance
25. Pohjolan Liikenne	Business corporation	Road transport	139	2	998	Traffic & Communications
<i>Finance</i>						
			Sum of balance sheet million FIM			
1. Postipankki	Body of indirect public administration	Banking services	24,095	21	5,507	Finance
2. Suomen Vientiliitto	Business corporation	Export credits	6,385	16	57	Trade & Industry
3. Kehitysalue- rahasto	Business corporation with special legislation	Regional development funding	2,299	8	160	Finance

* Explanations:

- 1) The list of 25 enterprises excludes the subsidiaries of the business corporations with government majority. These subsidiaries are, however, included in the figures of the parent company of the group. The two lists of 28 enterprises exclude only 6 small parent companies of the business corporations, but as many as 11 small agencies.
- 2) The cutoff point of the list of 25 enterprises is 100 million FIM turnover. The profit and loss figures are not comparable over types of organization: in the enterprises organized as agencies the profit figures are too high and loss figures too low due to low depreciations, and Alko's and Veikkaus's monopoly positions are the reason for their high profit figures.
- 3) Sources: KM 1985:2; State-Owned Companies 1984; telephone survey by the author.

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STRATEGIC CONDITIONS FOR PUBLIC MANAGEMENT

The function of public management in policy-issue-transition

Paper prepared for presentation to
ECPR Workshop on Public Management
Barcelona 25-30 March 1985

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STRATEGIC CONDITIONS FOR PUBLIC MANAGEMENT

The functions of public management in policy-issue-transition

Paper prepared for presentation to ECPR
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1. Introduction

Public management is a notion which is hard to describe in as far as one tries to define or to trace management conditions in public bureaucracies in general.

Many definitions are offered and they show as many options and approaches as there are students of this field (1).

The main problems herein are:

- a) the problem of tracing boundaries between the political and the bureaucratic system: can public management only be seen as a meaningful notion for the activities of the top executive - civil servant, or also for the political function of the elected official?
- b) the problem of extensiveness of the notion: is public management internally or externally directed, seen from the point of view of the public bureaucracy?
- c) the problem of restricting public management to personal roles, the conduct and behaviour of the civil servant or political official or extending the notion to broad organizational functions, to organizational behaviour or to institutional functions, and even to interorganizational behaviour

- d) the problem of a static or dynamic connotation: will public management be only a manner of actual conduct, a set of skills and techniques or also a process of planning, steering and building the future.

These four main problems of defining public management can be understood respectively as problems of system boundaries, environment, structure and time-horizon.

It would be dangerous to make a hasty choice by selecting some appealing elements of the aspects mentioned above.

We think it will be basically better to consider the defining problem as a matter of contingency.

A contingency concept takes as starting point the environmental configuration, i.e. the (foreseen) distribution of (political) forces and the importance of existing or developing policy-items, to which public management has to be applied.

A contingency concept also implies an action point of view i.e. both the notion of strategic choice and the notion of game-playing or selecting the kind of behavior and instruments. As Lynn has worked it out: "handling all kinds of pressures while working out a complex policy problem is the essence of public management" (2).

In short it depends on the composition of environmental policy demands and power distribution how one answers the question of system boundaries, environmental choice, structure and time-horizon and from there the question of public management definition. So also a general, categoric definition of public management can hardly be given.

2. The environment of public management

A) Roles of the State

In essence basic political options and political agenda building both deal with opinions and preferences concerning the state's tasks and roles in production of services and collective goods and in regulating legal relations in societal communication. Several ideologies concerned with this basic topic exist in modern liberal and social democracies.

In the last decades in most western democracies a relative stable equilibrium has built up in defining these tasks and roles of governmental actions. Shifts in the short term depended only on the actual political coalitions, but in the long term a continuing distribution of tasks and influences could be noted between public and private institutions.

In some European democratic societies a system of corporatist decision making has been the effect of this task-distribution between State and Society. In most of the relevant policy-fields, such as education, health-care, housing, and social security, a balanced configuration of intermediary groups and para-governmental institutions has been established and expanded. These were the expressions of the power balance between State and Society.

Panitch made the point that the development of corporatism was been made possible by a situation of economic improvement and full employment of labour, wherein an incomes-policy only could be made by the involvement of trade unions to legitimate such policy (3).

Little needs to be said about economic decline in the 70's up to now. This evidence is all around us. Much more uncertainty exists about the decline or survival of corporatist arrangements.

Schmitter summed up four possible reasons for a decline of neo-corporatist power distribution between the state and corporatist interest associations:

1) rank-and-file revolts

"The principal difficulty with neo-corporatist institutions lies in the vulnerability of their internal political processes to member dissatisfaction. Their use of professionalized representation (...) tends to isolate association leaders from the immediate perceptions of interest held by members"

2) class mobilization

"Because corporatism is but a superstructural rearrangement of institutions, which cannot possibly resolve the class-based, structural contradiction of capitalism (..) it must ultimately fail (..) and make the whole system of interest intermediation increasingly rigid and rested. (..) The radical critics stress the emergence of a broad and militant class consciousness and mobilization into a variety of more comprehensive organizational and ideological forms: political parties, social movements, intellectual currents etc."

3) entitled organizations

"The emergence on the agenda of citizen concerns of new substantive interests or by a shift in the salience of older, previously subordinate ones (..) also some of the new or more recently salient criteria of differentiation - ethnic identity, regional location, religion, sex, age, language etc. - might cut across existing functional categories"

4) single issue movements

"Other forms of collective political activity (..) range from public interest lobbies to spontaneous protests, 'green' parties and successionist movements, Their single-issue goals, greater intensities, unconventional tactics and cross-cutting differentiation would both weaken existing corporatist associations (..)" (4).

In our opinion one can add a may be much more stronger factor in corporatist fade-away i.e. the process of State's withdraw from traditional interest-associations in order to get more power for governing society. A possible shift from corporatism to etatism may be the outcome of this new trend (5).

To put this in terms of political theory: in European democracies the hypothesis of a shift from corporation (a limited number of singular, non-competitive-functionally differentiated interest groups) to pluralism (an unspecified number of multiple, competitive, self-determined interest groups) will be interesting.

It's not at all sure that there will be a society-wide shift in this respect. It seems more likely that changes will occur in several separate policy-domains. The situation in every domain is specific on account of historically vested relations, rate and density of national organizations and intensity of group values or (religious) norms.

B) Shift of policy-issues

Where a general shift can be seen in opinions and preferences concerning the State's role in society, something will also happen in political agenda building. Changes in concepts of governmental tasks and roles will manifest themselves in actual agenda-building.

Most of all, in several countries a couple of general shifts of policy-issues will occur. The most important is a decline in the production of collective goods, such as traffic arrangements, housing, health-care provisions, social security regulations etc. At the same moment some other issues are held constant or increase in volume or in ideological value. Good examples of this last category are defence, finance, government re-organisations, financial cut-back projects and economic or monetary policy. These are in no way good examples of political items for which the voter will congratulate his elected political official. So a special kind of political legitimation is needed. In such a legitimation no concerted harmony with the traditional national interest groups will take place. A brand new structure of political environment has to be build up: the most likely will be a very loose one so that the autonomy of governmental action can be enlarged.

Claus Offe put this point in this way: "The more severe these problems (stability, growth, employment, fiscal crisis, A.B.) become, the less governments can afford to allow the type and exact tuning of their policy measures to be determined by whatever consensus does - or does not emerge from the process of democratic politics. Only if economic policy matters loosen their institutional ties to their parties and parliaments can they hope to remain effective in responding to rapidly changing economic imperatives" (6).

Shifts of policy issues in most cases reshape the political environment of each of the governmental departments according to the issue they are handling, and thus a new strategy is also needed for the management of the Department. For some of them, when they become a center of political interest for governmental actions, there will be a new strategy for managing external and internal relations. This strategy can be characterised by a missionary point of view, and by renewing and refreshing departmental personnel. Others, when they are objects of declining political interest, are forced to stabilise or to simplify their environment, or otherwise this environment will do it by itself.

These several separate shifts in political issues are as such not quite the usual change in political preferences, but are concrete expressions of a wider, more general and long term change of the State's position in Society. The reshape of institutional arrangements, e.g. corporatist intermediary groups, the change of instruments of political legitimation, the search for new forms of governmental decision making, these are all elements in the establishment a new role and function of the State.

3. Three conceptual models of public management

The proceeding sections of this paper dealt with the problem of definition and with the environment of public management.

We made the point that contingency will be the only fruitful way of looking at the matter, because the question of system boundaries, environment, structure and time-horizon can only be answered by taking as a starting point the definition of the situation in which public management will have a function. We have described the actual environment of governmental actions as a changing one.

It is possible to make a distinction between two dimensions with regard to the intensity of environmental change.

The first one has to do with the content of political issues: these can be critical of the actual political situation (e.g. from the viewpoint of the dominant coalition in government) or they can be, as usual, competing with other issues or they can be non-critical and in a sense of minor importance.

The second dimension has to do with the extensiveness of the competition between societal groups and institutions in regard to the output of governmental actions.

This competition can be very hectic and also connected with central societal norms and values. It can also be just normally competing or diversified or it can be very quiet and in a sense non-competing.

One also can add another dimension to this field: the content of public management strategy. This can be a very missionary one, seeking to master the wide political and societal environment, or it can be directed to getting things done at the cost of other policy alternatives. This also can be just a matter of handling the current problems in a proper way by simply keeping them for the sake of good order.

These three dimensions, namely that of the content of policy issue, the extensiveness of societal competition and the content of public management behaviour or strategy will together shape three models of public management.

- 1) When the environment is very quiet, the policy issue non-critical and management strategy directed to keeping things on order, one can qualify public management as:

"Managing the governmental agency"

In such a case public management has a "one-system view" and has to do with exclusively internally-directed affairs

- 2) When environment is competing, the policy issue just conflicting with other issues and management strategy directed to struggling with other alternatives, one can qualify public management as:

"Managing the public's business"

In such a case public management has a "multi-system view" and is confronted with other public agencies

- 3) When the environment has the character of hectic movement, the policy issue is very critical for governmental coalition and management strategy is marked by mastering the environment, public management is:

"Managing societal processes"

In that case public management has a "intersystem view" and has to cope with other societal institutions and societal norms.

4. Five cases of policy-issue transition

Management in public institutions in practice is not a static manner of behaviour. Although we described the three conceptual models of public management as dynamic equilibriums, there will, at least in societies with changes in institutional and political constellations, most likely be a structure of moves from one model to another. It's sure that in the long run in all circumstances there are transitions among models (7).

But even if this will not happen for some time, for the public manager there will always be the prospect for possible changes, or the intended strategy of getting things moved in one or the other direction.

This means that the most essential trait of public management behaviour does not rest only within the actual circumstances of a certain model, but in making plans, taking measures and changing strategies to prepare public business for another situation. So public management is a dynamic and strategic process of interpreting the environment, fighting the political agenda and handling public bureaucracy in accordance with possible or intended outcomes. In line with the overall character of political processes, there is always the intention to win the power game and to improve one's own situation, that is: to make transitions to another model.

Therefore it is basic to analyse first of all the actual situation which one is in, because the possible strategic alternatives may depend mostly on the starting point of the existing model.

To make a short illustration of some of the possible transitions among our three models described above, we choose a couple of cases from the actual Dutch situation. We didn't undertake for that purpose any extensive empirical research, but give only a short sketch to explain our intentions.

1) From One-System to Multi-System view: the case of the Department of Home Affairs

Traditionally the Dutch Department of Home Affairs has two main tasks in connexion with the general responsibility for central civil servants: to care conditions of employment, such as salaries and legal positions and to make an overall policy and derived prescriptions and rules for organizational and personnel management in central government.

These two tasks in the last decades have been of secondary importance in the political classification of policy-items. Though the responsibility of the Minister of Home Affairs in this respect legally extends to all the other Departments, there always has been strong resistance from that side to the implementation of such a policy.

So departmental management wasn't able for years to make much progress and found itself in a situation of just managing the departmental agency.

Two things have been happening in the last three years. First in the general policy of cutting down public Finance, there was a very rough policy to save firmly on the salaries of civil servants over the whole line. This brought strong reactions from the side of civil servant trade-unions and led to nation-wide strikes threatening the political coalition.

Secondly a broad movement to improve the general functioning of central governmental machinery was generated after advisory memo's of a State Commission in this field. More and more complaints about the multitude of bottle-necks in organizational and personnel management led to a cabinet's programme to reorganise the several departments.

On account of these events the Department of Home Affairs was confronted with a more turbulent environment: that of trade-unions and civil servants and that of political forces and outside groups.

In that situation a move toward a changed outlook and an alteration of management strategy would be necessary. However intern barriers such as traditional ways of behaviour and unaccustomed machinery were up to now blocking a satisfactory move.

2) From Multi-System to Intersystem view: the case of the Department of Defense

Dutch Defense Policy for years was simply derived from NAVO-options and Atlantic fixations. Both budget policy and the selections of military weapons were adjusted to general agreements in international alliances.

In the last decade the political policy on such things as budgetary extensions and on the use of nuclear weapon-systems brought about a general move in military policy-issues and in the overall structure of the societal environment for Defense affairs.

From a relatively traditional situation of yearly competition for budget-improvements in The Hague and policy-formation in Brussels, things changend rapidly to an intensive discussion throughout the many segments of the nation.

Very curious compromises were made to hold the political coalition upright, but from then on up to now it remains very threatening political issue whatever the governmental coalition is.

Public management at the Defense Department has changed to a national and international daily attempt at coping with the most central norms and values, such as the price we have to pay for our security and the ethics of the use of nuclear weapons. From a multisystem view (Department - Government - Allied partners) it made a transition in a couple of years to an intersystem view in a network of interests of very many individuals and groups.

3. From one system to multi-system to Intersystem view, the case of the Financial Department

Financial questions could be understood in the years of prosperity in the Welfare State as a governmental issue almost outside political struggle. The only thing to do was to develop an intelligent expanding control. The general attitude to this expressed itself in a long-term planning system, in order to master in this way all the other departments asking for money the whole time. So in no time the traditional one-system view of management of Finance (i.e. good book-keeping) was shifting to a multi-system view with regard to general agreements with other departments in respect of their budgets.

The economic crisis at the beginning of the 70ths brought a collapse in all long term expectations and promises. At the same moment it put the financial issue in the centre of political attention. The financial function was promoted to a central instrument for controlling the monetary and economic crisis.

So in a very short time an intersystem view was build up, and the new environment of the Financial Department was shaped by professional economic scientists and political economic specialists, disputing about Keynes' and Friedman's economic concepts.

This environment is hectic up to now, and the Financial Department has given itself the missionary task of defending the governmental programme to cut down financial expenditure and to clean up companies' profitmaking.

4. From intersystem to multisystem view, the case of Social Security Department

After the Second World War the Dutch system of social supplies was build up as in many other countries as a national priority no.1.

This political issue was very critical for many cabinets and so it emerged as the heart of the matter in political life. Public management in this item was mastering the political arena and the Social Department made big business by designing a lot of laws and rules on social security. Also here economic crises caused a somewhat other situation. The role of the Department changed into an order-keeping one by seeking possibilities to simplify the system and to moderate expenditures in this field. Environment in the beginning became more hectic on this program of decline, most of all from the labour-union side, but after a while the social security item was competing with for instance the labour employment-issue. From no.1, social security was relegated to one of many items and management was confronted with other spending Departments' attempts to survive.

5. From multi-system to one system view: the case of the Department of Traffic and Waterworks

The Dutch engineering system for building dykes and motorways already before the last war grew into an outstanding, highly professionalised governmental sector. For decades it was usual politics to spend a big portion of national income to invest or to maintain infrastructural provisions, for instance to get new land from the sea and to secure national land inheritance. The main task for management in this Department was to present new ideas and projects in order to continue an apparent never-ending mission. Managerial struggle was mainly directed towards other agencies, such as Agriculture, Land Use and of course Finance.

Two things are happening these days. Firstly some long term projects, such as Waterworks in the Delta and land reclamation projects in the north are almost finished and the continuation of the engineering organisation is very uncertain. Secondly, general cut-down programs have put this Department also on low profile.

So the main goal of departmental management in 3-5 years has changed into a internally directed strategy seeking to diminish the professional staff and to reorganise the Departmental agency. Moreover, the main point of professional activity which was in the design of new works, for instance motorways, shifted to the maintenance of existing infrastructure. So in that field the main strategy for management lies in keeping things in order instead of creating new things.

Notes:

- 1) This can be seen in the overview report on the conference "Public Management: concepts, research and education", september 5-7 the Hague (Neth.), by de Back + Sevenhuysen, Rotterdam, januari 1985; pag. 4-8
- 2) Laurence E. Lynn: Managing the public's business, New York 1981 page 139
- 3) Leo Panitch: Development of Corporatism in liberal democracies, in: P.C. Schmitter and G. Lehmbruch, Trends toward corporatist intermediation, London 1978, page 117-146
- 4) Philippe C Schmitter, Reflections on where the theory of neo-corporatism has gone and where the praxis of neo-corporatism may be going", in: J. Lehmbruch & P.C. Schmitter, Patterns of Corporatist policy making, London 1982, page 259-279
- 5) A.J.G.M. Bekke, De bruikbaarheid van de netwerkbenadering, in: L. Lamers, E.P. de Jong, A.J.G.M. Bekke en H. Deleeck, Haalbaarheid van veranderingen in de sociale zekerheid, 's Gravenhage 1984, page 31-41
("the usefulness of interorganizational approach" in: "Possibilities of changes in social security")
- 6) Claus Offe, Contradictions of the Welfare stat, London 1984 page 171
- 7) See for this topic in general:
Henry Mintzberg, Power in and around Organizations, Englewood Cliffs, N.J. 1983, page 467-469

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NEW TRENDS IN PUBLIC ADMINISTRATION
- BUREAUCRATIC RESPONSES TO INTER-
SECTORIAL PROBLEMS

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1. INTRODUCTION

Among organizational theoreticians there is general agreement that bureaucracy is the basis of administration in most societies and that this model of organization is well suited for the rational and effective management of large-scale units under relatively stable conditions.

There is, however, also general agreement that stable conditions are rare. In Denmark the conditions of the local administration have been anything but stable during the past approximately 10 years. During this period several extensive reforms have been carried through which have, among other things, led to considerable changes in the distribution of tasks between the State and the municipalities, at the same time completely new municipal tasks have occurred as a result of legislation.¹⁾ Among these new tasks there are several which affect two or more departments (sectors) in the local bureaucratic administration.

The aim of this article is to examine whether there are structural limitations within bureaucracy which impede appropriate generation and implementation of such new inter-sectorial tasks, exemplified by the task of establishing programmes for the young unemployed.

In my discussion of this theme I shall concentrate on bureaucracy considered as organizations characterized by several hierarchical, specialized and superimposed sectors (strata) relatively isolated from each other.²⁾ I am, therefore, only dealing with a few of the characteristics commonly attached to the concept of bureaucracy.³⁾

2. THE YOUNG UNEMPLOYED - THE ROLE OF THE STATE

In Denmark about one out of three youngsters (between 16 and 25 years of age) are unemployed. This serious generation problem has during the past approximately 7 years been an increasingly delicate thorn in the flesh of the Social Democratic Government in power. During those years the Government has attempted a series of initiatives⁴⁾ which have, however,

not reduced the seriousness of the problem.⁵⁾ The Government's latest move has been to make its existence conditional on a majority in the Danish Parliament (Folketinget) in favour of certain new motions for measures to reduce unemployment. The Bill was passed with certain minor adjustments and the Government survived. One may, however, raise well-deserved doubts whether this new Bill is more effective than the previous initiatives. These doubts are well-deserved because once again the State has not taken the organizational conditions into account which exist in the municipalities where the schemes are to be effected. At State level considerable resources have been invested (e.g. through the appointment of various political and administrative committees) in attempts to "calculate" possible ways of solving or reducing the problem of the high degree of youth unemployment. Thus the initiatives are to a great extent based on political technical/economic calculations without any concrete directions as to the way in which the municipalities are supposed to handle the administration of various employment schemes and adapt them to the existing bureaucratic local administration.

One may argue that in this way the municipalities are allowed a free hand with regard to the effective organization of the task. As will be shown below it is, however, a question of how much freedom an existing municipal bureaucracy is able to utilize in adapting new intersectorial tasks.

3. ORGANIZATIONAL CHARACTERISTICS OF MUNICIPAL ADMINISTRATION

According to the Government of Municipalities Act the Local Council is the superior, governing body of the municipalities. For the handling of the "immediate" administration the Local Council must appoint a finance committee, a social services committee and in ports a harbour committee as well as a small number of standing committees (normally a school committee, a cultural committee and a technical committee). All these committees are composed of politicians elected by and among the members of the Local Council.

Each of the political committees has a sector administration under the management of a head of administration attached to

it. These sector administrations have since the introduction of the reforms mentioned in note 1 become more and more autonomous. The reason for this is, among other things, the increased use of professionals who have by means of groups of clients and/or trade organizations reduced the Local Council's possibilities of intervening in the different sectors.⁶⁾

The division into sectors means, first, that cross-sector matters like e.g. measures concerning youth unemployment are often dealt with on a too narrow and un-co-ordinated basis. Thus such matters will typically be placed in the hands of an existing sector administration which will automatically base its handling of the matters on the views of that particular sector.

Second, the division into sectors implies that each sector concentrates on safeguarding its own specific interests before the interests of the totality. Each individual administration will struggle to maintain and preferably extend its share of the total municipal budget.⁷⁾

These characteristics constitute a severe obstacle to effective organizational adaptations in connection with the handling of cross-sector matters. There is therefore every reason to examine whether the effects of State initiatives in relation to the municipalities fail completely or partly to appear because of organizational, structural barriers. There is furthermore reason to examine whether the municipal bureaucracy divided into sectors constitutes an obstacle to the contact between the local authorities and the citizens in cases of cross-sector matters like e.g. youth unemployment measures.

4. ORGANIZATIONAL REACTIONS TO STATE INITIATIVES

In May/June 1982 a pilot study was carried out in 5 Danish municipalities in order to examine how the municipal bureaucracies reacted to State initiatives concerning youth unemployment.⁸⁾ The study made it clear how the locally based initiation and administration of youth unemployment measures had been organized. The 5 municipalities differ with regard to the organizational placing and status of the secretariats

or departments dealing with youth unemployment measures. Two of the municipalities (Ballerup and Bjergsted) have set up departments under the social services administration while the remaining three municipalities (Lyngby/Tårnbæk, Næstved and Slagelse) have attached their employment departments to the finance administration. In Ballerup and Bjergsted the departments have been given considerable status and competence while the departments in the other three municipalities have a relatively "low" status and consequently few possibilities of independent initiatives. One of the respondents from one of these three municipalities expressed it like this:

"The department is a superimposed organ".

The differences mentioned above seem to be connected with the circumstance that Ballerup and Bjergsted have taken a long series of initiatives in the form of a great number of different projects, while the activity of the other three municipalities has been more moderate.

The above mentioned differences between the municipalities do not, however, disturb the impression that the similarities of the organizational conditions are considerably bigger than the differences. The following similarities can concretize the municipalities' organizational reaction to the State initiatives concerning youth unemployment.

- the task has been assigned to an existing administration where it has been placed in a secretariat , office or department set up for the purpose. It is a question of offshoots on the existing bureaucratic structure.
- the municipalities have not been willing to allocate a sufficient number of permanent Government posts for the handling of the task, consequently most of the staff dealing with these matters are employed on a temporary and relatively poorly paid basis.
- political employment committees have been set up, but these committees seldom hold meetings and normally they can only recommend ideas of possible projects to the finance committee and/or the Local Council. The local politicians have thus to a great extent left it to temporarily employed staff to take initiatives. Therefore it is difficult to see the

- employment policy as a local political issue.
- the State intentions of job creation in the private sector have so far not been practicable due to among other things lacking or poor cooperation between the municipalities and the National Labour Market Councils (see note 4). One of the respondents expressed it like this:

"We try to handle matters without involving the Labour Market Council."

and he continued:

"That Council is, quite frankly, such a nuisance to the municipal employees working with these matters that the intentions of the law of initiatives in the private market are hopeless".

Another respondent said that

"We have never submitted cases to the Labour Market Council and I have never heard from it".

- the different administrations - apart, perhaps, from those in Ballerup and Bjergsted - find it difficult to cooperate and to co-ordinate their efforts concerning the unemployed. The involved administrations are being consulted and various inter-sectorial committees have been set up concerning concrete cases. These committees may be seen as an attempt to break down the bureaucratic sector structure, they often have difficulties, however, in functioning in a reasonable way. This is due to, among other things:
 - a) Too vague mandates, i.e. there is often uncertainty as to the extent of the group's work as well as to how and when the result of the work is supposed to be presented.
 - b) Inappropriate composition of the groups. Too little attention is paid to the circumstance that the groups must be composed of persons who are able to cooperate well. Furthermore, too big differences of status between the members of a group will normally have an unfavourable effect on its work.
 - c) Dependence on sector views. The group members are strongly tied to the sectors which they represent which makes cooperation difficult.
 - d) The work of the project group is given a too low priority.

The individual administrations give higher priority to their own tasks than to cross-sector tasks and they will often be reluctant to place manpower at the disposal of the project groups. This causes a series of practical difficulties in the handling of the assigned task.

- e) Obscure conditions of competence concerning the work of the project group. It is a typical occurrence that clear directions are lacking for the extent to which the group can make proposals that affect the interests of the individual sectors. Furthermore it is often uncertain to which organ the group is supposed to refer directly.
- f) Lacking management representation in the group. It appears that if there is no management representative in the group, e.g. as the chairman of the project group, the work is not considered very important, which affects the motivation and commitment of the group members in the solution of the assigned task.

- the attempts of economic/technical framework government which are involved in the State initiatives restrain the municipalities (with few exceptions) in their establishment of an effective organization of projects for the young unemployed. E.g. most municipalities are reluctant to start projects because they are afraid that they will distort competition (see note 4). This uncertainty implies that the motivation to break down the bureaucracy divided into sectors and replace it by "strong" inter-sectorial organs for the handling of measures to reduce unemployment is too weak. Instead - as shown above - the offshoot model is used, i.e. a new office is set up within the existing bureaucracy.

On the basis of the above mentioned difficulties and the pilot study it seems reasonable to advance the hypothesis that State initiatives involving the assignment of inter-sectorial tasks to the municipalities do not have the expected effects. There is reason to fear that the inadaptability of the local bureaucracies implies that a lot of the energy which central politicians and civil servants invest in the solution of big complicated and topical problems (like e.g. youth unemployment) is being wasted.

5. RELATIONS BETWEEN THE MUNICIPAL BUREAUCRACIES AND THE LOCAL COMMUNITY

Normally, if "marginal" groups with few resources are to have any hope of safeguarding their interests they will have to organize themselves because organization provides the basis of the use of various means of pressure or action. Although the young unemployed constitute a distinct marginal group with few resources none of the 5 municipalities of the study have experienced any signs of organizations of unemployed youngsters. There are obviously several reasons for this. I shall merely point out one of the crucial causes, namely the fact that no adversary and/or partner can be identified in relation to whom the young unemployed can react. Their problems are of a very complex character and none of the sector administrations in the municipal bureaucracy are geared to handle complex cross-sector problems. At the same time this means that the authorities' contact to the young unemployed is restrained. The needs and wishes of the unemployed are not being articulated and the bureaucracy initiates measures without having consulted the unemployed, and therefore also without knowing whether the measures in question cover or meet some of the needs of the unemployed.

This type of relation contributes to creating a distance between the citizens and the authorities (the public bureaucracy). The bureaucracy is regarded as something "outside" the social life of the municipality and not as an integral part of it.

Max Weber and many others after him have pointed out bureaucracy as a form of organization which is suited to secure equal (just) and orderly treatment of the citizen. In that respect bureaucracy can function as a necessary and important support in a democratic society. However, a condition of this bureaucratic function is that administratively practicable rules can be defined which take into account all aspects of the problems which bureaucracy has to deal with. If these conditions are not fulfilled bureaucracy with its inherent specialization (division into sectors) will restrain rather than support democratic development because the groups of citizens who are affected by the problems are being discon-

nected from the political system. The example of the young unemployed seems very illustrative in that respect.

6. BUREAUCRACY AND DECENTRALIZATION IN THE PUBLIC SECTOR

The division into sectors of the bureaucracy of the public administration originates in a time when the connection between problems within different social areas was less evident than today. New information systems have elucidated a series of connections which could previously not be taken into account or which had not at all been recognized.

These new information systems imply, at the same time, that the central political and administrative level has been forced to delegate a series of tasks to the municipalities, because it has become increasingly difficult to elaborate at the central level all the accessible and relevant information in connection with many of the decisions concerning the citizens in different parts of the country. The past 10 years' assignment of a series of tasks to the Danish municipalities is an expression of this. Furthermore, the assignment of tasks reflects a widespread wish to strengthen the municipal autonomy with its derivative possibilities of strengthening the local democracy. This wish on the part of the State may be an attempt to secure sufficient and necessary support for the actual form of government and the political system. One may then ask whether this attempt to strengthen the municipal autonomy and the local democracy through decentralization has been a success.⁹⁾ There is probably no unambiguous answer to this question but it seems evident that the assignment of tasks has created considerable organizational problems, among other things because the State has paid too little attention to the connection between the organizational structure and the handling of tasks.

Instead of contributing to the necessary organizational adaptation the State has in reality governed the local sectorially divided bureaucracies. This has been done through sector-based communication channels between the State and the municipalities. There is thus a higher degree of communication within one sector between different levels of the public administration than between different sectors within the same level.

An instance of this is that laws and circulars etc. concerning youth unemployment are being promulgated by at least 4 different ministries (see note 4) and are being regarded by the municipal employees as un-co-ordinated legal slovenliness. If the State united all the State initiatives concerning youth unemployment in one organization it could promote a co-ordinated effort also at the local level. This has not been done, however, and no attempts on the part of the State have been made to prescribe a certain organizational framework for the municipal administration of the initiatives.

The argument is (as expressed e.g. by the municipal organizations) that the local authorities ought to be free to find their own organizational solutions. It is, however, very doubtful whether it is at all a question of freedom. There seem to be (sectorial) interests involved in the existing local bureaucracies that are so strong that they cannot be adapted straight away to new cross-sector tasks.

The above considerations give reason to raise the following questions:

- a) Under which conditions can decentralization through the assignment of State tasks to the municipalities be followed up by effective (co-ordinated) local administration of those tasks?
- b) Is it possible to strengthen the adaptability of the local bureaucracies so that they will be geared to handle changing and complex cross-sector matters in such a way that local democracy is promoted?

These questions are of very great present importance in Denmark and probably in a series of other western countries, too. There is therefore a considerable need for studies which can form the basis of more precise answers than those suggested in this paper.

NOTES

- 1) The Local Government Reform comprises the Division into Municipalities and Counties Reform and the reforms concerning the distribution of tasks and responsibility between the State and the municipalities.

The Division into Municipalities and Counties Reform, which was on the whole carried into effect by April 1st 1970, involved a considerable reduction of the number of (primary) municipalities and counties. Before the introduction of the reform there were 1063 municipalities and 25 counties. Today there are 275 municipalities and 14 counties. This reduction of the number of municipalities and counties implied that the average size of a municipality increased from app. 4,600 inhabitants to app. 17,800 inhabitants. As for the counties the average population increased from app. 167,000 to app. 300,000. - One of the main objectives of this reform was to create - through the establishment of larger municipal units - conditions for increased decentralization and a strengthening of municipal autonomy (see Report no. 798, 1977, p. 10).

The strengthening of municipal autonomy was attempted through the Distribution of Tasks and Responsibility Reform. Thus the Distribution of Tasks Reform has implied that the municipalities have during the past 10 years had a series of new tasks assigned to them which appears from the Social Reform from 1970, the Environment Act from 1973, the National and Regional Planning Act from 1973, the Environmental Protection Act from 1974, new road legislation (1974), the Budget and Accounting Reform (1976), the Social Security Act (1976), the Municipal Planning Act (1977) and the new Management of Schools Act (1978).

The Distribution of Responsibility Reform involved the removal of the most essential refunding systems according to which the municipalities automatically had a certain percentage of their expenses refunded within major expense areas (e.g. education and health). Instead of this the municipalities now receive general allocations according

to so-called "objective criteria" (e.g. the age composition of the population). In this way the municipalities are to a far greater extent than before forced to consider and fix an order of priority to resource allocation in different sector areas.

- 2) See Michael Crozier, The Bureaucratic Phenomenon, Tavistock, 1964, p. 190 and John Child, Organization, London, Harper and Row, 1977, p. 12.
- 3) See e.g. M. Albrow, Bureaucracy, Macmillan, 1970, E. Jaques, A General Theory of Bureaucracy, London, Heinemann, 1977, and, of course, the original works of Max Weber, The Theory of Social and Economic Organization, Glencoe, Ill., Free Press, 1947.
- 4) Since 1977 20 State initiatives have been introduced in the form of laws, amendments, circulars and reports from 4 different ministries, namely the Ministry of Labour, the Ministry of Education, the Ministry of Social Affairs and the Ministry of Home Affairs. The initiatives comprise provisions concerning the following measures:
 - employment projects
 - wage subsidies to enterprises in connection with extraordinary employment
 - subsidies for education, courses and communication of information for the young
 - creation of extraordinary apprentice and trainee jobs
 - financing (all municipalities have to set aside a certain amount, app. 8US\$ per citizen, for purposes of unemployment reduction. The State contributes with wage subsidies among other things.

Furthermore different authorities are described as well as their competence in relation to the establishment and approval of various measures. The Labour Market Council and the Employment Service are State authorities which handle at the local level (i.e. in the municipalities) relations to the labour market and the educational system.

The Labour Market Council which is composed of representatives from the municipal authorities and the local organizations is in charge of the following tasks (see e.g. the Job Creation Act of June 4th 1982):

- decisions concerning State subsidies to concrete projects
- approval of job activities which are initiated by the municipalities and which involve production and sale.
- commenting on municipal projects which do not involve production and sale
- possible initiatives for the creation of new jobs in areas with severe unemployment problems
- elaboration (in cooperation with the Employment Service) of plans for possible job activities in areas with severe unemployment.

The criteria for the Council's decisions concerning State subsidies are that the job activity in question must be of social value, that the work would otherwise not be done and that the work does not to any considerable degree reduce the demand for products and services which are already being produced by existing enterprises.

It is the task of the Employment Service "as a neutral national system to offer free communication of contacts between job-seekers and employers and in this connection to offer assistance in the choice of occupation and education. It is furthermore the job of the Employment Service to follow developments in the labour market, to take initiatives for measures relating to the labour market and to offer assistance to the State and municipal authorities in the collection and evaluation of information concerning labour market conditions. The Employment Service is under the management of the Employment Director (who is the head of the Directorate of Employment under the Ministry of Labour) with the assistance of the National Employment Council.

The National Employment Council is a central organ the job of which it is to assist in the general management, planning and co-ordination of the Employment Service, including matters concerning the structure and means of the activity of the Employment Service. Furthermore, the Labour Market Coun-

cils can hand over doubtful matters (projects) to the National Employment Council, the decision of which is, in that case, the final administrative decision. The National Employment Council is composed of representatives from the ministries, municipalities and various labour market organizations.

A more detailed description of the placing and areas of responsibility of the above mentioned authorities can be found in the Ministry of Labour's "Report on the Employment Service and Unemployment Insurance Act etc.". (8.7.1981) and the "Job Creation Act" of 4.6.1982.

- 5) The number of unemployed youngsters has risen from 55.334 in February 1979 to 84.620 in January 1982.
- 6) This point is further elaborated in Poul-Erik Daugaard Jensen, Organisatoriske begrænsninger og muligheder i den kommunale administration (Organizational Barriers and Possibilities in the Local Administration), book to be published by "Nyt fra Samfundsvidenskaberne", Copenhagen, autumn 1982.
- 7) These two consequences are found as important characteristics in a Danish research project to be reported in the book mentioned in note 6.
- 8) The study was based on relatively structuralized interviews with relevant municipal employees. All the municipalities are situated within a distance of 100 kilometres from Copenhagen. The size of the municipalities and the past few years' development of youth unemployment will appear from the table below.

Name of the municipality	Number of inhabitants	Number of unemployed youngsters between 16 and 25 years of age	
		February 1979	January 1982
Ballerup	49,000	339	618
Bjergsted	7,300	121	166
Lyngby/Tårnbæk	52,00	160	341
Næstved	45,268	583	832
Slagelse	33,000	476	708

As will appear, the number of unemployed youngsters has risen in all the municipalities of the study, relatively most in Lyngby/Tårnbæk and Ballerup, relatively least in Bjergsted. The percentage of unemployment among the young in the 5 municipalities is between 30 and 40%.

Torben Andersen, Elvig Ilkjær and Flemming Pedersen (who are all students of the subject "public administration and political processes) have conducted the interviews and have furthermore collected and systematized the great variety of laws, circulars, etc. which concern youth unemployment.

- 9) The concept of decentralization will not be discussed in detail in this context. A study of the different aspects of the concept can be found in H. Mintzberg, The Structuring of Organizations, Prentice Hall, 1979, pp. 181-213.

PUBLIC MANAGEMENT:

The influence of policy-style on the selection of internal and external management instruments in education-policy

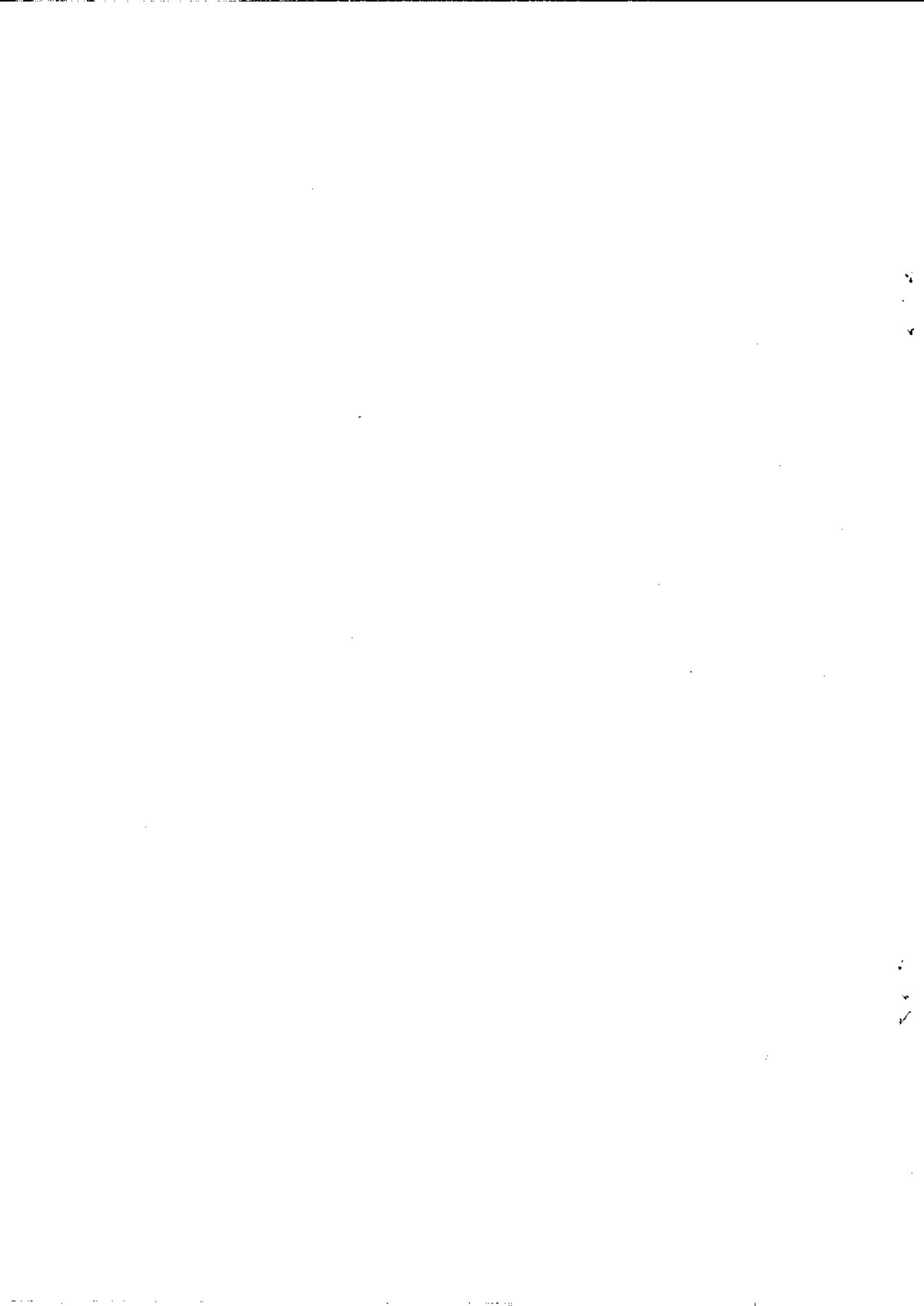
(a preliminary draft)

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PUBLIC MANAGEMENT:

The influence of policy-style on the selection of internal and external management instruments in education-policy (a preliminary draft)

1. Introduction

The managing of public affairs is closely interrelated with internal functions of management in a certain policy-area and public organizations within that area and individual characteristics of the public manager(s). In a more general context public management is conditioned and constrained by societal developments, which influence the structure and the functioning of the policy-area and of public organizations.

The specific personality of the manager of a public organization can lead to an own individual reaction on both societal developments and the external and internal functions he sees for the public organization he manages. The way in which he interprets societal developments is of great importance for the fulfilment of his management job.

In this article I will try to show that the combination of both society, policy-area and the public organization can lead to different sorts of policy style and management. Each style has his own effect on the applicability and success of internal and external management-instruments, in order to reach the goals of the public manager. The public managers are the ministers of Education in the Netherlands, who have tried to reform university study programs.

It took more than 18 years from 1963 until 1981 before a law was accepted and put into effect on shortening or restructuring study programs at Dutch universities. The way in which this legislation-process was managed by successive Dutch Ministers of Education is influenced by the interrelation of

societal developments and the structure and functioning of the Department of Education, advisory bodies and universities. Each Minister developed his own management-style and instruments. This had a decisive effect on the ultimate "success" of the restructuring of university study programs.

First I will give a short description of the relevant aspects of the issue of educational reform. Then, the concept of policy-style will be introduced as a combination of the (re-)action of government agents on societal developments and vice versa. Different instruments in regard to the policy goals will be looked at from an internal and an external perspective.

The internal perspective is restricted to the policy community of higher education, more particularly the department of Education, the Educational Council, the Academic Council and universities and their members. The external perspectives focusses on the relation of the Minister of Education with parliament interest- and pressuregroups and the general public.

The main part of this article will show which instruments were used by which Minister or what the influence was of policy-style on the selection of certain instruments. This will be followed by a paragraph on the individual management "idiosyncrasy" of the relevant Ministers which may contribute to the explanation of the relative "success" of recent educational policy on university study programs.

The conclusion will be that public management in this educational policy area is homeostatic, that means that policy-style and instrument selection have a feedback relation.

2. The issue of educational reform at universities

The necessity for restructuring study programs was stressed for the first time in 1963. It lasted until 1975 to have a law on the subject accepted by parliament. The effectuation of this law, however, lead to so many problems that the law was ultimately withdrawn (1978) by a new minister of Education and Science. Later on this minister surprised many by successfully having accepted an alternative law. This "new" proposal, the Law on the Two Phase Structure, was, in fact, quite similar to the intention of the first one. It took less than three years to have this law adopted by parliament.

Since the Law on the Two Phase Structure came into effect in September 1982, it prescribes that academic studies have, in the first phase, an ultimate course length of four years. Students are allowed to take at the utmost six years to finish the first doctoral phase. Academic teaching programs that started before 1982 had an average course length ranging from five to six years. For a comparison it is good to know that in the old situation students who pass their doctoral examination on the average needed between seven and nine years to complete their study.

As the name of the law suggests there should be the possibility for (at least a selection of) students to continue their study after the first phase by following a second phase program. Contrary to the meaning of the law the nowadays Minister of Education has - with a few exceptions - put forward a plan that actually excludes the development of second phase research- and studyprograms.

In 1963 the accumulative growth in student-population was the main trigger for policy change. The student-body at universities changed radically. On the other hand the universities became aware that their governal and administrative structure lacked efficiency and accountability. These two developments lead to a law on the Reform of University Government (1971). Labourmarket developments and succesfull student-pressuregroup politics caused stagnation in the legislation process on the reform of studyprograms during the first part of the seventies. Economic recession and budget scarcity revitalized the issue in the second part of the seventies. Not just reform but the shortening of university programs was emphasized. Second phase programs (with a selected entrance) would guarantee the maintenance of academic excellence, and facilitate the acceptance of shortened (first phase) programs.

3. The development of policy style since the sixties

For more than fifty years Dutch policy making in general can be best described by appeasement, consultation, and negotiation which presupposed a certain harmony between the largest political parties. This situation came to an end by the sixties, because of the decline of the influence of religion as an important factor for organized societal activity together with new social and political

cleavages and issues such as democratization.

In the meantime there was a continuous and growing process of ungoing corporatism and interweaving between society and the state for reasons of appeasement and accommodation.

Corporatism ensconced itself in every sector of society. Private interests grew attached with civil and administrative organization. Almost never this took place at the initiative of the state. There were sufficiently influential societal powers who asked for state intervention.

During the sixties this process accelerated to what has been called "the emancipation of sectoral and parochial interests". In the situation of a "zero plus game" the easiest thing to do for political parties was just to "buy off" the demands of interest groups.

One of the consequences was and is that the articulation of so many independent interests and interest organizations got "institutionalized" in various sectors. Illustrative for this development of sectorization are the central functions of several administrative units within clearly demarcatable policy communities of societal organizations, corporations, and relevant authorities.

In the past decades of economic prosperity and social emancipation (neo-) corporatism was the dominant policy style in the Netherlands. Since the economy stagnated, another policy style became increasingly important. De Wolff calls this democratic centralism. Instead of societal demands, it is the government or executive power that is the drive of governmental policy. That is to say that the main factors which generate public policies lie within the government or administration itself.

Policy making has changed from corporatism to centralism. Consultation and concertation - so characteristic for (neo-)corporatism - has made place for activism and regulation. With concertation is meant a policy of collective responsibilities of government(s) and societal groups which includes summit diplomacy and bargaining. Status preservation heavily leans on policy communities; it involves a politics of routine, day-to-day relationships, coalitions and quiet collaboration between stakeholders and government.

Activism implies the imposition of governmental views; administration and/or government initiate public policies because they think they know best, regardless the opinions of societal groups. Regulation is in its extreme form

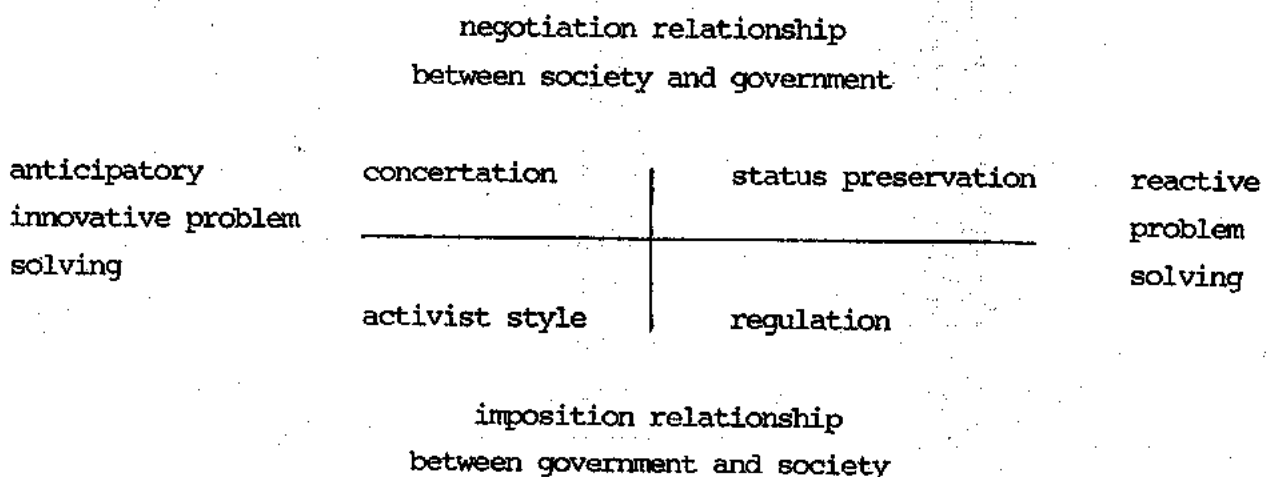
the exercise of police power and courts. In a liberal form, it implies bureaucratic legalism; rules to end a discussion.

The undefined responsibilities of government, administration, and society that went along with consultation and concertation have grown to clear and separate responsibilities. Policy initiatives are taken directly by the government or the ministers and hardly come from society anymore; government seems much less dependent on society. The idea of decentralization has been replaced by one of centralized decentralization. Policy risks are no longer redeemed but they are taken into account.

Zero plus has been substituted by zero sum and zero minus. This leads to an unavoidable hierarchy of policies on financial grounds. The dominance of government, however, especially in the primary field of finance is not based on political analysis or priorities but on administrative policy evaluations. Political judgment, priorities, and debate are implicit, and almost no political party - because of the zero minus game - feels the urge to initiate a public discussion with only difficult and unattractive alternatives. A consequence of this paradoxical situation is that the department or minister who is shrewd or effective in bargaining and negotiating is "politically" successful. Within sectors and even within departments one can see this same process.

In the Dutch case it appears that democratic centralism implies that in the late 1970s and early 1980s, the dominating policy style has changed from concertation and status preservation to an activist style of governing, with aspects of regulation.

figure 1 - A model of policy style



Insofar as the sector of education policy is concerned and especially in the case of the legislation on restructuring Dutch academic study programs, there is a clear shift from concertation and status preservation to an activist style of government, together with regulation. A policy sector may display various policy styles as well as shifts in the dominant policy style over time.

4. Policy development and -instruments with regard to internal and external management

The change in policy-style shows that government develops different ways of policy-making. At the macro-level one might say that the governmental culture of managing a country changes. The same goes for the specific sector of scientific education. A minister has different instruments at his disposal to meet his objectives. Important instruments are legislation, planning, organization and allocation.

With a law government can reform and shorten university study programs. By means of planning agreements the procedures of how to deal with the universities can be settled. The installation of committees, advisory bodies or the initiation of new organizations may facilitate the implementation of new plans or laws. The allocation or re-allocation of funds can stimulate cooperation or new initiatives. These instruments are all of a formal nature. Before putting them into effect, they usually have to be agreed upon by for instance parliament. They can also be opposed with more or less success. Once they are put into effect, does not mean that they will be effective.

Besides these formal instruments, there are also informal instruments, which can be used in addition or instead of the formal ones. Wellknown examples are negotiation, persuasion, domination and repression.

In the case of the reform of academic education one should distinguish between the "external" policymaking-process of the minister or government and parliament and the way in which it was managed, and the internal managing of such a process within the policy-area.

The relation between government and parliament is quite different than the one between the minister and the universities or for instance between the minister and advisory bodies. Both formally and informally these relations

differ. Ultimately it is only parliament that can put a law into effect. Within the limits set by parliament a minister can have quite some discretionary options and alternatives.

The before mentioned instruments of legislation, planning, organization and allocation will be considered for as far as they played a role in what I have called the internal management process, that is within the policy-area of (scientific) education.

5. The influence of policy and management style on educational reform

In fact I have distinguished among two different (external and internal management) levels at which government policy and its style developed in a more general and a more specific way. Society in general and parliament is the first level. The sectors of education and particularly that of scientific education is the second level. This focuses also on the individual characteristics of the ministers as policy makers or managers. These characteristics can influence policy goals and management processes.

In the following these two levels will be referred to when illustrating the changes caused by policy-style and management of the legislation process of educational reforms.

There are different phases in the policy process from 1963 to 1981 which coincide with the existence and emergence of new policy-styles and the management of this process during the sixties, seventies, and the beginning of the eighties. At each level one can see the development of different styles. For as far as the relation between government and society is concerned, there is a gradual shift from status preservation, through concertation to an activist government style which ultimately leads to regulations.

At the same time there are similar developments in the relation between parliament and the minister. The external management process changed too.

Within the policy-area of scientific education the successive ministers used differently instruments for the management of the policy-process.

5.1. Society, parliament and policy-style (external management)

The interaction between government and society changed gradually from 1960 to the eighties. Elaborate rule by committee, a sharing of power, a carefully circumscribed regulation of common affairs with full preservation of the rights of autonomous cultures were the most characteristic feature of Dutch social life. It was this system that made it possible to have both national legislation in university matters and total dependence on central government financing - even of the private religious universities - while at the same time the autonomy of the universities in general, and of individual professors within them, was fully respected. Status preservation is markedly described by this sketch.

The number of full-time students registered rose rapidly. The increased numbers posed an entirely new challenge. The universities were asked in 1963 for their plans on how to deal with this problem. Parliament and the minister accepted the fact that it took four years before the Academic Council reacted on a non-committant way on behalf of the universities. Some months later the then minister Diepenhorst issued, with the silent consent of parliament, an informal invitation to several academic spokesmen. They were asked to discuss the future of Dutch scientific education. The initiative for this informal development came from professor Posthumus, vice chancellor of a technical university and member of the Academic Council. He was asked to preside at these brainstorming sessions.

At the end of 1967, after the formation of a new government, the new minister of Education and Science, Veringa, asked professor Posthumus to become government-commissioner for the reorganization of university study programs. The instrument of a government-commissioner was a suggestion from minister Veringa's own party. Before he came in office he was advised not to deal with this matter himself, but to "delegate" it to an academic authority. On the basis of what was discussed and decided informally, Posthumus produced a white paper which was given the status of a discussion paper. The main line of Posthumus's paper contained a four year doctoral program with a selective first year and the disappearance of B.A., and baccalaureat examinations. For the "best and brightest" there should be the possibility of a short "doctor's program" after the doctoral examination. In 1969 and in April 1970, a second and third paper of the government-commissioner appeared. They were written reactions on the public discussion, and contained a more detailed slightly revised proposal.

At the end of the sixties, the dominating status preservation got undermined by the rise of the call for emancipation and democratization. Government was forced to anticipate on what was going to happen and had to change its style in general, to negotiate with societal organizations instead of leaving things up to organizations.

In 1971 minister Veringa presented a draft bill on the Restructuring of Scientific Education. From April 1967 until the end of 1973, little substantial development took place except for the fact that the parliamentary committee on Scientific education finished discussing the draft bill of Veringa including some small changes initiated by Veringa's successors De Brauw (and Van Veen). During the discussion with parliament in 1972, it was concluded that it would be best to take the lead of this process of reform by the installment of an official "governmental" steering-group. After discussing this plan with the Academic Council, the minister and parliament accepted that the idea of a "governmental" steering group was substituted by a committee on behalf of the Academic Council the so-called Committee for the Preparation fo the Reprogramming of Academic Studies. It was hoped that the new committee might be able to facilitate the introduction and implementation of the coming law.

The economic recession of 1973 and the necessity of budget cuts affected almost all sectors in society. Status preservation diminished, activism gradually took over, concertation was still very important.

The new minister of Education and Science, Van Kemenade, announced that he would continue his predecessor's policy on the reform (and shortening) of study programs. In September 1974, Van Kemenade and his underminister Klein consulted, in a closed three-day meeting, the permanent parliamentary committee without, however, making any progress. The difficulty that he encountered was, that while there was in fact a majority in parliament that supported the restructuring bill, this was the wrong majority. That is to say that those who were in favor of the bill were in opposition to the government while the Labour Party to which the minister of Education belonged was against it.

It was ultimately a combination of massive protest and forceful opposition that made the minister decide to give up the four years arrangement as a standard length for study programs. Parliament agreed in April 1975, to alterations in the bill proposed by the minister: if any university department

could present convincing arguments on educational grounds that the four year standard was too short for its study program, an exception could be made for the curricular length of that department. De amended law that was accepted by parliament prescribed that the minister might "marginally" test study programs longer than four years. The new law on Restructuring study programs was intended to go into effect in September 1978, after the testing of the study programs that had to be submitted by the university departments, in the mean time. During 1976 and 1977, only very few university departments did not ask for a program longer than four years; almost all 278 submitted programs ran for five years.

At the Ministry of Education the "marginal" test lead to the conclusion that most of the programs ran counter to the intention of the Restructuring Law. The Educational Council as an independent advisory body of the minister, rejected only 13 of the 278 departmental proposals. Minister Pais who succeeded Van Kemenade, accepted, however, the negative conclusion of his Ministry. He announced a bill to postpone the introduction of 1975-Law scheduled for September 1978. this would give him time to develop a new proposal.

When Pais asked for postponement, parliament decided that it would be better to postpone the law not just for one but for two years. The minister was to present his own ideas on the restructuring of university programs. Minister Pais immediately reacted and produced a white paper called "Higher Education for Many". Several months later, in November 1978, a majority of parliament approved of the white paper.

The support in the Second Chamber of the States General for Pais's ideas was based on the smallest majority possible. Minister Pais could only be certain of exactly half of the parliamentary votes plus one. In spite of the opposition of most of the universities and the Academic Council, Pais proposed early 1979, a draft bill. Some months later in 1980, the final version of a bill on a new two phase structure of study programs was submitted. Exactly one year after that, in 1981, the bill on the Two Phase Structuree was accepted by parliament. The old suggestions about restructuring from the early sixties, became a fact at last, almost twenty years later.

At the beginning of the eighties, government became more and more aware that its commitment with societal organizations and interests which had accumulated in so many years before, became a burden. Policy initiatives were taken to withdraw or to deregulate. The style changed from concertation and governmental activism to activism and regulations.

5.2. The educational sector, ministers and its management

The foregoing has shown that decision-making on educational policy during the sixties and seventies actually took place in close consultation with educational pressure groups and organizations. They have penetrated in the decision-making of legislative, executive, and administrative powers. This penetration has the form of participation in advisory and consultancy bodies and is also effectuated by means of close relationships with key persons in governments such as ministers, high ranked officials and academics. This has led to an own policy-circuit or community.

It will be illustrated that in the beginning of the policy-process on the reform of study programs informal and "personal" elements influenced the style of internal management. Only gradually formal instruments were introduced in the process.

Diepenhorst who was minister of Education in the mid sixties, is a typical "representative" of a corporatist manager. He held the opinion that universities should deal themselves with the problem of curricular reform. Consequently, he agreed with parliament, to start informally discussions between universal stakeholders. His successor Veringa continued initially a corporatist policy by introducing a government commissioner. It was not the minister but Posthumus as government commissioner who did the internal managing via white papers and discussionpapers.

In another way Veringa as a person, influenced negatively the speed of the restructuring policy process. After the students' revolution during the Spring and Summer of 1969, Veringa devoted great attention to the reform of university government. The external management of the restructuring policy was in fact slowed down by Veringa. As the youngest minister in the cabinet and as the

foreseen leader of the Catholic People's Party with new elections to come soon, it was good for Veringa's image to give priority to the democratization process at the universities. Especially because of the fact that the elections to come, would have an important change in the electorate because of the prospective lowering of the voting age from twenty-one to eighteen.

It was at the forelast day that he was in office when Veringa - as external manager - submitted a bill on the Restructuring of study programs to parliament. What a difference with the speed of less than one year with which a draft bill on democratization was introduced in parliament.

When parliament in 1972 wanted a steering group to speed up the restructuring process, this (external) initiative was replaced by an (internal) committee of the academic community. De Brauw who as a minister was responsible for this external-internal transition left office soon afterwards because of a cabinet crisis.

His successor, the socialist Van Kemenade, was often torn between the two different policy conceptions of his own party on the relationship with the field of education. On the one hand they held the idea of an active government, while on the other, the participation and discussion of those who are involved was stressed. There existed a continuous tension between this activist and corporatist conception. This may explain why Van Kemenade and his underminister Kleir had so many troubles with their own party and parliament.

This peculiar combination of concertation and activism lead to an equal peculiar solution. Study programs were shortened to four years, unless there were educational grounds to permit them to last five years. The Academic Committee for the Preparation of the Reprogramming of Academic studies successfully advised university departments on how to argument a five year study program (265 of 278 proposals).

It did not surprise many that the conservative liberal successor Pais had problems with the effectuation of the Restructuring Bill of his predecessor. Especially where budget-scarcity made a shortening of academic study programs necessary. Profiting from the diminished popularity in parliament and society of the expensive universities, Pais decided within two weeks after he came in office that he would shorten and restructure the study programs of Dutch universities. By means of rational planning and a tight time schedule, he projected a successful legislation process within two and a half years.

He succeeded in what he wanted. the management style by which this was done was a combination of concertation, activism, and regulation.

In the very beginning of his period of office he negotiated with the universities on a multi year agreement, combining the instruments of planning and allocation. Universities wanted such an agreement which would "prescribe" the way in which they and the minister would deal with each other. Both parties came to such an agreement. Universities thought this was a success, because they held the opinion that now they had an effective influence on the process of budget cutting. In fact, this was the last performance of a concertating policy-style. In 1979 a new working group was installed, consisting of high-ranking officials of the Department of Education and members of the Board of Governors of the universities. The final advice of this group was rejected by Pais, because this advice did not coincide with his plans.

Minister Pais was very clear in using a strategy of "divide and rule". Some examples may illustrate this. Dutch universities could not agree among themselves upon how to finance the foundation of new departments and study programs. Given the fact that there was an agreement among the minister and the universities on the financing model for teaching activities, Pais permitted three smaller universities to start with a new teaching program under the condition that these new programs would be experimentally structured according to his proposals on a two phase structure of study programs. This decision did not cost the minister any money because the total amount of students did not change; money went to where students would enlist. At the same time, the opposition of Dutch universities against the two phase structure lost credibility.

The credibility of the opposition of Dutch universities against Pais' restructuring ideas was, once again, undermined by the fact that the executive board of the Academic Council agreed to discuss with Pais the implementation of his proposal, although the Council itself had rejected this proposal. The activist style of minister Pais was quite successful.

At the same time, the conservative liberal minister had - as external manager - very regular informal lunch discussions with almost every member of parliament.

In Senate he accepted a vote in favor of the university department of philosophy in Leden. A little later, most members of the Labour party in the

Senate accepted his bill. The spokesman of his opposition party was a professor in philosophy in Leiden.

Both, Parliament and the Senate, accepted in 1981 the bill on the Two Phase Structure. Ultimately, the shortening (or restructuring) of academic study programs was regulated by executive power.

6. Conclusions

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**MIDDLE MANAGEMENT IN GOVERNMENT ORGANIZATIONS:
DOES IT REALLY EXIST ?**

Attempts at conceptualization
and
some results of a pilot-study

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NOTES

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1. INTRODUCTION

This paper is about middle management.⁺ This topic fits into the research project "Managing not for profit organizations" of the Rotterdam School of Management. In 1985 four researchers are conducting research and are partly engaged in education in this field, directed by Jan Kooiman, professor of public management. This research project aims at developing conceptual frameworks for adequate description and feasible prescriptions of not for profit management, both in public and private organizations.

In this paper, at first, some trends and developments in middle management thinking are sketched. Second, an argument is built that conceptualizes middle management as basically being of the same content as other management levels and further states no preliminary need can be identified to legitimate treating middle management in public organization conceptually different from middle management in private organizations. As a consequence of these points of departure a control model of management is outlined briefly. Third, this model is used as a basis for describing and comparing management activities in five units of Dutch central government. Finally, some conclusive remarks considering both research on and contents of unit management in government organizations are made.

⁺I am grateful to Jan Kooiman and Reinoud F. Sevenhuijsen for their comments on an earlier draft of this paper.

2. CRISES IN MIDDLE MANAGEMENT ?

Classical roles become obsolete

On the cover of their volume "Surviving as a middle manager", Broussine & Guerrier, having discovered a niche in the T&D market, provide the following analysis of the middle manager problem:

"Middle managers traditionally have a hard role, they have all the problems of managing their subordinates whilst at the same time being under great pressure from their superiors, who often do not understand the problems middle managers face. Being a middle manager is a thankless task which drives many to frustration and despair (01).

Let us take a brief look at the middle manager problem. In the late fifties Leavitt & Whisler argued that by 1980 the species of the middle manager would no longer exist. As a result of advancements in information processing technology their classical liaison role would have become obsolete. So some of these managers would be forced up into the top managerial echelon, while others would be forced downward into merely supervisory roles (02). Nowadays, it is not very difficult to see middle managers are indeed present in the rank and file of organizations. They still are among us, anyway. But what do they add to organizational output: substance or symbols?

Some authors argue that middle managers constitute a level we can do without. High-tech communication systems facilitate the proper dissemination of information through the organization. Middle management no longer is a necessary chain in this transmission process. And on the other hand, highly educated workers ask for creative jobs and decentralized responsibilities, which tendency does not fit into the classical decisional roles of middle managers (03).

Fashionable organizational forms, designed to cope with increasing environmental turbulence and to further strategic claims and organizational innovation also do not seem to favor middle management. A historical perspective on the emergence of various organizational forms shows that

the classical entrepreneurial structure encompasses workers, supervisors and top management. As organizations grow bigger and bigger, the middle management level has to be inserted, mainly because of the "span of control" problem (04). The bureaucratic structure appears. This structure turns out to be ineffective in turbulent environments, especially when non-routine production processes are at stake. Control problems show up again and middle management discretion is enhanced in what is called the divisionalized structure. In the post-sixties the divisionalized form becomes object of serious critique. The unity of command principle is questioned. Some firms make the transition to matrix designs. These organizational structures question the authority of lower and medium managerial personnel, thereby introducing uncertainty to those previously in command. Ouchi proposes the Theory Z organization (05). In this extremely flat type of organizational structure the amount of middle managers is reduced, as is there discretion. Z-organizations are bottom-up organizations. The concept of the atomized organization, introduced by Deal & Kennedy, also can do without middle managers. The atomized organization consists of mini-organizations, ranked in a functional rather than a hierarchical order, bound together by strong cultural ties. Each unit develops full-size management and the thankless job of carrying communications from top management to the workers becomes obsolete (06).

Changing roles of middle management

We can conclude that classical middle management roles seem to become redundant. But does this also mean that we can do without some sort of middle management level? Let us first see what typical problems are associated with the ways middle managers do their jobs nowadays. Then, we can ask ourselves questions as: what changes can take place that will enable middle managers to perform effectively in newly designed organizational forms? What contributions can they make?

Deal & Kennedy suggest that middle management is a focal point for much of the dissatisfaction in today's organizational life. In trying to rationalize

their own existence, middle managers create rituals and perpetuate a mythology of modern management techniques even where these do not work. They act as a filter of enthusiasm, ideas and initiative from below. So Deal & Kennedy conclude: "Middle management is a creation of twentieth-century organizational life; fortunately for all of us, it is an obsolete profession, at least in its present form" (07). In a Dutch research project on employee participation, Rieken & Baaijens found mid-level managers developing strategies to protect themselves from job floor participation. The authors claim this phenomenon to be due to middle managers feeling threatened, fearing their roles might become redundant (08).

Blessing states the problem in a somewhat different way. Middle management can not function because of top managements inclination to centralize discretion and control. Middle managers are not allowed to use creative talents, to innovate, to take risks and to experiment. Middle managers are forced to block organizational processes, because top management forces them to do so. Top management as well constraints the quality of work life of middle managers, as it is itself blocking organizational potential for innovation and increased productivity (09). Hunt agrees with this opinion: middle managers are underutilized. And to fill up this gap, middle managers spend their energy in consolidating their position, in preventing their autonomy from being decreased. They engage in the process of producing "makework" (10).

Hatvany & Pucik underscore the analyses given by Hunt and Blessing. But they propose to turn a blockage into an advantage. Middle managers have both the time and the intellectual capacity for becoming a point of crystallization in organizational renewal. So the key solution to the problem lies in creating organizational circumstances that encourage middle managers to take initiative and to further organizational adaption (11). An important prerequisite can be the adoption of a proactive attitude by those middle managers concerned (12).

Dunsire paints the modern middle manager as a go-between or broker between various organizational units (13). Although dissemination of

information - the "thankless task" of carrying communications from one level to another - is facilitated by modern communication equipment, the problem of translating and interpreting information of one level into meaningful information for other levels remains and even becomes more crucial to operations. Liaison functions may change of contents, they are still necessary.

Four faces

What pressures do middle managers actually face? A tentative answer to this question has been given by Keys & Bell (14). They portray a middle manager as "the person in the middle" having to cope with demands from four sides. In order to be "effective" a middle manager has to score in this four directions simultaneously.

Towards his superior he should apply the basic "make the boss look good". Strict loyalty to the superior is required in order to survive. This survival will be seriously threatened by complaining, although defensible on rational grounds, about his superiors behavior to higher level administrators. The key problem of the middle manager in regard to his superior is gaining influence. Influence can be acquired by proper execution of attributed tasks. But active participation in "coalitional politics", facilitated by communication skills, can also enhance influence. In order to prevent endless struggle about the measurement of output, criteria for effective performance should be negotiated between middle manager and superior. Once established, these criteria of course will have to be met by the middle manager, but according to Keys & Bell this dual commitment is preferable to the uncertainty caused by not knowing exactly what and how to perform.

Towards his subordinates the middle manager should cash in on the influence gained by interacting with superiors. Subordinates expect to share in certain profits resulting from this influence. On the other hand, the middle manager must himself serve as a buffer in cases of negative critique on subordinates. Mistakes should be analyzed and behavior accordingly

corrected, but by protecting subordinates from the rage of superiors, middle managers can establish downward influence too.

In his interactions with colleagues in related managerial positions a middle manager cannot refer to his managerial authority or his responsibility for achieving certain results. In this horizontal interpersonal traffic conflict resolution skills and integrative skills are essential to effective performance. So the middle manager must be sensitive to hidden interests and agendas. A somewhat mitigating attitude towards his own "shop" can make organizational life far more easy. The middle manager must prevent himself from making enemies among his colleagues. It indeed is recommended to maintain good relationships by spinning off certain "benefits" from time to time.

Finally, there is the fourth face of our fully functioning middle manager. This face is directed to the outer-organizational environment of his unit. It especially stresses the middle managers abilities to act as a boundary agent. He must effectively search for information and be able and willing to cope with unequivocal information. He has to speak various "organizational languages", in order to communicate effectively with strategic constituencies. In doing this, he must rely on his influential skills, authority will be of little utility.

This description by Keys & Bell - underscored by others - serves to illustrate the various pressures a middle manager is confronted with (15). Middle management can be pictured as the central element in a network of several forces, as is illustrated by the next figure.

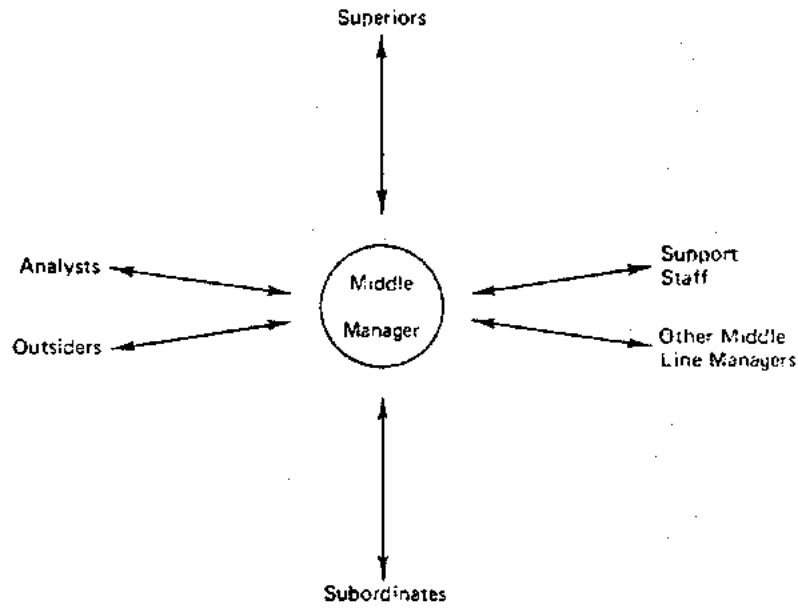


FIGURE 1: the manager in the middle
(source: Mintzberg, 1979, p. 30)

However, does this network, from a conceptual point of view, differ from the network managers on other managerial levels are in? We will address to this question and others in the next section.

3. TOWARDS CONCEPTUALIZING MIDDLE MANAGEMENT

Introduction

This section aims at developing some conceptual clarity, necessary for answering questions as

- does middle management differ from top or lower management;
- does middle management in public organizations differ from middle management in private organizations;
- what constitutes effective middle management.

To answer these questions we have to discuss the contents of the concepts organization, management and effectiveness. The ways in which these concepts are used in administrative literature may illuminate their potential for analyzing "differences" between various types and levels of management. It will not surprise the reader to find that these concepts are interrelated. Woodward described organizations as "systems for getting work done" (16). Appley stated that management means "getting things done through people" (17). Effectiveness can be seen as a measure for relating "work done" to the attainment of some (input- or output oriented) goal. To gain conceptual insight in middle management phenomena in organizations we will select some features out of the recent literature on the mentioned concepts.

Finally we pay attention to a (systems-control) model of management as one way out of the dilemma of how to treat the different approaches to organization, management and effectiveness in a coherent way.

The concept of organization

As can be derived from its history the main topic in organizational theorizing is structure. Weber introduced the structural concept of bureaucracy. Taylor stressed the structural aspects of division of labour. Contingency theorists tried to relate environmental characteristics, strategic choice, organizational size or technology to various types of structure. The systems view on organizations concentrated on the structural pattern of relation-

ships between (sub)systems and elements. So, discussing organizations implies discussing structure. What does "structure" actually mean? Terry states that "an organizational structure can be considered the framework within which management tasks are performed" (18). Mintzberg defines structure as "the sum total of the ways in which it (the organization - GG) divides its labour into distinct tasks and then achieves coordination among them in order to establish stable patterns of behavior" (19). Khandwalla gives the following definition: "Organizational structure is the network of durable and formally sanctioned organizational arrangements and relationships" (20). Structure refers to patterned human behaviour in and around organizations.

During the past decades researchers tried to answer questions as "what causes structure" and "how to design an effective structure". Contemporary systems-contingency views hold that structure can only partially be explained by phenomena as strategy, organizational environment, size or technology. As a result of the influence of political science on organizational theorizing the concept of power became fashionable. Robbins states this concept can explain an additional 50 percent of variance in organizational structure (21).

The way in which this power-concept does influence the debate on structural configurations is clearly illustrated in recent work of Mintzberg. He distinguishes five structural configurations. Each configuration consists of five parts, strategic apex (top management), operating core (production process), middle line (middle management), technostructure (those who try to standardize, in a Taylorian way, the work performed by the operating core) and support staff (those servicing production processes, for instance the personnel department). Because of its inclination to establish control, each part tries to dominate structure (22). Depending on the relative power of these parts, a corresponding structure emerges, as is shown in figure 2.

<u>dominating part of organization</u>	<u>inclination</u>	<u>resulting structure</u>
strategic apex operating core middle line technostructure support staff	centralize professionalize balkanize standardize collaborate	simple structure professional bureaucracy divisionalised form machine bureaucracy adhocracy

FIGURE 2: five structural configurations
(derived from Mintzberg, 1979, p. 301-302)

How does this typology fit into the concept of government organization? Government organizations can be portrayed in various ways. Employing a constitutional view (political responsibility of ministers), one could say that government must be seen as or should reflect a simple structure: political appointees at the top are supposed to control government organization completely. Seen from a popular view and more or less associated with rigid standardization, the picture of "machine bureaucracy" might be adopted. And from a third point of reference, taking seriously debates on civil servant power, one is inclined to adopt the configuration of "divisionalized form" as best suiting "real world" government organizations.

However, it seems unlikely that organizations (including government organizations) can be characterized by one single configuration. The concept of "big government" acting as one unity is a fallacy, as is the concept of "big organization" (23). From a dynamic power control point of view, organizational units are not arranged in a hierarchical, pyramidal top down way. Maybe they can be portrayed best by using a network concept, the network being built up out of several structural configurations and changing over time. In analyzing control and implementation processes in (public) organizations, Dunsire found that a "Babel House model of organizing" can be useful (24). Information is transported from office (unit) to office. As it "descends" or "climbs" the organization, information has to be analyzed, interpreted, translated, extracted and enriched. These flows "up and down"

do not relate to hierarchy primarily, but to the scope of activity performed in one single office. Organizational units are related in a systems way, using a Simonian concept of system (25). The way in which activities of various offices are linked together may account for organizational output. Structuring therefore means "designing" linkages of activities performed by units. For analyzing what is going on in these units, seen from a conceptual point of view, organizational level is of little importance.

The above mentioned concepts of structure fit into a mechanistic model of organization and management on a rather abstract level. Alternatives to these mechanistic concepts have been offered, although their usefulness for prescriptive purpose has not yet fully matured. These alternatives focus on processes. Structures are seen as frozen interactions among organizational members. Weick's alternative to the structural approach states that organizing is a process, mainly consisting of attaching meaning to unequivocal information in interpersonal communication (26). March & Olsen, in their garbage can model of decision making, conceptualize organizing as a learning process of a trial and error nature (27). Preferences are discovered through action. Action is not rationally preceded by goalsetting. The organizational world is a world of limited rationality and limited control. As Malik & Probst state, organizations are not structured or designed. They more or less develop in an organic, evolutionary way. They may be a result of human actions, but they do reflect human goals, intentions and planning only to a limited extent (28). In these process views on organization management is not "the designer of organizations", as Khandwalla says. It only is one of the impulses influencing organizational action

As can be derived from this little sight-seeing into organizational literature, (middle) management both in the contemporary structure views and in the process orientations, is in limited control. It has to be pictured as a force among other forces.

The concept of management

The actor-model and the function-model

Two different conceptual approaches to management can be distinguished. Some authors use an actor- or role oriented model of management. Mintzberg for instance distinguishes between interpersonal, informational and decisional roles of managers (30). These roles have to be performed in an interrelated way in order to result in effective managerial behavior. He defines a manager as: "that person in charge of a formal organization or one of its subunits" (31).

The second approach in conceptualizing management can be characterized by the famous word POSDCORB (32). Management is made up of various functions that have to be performed in organizations. Terry defines management as "a distinct process consisting of planning, organizing, actuating and controlling, performed to determine and accomplish stated objectives by the use of human beings and other resources" (33). Robbins, who uses the word "administration" as being synonymous to management supports the following definition: "the universal process of efficiently getting activities completed with and through people" (34).

These definitions do not distinguish between the several levels or sectors of management. Nevertheless, in administrative literature, the "generality" of the management concept is discussed. Two interesting debates can be identified.

The debate on public and private management

In the early seventies Murray observes increasing similarities between public and private management. Considering phenomena as "scope of interest" and "type of decision making" he notes some converging tendencies. The public interest, in his view, also is at stake in private organizations. The public sector, on the other hand, promotes, or even serves to realise particular interests. As far as decision making is concerned Murray argues that both public and private organizations can be characterized by a certain amount of consensual decision making. Rationality is not a charac-

teristic solely attributable to private organizations (35). Opposing Murray's views, authors as Rainey et al. and Fottler argue differences do occur and have typical significance for both particular sectors. Based on a comprehensive literature search, Rainey et al. perceive differences in the fields of "environmental factors", "organization-environment transactions" and "intra organizational structures and processes" (36). Fottler, from a functional point of view, distinguishes differences in the fields of planning, organizing, directing & motivating and controlling (37). However, the differences pointed out by these authors are described in gradual terms: "less", "more", "broader", "greater" are the qualifications utilized. For both public and private sectors the underlying management concepts are the same. Differences turn out to be different values, rates or rankings on the same scale. Comparative empirical research carried out on the subject does not indicate that "typical" elements of public management can not be grasped by using a frame of reference similar to that suitable for describing private management (38). So, from a conceptual point of view, public management can be described or even prescribed in quite the same way as private management. Management concepts can be attributable to all kinds of organizations.

Middle management and top management

Does middle management conceptually differ from top management? From his role point of view, Mintzberg says: "In general, the middle manager performs all managerial roles of the chief executive, but in the context of managing his own unit" (39). Terry, adopting a functional view on management, claims all managers at all levels perform all four managerial functions. However, generally speaking, "there is a tendency for planning at the upper management level, and for actuating and controlling to occupy relatively major importance at the lower management level." (40).

level of management					management characterised by being
top	planning	organizing	actuating	control- ling	broad and creative
upper middle					fairly broad and somewhat creative
lower middle					limited and somewhat routine
lower					detailed and routine

FIGURE 3: Levels of management related to functions (source: Terry, 1972, p. 87).

Further on Terry states:

"Erroneously, and all too frequently, management is thought of as existing only in the top-managerial level and not in all levels down to the supervisory level of management. The fact is, however, that when acting in their respective managerial capacities, not only the company president but also the office supervisor perform the fundamental functions of management. The difference lies in such things as breadth of the objectives, the actions which comprise the plans, the magnitude of the decisions made, the organization relationship affected, the amount of leadership required, and the complexity of measuring the actual efficiency of the performance" (41).

As we saw before, middle managers can be characterized typically by some sort of "caught in the middle" position (see figure 1) (42). These managers have to manage relationships in different directions: upwards, downwards

and laterally. They must fulfil both managerial and operational duties, and thus must rely on "technical" expertise. They have to be bilingual by nature - the "translation" problem - and have to face role conflicts. And they have to cope with limited authority, whilst their subordinates view them as "the" representatives of "administration".

This picture of the demands put on a middle manager may be quite adequate, but does it only fit into mid-level managerial jobs? We think it also can be applied to other managerial levels, f.i. top management. As Mintzberg clearly illustrates, top managers devote lots of time and attention to operational affairs (43). They in fact seem to prefer operational, quick-fix action. The "translation" problem, as can be derived from Dunsire, is crucial to each office, no matter how broadly its scope is defined. Ambiguity and equivocality have to be reduced in every managerial job. And whilst being seen by outside constituencies as the representative of his organization, and thereby meeting demands upon the organization in all its levels, the top manager will soon find out he can direct subordinate behaviour only to a limited extent.

The conclusions we arrive at seem to be clear. Differences within a sector, ranked on a scale evolving from the same conceptual approach, may be less as differences between organizations positioned in various branches of society. Differences between managerial jobs on various levels can be less than differences between managerial jobs within the same level. So we can feel encouraged to adopt a general framework to describe management, and by comparing various types of organizations in different sectors and on various levels search for patterned variance in management characteristics (44). This approach should enable us to ultimately relate a chosen concept of effectiveness to the observed variance.

The concept of effectiveness

From a conceptual point of view, effectiveness is a goal related phenomenon, whether these goals be output or input oriented. To operationalize and measure it in a meaningful way are the problems this concept confronts us with.

Robbins uses the following definition: "Organizational effectiveness can be defined as the degree to which an organization attains its short and long term goals, the selection of which reflects strategic constituencies, the selfinterest of the evaluator and the life stage of the organization." (45) By adopting this definition, Robbins tries to integrate four different perspectives on organizational effectiveness. Figure 4 can serve to illustrate these four perspectives.

<u>Approach</u>	<u>Key question</u>
goal attainment systems	are set goals accomplished?
strategic constituencies	are sufficient inputs acquired to keep the organization in a stable and healthy state?
lifecycle model	are strategic constituencies satisfied with organizational performance?
	what life stage is our organization in and what dominant effectiveness questions (as formulated in this figure) have to be asked in this life-stage?

FIGURE 4: various approaches to effectiveness
(adapted from Robbins, 1983, p. 39-40)

These approaches in measuring effectiveness clearly illustrate that effectiveness is a multilevel concept. At the strategic level, we have to ask: are strategic constituencies being served sufficiently. At the structural or systems level, the question should be: do we maintain the organizational system in a proper way. And at the operational level, we must ask: did we achieve goals, reach values or evade unvalues.

When considering the concept of effectiveness we again see no preliminary need to conceptualize effective middle management in government organizations as differing from managerial activities in other sectors or levels.

A systems-control model of management

In order to conceptualize management for descriptive purposes, we will now describe a management model, that can be said to fit into a functional approach to management and a structural approach to organizations. It therefore only is a limited approach, that does not fully integrate various perspectives on management in a useful and coherent way. It might be worthwhile to try to incorporate elements of actor approaches or process models in it. Nevertheless, this control model of management encompasses elements, that directly relate to the multilevel effectiveness approaches presented above. Its systems qualities also enable us to employ it on various organizational levels or scopes. Such a control model can be designed as follows (46).

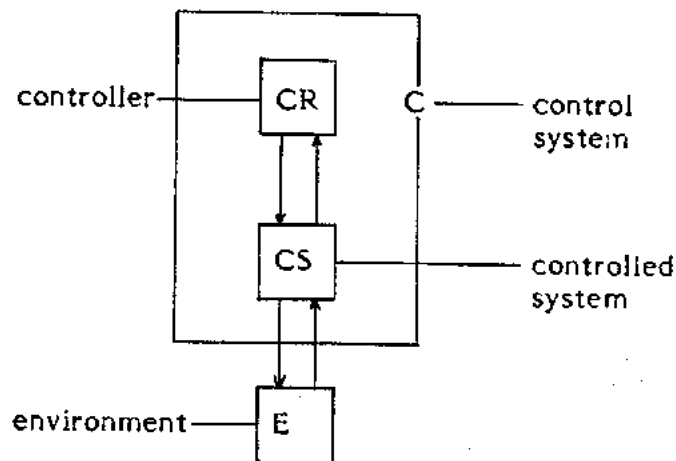


FIGURE 5: a control model of management
(source: Kickert, 1979, p. 96)

The control system (the unit) exists in an environment. The controlled system can be seen as some kind of primary (production) process. The controller can be seen as a manager, a management unit or a management function. Based on this model we can distinguish three basic types of management:

- strategic management, which has to do with control system-environment relations (survival, legitimacy, market positioning, strategic goals etc.);
- structure management, which has to do with designing the various parts of the control system (including the controller) as a means for keeping the system in a sound condition. This type of management does not only include personnel, organizational design, delegation figures etc. but also elements of culture, like organizational climate etc.
- operational management, which has to do with controlling the process of conversion of inputs into system or organizational outputs. This primary process often is the corner stone of an organizations activities. It's day to day routine and non-routine operations have to be managed within the "hardware" created by structure and strategy, in order to realise operational goals.

To illustrate the models potential for portraying various levels or scopes of management the concept of meta-control (the control of the control system) is added in the next figure.

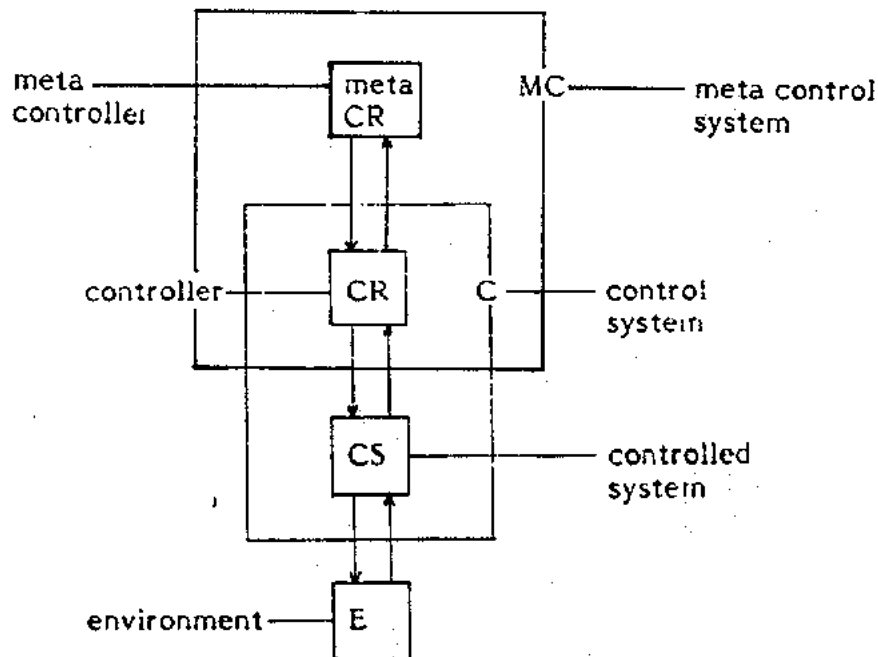


FIGURE 6: control and meta control
(source: Kickert, 1979, p. 100)

The concepts of strategic management, structure management and operational management can easily be applied to the abstraction of "meta control", thereby facilitating the systemic approach of management phenomena on various levels and "scopes" in the organization. In the fourth section of this paper the described management concepts will be used as a frame of reference for describing and comparing five units of central government.

4. UNIT MANAGEMENT IN DUTCH CENTRAL GOVERNMENT

A pilot study

In 1977, Kastelein c.s. published their comparative research on management in thirty units of Dutch central government. The units studied mainly were situated at the directorate level (47). By 1980, as an off-spring of the work done by the Government Committee on Structural Reform (Commissie Hoofdstructuur Rijksdienst) Maas & Kooiman wrote a report on "interferences in the functioning of central government organization" as perceived by officials of various ranks (48).

Besides these studies - which did not pay particular attention to the level of unit-managers, as we have operationalized it - little empirical research on government management has been conducted since in the Netherlands.

In this section we will describe some results of a pilot-study, carried out in 1984, aimed at assessing management problems on the unit level of central government. Because of its systems character middle management is not to operationalize in an unequivocal way. We choose the following practical attributions to various hierarchical ordered parts of central government organizations.

<u>Organizational level</u>	<u>Management level</u>
department director general director unit subunit	appointed politician(s) top management higher management middle management lower management (supervisor)

FIGURE 7: levels of organization and management in central government

The concept of unit is, in this research, operationalized as a distinct part of the departmental organization, encompassing 10-30 workers and two managerial levels (middle manager-supervisor-employee). We also limited ourselves to line-units with an important policy-making task.

Research approach

In cooperation with the Directorate Organisation & Automation of the Dutch Ministry of the Interior we, at more or less random sample, choose five out of the about 300 policy making line units in the Dutch civil service. This however, is no guarantee at all for a representative sample. In fact, results will not allow for generalization but can illustrate variation in performance of the distinguished management functions.

We wrote a case study of each of the five units researched. Information was gathered by studying departmental documents and by interviewing five key respondents, as is shown in figure 8.

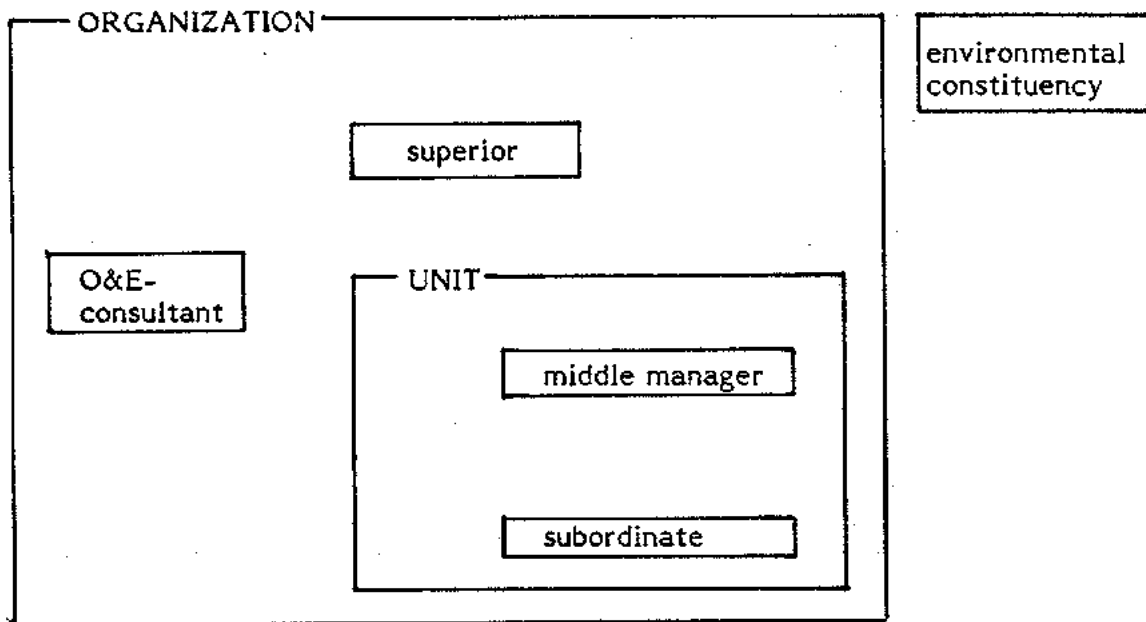


FIGURE 8: the five respondents

Usually a director or director-general served as the middle managers superior. As a subordinate, we interviewed the subunit manager (supervisor) directly responsible to our middle manager. A representant of a key environmental constituency (whom had to "work" with the policy produced by

the unit) and the innerdepartmental O&E consultant responsible for our target-unit, completed the array of respondents.

The written case descriptions have been sent to each respondent involved for comment and approval. Each elaborate and detailed description has also been checked in a final discussion with the middle manager at stake. This check-up discussion was also used to present a list with "contingency factors", presumed to affect middle management in government and derived from the whole of the written case studies.

By both discussing our draft of the case description and offering this list we found that managers were quite able to perceive their situation in terms of our control model of management. Next, we very briefly present management profiles of the researched units.

Management profiles

United Nations Economic and Trade Affairs (UNETA)

UNETA is a unit of the ministry of Foreign Affairs. Its production process is characterised by search technology, but its progress is severely restricted by the agenda of United Nations organs. UNETA depends strongly on other actors in the field (other ministries, foreign countries). It can not achieve desired policy results by itself. Creativity and willingness to make decisions on a concensual basis are required in striving for goal-attainment. The legitimacy of its business is questioned both from inside (growing demand for priority setting) and outside (developmental policies suffer from the political tendency to translate policy goals into bigger involvement of home industries).

Strategic management has not been developed. Unit management is not able to set priorities, which seems to be a disease attacking the whole department. But even on the unit level, workers and management think little about the "why" of attributed tasks. Structure management lacks, which to some extent also is a departmental problem. Typical characteristics of its culture are: fear for hiving off tasks and being pulled a leg.

Operational management has been developed little too, it mainly is constrained by the United Nations conference-scheme.

Finally, there's little lock-up between the three types of management.

Refugee-admittance (RA)

RA is a unit of the Ministry of Justice. The production process of this unit is quite structured. Key procedures are established. Because of the political sensitivity of individual requests for asylum there however are elements of search technology in the process. Punctuality is a very important value. Groups within society often criticize the units performance. From a point of view of political legitimacy RA is not at all confronted with problems. Its strategic management has not been developed thoroughly, but the need for strategic actions does not exist: its tasks are secured by international agreement. RA was founded in 1980. This is reflected in its organizational design (semi-autonomous task groups). Operational management is well-established and on line with its structure: although increased workload (massive amounts of requests for the status of refugee) poses difficulties, professional systems have been developed for measuring productivity and ensuring progress.

Road Transportation Affairs (RTA)

RTA is a unit of the Ministry of Traffic & Marine Works. Its primary process can be characterized as search technology. RTA strongly depends on other actors in its policy field (for instance the European Community, Dutch labour and employer organizations). It can achieve little of its objectives all by itself. The legitimacy of its tasks is severely questioned. Thus a process of strategic reorientation has started. This resulted in setting priorities directed towards specific societal needs and reorganizing the units structure. So both strategic and structure management are fairly well established and reasonably in line. However, because of the spin-off of failures in early reorganization attempts, the units culture still does not work out very well. Employees do find it difficult to work together on topics that previously were the prerogative of a constituting subunit.

Operational management has been developed accordingly: planning of workload and work in progress has been introduced and is being used.

Social Security Policy (SSP)

SSP is a unit of the Ministry of Social Affairs and Employment. It develops policy aimed at improving or changing the contents and implementation of one specific Social Security Act: the so-called Algemene Bijstandswet (ABW).

SSP can work in an independent and autonomous, yet quite routine way. Legitimacy is not at stake: a coping stone of the social security building, as the ABW is, will continue to exist. Strategic management is fairly well developed, mainly because of units management inclination to "play policy". Little effort is given to structure management. Management is not interested in personnel policy and organizational affairs. Some mechanisms for operational management, such as division of labour and keeping track of progress in handling workload, have been established. Mainly because of its strong culture (identity) little actual management problems exist.

Welfare Minorities (WM)

WM is a unit of the Ministry of Welfare, Health and Culture. Its production process can partly be characterised as search technology, partly as routine technology (distributing grants). The unit can function in quite an autonomous way, but it regularly meets political and societal sensitivities, that occur as a consequence of changes in grant policy. Its legitimacy is also questioned. The dominant political coalition strives for less central government interference in this policy field and towards handling minority problems in general policies.

These outside threats have, up till now, not urged the units management to develop some sort of strategy in order to cope with them.

On the level of structure management little attention is given to delegating authority, management one-sided concentrates on improving workers motivation. Operational management also has not been worked out well. WM is not able to set priorities in its workload or to hive off less crucial tasks.

Problems of middle managers

Based on the case study material we hypothesized 26 main disturbances, grouped into five clusters, that affect middle management in central government. Our respondents - at least those in managerial positions - turned out to be quite able to perceive disturbances experienced in terms of our model. Each of the five central respondents was asked to agree or disagree with each provided statements. When a respondent disagreed with a statement, he was asked to give his perception of the magnitude of that statement, seen as a disturbance affecting the management of his unit. Perceptions could be rated on a four point scale. The given numbers in each column of the next figure account for the number of respondents in agreement with the statement at stake.

Statement	agree	do not agree	if agreed, how serious is this disturbance showing up			
			not at all	hardly	considerable	strong
I <u>Environment</u>						
1. the policy field is turbulent	5			2	2	1
2. other departments and departmental units strongly interfere in the policy	4	1			2	2
3. responsible politicians are discontented with the policy	1	4		1		
4. societal groups are discontented with the policy	3	1		1	1	1
5. government interference in this policy field is seriously questioned by strategic constituencies	1	4			1	

Statement	agree	do not agree	if agreed, how serious is this disturbance showing up			
			not at all	hardly	considerable	strong
II Clients 1. it is difficult to catch up with wishes and ideas of political clients	1	4				1
2. it is difficult to catch up with wishes and ideas of societal clients	1	4			1	
III Operational Management 1. in this policy field it is hard to make policy in an expert way	3	2	1		2	
2. tools for measuring progress are lacking or not used	2	2			1	1
3. employees think and act task-oriented in stead of results-oriented	3	2			2	
4. tools for measuring quality and quality of output are lacking	3	2		2	1	
5. setting priorities in day to day operations is deficient	2	3			1	1
IV Structure management 1. more and better delegation to this unit is needed	4	1			4	
2. more and better delegation within this unit is needed	2	3		2		
3. in filling managerial vacancies, candidates are primarily judged on policy qualities	4	1	1	2	1	
4. to perform the unit largely depends on cooperation of staff-units	4	1			3	1

Statement	agree	do not agree	if agreed, how serious is this disturbance showing up			
			not at all	hardly	considerable	strong
In the field of personnel policy the following aspects are underdeveloped.						
5. recruitment	1	3				1
6. settlement into new jobs	4	1		2	2	
7. training & development	3	1		1	2	
8. career development	4	0	1		2	1
9. "getting the right man on the right place"	2	3		1	1	
10 remuneration policy	4	0		2	2	
V Strategic management						
1. initiative to change or innovate policy and working procedures is not stimulated from above.	2	2			2	
2. initiative to change or innovate policy and working procedures is not stimulated below	1	4			1	
3. there is little room for experiment and learning from mistakes made	3	2		1	2	
4. the question "what are we doing for whom and why?" is not asked, let alone answered		5				

FIGURE 9: disturbances in the management of government units

As is illustrated by this overview, central government units differ to an extent probably as big as the supposed differences between public and private organizations.

Three out of the five supposed disturbances in the environment cluster seem to appear. Middle managers are bothered by other government units,

that interfere in the policy making process, at least that is how our respondents perceive the situation.

Societal or political clients are not putting severe stress upon the units: the client cluster is not seen as one causing disturbances in managerial functioning.

To some extent operational management problems are perceived. For some of the middle managers measuring progress and quality of output makes managing difficult.

Managerial problems especially arise in the field of structure management. Delegation possibilities are underutilized, the unit depends strongly on departmental staff offices and the various elements of personnel policy give the middle manager little room to effectively locate and reward his most important production tools - his subordinates.

5. CONCLUDING REMARKS

Does it really exist?

Middle managers of course do exist. We can also see them at work in government organizations. However, societal developments and dominant tendencies in organizational theorizing indicate that their roles are becoming more crucial to organizational performance.

The contributions of effective middle managers no longer simply can be characterized as "carrying communications from one level to another". Middle management might very well develop into small or medium scale, but nevertheless full size, management.

The word "middle management" suggests that its significance is less than top management's. This suggestion relates to a classical hierarchical view on organizations that does not seem useful for analyzing management functions or roles in today's "network-type" government organizations. We might better use the term "unit-management" to express out premise that management-activities can differ in scope but basically do not need to vary in contents because of variations in organizational level or societal sector.

Does it differ conceptually?

No single organization, whether in the public or the private sector, exactly resembles any other one. Every single manager is unique. Organizations and managers, in this sense, are exchangeable only to a limited extent. So differences between the management of unit ABC or organization XYZ and that of unit PQR and organization FGH also are apparent. But these differences, in our view, do not relate primarily to the crude distinction between organisational level or societal sector. In conceptualizing management we at least believe no a priori differences have to be presupposed. In stead of arguing about the gradual or principal nature of perceived differences, it might be preferable to spend our energy in conducting empirical research in organizations in various societal segments and seen from various "scopes".

By tracing patterned differences in management profiles and by isolating

variables that can account for these differences we might be able to develop guidelines for effective management useful to both private and public practitioners of management.

Can a systems-control model be useful?

The systems-control model we discussed briefly can be of help. What is needed to develop it into a more fruitful and comprehensive approach in describing and prescribing management is:

- application of the concept to a less abstract level of interpersonal communication and relationships in the management of organizational units;
- hypothesizing contingency relationships. What profiles of strategic, structure and operational management are effective in certain task environments? How do these profiles relate to role requirements of managers, to personal traits etc.?

A systems-control model enables us to derive prerequisites of effective governing from it. It might be useful to translate these abstract prerequisites into valid, measurable indicators, that fit into the "daily languages" managers use. In our research we found that government managers are quite able to give a comprehensive picture, in terms of the model, of managerial problems they have to cope with.

Is it fashionable to be a manager?

Management is a "buzz word". Being seen as a manager adds social status to a person. Though of a pilot character our research indicates the (growing?) status of managerial work in government organizations. The managerial job, whether it be on the higher management, the middle management or the supervisory level, not only consists of typical management tasks, but in policy producing organizations also comprehends policy-related tasks. It is interesting to see that superiors always state that the percentage of managerial tasks, performed by their subordinate managers, is relatively less than do claim these subordinate managers themselves. This

phenomenon applies to both the subordinated supervisor and to his middle manager. Management not only might be a buzz word, it also seems to be subjected to inflatory tendencies.

Problems of unit management

Our research on five central government units indicates that unit management especially perceives problems in the field of structure management. In Dutch government, as in stereotype bureaucracies, unit management has very little control over important aspects of structuring. Personnel policy is centralized and therefore leaves little room for the unit manager to "structure" the units most crucial "production facilities", people. Problems arise in the field of recruitment, training and development, settling into new jobs, remuneration policy and "getting the right man on the right place".

Although key administrative decision makers seem to favor modern management gospels (for instance the McKinsey 7S-framework), in practice up till now only lip service has been paid to principles as "Simple Form, Lean Staff". Top managers (and political appointees?) increase control by establishing staff agencies, thus taking some line responsibilities away from middle level line managers. Little room for experiments is left to the unit manager. In this respect differences between theory and practice of (public) management are clear.

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PUBLIC MANAGEMENT AND ACCOUNTABILITY IN BRITISH CENTRAL GOVERNMENT

We are told that soon after Mrs. Thatcher formed the new Conservative Administration of 1979 she held a dinner party at No. 10 Downing Street for Whitehall's permanent secretaries. It was, by all accounts, disastrous; a meeting of totally dissimilar minds (Hennessy 1983). Those officials who dared to speak simply confirmed Mrs. Thatcher's unfavourable instincts about the mandarins: it may even have hardened them. Certainly, life in Whitehall has never been quite the same since.

In short, the years since 1979 have seen important, some would say radical changes to public management in the UK. The consequences and causes of these changes remain to be explored. Of course, the history of British (and other) public administration is littered with the skeletons of plans and programmes of management change but it remains to be seen whether current efforts will go the same way. These are at least different in form and reflect not simply an external, political drive for change but also a previously untapped desire for reform from within the service itself.

The underlying emphasis is on the scope of state activity and above all its cost; financial management and resource use are at the centre of the new wave of techniques. But tied to these are ideas about the responsibility of civil servants and their accountability for programmes and expenditures. It is this concept of accountable management and its implications for the management of British central government with which this paper is concerned. Specifically we shall explore the developments of accountable management in terms of an analysis of accountability itself. But before that, we need to place these developments in their context.

PUBLIC MANAGEMENT AND ACCOUNTABILITY IN BRITISH CENTRAL GOVERNMENT¹

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ABSTRACT

This paper investigates some recent changes in the management of British central government. It is particularly concerned with those developments in accountable management, such as the Financial Management Initiative (FMI) and Efficiency Reviews, which are designed to promote a system of allocation of responsibility and accountability for resources (if not activities). The paper seeks to assess these approaches and techniques in terms of an analysis of accountability itself.

To be accountable is to be liable to present an account of, and answer for, the execution of responsibilities to those entrusting the responsibilities. The paper identifies and elaborates the parties in the stewardship relation at the heart of accountability: i.e. the principal (or accountant), the steward (or accountee) and, a party overlooked in previous analyses, the codes on which the relationship is struck and adjudicated.

Codes of accountability are of various types and embody various rationalities. The paper identifies some of the changes to these codes brought by the FMI and related developments. Specifically, it discusses some of the (somewhat contradictory) changes to financial, administrative and professional codes which may even threaten the implementation of the revolution in the culture of public management sought by the present British Government.

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SOME DEVELOPMENTS IN THE MANAGEMENT OF UK CENTRAL GOVERNMENT

Efficiency Reviews

One of Mrs. Thatcher's first actions in office was to accept the advice of Sir Derek (now Lord) Rayner that a programme of efficiency reviews should be carried out in and across departments. Such a proposal suited both the style of the new Administration and the realisation that Programme Analysis and Review (PAR) - which had been introduced by Edward Heath as part of his attempts to improve the management of government - had faded for a number of reasons. Thus in 1979 PAR was officially laid to rest and, phoenix-like from the ashes, emerged the Rayner Scrutinies (later known as the Efficiency Reviews).

It is important to realise that from the outset the conception of the whole Rayner programme has been different from previous efforts such as PAR. According to Sir Derek's Note of Guidance to scrutineers, the assumption of the schema is that "Ministers and their officials are better equipped than anyone else to examine the use of resources for which they are responsible" (Rayner 1982). Ian Beesley, now Under Secretary at the Efficiency Unit, has described the programme as "at the leading edge in the present Government's policy for good management of the State" (Beesley 1983). "Good management" here means the efficient use of resources, and indeed it is resource use rather than policy effectiveness which is the subject matter of these evaluations.

Overall the scrutiny programme has had three objectives: to promote greater value for money, to remove obstacles to good management and to encourage the quick and effective implementation of feasible changes. Both internal documents (e.g. Rayner 1982) and published commentaries (e.g. Beesley 1983) suggest that those involved see great value for money coming especially from a reduction of administrative costs and a streamlining of procedures. Similarly, good management is promoted by systems which more

extensively and more clearly establish responsibility and accountability. And the emphasis on action is evident from the objectives which Rayner himself set for each scrutiny. These were, first, to examine and question specific activities, second, "to make recommendations to achieve savings and increased efficiency and effectiveness", and third, to begin the implementation of solutions within one year of the start of the review (Rayner 1982, para. 2.2).

The programme has had strong central direction since the beginning. The responsibility for ensuring that these objectives have been achieved has been with the Efficiency Unit, now located in the Cabinet Office. The terms of reference of each scrutiny are usually broad, often requiring a "review of the efficiency of...". This is consistent with the idea of the reviews enabling rather than constraining investigation. Topics are suggested by ministers and the whole programme for any one year is confirmed by the Prime Minister. The scrutineers are normally officials working in the department concerned though not usually responsible for the activity under review.

The timetable is tight, originally 60 but now 90 days, and follows a series of stages laid down by the Efficiency Unit. These involve, first, a study plan which incorporates the general approach and method of review. Most of the 90 days are spent on the second stage, the fieldwork comprising observation of activities and the collection of evidence. Towards the end of the review the scrutineer draws up a synopsis of preliminary findings indicating to the minister the direction of the analysis and the likely recommendations. Following this, the final report is drawn up. It must present an analysis of the activity under investigation, how and when resources are consumed by it and, above all, point to clear and practical recommendations for improving the efficiency of the activity. These recommendations are seen as critical for the final stage of the scrutiny, the action plan, which is drawn up by the minister on the basis of his acceptance

or otherwise of the recommendations and in which he sets out his scheme for implementation and the timetable to be followed. The Efficiency Unit itself then monitors the implementation of the action plan.

So, is Rayner's ideology, now embodied in the Efficiency Unit and the continuing programmes, simply good bottom-up management? The answer seems to be "yes", but the results of the programme over the past five years have been claimed to be not only the once-and-for-all and recurrent savings but also the revelations about the nature of inefficiency in the Civil Service and the changes which have to be made to the practice of administration. Beeseley, for example, identifies five discovered causes of inefficiency: those arising (i) from an imbalance of effort between the value of a service and its cost, (ii) from a failure to use modern technology in administrative procedures, (iii) from a general neglect or ignorance of costs, (iv) from the unchecked growth and complexity of regulations and (v) from unnecessary and incomprehensible forms (Beeseley 1983). The changes to the underlying framework of British administrative practice which the programme of scrutinies claims to have produced include the principle of charging for the use of common services, the establishment and development of cost centres, the introduction of latest technologies for processing work, the development of appropriate experience through more systematic career planning and training, and an incentive to be more efficient through a system of merit payments, promotions (and honours including to the infamous Clive Ponting!). The emphasis in these results is not so much on the savings themselves as on the "lasting reforms" (a favourite expression of those in the Unit) which are generated. The aim is to develop not only an awareness of inefficiency but to achieve the unachievable, that is to make self-evaluation part of the regularities of administration in Whitehall.

The Financial Management Initiative

The Rayner Scrutinies were the subject of a good deal of interest in the Treasury and Civil Service Committee's investigation, Efficiency and Effectiveness in the Civil Service (Treasury and Civil Service Committee 1982). Sir Derek Rayner provided written evidence and was questioned by the Sub-committee on the progress of the reviews and his thoughts on the topic generally. He and others drew attention to the early development of information systems for ministers in some departments. From the questioning of all witnesses it was clear Committee members and their advisers felt this had been an area of weakness in departmental management. The Committee's Report heavily endorsed initiatives such as the Management Information System for Ministers (MIMIS) in the Department of the Environment. Indeed, the Committee sought more Parliamentary involvement in this area through the Comptroller and Auditor General but this was rejected by the Government. Instead, the latter took the Report as a justification of its existing activities and their extension. Hence its response was centred on the introduction of the Financial Management Initiative, a systematic schema for the development of cost management in departments.

Like many other innovations in Whitehall the FMI was not a totally new idea. Essentially, it was designed to remedy weaknesses identified not only by the Treasury and Civil Service Committee but also by several earlier reviews by departments and successive generations of management consultants. Specifically these weaknesses were (i) a lack of information systems relating to costs of administration and programmes within departments, (ii) the difficulty of making comparisons between either the costs of different activities or the actual costs against those budgeted, and, perhaps most severe of all, (iii) the lack of unified responsibility for different resources and activities. Thus the FMI's stated purpose is to ensure that managers at all levels (and one of its secondary aims is to identify who

these are) have (i) clearly defined Objectives and ways of operationalising them, (ii) a distinct responsibility for resource use as well as operational effectiveness and (iii) the support, including relevant information, training and advice, necessary to achieve these.

The first stage of the FMI required each department to draw up an outline plan of its development and priorities, to state what it was doing to provide the information system required to manage these objectives and their costs, and to describe how it was allocating responsibility for resources and results. Each department was also to budget specifically for administrative costs and develop a scheme of performance indicators and output measures. To aid and "assist" them in this exercise, departments were guided by the Financial Management Unit (FMU) attached to the Treasury. This included management consultants as well as Treasury officials. The FMU's responsibility was to coordinate the introduction and early development of the initiative. To this end it worked closely with the units responsible within the departments for formulating schemes at this level (usually the Principal Finance and Establishment Officers).

Warned by the history of earlier management curricula (PPB, PAR, and their like), it was not envisaged that the FMI would be implemented overnight. Rather, it was seen as a process that would be developed with full regard to departmental differences and the training and career development needs of the new breed of civil servants that was to be required (Lee 1984, Ridley 1983). The first departmental responses were published by the Government in its White Paper, Financial Management in Government Departments (Cmd. 9058 1983) and Progress in Financial Management in Government Departments (Cmd. 9297 1984). These documents, written in a uniformly laiden style constituted progress reports in which general reviews were accompanied by departmental statements of their positions. Many departments made attempts to specify what they saw as their objectives,

although, as might have been expected, they were notably vague. Some spoke of their "responsibility", others of their "functions", some simply of their "creation" to perform certain "tasks". None expressed objectives in terms of outcome achievement; at best they talked only of outputs.

Nevertheless, setting the above aside, advocates of the FMI would point to important and visible signs of progress. For example, information systems have been developed and several departments do appear to have attempted to shift the responsibility for administrative costs to line managers. The capacity to do this is clearly affected by the nature of departmental operations. Hence the Department of Health and Social Security (DHSS) claimed to have established 800 cost centres but even the Foreign Office reported the devolution of 20% of its overseas costs to local offices.

The FMI therefore represents an ambitious programme that aims to influence not only lower level departmental operations but also ministerial conduct. The latter point may not immediately be clear but undoubtedly the intention is that ministers should be a principal beneficiary of the change; i.e. a consequence of the type of information system is that it should enhance ministerial capacity both for control and for making resource allocation decisions. In these and other ways the intention is to create a different and enhanced system of accountability governing both the relation of officials to ministers as well as that of ministers themselves to Cabinet and Parliament.

It was suggested to us some years ago that the history of Fulton's reforms, Heath's revolution and now Thatcherism could be explained by the fact that "policy is indigestible, management is not". This now seems accepted wisdom at least in the centre of government. Fifteen years ago attempts to managerialise the Civil Service were concentrated at the policy making levels. Today the developments described here concentrate on resource use (and its constraint). But does this make these changes, especially in

accountable management, really more digestible? To answer this question we need to explore the nature of accountability itself and assess the implications of these developments for its practice in British central government.

THE NATURE OF ACCOUNTABILITY

Although much has been written and spoken about accountability in government (for example by Heald 1983, Ch. 7; Peters 1978, Ch. 8; Pitt and Smith 1981, Ch. 2), in reality little of its practice has been understood. In particular insufficient attention has been paid to how (and more importantly) why accountability has been defined and exercised. This section therefore explores the complex processes and relationships involved in the development and practice of accountability by discussing the notion of stewardship and examining the codes on which the relationship is based.²

To be accountable is to be liable to present an account of, and answer for, the execution of responsibilities to those entrusting the responsibilities. Thus accountability is intrinsically linked to stewardship. Stewardship involves two manifest parties: a steward or accountant, that is the party to whom the stewardship or responsibility is given and who is obliged to present an account of its execution, and the principal or accountee, that is the party entrusting the responsibility to the steward and to whom the account is presented. There is however a third party in this relationship: the codes on the basis of which the relationship is struck and by which it is maintained and adjudicated. Such codes may be explicit, as when a principal entrusts resources to a steward with a stipulation as to how they should be used, or more often implicit, as when resources are entrusted to a particular steward on certain understandings, for example that the terms of the previous stewardship will be maintained or

that the steward's own experience, training and ethos will prevail. The significance of such codes can be appreciated further by considering how stewardship relationships are struck and maintained.

Stages in the Stewardship Relation

Stewardship is established when one party entrusts another party with resources and/or responsibilities. Almost certainly the steward takes on this trusteeship in return for some reward. In order to gain the reward, however, the steward must satisfy the principal regarding the execution of the stewardship. The steward therefore executes his responsibilities, whether these be the guardianship of assets, the use of such assets for mutual gain or the performance of specified duties, and at the end of a stipulated period he is obliged to render an account of his conduct in effecting these responsibilities. The account is presented and examined in accordance with the codes by which the stewardship was struck. There follows the adjudication, that is the judgement by the principal of the extent to which the steward has properly discharged his responsibilities. Finally, the relationship is confirmed, modified or terminated. This cycle of stages will follow for each stewardship relation struck in turn by a steward with sub-stewards.

This elaboration shows how obligations to give accounts arise and how these accounts may be examined with a view to establishing responsibility for desired and undesired activities and outcomes. If the need to view accountability in terms of both form and context has been recognised by some (e.g. Stanyer 1974), few writers have revealed much of the variety of relationships which may be struck and maintained in different contexts. Something of this may be discerned by exploring further one feature of our model which traditional discussions of accountability tend to neglect, i.e. the codes which underpin the relationship and delimit the nature of accountability.

Codes of Accountability

Codes may be understood in three separate but related ways: first, a code may be a system of symbols used to expedite messages, second, this system may be designed in such a way as to restrict the comprehension of the message to only a limited number of receivers, and third, a code may refer to an established order or custom which governs behaviour. It is to the last of these that codes of accountability refer, although there are important ways in which the other meanings may apply. For while these codes are essentially guidelines for the conduct of stewardship, other codes are usually developed which constitute a shorthand for the communication of information and these can often be designed or used to hinder rather than facilitate understanding.

A code of accountability is, then, a system of signals, meanings and customs which binds the parties in a stewardship relation and governs the liability of the steward to present an account of the conduct of his stewardship. The significance of such a code lies in the way it defines the nature of the relationship between steward and principal, the content and manner of the execution of the specified responsibilities, and the terms in which the account of the execution is presented and evaluated. It is these codes which give rise to what some commentators refer to as different types of modes of accountability; therefore the nature of these codes needs to be understood before the character of public accountability can be fully appreciated (Heald 1983, Ch. 7; Stanger 1974). Later we shall be suggesting that it is the increasing variety and complexity of these codes which has been one of the most significant features of the development of accountability in public sector management. But such a suggestion requires first a classification or typology of the codes themselves.

There are a number of ways in which these codes may be distinguished, each with its own implications for the character of accountability. First,

there are codes developed specifically for the purpose of a particular stewardship. These internal codes are distinct from external codes which are in a sense imported. The difference is significant for the association each has with explicit and implicit codes respectively, for whereas internal codes are by definition likely to be elaborated specifically to deal with the particular characteristics of a stewardship, external codes tend to be conceived only in general terms. Thus sub-units of organisations (e.g. government departments) may develop their own codes which lead them to resist any top-down and generalised system perceived to subvert these. Thus resistance to change is sometimes less the expression of recalcitrance than an adherence to a localised and more specified code. Hence one should not be surprised at administrative resistance to innovations such as Planning, Programming and Budgeting (PPB) in the US (Jenkins 1978, Ch. 5) or the Management Information System for Ministers (MINIS) in the UK.

Difficulties arise therefore when assumptions made by either steward or principal about the particular implications of an external code turn out not to be shared by the other party. The significance of this difficulty varies with different levels and areas of the public service. Whereas individual civil servants, for example, may receive a fairly explicit statement of their responsibilities (as in the job specifications for Principal Finance Officers and Principal Establishment Officers (HM Treasury and Civil Service Department 1981), the responsibilities of ministers are less explicit and well defined, being based on the development of practice in widely different fields and contexts of government. Further, such a reference to an external and relatively implicit code renders unclear the terms on which the account should be based and its adjudication subject to various forces which may be irrelevant to the actual execution of those responsibilities. This may allow senior (or even junior) administrators to define accountability in their own terms and seek sanctuary in it. Such escapes are more easily managed when

relatively implicit external codes are employed than when codes are detailed and related to the particular stewardship in question.

As with all these categories, however, the distinctions may be drawn sharply only for analytical purposes. All stewardships employ combinations of external and internal codes, each with varying explicitness. Often, too, what is considered at one moment to be explicit and precise may turn out to be quite the contrary when challenged.

Codes may be further classified by the objectives they serve. Some seek to specify standards of outcome or impacts, that is the effectiveness of the execution of the stewardship, while others seek to specify standards for the process of execution itself, that is the conduct or means employed. The emphasis in much of the accountability of public management is on the latter rather than the former, especially on regularity and procedural correctness. This emphasis is evident in the elaboration and formation of codes governing the authorisation and expenditure of public funds and the procedures for auditing them. Perhaps nowhere is this clearer than in the conduct of legislatures and bureaucracies in the process of budgeting. In the UK (and in many other countries) budgets are less about choice than about legitimacy (Hecllo and Wildavsky 1981). More specifically, in British parliamentary terms, budgets have little to do with policy outcomes as long as the estimates procedures have little real bite. Thus as Heald notes:

Budget day is pure theatre, more suited to the talents of Parliamentary eccentrics than to a serious appraisal of alternative policies ... On the expenditure side, parliamentary procedures run in parallel to the real decisions, being peripheral though constitutionally necessary. The estimates cycle does not provide MPs with a mechanism for articulating their priorities. Nevertheless, such procedures have promoted high standards of 'regularity and propriety'. (1983, p. 170 our emphasis)

This dominance in the public sector of concepts such as due process or administrative equity testify to the importance of developing a theory of public accountability in which the real significance of codes is revealed.

However, while some codes may have substantive effects on the conduct of stewardship others may be come simply part of the mythology of accountability; their recognition is thought desirable for symbolic purposes but their practical effect is minimal. Thus some have commented that the individual responsibility of ministers for the policy and conduct of their departments is a myth; it is a doctrine which Parliament, ministers and civil servants symbolically acknowledge but which has little influence upon their relationships (see for example Heald 1983, Ch. 7).

Codes of substantive rationality are based on one or other of different but not necessarily competing rationalities. Following Diesing (1962), these can be identified as legal, economic, technical, social and political. Of these, legal rationality, that of fundamental rules by which societies regulate differences and promote order, has been perhaps the most continuous and dominant influence on public management and stewardship. Legal rationality relates both to the substance of the code itself and the manner in which the code is to be regarded. Such codes specify the responsibilities of commission and omission, of due process and regularity. Indeed, governments themselves may be brought to task if they fail to respect such codes as was exemplified in 1984 when Mrs. Thatcher's Administration was censured by the High Court for failing to consult with Trade Unions before the decision to ban union membership at the General Communications Head Quarters. (GCHQ).

Codes of economic rationality embody economising, that is economic evaluation of ends and means in circumstances where one must be sacrificed in favour of another. Codes of accountability based on economic rationality specify this type of evaluation and may proceed to specify the ways in which the alternative ends and means should be compared, comparison being inherent in economising. Codes which are based on this type of substantive rationality are clearly related to those embodying technical rationality, the

reasoning by which means are selected in relation to ends. This draws one close to the situation where public sector activities are assessed in market place terms with all the difficulties this involves (see Heald 1983, and below). Hence, since 1976 nationalised industries in the UK have found themselves forced into situations where their activities are assessed by market and technical criteria. In brief, worlds as diverse as railways, utilities and shipbuilding have found their codes changed and with it the way their activities are assessed.

In contrast, codes of accountability based on social rationality specify that the stewardship should be conducted in terms of the maintenance of social integration. Action is socially rational if it furthers the integration of a community in question, irrational if it threatens it. The operation of such codes (frequently running against each other) is a feature of disaggregated administrative structures especially those closely linked with identifiable external interests of policy communities. Hence the Ministry of Agriculture, Fisheries and Food (MAFF) has often found itself in its protection of the farming community to be in dispute with the Department of the Environment (DOE), custodian of the interests of the countryside, over, for example, the preservation of fauna and flora on sites which farmers wish to develop (see Sheard 1980).

Related to social rationality, however, is political rationality. Here politics has a narrower meaning than that of common usage: politically rational decisions are those which are based on and maintain the integration of decision making structures and processes. Decisions which take account of different pressures express only technical rationality, unless, for example, concessions are made to maintain the future co-operation of a pressure group (that is to maintain the integrity of the decision making system). Codes of accountability which employ political rationality, therefore, specify activities consistent with this integration. This is true in Whitehall,

where agreement in a world of inter-departmental committees is valued for its own sake, and in Cabinet government, a feature much castigated by recent critics such as Hoskyns (1982).

Yet while some codes of accountability may appear to specify or draw on one substantive rationality to the exclusion of others, in practice the codes comprise combinations, even fusions of these rationalities. It was indicated earlier how financial codes have provided some of the earliest and most significant examples of codes of accountability. Indeed, Norman actually defines accountability in these terms:

a statutory obligation to provide, for independent and impartial observers holding the right of reporting their findings at the highest levels in the state, any available information about financial administration which they request (1966, p. 2).

This is also interesting for the way it suggests that the obligation may include an account of activities not directly the subject of the stewardship itself. More significant however, is the way financial codes bring together at least three substantive rationalities: legal, economic and technical.

Traditionally, financial codes have always embodied rules of authorisation and appropriation, that is rules of regularity by which Parliament, for example, has been able to hold governments to account. More recently, such codes have included provisions relating to not only how much and on what monies might be expended but also how well they are spent, a feature exemplified by the 1981 Law lords' decision which found against the Greater London Council subsidisation of transport and the supplementary rate this had entailed (Garvel 1984, Ch. 7). Such provisions draw on economic and technical rationalities in the way they embody economising and mean-ends constructs. But in practice such codes have not yet developed much beyond the symbolic because of the absence of specifications as to the basis of comparisons which, as was suggested above, is fundamental to the pursuit of economically and technically rational actions. Yet, the search for such a

basis of comparison through performance indicators continues, for example in the development of the Financial Management Initiative (FMI) discussed further below.

Professional codes of accountability contrast with financial codes in a number of ways. Developments here have tended to follow those of financial codes, but they are more obviously external in the sense that they derive their existence not from any particular stewardship but from a general activity. They also express a horizontal rather than a purely vertical relationship, for professional activities are more subject to the judgement of peers than that of organisational superiors. Yet professional codes are similar to financial codes in the way that they too bring together different substantive rationalities. The dominant rationality is social, for a professional act is justified essentially according to the extent and manner in which it preserves the integration of the profession and the maintenance of relationships with clients. But in turn, this notion is based on what is desirable action in terms of regularity (legal) and means-end constructs (technical rationality). And professional codes may also refer not only to codes of behaviour but also to codes as symbols, even secret symbols. A distinguishing characteristic of professional (e.g. medical or legal) activity is the preponderance of specifically generated meanings for concepts and actions; these meanings may in their turn come to restrict understanding of the messages conveyed by them to only chosen receivers. By such restriction does a profession protect itself from outsiders (Johnson 1982; Larson 1977).

Administrative codes of accountability also bring together different rationalities. However, in contrast to professional activities, administrative activities are justified in terms of laid down procedures or structures, usually developed specifically to govern the activity. This implies acting consistently with the pattern of the allocation of authority

and functions within which the steward (and principal) operate. Such a notion relies on legal rationality, that is the way rules promote order. In their turn the rules depend on technical and economic rationalities, although it is a feature of rule-bound behaviour that legal rationality dominates any other. But such codes also provide for the notion of controllability in that the steward is not accountable for events outside his control. Thus the allocation of responsibility for actions, decisions, costs and so forth is an essential if problematic feature of administrative codes of accountability.

In this context it is interesting to compare administrative organisation and practice in British central and local government. In central government it might be argued that administrative codes dominate, in local government professional ones. This division might be made too starkly ignoring such claims that the centre is the world of the professional administrator (Kellner and Crother Hunt 1980) or that professionalism may threaten local democracy (Elcock 1983). Nevertheless it also serves to indicate that a stress on different rationalities may lead to an inherent tension in central-local relations, a situation exacerbated by recent moves towards centralisation (Stewart 1983).

ACCOUNTABLE MANAGEMENT AND CHANGING CODES OF ACCOUNTABILITY

Does the above analysis have anything other than a heuristic purpose? What are its implications for the application of accountable management through the FMI and related developments? In this final section of the paper we hope to answer these questions by discussing some of the changes to the codes of accountability which we have already identified and which are significant for the present UK Government's intentions.

Our earlier discussion identified three major codes of accountability (administrative, financial and professional) as dominating the practice of

public management in the UK. The development of the efficiency reviews and the FMI suggests that these codes may be changing both within themselves (i.e. with regard to the balance of rationalities that underpin them) and in the way they relate to each other. In administrative codes there has been an attempt to alter the balance of relationships between principal and steward; in particular civil service managers (as stewards) are now seen as being more responsible for their actions. This not only relates to the use of resources and the development of accountability through the FMI but more generally in the way bureaucrats rather than ministers may well be directly called to account to Parliament, the courts, or tribunals. As a consequence, officials rather than ministers are liable to be found culpable for administrative and even policy errors (e.g. as in the escape from the Maze Prison in 1983). Thus it could be argued that at the general level the administrative codes of accountability have increasingly shifted responsibility, answerability and culpability away from ministers towards officials (Gray and Jenkins 1985, Ch. 6).

Yet if such a change is clear the rationale for it and its implications are less obvious. The changing nature of government in terms of tasks and environments may have resulted in action designed less to manage activities more successfully than to preserve a government's political and organisational integrity. Hence the development of new administrative codes (seemingly characterised by more rather than less uncertainty of accountability relationships) may be principally responses to strains in the organisation of political administration.

On initial inspection changes in both administrative and financial codes might be seen as mutually reinforcing. In practice, however, they have altered the balance of systems of accountability in different ways. Financial codes were shown above to be fluctuating amalgams of legal, technical and economic rationalities. Traditionally they have been dominated

by legal rationality as expressed in an emphasis on regularity. In recent decades, however, more attention has been paid in these codes to technical and economic rationalities, i.e. obligations are increasingly being placed on stewards to inform their decisions with analyses of technical (means-ends) and economic (economising) relations. Over the last few years concrete expressions of this in British government have been not only the development of the FMI but also that of the Exchequer and Audit Department (for central government) and the Audit Commission (with a brief to scrutinise local government spending). If the thrust of such efforts is clear, their actual impact is perhaps less so. Thus one commentator on the Audit Commission notes:

Its unbalanced emphasis on economy, reinforced by its predominant reliance on accounting skills, will often cause, or legitimate, the neglect of undermining of local authority effectiveness (McSweeney 1984).

It could be argued, of course, that both central and local government organisations have always been charged with economising. However, a good case can be made that until recently many of the activities in this area were at best symbolic. Thus accounting officers in central government departments (i.e. the permanent secretaries) were in the main concerned with ensuring regularity of operations. Moreover, their lack of financial training, which already placed them in difficulty in their stewardship of regularity, almost ensured that any economising activities remained symbolic.

It was this that the 1980s' efficiency drive sought to change. Thus a White Paper (Cmd. 8616) referred to ways in which:

the management roles of Ministers and their top officials are being clarified. This means emphasising the Minister's ultimate responsibility for managing his department as well as its policies; more emphasis on the key management role of the Permanent Secretary under his Ministers; and spelling out more clearly the support that he should get from his Principal Finance Officer and Principal Establishment Officer. (1981, para. 18.)

This was followed by the publication of detailed and specific codes setting out the duties of Principal Finance (PFO) and Principal Establishment Officers (PEO) in departments (HM Treasury and CSD 1981). From these it was clear that top officials were now expected to plan and appraise resource demands, to secure value for money, to control financial and other resources, to delegate financial authority (this was particularly emphasised), to monitor and audit departmental and related expenditure as well as to ensure regularity. In short the new world of financial accountability is one represented by control and delegation (or rather of delegated control) to cost centres and to lower level line managers.

What are the likely effects of such moves? Undoubtedly the language of the FMI (and associated developments) indicates that the code in use now emphasises a responsibility (and accountability) for costs of activities rather than expenditure in general, let alone for policy effects. It indicates a shift in values (and rationalities) to the situation where accounts of good government will have to be presented in terms of its cheapness rather than its ability to manage its environments. In brief, the detailed specification and especially quantification of financial responsibility in these codes may tend to produce in the accounts a fixation with results couched in terms employed by the supporting information systems. There is a danger here that unless activities are reducible to the language of these information systems they will be ignored; for if rewards depend on results, behaviour will adapt to produce acceptable accounts.

A second feature emerging from the development of these codes is the prominence given to the market both as a guide to evaluation and as a means of accountability itself. Over the past century or so the UK has been moving from something approximating a traditional market economy to one in which government intervenes extensively. The reassertion of the market concept, which has been a hallmark (but not exclusively so) of Mrs. Thatcher's

Administration since 1979, has not only promoted economising as a mode of reasoning but intensified the use of the market as a framework of accountability in the sense of subjecting activities to market forces. Thus from map making (the Ordnance Survey) to hospital catering the test of good practice is now seen as the ability to compete in the market place. At present it remains unclear how far this development will proceed and whether the codes will elaborate how activities for which there is no market place will be evaluated (further see Heald 1983, Ch. 7).

Monopolistic markets often provide examples of stewardship evaluated according to professional codes of accountability. These provide a further illustration of the way codes of accountability have been changing in the administration of the public service. The major advantage of recourse to professional codes lies in their already being developed and monitored. The difficult questions relating to the objectives of stewardship and how these should be obtained are solved by utilising the profession's value system and its procedures for recruiting, training and reviewing its members. The disadvantages on the other hand are inherent in this very externality: the codes are not drawn up to relate to any specific stewardship, nor are the activities governed by them necessarily judged by the principals in the relationship; on the contrary, this usually falls to steward peer groups.

How far the public service, especially at its highest levels is professionalised or run by professional administrators is a matter of continuing debate (Kellner and Crowther Hunt 1980). However, there is undoubtedly increasing evidence that professionalisation has taken place not only through the import of professions such as law and accounting but through the changing nature of indigenous public service occupations such as tax inspection and social work. In particular the extensive and complex division of labour within public administration has tended to proliferate groups of semi-professionals and this development has been reinforced by the

development of unions and related associations (see Heald 1983, Ch. 9). Such developments may well have increased the technical capacity of political and administrative organisation (though some would challenge this) but, as with all classical discussions of professions and their influence they raise questions of control and accountability (Johnson 1982; Larson 1977). In particular there are likely to be acute difficulties where electors and their directly elected representatives wish to impose the terms of the stewardship. Ironically, the FMI's intention to impose more political direction through "a more effective system of (financial) control" (Cmd. 8616, Annex B) could be undermined by the enhancement of the professional code it relies on. It may also lead to problems concerning what information is valid and indeed on what criteria responsibilities are assessed. As such it may close off rather than open up the processes of government from detailed scrutiny.

CONCLUSION

The FMI and the efficiency reviews are designed to alter attitudes. Will they succeed? Possibly the Conservative Government of Mrs. Thatcher will find like its predecessors that innovations of this sort suffer from guilt by association. Will the FMI survive Thatcher? It is noticeable from Cmd. 9058 and Cmd. 9297 (1983, 1984) how many departments refer to the 'Prime Minister's' Initiative, as though they are already distancing themselves from it, ready to lay it to rest as soon as the architect has been removed. This was a fatal flaw in previous schemes. But it may be that, given the sustained political drive and commitment evident in the latest developments, by the time this Administration ends, the changes in practice which have been introduced in the past six years will indeed have become part of a new culture of management in the Civil Service. In short, there will have become established new codes of accountability in the management of government in the UK.

FOOTNOTES

1. This paper draws on research work already published (Gray and Jenkins, 1982a, 1982b, 1983, 1984) and on parts of a forthcoming book (Gray and Jenkins 1985).

2. The conceptual framework of the micro-administrative theory of accountability on which this section is based is presented more fully in Gray (1984) and elaborated in Gray and Jenkins (1985, Ch. 6). In particular these discussions include an examination of the presentation of accounts, an aspect of accountability omitted from the present paper.

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THE MANAGEMENT OF SURVIVAL AND
GROWTH IN PUBLIC ORGANIZATIONS

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1. INTRODUCTION

In a static society with an only modestly developed public sector public management has - if public management was a living concept at all - presumably very little to do with the survival and growth of the single public organization.

Otherwise with the public sector since World War II. The wellknown development can briefly be characterized as follows:

- growth in budgets, tasks, number of organizational units and size of units
- growth in expectations towards the public sector problem solving capacity ("revolution of expectations")
- growth in vested interest in the welfare state especially in those countries (e.g. the Scandinavian) which have chosen the institutional welfare state concept instead of the transfer concept.

In the 70'es the political and economic situation changed: a political (populistic) reaction emerged towards the public sector and many western democracies became victims of the fiscal crisis. These two factors combined of course created a tendency towards retrenchment. The rationale of public management became survival and if possible further growth in the single organization. Public organizations found themselves placed in a competitive situation defending their budgetary base, fighting for better appropriations and avoiding cuts.

The focus of public management is here external and the orientation upwards - towards the higher budget authorities simply because the source of money ultimately is the ministry of finance and the parliament.

Let's take a closer look on characteristics of this politico-administrative market not in terms of micro behavior of public managers (their skills, smartness, timing of strategies, place in personal networks) but in terms of the structural conditions of this marketplace. The point of departure is on what factors determine the possibility to avoid budget cuts. The main reason for this is that it is assumed that a stress situation highlights the function of the general mechanisms.

2. THE POLITICO-ADMINISTRATIVE APPROPRIATIONS MARKET

In this section we shall take a closer look at the structural factors that make it easier or more difficult to avoid retrenchment. A not uncommon method of retrenchment distribution is the so-called scream method. It is essentially simple and can be formulated in two points, as follows:

1. One should cut in such a way, that all screams are equally loud.
2. If they are not, re-cut until 1. is obtained.

But what are the presuppositions of the method? To the extent that its objective is a just distribution of cutbacks in the sense that they should be equally painful across-the-board, the method is based on, among other things, the two following presuppositions:

1. Everyone has the same ability to scream.
2. Every kind of scream is equally legitimate.

To the extent that the method's objective is a just distribution of cutbacks in the sense that the least useful public organizations should bear the most cuts, the method presupposes that:

3. There is proportionality between screaming and usefulness: the greater the screaming, the greater the usefulness and vice versa.

There are still further presuppositions that must be realized before we can assume that the method will lead to the desired result. But the three we have mentioned are sufficient for our further analysis.

All three presuppositions have this in common, that they assume that all public organizations are equally vulnerable to the political demand to reduce expenditures. My thesis in the following is that this is obviously not so. Before going into the various factors that condition the degree of vulnerability, a few preliminary clarifications are in order.

We can begin by distinguishing four phases in the retrenchment process:

1. Formulation of a general demand (amount) for expenditure reduction.
2. Identification of potential retrenchment targets.
3. Allocation of cutbacks to specific organizations.
4. Implementation of cutbacks.

An organization's vulnerability relates only to the last three phases, since protests against cutbacks in general are directed towards a reformulation of the expenditure reduction demand (amount). We may now distinguish between the following types of vulnerability:

Political vulnerability.

- Identificational vulnerability: the likelihood of being spotted ("discovered") as a potential retrenchment target.
- Allocational vulnerability: the likelihood of being unable to avert a retrenchment demand unequivocally directed to a specific organization.

Operational vulnerability.

- The likelihood of implemented cutbacks' having a detrimental effect on the organizations's core activities.

2.1. Identificational Vulnerability.

The question here is the degree of visibility of certain activities. But what is it that decisively turns an organization's visibility into conspicuousness as a target of retrenchment?

One of the characteristics that must be taken into account is, of course, the organization's purpose and tasks. What does this have to do with visibility? I would argue that public organizations, which are entrusted with tasks of central importance for the functioning of society or which administer values of undisputed worth are, so to speak, invisible to eyes searching for retrenchment targets. There may, in reality, be a large potential for cutbacks, but for psychological reasons they are not seen. They are unconsciously bypassed already in the identification phase.

Pure specimens of the type are not easily found. But the big growth areas during the 60's and 70's, like welfare, health and education, clearly suggest themselves. Subsequent attempts to retrench in these areas were, it should be noted, characteristically accompanied or preceded by an attack on central values.

On a more general plane, it may be noted that the ideological conception of administering society's well-being through professionalized institutions is being increasingly subjected to critical scrutiny.

If there is a shift in the centrality of a public organization's tasks, their controversiality entails the risk of high vulnerability.

Public organizations engaged in cultural pursuits are presumably examples of this. The cultural values administered, for instance, by The National Museum, The State Art Gallery and The Royal Theater have during the last twenty years hardly attained a centrality which would render the organizations invulnerable, in the sense that they would not be seen during a retrenchment search. Far from fading out because of a total lack of interest (perhaps also a form of invisibility), these organizations have been vulnerable because of controversiality. The more often a public organization's tasks are publically and critically debated, the more the questions asked in parliament, the more frequent the minister consultations in the appropriate parliamentary committee, the greater the likelihood of the organization's being pointed out as a retrenchment target.

Organizations may also have certain properties that affect their visibility, e.g., transparency. The easier it is to "x-ray" a public organization, the more difficult it is to conceal slack (pockets of "fat", reserves and the like). And the simpler the tasks, the greater the difficulty of arguing against cutbacks, since the antagonist, the budget authority, will very likely have as much relevant information as the organization.

On the other hand, the more complicated the structure of the organization, and the more opaque its tasks and technology are for outsiders, the greater the reluctance of the budgetary authority to seek it out as a target. It knows beforehand - or will soon learn - that it will there encounter an endlessly long and overwhelmingly incomprehensible case for the defense. Examples may be found in the health sector, particularly, perhaps, in larger hospitals.

It may be added, finally, that not all public organizations, nor even all public activities and services are registered with equal budgetary clarity. Wherever tasks are coadministered by several organizations or through the interaction of state and local government authorities, there can be considerable difficulty not only in penetrating what is going on, but also what it is really costing.

2.2. Allocational Vulnerability.

We now move into the next phase of the retrenchment process and assume that a given organization has been spotted as a potential target. What factors contribute to the greater or lesser likelihood of the organization's ability to avert a cutback demand?

Composition of the budget. It is very frequently decisive in allocating a cutback, whether some of an organization's tasks can be deferred without significant detriment. This is especially relevant in the case of capital plant. If a very large portion of the budget consists of capital plant investment, allocational vulnerability is high.

Expenditures mandated by law pull in the opposite direction. The more the mandatory expenditures, the more difficult it is to implement cutbacks, because, if for no other reason, the procedure of legislative revision is long in relation to the usual one-year time perspective of cutbacks.

Visibility of impact. Presumably, a very decisive factor is the visibility of the organization's impact on the societal environment. On condition that the organization's activity is not highly controversial, we may assume that the more visible its product, the lesser its vulnerability. This is because in such a situation the effects of retrenchment will be more conspicuous.

It is especially service producing organizations that have a visible impact. Consider, for example, the visibility of reduced service in organizations like the Danish State Railway (fewer trains running, fewer cars on those that do, irregular service, passengers standing in trains and waiting on platforms); the Highway Department (bridges without approaches, half-finished stretches of highway, traffic jams); or the Post and Telegraph Department (closed post offices, longer delivery time, fewer deliveries).

Research, on the other hand, is an activity with very indirect effects and little immediate impact visibility. Cutbacks would not be directly noticeable, except in the long term.

The tax authority's assessment activity is another example, where the effect of retrenchment would presumably be difficult to notice, and in any case, the citizens affected would hardly make a fuss.

Closely linked with the question of visibility is the distinction between current and hypothetical demand. As a rule, service producing organizations meet a current, even daily, demand for their products, as opposed to some organizations whose main task is to prepare for future events. In the broadest sense, the concept can be applied to research, some library functions and various planning activities. It is applicable, in particular, to such emergency organizations as those of the armed forces and civil defense.

Current demand can reduce vulnerability, because detrimental effects will be immediately visible. Organizations operating in this area will, therefore, also be able to argue more easily against retrenchment.

Quite the contrary in areas of hypothetical demand! Expenditure reductions will possibly never be noticed. The task of civil defense is to protect civilians in time of war. But what if war never comes? Then the money is wasted. The organization prepares itself for an event which possibly will and possibly will not occur. Demand is hypothetical and in a situation of retrenchment invisible.

Still another factor related to an organization's product and the demand for it, is the distribution of benefits and costs. Who receives the benefits and who pays the costs? Here the thesis is as follows: the more the benefits are concentrated among a particular group of the population and the more extensive the group that pays the costs, the greater the ability of the organization to avert cutbacks by mobilizing resistance.

As we have already seen, the reason for this is that benefit concentration elicits from the recipients a very strong motivation to avoid retrenchment, while those who pay the costs (as a rule, the taxpayers in general) have very little motivation to organize themselves specifically in order to eliminate a tax burden, which is extremely marginal in relation to the significance of the benefits for those who receive them.

This relationship may be linked to and reinforced by the degree of professionalization within the area in question. The more a public organization's production is conditioned or dominated by a highly professional group (e.g., doctors, teachers, social workers and the like), the lesser its vulnerability to retrenchment. This is due to and depends on the profession's legitimacy, status, knowledge monopoly and autonomy. A profession may, moreover, exercise an authorized monopoly; for example, only the services of "real" doctors are subsidized, as opposed to those of naturopaths. All this can be used to portray the retrenchers as ignorant laymen.

A highly professionalized group may also be able to promote an organizational and functional differentiation that renders the organization practically opaque. An example might be the hospital sector's development including the differentiation of the superior staff positions into numerous fields of specialization.

Vulnerability can be lowered, if the organization has acquired the status of a quasi-monopoly. In this case there are no comparable organizations, and low efficiency may be difficult to detect or assess. There are no competitors to offer an alternative "at a better price" or informed criticism that can "mess up" the process.

Vulnerability may likewise be lowered, if the organization is characterized by client proximity. In those cases where the production of benefits takes place "close to the citizen" or in close interaction with citizens or clients, the organization will experience more direct reaction against cutbacks on the part of the benefit recipients. This may tend to constrict the organization's elbow room, but it may also facilitate the mobilization of clients and their organizations in an effort to avert retrenchment.

It is thus a typical trait of retrenchment protest to parade the client consequences. The benefit consumers are pushed up in front of the producers: Look, Minister! There's a body on the slab!

A common characteristic of all the factors that have been mentioned is that they in one way or the other are linked to a demand for the "production" of a public organization. Nevertheless, these factors are indicators neither of "objective demand", nor "objective utility." They are related to certain properties of the public organization and its envi-

ronment that hem or enhance the ability of the organization to persuasively present its case for the existence of a demand and the usefulness of its product; in other words, the ability to scream loud and long.

But the screaming must be heard and conveyed to the appropriate appropriations authority (e.g. the parliament or municipal council). We must, therefore, examine more closely the relevant properties of the politico-administrative sector of which the public organization is a part. An important topic in the Danish debate on sectorism has been the question of the sector segmentation of parliament. It has been pointed out that many of the permanent committees have been sectorized also in the sense that they are overweighted with members often considered to be "sector representatives", such as farmers and farm organization officials in the committee for agriculture.

If a politico-administrative sector is hallmarked by the dominance of "professional people" from the top to the bottom, retrenchment vulnerability will obviously be lowered. The same applies if the sector is "covered" by interest group organizations which are profoundly in accord on the sector's "mission" in or significance for society.

2.3. Operational Vulnerability.

We move now to the final retrenchment phase, assuming that a given public organization's funds have been effectively cut. What we shall examine more closely is the likelihood of detrimental effects on the organization's core activities as a result of retrenchment, i.e., its operational vulnerability. Operational vulnerability varies greatly according to differences in the properties of the organizations and their environments. In some cases cutbacks can be absorbed without significant operational consequences. In other cases, the effect can be disastrous or appear to be disastrous.

To begin with, such factors as the organization's size and the differentiation of its tasks and structure should be noted. The larger its size, and the more differentiated its tasks and structure, the better it will be able - all other things being equal - to absorb retrenchment by internally re-prioritizing. Inversely, the simpler the organization, the more difficult it is to allocate the cutbacks without detrimental effects.

One of the reasons for this is that re-prioritization in a complex organization is difficult to trace, tending to lessen internal resistance.

A factor directly affecting the operational vulnerability of an organization is the very technology, the basic work processes, it employs, since they may in themselves be more or less vulnerable. A clear case of vulnerable technology is that employed in the withholding-tax system. There is simply a technically determined threshold for retrenchment, beyond which the tax authority's computerized data system will cease to function. Either it's in running order or it doesn't run at all. The same is true of the computerized population-registration system and the customs authority's system of controlling excise taxes. It is presumably also the case with regard to archive functions at the National Museum and the State Archives. They are either maintained and kept up to date, or they are not.

Technology is important in another way. Assembly-line technology is presumably very sensitive to expenditure reductions. If an organization's technology is a long conveyor belt, it will be very sensitive to external irregularities - including a retrenchment demand. Other things being equal, this is the case today with the centralized technology of the main post office, as opposed to what it might have been, if a number of smaller and parallel sorting units had been installed.

Buffer capability is another factor closely connected with the question of technology. An organizational buffer is a mechanism for absorbing external irregularities. To a certain extent task and structure differentiation can be considered as a buffer, but a more traditional type of buffer is stockpiling. In the context of retrenchment the thesis, naturally, is that the greater the buffer capability, the lower operational vulnerability.

Buffer capability affords us a good illustration of variations in the significance of a vulnerability factor from organization to organization. Let us compare the mail service with the collection of taxes. The tax authority is able to stockpile tax returns in either or both of the following ways. It can spread the processing system throughout most of a given income tax year, in order to even out the huge seasonal fluctuations. It can also stretch the process of assessment out over several years simply by annually skipping over a number of taxpayers and making regular five-year random checks instead. (The method is used especially by the customs authority for checking the collection of indirect taxes.) This has the added advantage for the tax authority that very few will notice the stockpile; perhaps only the nervous taxpayers - and they will hardly complain.

The postal service, on the other hand, cannot stockpile letters for a month before delivering them. Its work cycle is short: one day in principle (and hopefully in practice). And a stockpile would be utterly visible. In this regard its operational vulnerability is much greater than the tax authority's.

Budget composition is a further vulnerability factor, since some budget items may be more or less inviolable. If the organization has a relatively large plant investment budget, its operational vulnerability will, as a rule, be low in the short run. On the other hand, if its operating expenditures - and especially the wage ratio - are very large, its operational vulnerability will be high, since the burden of retrenchment will fall with a disproportionately heavy impact on the few alterable items.

Finally, organizations vary with regard to their chances of shoving costs and problems off on others. The fewer the possibilities of passing the cutbacks on to other organizations or clients (e.g. fare raises, reimbursements, subsidies or service deterioration), the more "confined" the possibilities of prioritizing, and the higher the operational vulnerability.

3. ON THE USE OF VULNERABILITY FACTORS.

Despite the sketchy character of the previous considerations on various properties of public organizations as factors of retrenchment vulnerability, let us assume that we are dealing not merely with a number of hypotheses, but with an established body of facts. Then the next question is: to what uses can this knowledge be put?

If the budget authority takes a "Machiavellian" approach, it will demand cutbacks where political vulnerability is highest. The screams will not be loud, the resistance will be modest, and the level of conflict will be low. From a politico-administrative viewpoint the task will be easy. It will affirm the so-called Matthew Effect: to those who have, more will be given; from those who have not, what little they have will be taken from them.

If the budgetary authority takes a "moral" approach, it will demand cutbacks where political vulnerability is lowest. For it will have reason to suspect that this is where the fat has been able to accumulate for a long time, and the hour of reckoning has come. It will, so to speak, try to even out the screams by putting them on scales with the same zero-base.

By so doing, it will not necessarily succeed in bringing about "equal pain across-the-board". If that is the real objective, it must also take operational vulnerability into consideration.

But is there a correlation between allocational vulnerability and operational vulnerability? Before attempting to answer, let us sketch four types of public organizations as related to the two kinds of vulnerability.

		Operational vulnerability	
		High	Low
Political vulnerability	High	Squeezed - 1	Broad-shouldered 2 +
	Low	Sensitive but secure + 3	Thriving 4 -

The "difficult" cases are not types 2 and 3. Type 2 is easily hit by cuts, but not greatly damaged. Type 3 would be, but it is rarely hit. Type 1, on the other hand, has a hard time. It is frequently hit and suffers severe internal damage. And type 4 gets all the breaks. This is the type that has and to which more will be given - the type the moralist will be looking for.

Now, is there a correlation between political and operational vulnerability? Is the real world of public organizations mostly of types 1 and 4? Or 2 and 3? In general, this is hardly to be expected, since the factors that condition high (respectively, low) political vulnerability are not the same as those that condition low (respectively, high) operational vulnerability (aside from budget composition).

It can be said, of course, that high operational vulnerability is a good argument for not cutting, but its persuasiveness will depend on such factors as professionalization, impact visibility, client proximity and sectoral organization.

High operational vulnerability could, quite to the contrary, entail political vulnerability. It is entirely plausible, that poor performance (due to cutbacks) could be construed by the public as poor efficiency, bad management etc., which in turn might foster a tendency to subject the organization in question to further cutbacks.

What is now the tasks for the public manager? The main strategy would of course be to alter the general conditions on the appropriation market, i.e. he should seek to establish his organization - if possible - as a type 4 organization. If the organization is for instance characterized by hypothetical demand try to establish current demand and of course at the same time visible demand. This was what the civil defense authorities did in the seventies when they were severely threatened by cut-backs. They expanded their activities in cases of fire, pollution, snow storms and the like. Luckily, in that period Denmark "suffered" from very warm summers (and an increase in forest fires) and cold and snowy winters.

There are of course many other possibilities: improving the degree of professionalization, be active in creating loyal interest groups, forming coalitions with the clientele and the like.

4. A SHIFT IN PUBLIC MANAGEMENT ORIENTATION?

The continued and reinforced economic and political opposition towards the public sector in Denmark has tended to shift the forms of public management. Firstly, the described appropriations market has displayed itself as a market with a very small degree of free competition.

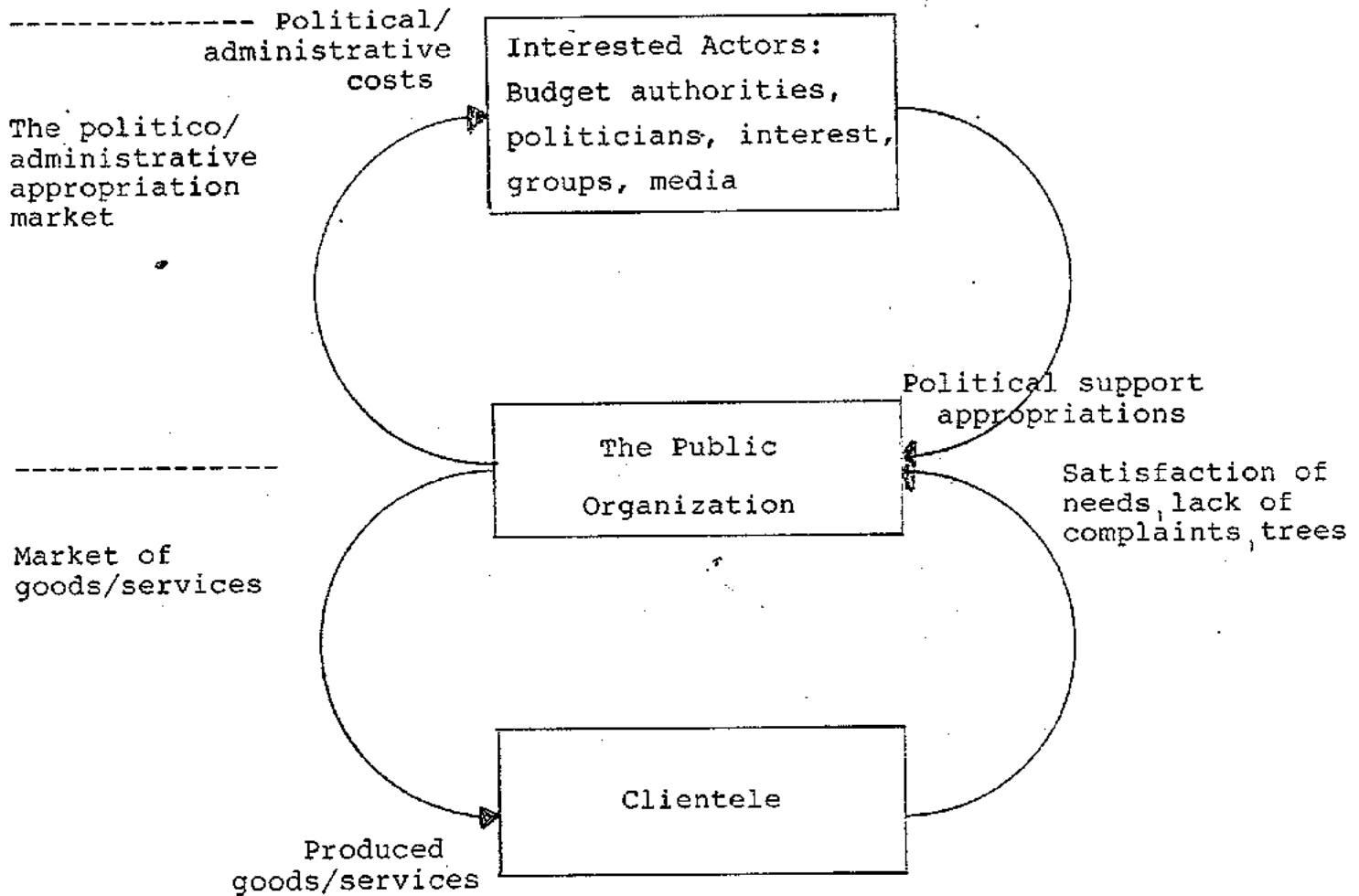
Secondly, the prolonged period of retrenchment with many cut backs on traditional areas (investment, operational expenses excluded personel) has forced managers to take a closer look at the internal functioning.

Following the three main characteristics outlined in section 1 we should expect managers to be more concerned about

- optimizing the composition of available resources (factors of production) instead of only securing growth
- adjusting the expectations of the clientele downwards
- break down vested interests, because these will appear to be barriers to re-prioritizing and re-organization.

These shifts represent a general change in management orientations towards more concern about internal problems combined with clientele characteristics. The change can be illustrated as follows: Public organizations can be conceptualized as organizations

placed in two circular flows of contributions/inducements.



In the "upper" circuit the public organization contributes to the interested actors by increasing or decreasing the cost of being a politician, a budget authority etc. For example a well-arguing organization can make it a very costly affair for a politician to insist on specific budget cuts. The return or inducement is of course better appropriations. This circular flow has been described in detail in section 2 as the politico/administrative appropriations market.

In the "lower" circuit the contribution is the goods or

services produced/delivered to the client (transportation, hospitalization, social payments, education etc.). The return for acceptable service production is no complaints and in some cases a willingness to pay.

The above mentioned change can now be formulated as channeling more managerial attention and energy in the lower circular flow.

The problem is still that so far the organization is financed by appropriations a substantial part of managerial energy will be bounded to the upper circuit.

However, two interesting tendencies in the development of the formal appropriation system leaves room for a reel shift in management orientation in Denmark.

First it is worth mentioning the increases use of phrame-budgetting. This means a firm demand of keeping costs within the fixed phrame. An necessary assumption is that the phrame is relatively stable at least in the short run. On the other hand there is no control with details and there is greater autonomy in experimenting with alternative means of production and with the development of new products.

Second the implementation of the state budgetary reform has begun. Besides the use of the phrame-principle it is worth noting that public organizations now can engage themselves in production to a "real money market" keeping a fixed portion of the profit for themselves. Next, unused appropriations in one fiscal year can be transferred to the following fiscal year (with a maximum of 4 years). And finally it is possible to borrow money in the budget department to finance specific projects provided the expected internal interest is at least 7 per cent. Third a personel reform is on its way the essence being greater autonomy for the management.

The interesting point is that these changes in the formal system not just is surface adjustment. On the contrary they go to the heart of the budget system as it is known in Denmark since 1848. These changes alter the rules of the game on a qualitative level. What consequences this might cause in managerial behavior is still to be seen. The changes do not dictate a certain behavior but they constitute new possibilities and raise thereby challenges for the management in at least two respects. If the greater autonomy is to be utilized there is a demand for management on new professional basis and there is a need for new management attitudes.

What will be the development the next decade cannot be forecasted. It is a question which is to be answered in the single public organization. But we could imagine the development of two distinct types of public organization. Let us discuss them as extremes. The first type is the organization where management reacts passively and traditionally. My guess would be that they in the long run will suffer repeated cut backs. The second type is the organization where the management actively uses the new possibilities (until misuse!). In a decade we might have differentiated the public sector in two separate organizational cultures: (p.20)

Both cultures raises serious questions. The administrative culture signals public organizations with a not exaggerated problem solving capacity and the business culture raises questions of political responsibility and public security 1).

1) Note for the reader: Due to illness and poor paper-planning you have found neither references nor footnotes. Apart from this. Sorry!

	Administrative culture	Business culture
Decision Culture	Passionate thoroughness	Risk-taking
Focus of management	Making perfect old systems	Financial planning
Economic rationality	Marginal gimmicks	Optimizing
External source of changes	Interpretation of political goals	Market analyses
Internal source of change	Mental stagnation	Capability of innovation
Structure	Traditional	Holding Companies, joint-stock companies, joint-ventures, internal restructuring
Recruitment capability	Bad image, no money	Growth of personnel in units not financed by appropriations

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SOME CONCEPTUAL PROPOSITIONS ON THE STUDY OF
PUBLIC MANAGEMENT
PARTICULARLY CONCERNING SYSTEMS- NETWORK- AND
CONTINGENCY-ASPECTS

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ECPR Joint Sessions of Workshops, March 1985 in Barcelona.

SOME CONCEPTUAL PROPOSITIONS ON THE STUDY OF PUBLIC MANAGEMENT,
PARTICULARLY CONCERNING SYSTEMS- NETWORK- AND CONTINGENCY-ASPECTS

J. Kastelein - University of Amsterdam and Dutch Post & Telcom Headqs.

1. Preliminary questions

Before getting involved in a confusing multitude of public management studies, it seems useful to discuss some preliminary questions. For example: does such a thing as public management really exist? Has it any sense to distinguish it from management in general and to contrast it with private management? If so, what then are its specific characteristics? But before we try to answer the questions, we do good to go even a step further and make clear what the basic contents are of the general management concept from which we start.

2. Two meanings, one preference

When we listen to the daily use of the word "management" in on going organizations and look at its contexts in professional magazines, we can conclude that it is mostly associated with a particular category of people: the managers. Not seldom it even is a synonym: management is the leading group in the organization. Is it a larger and more complex organization, then we find there "top management", "middle management" and "lower management". And recently there is a renewed interest in the characteristics of these groups and for those of the individual members: for excellent leadership.

Without neglecting the fact that to a considerable extend management depends on personal qualifications because it is done by people, we do not regard it as very fruitful to go far into this direction.

We found it to be more productive to understand management as the whole collection of steering and regulating activities in an organization (steering in the sense of feed-forward oriented effecting a process, and regulating in the sense of feed-back effecting), irrespective of whether they are part of the explicit tasks of specialized managers or (also) done by other members of the organization.

3. Three management fields

In every organization there are always, embryonic or developed, three kinds of such steering and regulating or management activities:

- operations management, directed towards the daily operations;

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- organization management, directed towards the arrangement and re-arrangement of the organization as a transformative system;
- environmental management, directed towards the relationship of the organization with its environment.

We can summarize them as: working with the system, working at the system and working for the system.

4. Management and organization

Management and organization thus are indissolubly connected.

So indistinctnesses about our concept of organization surely will avenge itself in our statements about management.

One important agreement to be made concerns the size of the organization. During a large series of researches we learned to regard as an organization only those units which do not count less than about ten and more than about hundred members. When they are larger they may be considered as interorganizations and analysed with help of network concept. In units smaller than ten members group and leadership concepts are more suitable than management concepts to analyse what is going on. The in between units are the organization "modules" from which we start.

A second set of assumptions that has to be explicated concerns the contents of the module. The already mentioned operations, organization and external relations management are the dynamic elements in it. The more static elements are technology (hard- and software), structure (communication and decision network) and culture (values, goals, norms, expectations).

Third we have to come to some agreement about the environment of the module at the input-side and at the output-side. At the input-side we distinguish the orders or tasks to be done and the resources and constraints. At the output-side the external parties which have an interest in the output and who judge the effectiveness of the module: authorities, clients, suppliers and others, and also the participant members of the module itself who earn material and moral values from the module and who are also part of its environment.

Of course the judgements about the effectiveness influence the amount and contents of the orders, resources and constraints. Important is to mention that the judging parties mostly have different and not seldom antagonistic interests and in consequence use different criteria.

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Therefore their mutual power relations are of interest for the well-being if not for the survival of the module.

5. The function of management

The characteristics of the technology, the structure and the culture of such an organizational module have to be in a certain accordance, in order to be able to deliver an output which will be judged as sufficient by a relevant majority of the external parties. There must also be such an accordance between these characteristics and the characteristics of the environment. For example: routine technology, simple hiërarchical structure and conservating culture are more suitable to cope with certain environmental conditions than search technology, matrix structure and innovating culture, the last ones fitting better to uncertain conditions.

In our view we see as the general function of management the continuous effort to realise or to restore this accordance or fit. Operations management does it by controlling the transformations between input and output, organization management by optimizing the shape of the system, considering the environmental demands and boundary conditions and the operational experiences, and external relations management by influencing these demands and the resources and constraints.

6. Fundamental management requisites

Management implies the presence of a number of necessary provisions. First there must be something as a policy: a set of ends and means, priorities and a sort of time-perspective. Such a policy is in itself not sufficient, it must be operationalised in terms of norms, criteria, landmarks, that can be used as testpoints to decide to which degree the policy is realised or the intended course is approached. Such a conclusion, however, is only possible if there is a provision to confront the facts of the real course with the projected landmarks, criteria or norms. And this in its turn requires information about what really is going on. This information mostly cannot be gathered by means of simple human sense-organs, but requires specific sensor-devices at the spot where it - whatever it may be - happens, at the input side of the process (feed-forward), at the output side (feed-back) or somewhere in between. Last but not least there have to be effectors, means to influence the proces, a helm or handlebar, a brake or anchor.

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This whole cybernetic system has to be tied together by adequate information lines in order to let it work. If one or more of the above summarized provisions lack, steering and/or regulating is impossible. If the requisites in principle are fulfilled, steering and/or regulating is possible, which does not mean that we already can conclude to effective management. That then is a question of policy.

7. Management and policy

There is a terminological problem speaking about policy and management in public organizations. Policymaking is the prerogative of the political top-boards placed over the network of public organizations, be it the machinery of central government, the civil apparatus of a city or the executive services of an international community. They make political policy, whereas the managers of the public organizations make management policy. Public management policy ought to be subordinated to political policy, from which it gets its main goals and boundary conditions. Seen from a more general cybernetic point of view, however, policy is policy: the intended course, a necessary requisite for any steering and regulating. In this respect only their sources are different and place them into an hiërarchical order: political policy drawing from parliamentary, totalitarian or other power supported decisionmaking, public management policy drawing largely from the framesettings of political policy.

Here we find an important, however, in my conception only a gradual and diminishing, distinction between public and private management: they draw from different framesetting sources.

Before going into the differences and similarities of public and private management, some remarks on management policy in general. A management policy, whether it be operations directed, organization directed or environment directed, always implies considerations of the following origins: external goal- and framesetting powercentres, for example politicians, owners or hiërarchically superior managers, potentialities of the organization itself, opportunities of the environmental situation and last but not least the ambitions of the acting managers themselves. It contains hard facts as well as estimations and subjective preferences. And it delivers, or at least has to, the handholds to formulate operational norms, indispensable for the actual steering and regulating of the processes to be controled.

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8. Private and public management

As already mentioned there is one distinction between private and public management that lies in its different framesetting policy sources. Not independent from that, yet practically another difference, is the formal organizational set-up, in public organizations strongly tied to values as: accountability of all acts at the base of the organization through the line to the respective political responsibility, certainty and equality of rights for the civil servant as well as for his client the citizen.

A third kind of difference has to do with the fact that the goods and services of public organizations mostly are not sold on an open market, with as a consequence lacking cost-benefit ratios and related monitor information. The combination of these three distinguishing factors (subordination to politics, the state of being strongly tied up to bureaucratic values as accountability, certainty and equality and the lacking of most of the quantitative monitor information upon which private management largely can trust) generates the specific characteristics of public management, compared with private management.

Nevertheless we have to regard them as relative, gradual, distributive, and the differences are diminishing. There are two main arguments for that. First: private organizations too are subordinated to political steering and regulating (be it juridically in a more indirect way) and in many cases this external political interference is penetrating deeply into the capillary vessels of private organizations. At the other hand we see in the realm of public organizations the development of market mechanisms and quantifying monitor systems that make them at least here and there accessible for management methods and techniques as used in private organizations. All this leads to a plea in favour of a comparative approach of both public and private management.

9. Conclusion

So we have to admit that there is such a thing as public management, be it not a fundamentally different kind of organizational steering and regulating than private management. Private management mostly is dominated by market-and-profit signals, public management by politics-and-planning. These distinctions explain their respective weaknesses and leads, but do not necessarily exclude improvements.

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Seen from the systems point of view for example, and particularly regarding the cybernetic components, there is a lot of work to do in order to design and implement specific management supporting monitor systems for modules operating in the public sector, using modern information concepts and techniques. In consequence to this, research and development programs on public management should have an emphasis upon the study of such monitor systems.

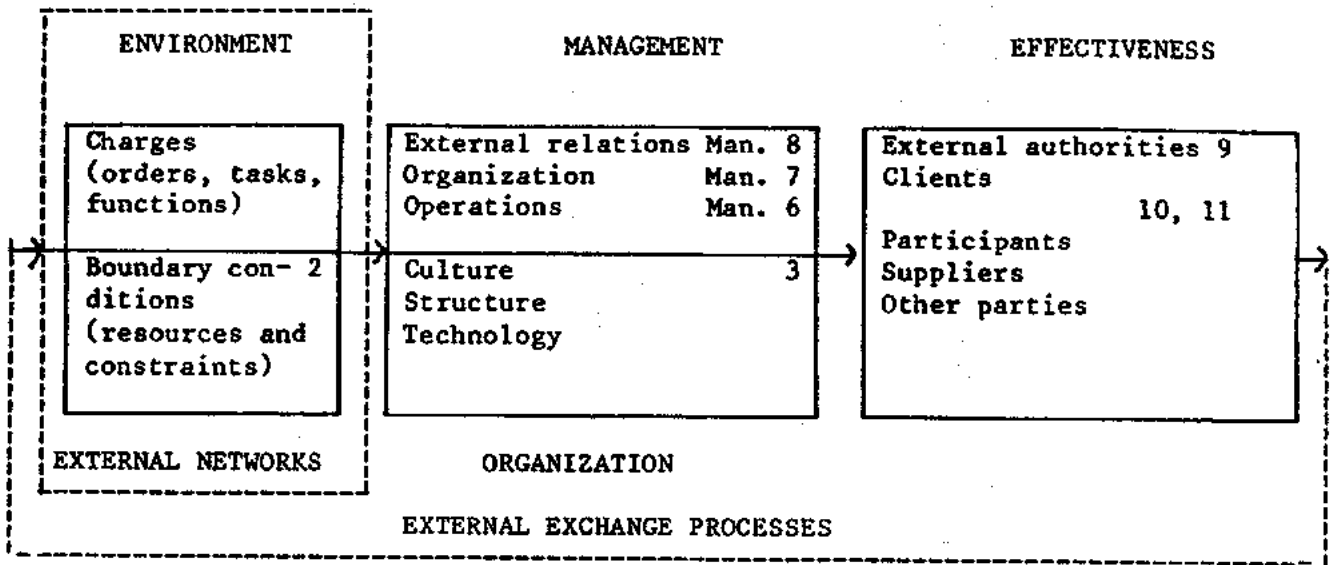
Seen from the network point of view, there lies another big job in rising the consciousness of politicians and public managers to the point that the public bureaucracies more fruitfully can be regarded as complex networks and the modular units within them as exchanging but also competing parties, and gaining recognition for the organizational and managerial consequences of this view. These imply not only to give way for example for the training of network-managers and the development of full-fledged project-organizations within the governmental or municipal machineries, but also for the systematic down-building of the actual dominant network-control system (which is a multi-central aspect-specifying system) and its little by little replacement by a more contractual multi-organization.

It is beyond the purpose of this paper to work this all out now. The intention was to draw some main perspectives to discuss in the Barcelon '85 workshop on public management. This somewhat prudent formulation, however, should not stay without the remark that the indicated model has been operationalised in six successive rather large researches, in an organization- and management-checkup system and in several consultancy projects. If suitable it will be possible to illustrate this at the conference.

- Lit. J. Kastelein, Management and Organization in Central Government,
EGPA - paper Brussels 1983
J. Kastelein, Entangled Management and Organization,
ECPR - paper Freiburg 1983

Global summary of the model and management requisites at page 7 and 8.
Example of a management and organization profile of a modular unit at page 7.

Global summary of the model



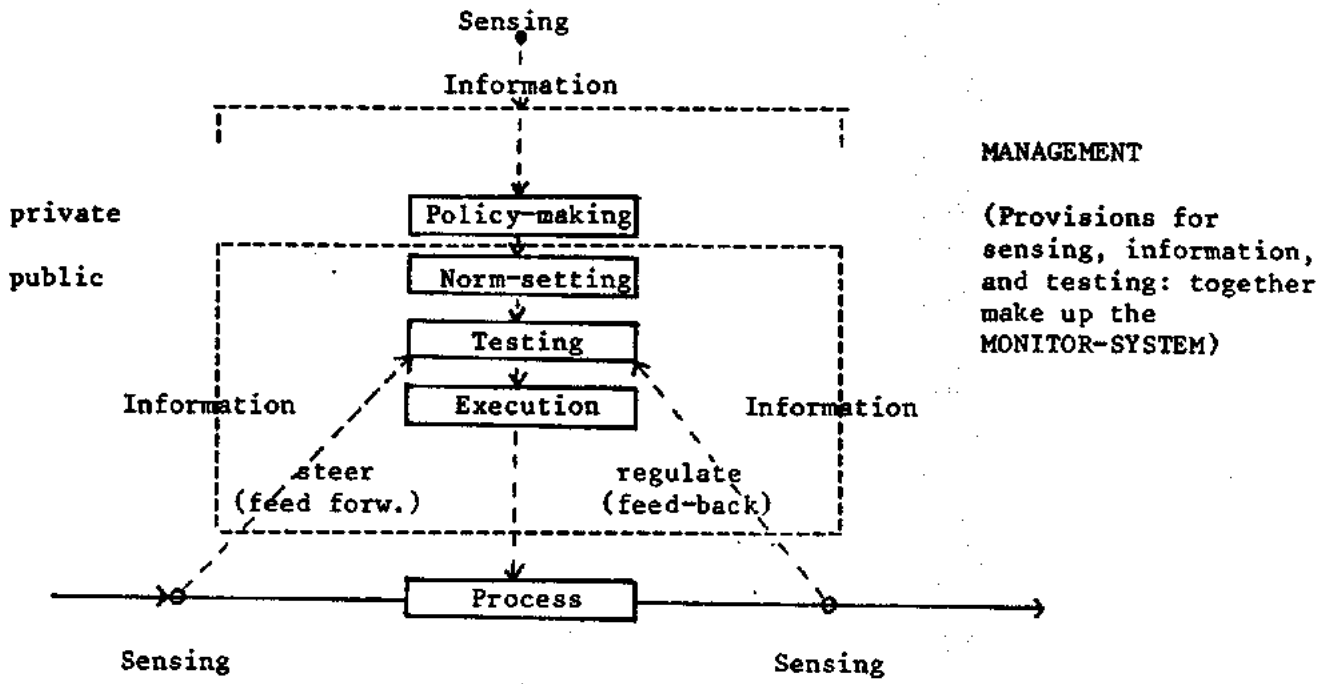
Variables

Scale values

Profile of a unit investigated

Variables		Scale values						Profile of a unit investigated		
		1	2	3	4	5		expected tendency	recent tendency	varied mix
ENVIRONMENT										
1. Charges	(certain)						(uncertain)	M	internally contra-	dicting mix
2. Boundary conditions	(certain)						(uncertain)	X		
SYSTEM										
3. Culture	(conserving)						(innovating)			
4. Structure	(rigidly hierarchical)						(flexibly matrix-like)			
5. Technology	(routine)						(exploratory)			
MANAGEMENT-STRATEGIES										
6. Operations management	(operations following)						(product following)			
7. Organization management internally	(designing)						(developing)	(not developed)	(developed)	
8. Externally oriented management	(confrontative)						(co-operative)	(not developed)	(developed)	
EFFECTIVENESS										
9. External effectiveness judgement	(negative)						(positive)			
10. Internal work judgement	(negative)						(positive)			
11. Internal judgement of welfare	(negative)						(positive)			

Management requisites



"Définir la participation" comme tâche administrative.

Etude de cas en Suisse :

les décisions en matière d'installations nucléaires.

Christine MIRONESCO

ECPR workshop : "Public Mamagement"

Barcelone, 25-30 mars 1985.

SUMMARY

This is a case study of the amendment of the nuclear law (1959) in Switzerland with respect to the citizens participation in the decision-making.

At the beginning of the 70's, public opinion and ecologists demanded more democracy in nuclear policies. In 1975, a popular initiative started, clearly expressing this demand. The head of the Department of Traffic and Energy announced an amendment of the law; a study group of experts (jurists) was set up for that purpose, and this group prepared a first and partial amendment as a response to the urgency induced by the initiative.

Our study shows a typical case of contradictory pressures put on the administration. New demands conflict with old priorities. The solution worked out by the study group of experts is a compromise, but not quite successful: there are still oppositions. The procedure allows a sort of "reactive" participation: a right to complain after the application to build a nuclear plant has been published and after the summarized expertises have been published. Although there is no active participation in the decision-making in the sense demanded by some groups, the procedure may delay the nuclear development if skillfully used by citizens.

Au cours des années cinquante et soixante, la thèse de la fin des idéologies a marqué la théorie politique. En corollaire, on s'attendait à un affaiblissement de la participation des citoyens à la vie publique. Le raisonnement était simple: plus les matières à décision devenaient complexes et impropres au traitement par le vieux manichéisme "gauche-droite", plus les décideurs devaient être compétents sur le plan technico-scientifique, plus le commun des mortels s'éloignait des centres de décision. On croyait que la participation des citoyens aux affaires publiques serait, désormais, à la fois plus difficile et moins nécessaire, puisque les bonnes solutions s'"imposeraient spontanément" d'en haut.

Depuis la fin des années soixante, pourtant, cette conception semble perdre de son crédit. Si le taux de participation aux élections et votations est en effet assez faible, d'autres formes de participation aux processus de décision ont vu le jour; des acteurs nouveaux apparaissent (comités d'action divers, recourants auprès des tribunaux...) et mettent à l'épreuve -avec un relatif succès- un mode original d'insertion dans les affaires politiques, pour tenter d'infléchir les décisions qu'ils n'approuvent pas. Ces nouvelles formes de participation, en outre, s'expriment précisément dans les domaines les plus intimidants sur le plan technique et scientifique, comme notamment la production et la distribution d'énergie. (NELKIN, 1979).

Ce regain d'intérêt pour la chose publique pose un problème aux administrations occidentales, problème auquel la Suisse n'échappe pas plus que les autres. Ces demandes d'un supplément de démocratie entrent parfois en conflit avec des priorités (certains développements industriels, par exemple), établies avant que les demandes n'aient été formulées. On ne peut cependant purement et simplement les ignorer, sous peine d'acculer les citoyens concernés à l'action illégale. Il s'agit donc, dans quelques secteurs, de réinventer les règles du jeu de la participation.

L'analyse qui suit est une étude de cas d'un tel processus de réinvention. Devant la montée de la contestation en matière d'énergie et d'industrie nucléaire, les autorités helvétiques ont accepté d'entamer une procédure de modification de la législation régissant ces domaines. Dans le cadre de ce travail, on s'attachera plus particulièrement à la procédure dite "préparlementaire", c'est-à-dire aux solutions proposées par les experts des commissions formées par l'administration, ainsi qu'aux préférences des groupes et partis consultés pour ces experts. Bien que des tensions subsistent encore à ce jour, l'effort accompli pour concilier des exigences contradictoires mérite une attention certaine. La période couverte par notre étude de cas est approximativement la dernière décennie.

Premières réactions aux exigences de démocratie.

Le thème de la participation des citoyens à la politique énergétique est relativement mineur dans les travaux des experts, par comparaison à d'autres thèmes comme, par exemple, la définition du besoin en énergie pour le pays ou les nouvelles frontières à établir entre secteur public et secteur privé. La question de la démocratie apparaît surtout dans les efforts de la *commission pour la révision de la loi atomique* (RLA) à définir les voies et moyens de recours, dans le domaine précis des procédures d'autorisation des centrales nucléaires.

Dire que le thème de la participation est mineur dans les travaux des experts ne doit en rien discréditer ceux-ci. Au contraire, on peut se déclarer surpris des quelques références qui s'y trouvent malgré tout. Dans le cadre des technocraties modernes, les revendications relatives à une meilleure participation des citoyens, en effet, s'accompagnent souvent d'une remise en cause du rôle des experts justement. On conteste l'idée selon laquelle les grandes décisions ne seraient que de nature technique et n'auraient pas, de ce fait, à être débattues par les non-initiés; on craint aussi que l'habitude de l'expertocratie n'entraîne l'habitude du secret, incompatible avec une

une bonne information du public et une communication adéquate entre autorités et citoyens (HABERMAS, 1973). Ces derniers -du moins ceux d'entre eux qui s'inquiètent des excès du pouvoir de la technocratie- tiennent à affirmer ou réaffirmer leur statut de personnes conscientes et qualifiées pour exercer un droit de regard sur les décisions qui les concernent. Est-ce bien le rôle des experts, dans ces conditions, de "repenser" la démocratie ?

L'occupation du terrain de la centrale de Kaiseraugst (1975) marqua un tournant dans l'évolution de certaines idées en Suisse. Evénement spectaculaire, il jetait une ombre tout à la fois sur l'image traditionnelle de la paix et du consensus helvétique, sur celle de ses rouages démocratiques bien huilés, et sur la thèse selon laquelle le développement nucléaire était d'ordre purement technique et pouvait échapper au débat politique. A cette manifestation, les premières réactions des autorités sont négatives : elles refusent d'entrer en matière. Les membres de l'exécutif, et notamment le chef du Département fédéral des transports, communications et énergie, en appellent à l'Etat de droit et exigent l'évacuation immédiate. Plusieurs cantons approuvent l'attitude du Conseil fédéral (SCHROEREN, 1977, 87-97).

Mais l'argument de la démocratie est un argument de poids. Il ne peut pas laisser longtemps les autorités suisses indifférentes, d'autant plus qu'une association (Union syndicale) et deux partis (Socialiste et Indépendants) prennent rapidement le relais des citoyens pour appuyer les revendications sur ce plan: il est nécessaire de démocratiser le choix des agents énergétiques et, pour les autorisations en matière d'installations nucléaires, l'approbation des cantons et des communes est souhaitable (1). Par ailleurs, le recueil des signatures au bénéfice de l'initiative populaire "pour la sauvegarde des droits populaires" est en bonne voie, et réclame explicitement un droit de veto des personnes résidant à proximité des centrales. Les autorités se trouvent ainsi contraintes à élaborer un contre-projet.

L'occupation du terrain de Kaiseraugst a eu au moins un mérite: celui d'indiquer que les citoyens concernés par des décisions d'envergure n'avaient pas de voie légale évidente à leur disposition pour exprimer leur désaccord. Le secteur nucléaire étant manifestement celui qui sensibilise le plus l'opinion, c'est dans son contexte que les autorités tenteront de modifier les règles du jeu. Les experts de la commission RLA seront donc priés de modifier la procédure d'autorisation des installations afin, notamment, "d'assurer à la population un droit de discussion plus étendu"(2).

La Conception globale et les limites de la participation active.

Avant d'aborder la révision de la loi atomique proprement dite, quelques remarques s'imposent à propos d'un autre commission d'experts: celle de la *Conception globale de l'énergie*. (CGE). Créée en 1974 par le Département fédéral des transports, communications et énergie, et composée d'une dizaine d'experts, elle avait pour mission de proposer quelques scénarios de politique énergétique pour la Suisse de la fin de ce siècle.

Bien avant les manifestations de Kaiseraugst, des voix s'étaient élevées pour exprimer leur désaccord à l'égard du traitement des problèmes énergétiques. En 1973, par exemple, plusieurs associations pour la protection de l'environnement rassemblent quelques centaines de personnes à Bâle; d'une résolution commune, il ressort que le nombre élevé de centrales (huit) autour de la ville entraîne des risques graves pour sa population, qu'un tel développement anarchique ne doit plus être admis, qu'il faut une conception globale pour mieux planifier les choses à l'avenir. A cette meilleure planification, il serait souhaitable désormais d'associer des perspectives d'économies d'énergie, de limitation à la croissance, de frein au développement nucléaire et d'encouragement aux énergies nouvelles (SCHROEREN, 1977, 24-34).

Il est important de noter ces prises de position. Ce n'est pas un antagonisme a priori au nucléaire qui les détermine. On remarque, d'une part, que la production d'énergie livrée à elle-même, c'est-à-dire sans planification politique, peut aboutir à des situations aberrantes : la concentration d'installations atomiques dans certaines zones à forte densité urbaine en est un aspect particulièrement visible. On revendique, d'autre part, pour la planification souhaitée, une participation doublement démocratique: premièrement, il s'agit de mieux veiller à la sécurité des citoyens; deuxièmement, il faut inclure dans la conception globale des points de vue autres que ceux de l'industrie électrique, trop dominante jusque-là. En bref, ces groupes nouveaux veulent la mise en place d'une politique originale pour résoudre ces problèmes modernes et souhaitent y participer activement.

C'est la commission CGE qui a été chargée de la planification, ou du moins de conseiller les autorités politiques en la matière. Bien que le Rapport qu'elle a produit n'ait pas de force obligatoire, ni pour les dirigeants ni pour les dirigés, il a cependant une légitimité technocratique très grande et est susceptible, de ce fait même, d'exercer une influence certaine sur les décisions futures à court et moyen terme. C'est bien le Rapport CGE qui constitue le point de référence pour la planification suisse des prochaines années.

La participation active des groupes nouveaux à cette Conception globale peut être qualifiée de faible. Nous avons mis en évidence ailleurs (MIRONESCO, 1983) la composition de la commission CGE, et notamment le statut très minoritaire de l'écologie organisée en son sein. Nous avons aussi noté que le consensus ainsi formé restait éloigné des préférences des écologistes, dans la mesure où le scénario le plus proche des valeurs nouvelles défendues par ces groupes a été éliminé des choix proposés aux autorités (pour être précis: ce scénario a été présenté, certes, mais accompagné de recommandations de rejet).

Les écologistes sont, par ailleurs, conscients de cet état de fait. Ils le rappelleront lorsqu'on les consultera parfois -comme on le verra plus loin- sur des questions particulières.

La révision de la loi atomique: définition d'une participation réactive

Sur le plan de l'articulation des intérêts contradictoires, les tensions et les problèmes qui se posent au niveau de la société globale se présentent, dans le domaine nucléaire spécifiquement, avec une acuité plus grande, comme si on les appréhendait sous l'effet d'une loupe. Le thème de la démocratie ne fait pas exception à ce phénomène. Une controverse sur le sens et l'utilisation d'une consommation d'énergie toujours croissante peut sembler abstraite dans un premier temps; elle prend, par contre, une dimension très concrète, immédiate et quotidienne pour les citoyens dont la vie journalière se trouve affectée par la construction et l'exploitation d'une centrale. Le mouvement qui s'élève contre l'utilisation pacifique de l'énergie atomique et qui s'est amplifié au cours de la dernière décennie manifeste ses craintes à l'égard des risques qu'entraîne cette forme particulière de grosse technologie. Le thème de la sécurité est, du reste, très parlant, et moins souvent considéré comme relevant du débat philosophique ou de l'idéalisme que le thème du frein à la croissance, par exemple.

Pour répondre aux pressions réitérées de l'opinion publique, les experts chargés de la révision de la loi procéderont par étapes. En premier lieu et face à l'urgence de la situation, un arrêté fédéral est préparé, adopté par le Parlement en 1978 et par le peuple en 1979; la participation de la population locale à la formation de la décision y est envisagée (cf. infra). Les experts élaborent ensuite un projet de révision plus approfondie, en tenant compte des avis exprimés

par les groupes et partis consultés. Leur travail est terminé à ce jour, mais le nouveau projet de loi rencontre encore des résistances.

a) l'arrêté fédéral : principes du rejet d'une démocratie directe, mais procédures de recours

Les mouvements d'opinion mis à part, une impulsion précise à la révision de la loi fut l'initiative populaire "*pour la sauvegarde des droits populaires et de la sécurité lors de la construction et de l'exploitation d'installations atomiques*", déposée en 1976. Il y est demandé, en effet, que la décision soit soumise à "*l'accord des électeurs de l'ensemble de la commune de site et des communes adjacentes, ainsi qu'à l'accord des électeurs de chacun des cantons dont le territoire n'est pas éloigné de plus de 30 km de l'installation atomique*" (3). On peut difficilement imaginer proposition plus éloignée de l'ancienne procédure, où l'activité nucléaire étant considérée comme strictement technique, les autorisations étaient délivrées sans trop de publicité par un département administratif.

Si les autorités admettent qu'un supplément de démocratie doit être inventé ou réinventé dans la politique énergétique, la formulation contenue dans l'initiative est catégoriquement rejetée. Dans un message à l'Assemblée, l'exécutif helvétique précise les arguments pour lesquels il ne faut pas accepter un tel texte.

Tout d'abord, la terminologie est malheureuse. Soumettre la décision, non pas aux "votants", mais aux "électeurs", c'est-à-dire à l'ensemble des citoyens ayant le droit de vote, rend l'obtention de leur accord virtuellement impossible. L'effet final de cette innovation est de dresser un obstacle de taille au développement de l'industrie. Or, selon les prévisions des experts de la Conception globale, il ne serait pas

judicieux de freiner ce développement durant les années qui viennent.

Mais au-delà de la terminologie, c'est aussi une forme de participation - sorte de cogestion décentralisée, chère à certains écologistes (GORZ, 1978) - que l'exécutif condamne. La délimitation de ceux qui, selon l'initiative, devraient pouvoir prendre part activement à la décision a une base géographique: commune de site - commune adjacente - canton dont le territoire n'est pas éloigné de plus de 30 km. Cette délimitation ne se veut toutefois pas arbitraire: le cercle autour de l'installation correspond à une zone de danger qui conférerait à ses habitants un intérêt supérieur à celui du reste de la population à exercer un droit de regard sur la décision. Si l'exécutif rejette la proposition selon laquelle ces habitants devraient intervenir par voie démocratique directe, c'est encore une fois parce qu'une telle procédure est susceptible de freiner le développement nucléaire; mais c'est surtout parce qu'elle est contraire au droit public, en obligeant les autorités fédérales à se soumettre à des préférences régionales pour des affaires nationales: "Le veto d'un seul canton ou même d'une seule commune pourrait compromettre l'alimentation de la Suisse entière en énergie électrique... Le mode de scrutin prévu conduirait à une dangereuse régionalisation de la pensée qui, en dernière analyse, pourrait être de nature à compromettre la stabilité de notre Etat." (4)

Néanmoins, il est officiellement admis que les autorisations en matière de centrales doivent faire l'objet d'un débat. La démocratie directe n'étant pas acceptée, reste la procédure administrative de recours. Ce que les experts prévoient dans l'arrêté est une procédure d'opposition en deux étapes. La première suit immédiatement la publication de la requête, les objections pouvant être formulées durant les 90 jours qui suivent. La seconde suit la publication des avis recueillis par l'exécutif ainsi que des rapports d'expertise qui lui sont soumis comme base de décision; un même délai de 90 jours est prévu (5).

Il est clair que ces voies de recours constituent une réponse très imparfaite aux revendications de participation active et de co-décision. Mais la formulation proposée montre cependant deux préoccupations positives dans ce sens. D'une part, il s'agit d'informer les citoyens suffisamment tôt au cours du processus d'autorisation et de leur éviter ainsi le sentiment d'une politique de fait accompli. D'autre part, il semble admis qu'un rapport d'expertise ne doit pas forcément rester secret, et la décision qui en découle y gagne, du même coup, en transparence.

Mais la définition de la procédure n'était pas le seul problème à résoudre. Il fallait aussi préciser, dans l'arrêté, *qui* était habilité à formuler des objections. La réponse n'était pas évidente, comme en témoignent les approximations successives proposées. Les hésitations des autorités sur ce thème sont intéressantes en ce qu'elles montrent la nouveauté des questions posées par le développement de la grosse technologie et la nécessité d'inventer des réponses originales.

Un principe est admis: pour être reconnu comme recourant, il faut prouver que l'on a un intérêt particulièrement lésé par la décision. Dans un premier temps, le Conseil fédéral a "pensé" et élargi le cercle des recourants en termes métriques. D'abord jusqu'à 5 km d'une installation atomique, ensuite jusqu'à 20 km, enfin au-delà de 20 km, le rayon dans lequel on peut techniquement et scientifiquement considérer qu'un habitant a un intérêt particulièrement lésé s'est régulièrement allongé (BERSET, 1981; MORAND, 1981, 17). Les zones décrites correspondent aux zones d'alarme 1, 2 et 3, classées par ordre décroissant de danger en cas d'accident dans une installation et pour lesquelles la Commission fédérale de surveillance de la radioactivité tente de déterminer l'intensité éventuelle de l'irradiation (6). Si le cercle des recourants admis s'est ainsi élargi, c'est parce que le danger a été techniquement et scientifiquement admis de plus en plus loin. Les hésitations des autorités ne sont que le reflet de leur volonté d'harmoniser décisions et dernières données de la science.

Mais il faut reconnaître que l'élargissement du cercle des recourants augmente le nombre d'oppositions potentielles, et peut mener à handicaper le développement nucléaire et à "régionaliser" la décision, dans le sens attribué à l'initiative populaire, qui avait été rejetée précisément pour ces motifs. Un premier projet de la commission pour la révision de la loi atomique accordait le droit de formuler des objections aux "intéressés". Pris dans son acception littérale et locale, le terme désigne ceux qui ont un intérêt matériel à défendre du fait de leur domicile. Mais on peut prendre l'expression dans un sens plus large, et se demander -comme l'a fait le Conseil fédéral du reste- pourquoi ne pas donner la parole aussi à ceux qui s'intéressent à la question et ont des objections à formuler sans pour autant vivre sur les lieux de la centrale. En renonçant à restreindre géographiquement le cercle des recourants, on donne à toute personne que le projet préoccupe la possibilité de s'exprimer. Les objections, regroupées par catégories, sont ensuite traitées par l'autorité compétente (7).

L'élargissement proposé est un saut qualitatif: ce ne sont plus les kilomètres qui déterminent l'intérêt mais le choix délibéré de tout un chacun; le droit de discussion est étendu à toute la population; de plus, les objections sont traitées par catégories, c'est-à-dire par thèmes et arguments, et non plus appréciées seulement en fonction du nombre de voix qui les formulent.

Sont ainsi étendus, certes, le droit de discussion et le droit d'exprimer son opposition; partant, la possibilité d'infléchir la décision de l'autorité compétente existe, mais non celle de participer activement à la décision ni de la lier d'aucune manière.

b) La consultation de 1977: quelques prises de position

Les quelques innovations contenues dans l'arrêté ne reflètent pas seulement les préférences des autorités. En 1977 déjà, le problème avait sensibilisé quelques groupes et partis.

Table Ouverture d'une décision en matière d'installations nucléaires
à la participation des citoyens

Avis de quelques groupes et partis (1977)

<u>Interprétation globale</u>	<u>Acteur</u>	<u>Type d'argument</u>
Réticents : motifs politiques	NAK Comité d'initiative	La Conception globale n'a pas de base démocratique; il ne faut pas poursuivre les constructions de centrales tant que dure cet état de fait
Réticents : motifs techniques	PDC USAM	Il faut laisser les mains libres au Conseil fédéral pour les décisions techniques; ne pas permettre ni le veto de la population ni la participation directe des cantons
Favorables : plan formel	USSA PRD Electricité* Vorort	Le projet d'arrêté permet de canaliser les conflits et de les intégrer dans l'Etat de droit; recours limité à l'autorisation générale; raccourcir à 30 jours le temps prévu pour les objections.
Favorables : démocratie représentative	USS JRS PEP	Il faut attribuer le pouvoir de décision à l'Assemblée; le droit de discussion de la population doit être étendu
Favorables : meilleur accès à l'expertise technique	Cantons : BL BS GE Partis : AdI PSS	Il faut rendre accessibles au public les expertises, et cela avant le moment où il peut formuler ses objections
Favorables : démocratie représentative ET directe	WWF Comité d'initiative PdT	Il faut attribuer le pouvoir de décision à l'Assemblée et assurer la participation des citoyens par voie référendaire
Favorable : instrument corporatif	LSPN	Le droit de recours est à accorder aussi aux associations et organisations qui, selon leurs statuts, se préoccupent des conséquences possibles de l'exploitation de centrales

* Prise de position commune des : Verband schweizerischer Elektrizitätswerke/ Gruppe des Kernkraftwerkbetreiber und - projektanten/Konferenz der Überlandwerke.

SOURCE : lettres adressées au DFTCE de janvier à avril 1977.

La classification des avis et arguments que nous proposons dans le tableau ne doit en rien être considérée comme un ordre croissant de "qualité démocratique". Il est évident -et les types de réponses le prouvent- que plusieurs voies sont possibles quand on s'interroge sur l'amélioration de la participation des citoyens aux décisions. Notre tableau n'a d'autre but que de faciliter la comparaison des attitudes. Celle-ci appelle les commentaires suivants.

En premier lieu, les réticences du groupe anti-nucléaire (NAK) et du comité d'initiative rappellent que le développement de l'industrie nucléaire n'est qu'une partie de la politique énergétique globale et qu'un progrès du point de vue de la démocratie devrait commencer d'abord au plan global. Toute participation, en l'absence de cette condition, risque de servir de caution à une politique générale non désirée.

En deuxième lieu, l'arrêté comporte déjà une réponse partielle au souhait formulé par quelques cantons (les deux Bâle et Genève) et partis (Indépendants et socialistes) quant à l'accès aux expertises techniques. L'idée est importante car elle renvoie à une critique fondamentale adressée à la technocratie, à savoir le secret et/ou la complexité des bases des décisions. La procédure prévue, relative à la formulation d'objections en deux étapes (l'une après publication de la requête, l'autre après publication des expertises), est bien une tentative pour traiter le délicat problème de l'interaction entre technique et politique.

En troisième lieu, enfin, il faut noter l'interprétation de la Ligue suisse pour la protection de la nature (LSPN). Une différence notable existe entre l'argument de cette association et le recours, tel qu'il a été conçu jusque-là. Le droit d'objection avait été pensé en termes d'individus. Bien sûr, on a vu que le cercle des personnes concernées s'est élargi, et par conséquent le nombre des recourants potentiels. Mais un grand nombre de recours n'est jamais qu'un agrégat d'oppositions individuelles. La revendication de la LSPN consacre la dimension collective des moyens de procédure, et par là, ouvre la voie à

la reconnaissance de la dimension politique de la défense d'un intérêt tel que la protection de l'environnement. L'avant-projet de loi révisée fait ce pas, en prévoyant explicitement la possibilité de recourir pour les associations d'importance nationale ou régionale qui défendent de tels intérêts (8).

c) L'avant-projet de loi: innovations et résistances

Le projet de révision totale de la loi atomique reprend les solutions élaborées dans l'arrêté fédéral, et tente d'intégrer des éléments nouveaux, dont certains étaient contenus en substance dans les réponses des groupes consultés. Mais cette intégration n'aboutit pas forcément à un meilleur compromis, à en juger par les résistances que rencontrent les propositions des experts. A ce jour, l'avant-projet est loin d'avoir été accepté.

Ainsi, par exemple, c'est au Parlement que revient l'approbation finale d'une décision que voudrait accorder l'exécutif en matière d'installations nucléaires. Dans le but d'assurer une meilleure combinaison entre démocratie représentative et démocratie directe, le projet propose de soumettre la décision de l'Assemblée au référendum facultatif. Mais la proposition suscite de nettes réserves. Les opposants (notamment: des partis de droite, une organisation patronale, l'économie électrique, des organisations nucléaires) font valoir que la production d'énergie devrait être une tâche purement exécutive, que le pouvoir accordé au Parlement constitue déjà une entorse au principe de la séparation des pouvoirs. et que la participation directe des citoyens ne peut qu'accentuer ce vice (9).

Mais c'est sur le plan des principes qu'une innovation particulièrement intéressante entre en jeu. La mise en place des procédures d'autorisation et de recours, les exigences de sécurité et de preuve du besoin ralentissent malgré tout le développement nucléaire; c'est un aspect que les partisans de ce dernier se plaisent à souligner, tout en évoquant l'atteinte

au libéralisme économique. Or, dans le rapport explicatif qui accompagne l'avant-projet de loi, les experts précisent un principe au nom duquel se justifie une telle "lourdeur" -ou, si l'on préfère, une telle gravité-. La Constitution fédérale garantit, en effet, la liberté personnelle; celle-ci est un élément indispensable à l'Etat de droit; elle comprend le droit à la vie pour chacun et même pour les générations futures. Or, l'exploitation des centrales nucléaires comporte des risques de ce point de vue, c'est pourquoi il faut prendre toutes les précautions nécessaires.

Liberté personnelle contre liberté du commerce et de l'industrie ? Dilemme ancien posé avec une acuité nouvelle, sa résolution n'est pas évidente; elle demande au préalable que l'on explicite son choix quant à la priorité d'une de ces libertés par rapport à l'autre. Pour l'instant, les avis sont nettement partagés sur ce plan. Certains partis de droite, une organisation patronale ou l'économie électrique, par exemple, affirment que la liberté du commerce et de l'industrie est un préalable nécessaire à l'exercice de la liberté personnelle. Les organisations écologiques ont les priorités inverses et veulent tout d'abord protéger la vie. La solution ne relève en aucune façon de l'expertise technique. Mais la commission d'experts a eu le mérite de poser le problème et d'ouvrir le débat, de telle manière que, étant donnée la légitimité technocratique de ses membres, ce problème et ce débat ne puisse plus paraître futiles.

X

X

X

On a ici un problème typique de pressions et priorités contradictoires, tel qu'il s'est posé à l'administration helvétique. Une spécificité notable du système politique suisse est l'existence d'un moyen d'influence comme l'initiative populaire, révélatrice d'un conflit latent dans la société. Cette étude montre en détail le travail accompli par une commission d'experts, chargée d'élaborer un compromis acceptable. Entre statu quo et changement, des progrès ont été accomplis et des résistances

subsistent. Les solutions techniques proposées par les experts pour améliorer la participation des citoyens dans le monde moderne serviront sans doute aussi à alimenter les débats politiques futurs.

Notes et références

- (1) Gibt es einen schweizerischen Energiekonsens ? Schrifteihe der Eidg. Kommission für die Gesamtenergiekonzeption, Studie Nr. 16, Bern, 1977.
 - (2) Feuille fédérale, 1977, III, 322.
 - (3) Ibid., 390.
 - (4) Ibid., 355 & 411
 - (5) Art. 5, al.2; Art.7, al.2.
 - (6) Feuille fédérale, 1977, III, 396-397.
 - (7) Ibid., 371-372.
 - (8) Art. 55, al. 5.
 - (9) DFTCE, Synthèse des résultats de la consultation sur l'avant-projet de loi, 12. 7. 82, 20.
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MANAGEMENT OF PUBLIC SERVICES: SOME CONSIDERATIONS ON MODELLING
EXTERNAL AND INTERNAL FACTORS OF PUBLIC MANAGEMENT

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1. The scope of management models

The long-term development of the industrial society towards an organizational society proceeded without attempts to generalize the experiences of management into a management science or a management technology¹. The science of management is a child of the 20th century. Today, we have writers on "the management theory jungle"², which has grown out of the management thought.

Despite of the management jungle with its different plants I begin with some simple and elementary considerations on the topic of management with the purpose to develop some conceptual devices for the analysis of public service management.

What is taking place in the case of management? I suppose it is the case when "a manager is managing an unit under some conditions". This seems to be a quite simple sentence, but in a more exact consideration it can give birth to several problems.

The presented elementary management sentence identifies a subject, a performance or an action, an object of action, and a context of these three entities. Thus, the elements of management seem to be

- a manager, who is the subject of the management
- some actions of a manager, who "manages" by performing those actions
- some object to be managed, usually an organizational unit, but in principle a variable of social constellations
- some external conditions or an environment which surrounds the managerial relation between a manager and a managed unit

Some perceptions and impressions about the typical orientation of the management science can be noted in terms of the listed elements of management:

1. Most of the theoretical orientations of management science do not cover all four elements of management.

2. The usual problem of management science has been the identification and systematization of the managerial activities ³. This can be at least tentatively concluded from several overviews f.e. Joseph Massie ⁴ at the time of 1965, Herbert Hicks ⁵ at the time of the systems approach, or in Henry Mintzberg's influential work ⁶ during the seventies. The analysis of the managerial work has been the main substance of the management science until today.
3. The problem of the managing subject or the manager-self has been usually the qualification of the managerial person. Since the earlier emphasis on personal qualities, traits or abilities of managers ⁷ has clearly weakened during the century, the new problem has often been formulated as learning or teaching programs for managerial education based on the analysis of managerial activities. The managerial subject has been without problematization identified on the base of formal organizational positions.
4. The object of managerial activities is most often presupposed to be some organizational unit. This implies the internal emphasis which has been typical of management studies. The newer development of studies has however enlarged the earlier views. While still presupposing that the object of management is an organizational unit the analysis by Pfeffer and Salancik ⁸ clearly means the inclusion of the organizational environment into the field of management activities. This trend towards the problem of managing task environments can be found already in James Thompson's work ⁹ in the year 1967.
5. Since the notion of external conditions or organizational environment has been emerging after the work of Lawrence and Lorsch ¹⁰ in 1967, the significance of external conditions or "contingencies" has been gradually increasing in management studies. The simultaneous emergency of organizational network approach and the studies of interorganizational relations ¹¹ have also posed the question about the object of management into a new light. The boundaries between the object of management and the environment of management have been obscuring.

I suppose that the analysis of mere internal managerial activities is proving to be insufficient for the understanding of management and its problems. Especially important for the progress of the research seem to become the analyses of the "external" relations of the managers and managerial actions, as well as the considerations on the significance which these relations gain in a broader social and organizational context. "A phenomenon can be understood only in its context" ¹² This general maxim concerns the studies of management also.

I conclude that the analysis of management as a field of study should include the relations between the managers, the managerial actions, the managed units and the environments of management. I will shortly consider the management of public service units from this point of departure.

2. A note on different approaches

The most of conducted research identifies the public bureaucracy as large-scale complex organizations. A common theoretical purpose has been to find out certain organizational characteristics or attributes which present the qualities of these organizations. There are, however, problems associated with a too rapid jump from the conceptual identification to the general features of public bureaucracies. The problems arise from ambiguities and differences of the approach to analyze organizations.

There is a wide variety of theoretical approaches in organizational analysis as Burrell and Morgan ¹³ so thoroughly have demonstrated. These different approaches are a kind of mediating factor between the group of social units concerned (e.g. public bureaucracies) and the identified characteristics of that group. A certain approach tends to draw out from the units certain aspects which are "prestructured" by the conceptual tools.

Burrell and Morgan have analyzed the different approaches in terms of two basic dimensions: (1) the objective and subjective approaches, and (2) the regulation and the radical change approaches. They present a fourfold table of basic research orientations with the aid of these dimensions ¹⁴ .

I consider the problem of different approaches from a slightly different view than Burrell and Morgan. Below I will shortly present three dimensions which differentiate between approaches in organizational analysis.

I would suggest that the types of approaches are not entirely mutually exclusive. Indeed, some integrating efforts between the different approaches would be worth of trying. The three dimensions along which the orientations of organizational analyses have varied are suggested to be

1. The objective - subjective dimension, which makes a difference according to the view about the nature of "the social reality" and according to the sources of knowledge in organizational analyses. The objective approaches of analysis take the organizations as observable and thing-like units, and suppose that they can be observed like natural phenomena. The subjective approaches regard the organizations to be at least in significant measures mental constructs which have their existence and qualities in the consciousness of the actors. The objective approach leads typically to behavioral observation and data. The subjective approach recognizes primarily the significance of cognitive and symbolic factors.

2. The rational - natural dimension ¹⁵, which makes a difference according to the nature of goals in organizations. The rational approach supposes some common or unifying goals to be a prerequisite for an organization to exist, while the natural approach regards organizations as social units with a plurality of different and even conflicting goals.

3. The external - internal dimension, which makes a difference according to the relations emphasized and according to the source of knowledge in the analysis. The external approach regards the organizational units in relation to societal structures and processes or to other social units. The internal approach concentrates on the relations inside the organizational units. Naturally, the preferred orientation has an influence on the type of information used in the analysis.

The different approaches are a theme to discuss on its own right. In this connection, they have been presented only to refer to the implications which the conception about the organizational phenomena has on the study of management in organizations.

We do not need to select some one and only mode of approach, because the approaches are not logically mutually exclusive. We can suppose that the same phenomena, like organizations, have both an objective and a subjective aspect, both an external and an internal aspect, and both converging and diverging aspects of goals. A challenging task would be to study the relationships between these different aspects or perspectives.

The orientation of the traditional management science has tended to have an objective, rational and internal emphasis. Only quite recently the other kinds of approaches have been taken more seriously as research orientations. A subjective, natural and external approach to management in organizations would be a kind of antithesis to the classical works of the field.

Another common orientation in the tradition of management science has been the tendency to universalistic conceptions about organizations. This implies that there has been a search for universal generalizations within social units called "organizations". Especially this has meant a search for some relatively universal ideal patterns or models of management.

The universalistic orientation has been criticized. Two examples of the claimed distinctions in management research can be noticed. One is the problem of public vs. private management and organizational analysis¹⁶. The other is the problem of service vs. industrial management and organizational analysis¹⁷. The critics have presented that public organizations and public management differ essentially from the private business organizations and their management because of their institutional qualities, and that service organizations differ essentially from industrial business organizations because of their type of task. The public service organizations seem to be in the middle of this debated problematics, since they are both public and make services.

3. Public organizations and management

Rainey has proposed ¹⁸, that the existing formulations are deficient in their handling of public organizations. He has added, that the failure to consider the distinction between public bureaucracies and private firms leads to a harmful overgeneralization in organization theory.

The institutional features which are generally supposed to make a difference between the public and the private organizations are the party-political, legal and nonmarket connections and characteristics of public organizations. Public organizations have generally stronger party-political, legal and nonmarket "contingencies" than private organizations. Furthermore, taken as separate units, public organizations are a part of the larger public bureaucracy, which can be characterized as a hierarchical network of organizations.

The party-political, legal and nonmarket characteristics of public organizations can be taken as external factors to single units of the public bureaucracy. If only the internal qualities of public management are the question posed in studies, the qualifications of managers, their activities and the properties of organizational units can be compared between different units and also across the public/private distinction of organizations. Analyses of this type have been made in the tradition of management studies ¹⁹. The analysis of this kind, however, omits the problem of external relations.

The notion of external relations, both hierarchical and extra-hierarchical, and environmental conditions gives evidently the broadest categories for the analysis of public management. A given public agency or unit is a part of an organizational network which is ordered formally at different hierarchical levels. Since the private organizations also are parts of organizational networks, it would be a task for further analyses to find out characteristics of public and private organizational networks. It is almost like a truism, that the networks are partly overlapping. It is an open question, which network characteristics are typical of public agencies as compared to private organizations.

The most evident difference between public and private organizations is perhaps the formal hierarchical order between the levels of public organizations within one governmental system. This implies also several levels of public management. Sometimes a distinction is made between the management of a public organization and the management of a public policy²⁰. The management of a public policy involves the management of a network of public organizations. Too often there has been a presupposition of an individual manager, since much of public management is actually conducted in groups of managers or in boards.

The classical orientation of management studies has evidently emphasized a search for effective management patterns. Then, the main question of the studies seems to have been the relationship of the management pattern as managerial activities to the organizational results achieved. Often this question has been treated universalistically.

Mintzberg has presented²¹ "a contingency view of managerial work". His view implies that the activities or "roles" of a manager are conditioned by some environmental, job, personal and situational variables. This means a variety of management patterns as the consequence of some external and internal conditions in organizations. It does not however point out the significance of external relations and network characteristics for this variation in management patterns. After that, the main question of the studies seems to be moving towards a triangular relationship between the relations of management, both external and internal, the action patterns of management, and the results of the management.

Since the universalistic presupposition seems to be weakly grounded in management studies, we evidently have a need for some comparative studies of management in terms of relations, action patterns, and results. There are several possible bases for comparisons of management. One interest has been to compare different "national patterns of management" to each other e.g. "the Japanese management" vs. "the American management". Another possibility would be to compare management practices in different types of organizations.

Several typologies of organizations have been developed. One of the best-known is that of Blau and Scott²², based on the question "who benefits?" from the action of the organization. The types are: mutual benefit organizations, business organizations, service organizations and commonweal organizations. We can take into account also the distinction between public and private organizations, and we have then $4 \times 2 = 8$ different types of organizations.

	Public	Private
Mutual benefit	Associations of public agencies	Associations of citizens and enterprises
Business	Public business organizations	Private enterprises
Service	Public service agencies	Private service organizations
Commonweal	Control and regulative agencies	Private control organizations

All eight types of organizations can be empirically found, even if the pure types would be rare f.e. there are public business-like service organizations like posts and telecommunications. For the present purposes, it is sufficient to refer to the heterogeneity of the organizations which implies a possible heterogeneity in the relations and conditions of management activities and results.

4. Some supposed special features of public service management

Public service agencies include at least public schools, public hospitals and clinics, welfare and social service agencies, and employment agencies. The group of these service agencies is thus quite heterogeneous, and the boundaries of the group are not very clear. In recent years,

there has arisen tendencies to treat these organizations as a special case for management, and especially also for public management.

The state of empirical knowledge about the management of public service organizations seems to be quite deficient. In terms of the presented frame, we can state, that we do not possess enough knowledge about the qualifications of managers, about their activities, about their organizations to be managed, or about the external conditions or networks of relations in public service organizations. What we have, are some proposed special features of these organizations which are claimed to pose special requirements for the management.

Kouzes and Mico²³ have presented "a domain model" of public service organizations. The model identifies three distinct domains which together comprise the public service systems. Their presentation is of interest because it has possible relevance also to other types of public organizations.

Richard Normann²⁴ has presented a model which identifies the elements of service management. Normann's model is based on his work with private service enterprises, but he claims that it could be applicable for public services. Normann's model and his discussion of service management has gained attention in public agencies, and it seems to be included in some newest teaching materials about the public services²⁵.

In Blau's and Scott's typology of organizations the distinctive feature of service organizations is that the primary beneficiaries are the clients of these organizations. In the case of service organizations, the clients are most often single individuals or families which become in an immediate contact relation to the organization.

Hasenfeld and English²⁶ have given a more diversified list about the properties of service organizations. They present the following six distinctive attributes as typical of service organizations:

- the raw materials of service organizations are human beings
- goal definitions in service organizations are problematical and ambiguous

- the technology of service organizations is indeterminant
- staff - client relations are the core activities in service organizations
- service organizations increasingly rely on professional staff
- service organizations lack reliable and valid measures of effectiveness

The same six attributes are accepted in Kouzes' and Mico's presentation. Kouzes and Mico concentrate on the public service organizations and contrast them against industrial business organizations in several respects ²⁷. In addition to the six mentioned attributes they emphasize that public service organizations are "loosely coupled" ²⁸, that their measures of performance are qualitative, and that their primary environmental influences come from political, administrative and professional environments.

Kouzes and Mico suppose further that as systems of public policies the service organizations are comprised of three distinct domains:

- the policy domain, which is determined politically and is occupied by elected or appointed representatives who typically serve as boards of directors
- the administrative domain ²⁹ which contains the functions of resource allocation in the administrative layers of the organizations
- the service domain, which consists of those professionals who directly provide services to clients

Kouzes and Mico suppose that the three domains have different principles, measures of success, structures, work modes and environments. These differences in orientation tend to produce discordancies, disjunctions, and conflicts between the different domains. The analysis of service organizations should cover all these three domains.

Some distinctive features of the three domains of public service organizations according to Kouzes and Mico

	Policy domain	Administrative domain	Service domain
Members	Political representatives	Administrative officials	Service professionals
Principles	Consent of the voters	Hierarchical control and coordination	Professional autonomy and self-regulation
Success measures	Equity	Effectiveness and efficiency	Quality of service
Structure	Representative	Bureaucratic	Collegial
Work modes	Bargaining, negotiating and voting	Planning techniques and tools	Client-specific problem solving
Primary environments	Politics, policies, parties, voters	Economy, technology	Culture, clients

Kouzes' and Mico's domain model owes some resemblance to Patrick Dunleavy's ³⁰ presentation of "local policies" as a mix of political partisanship, managerialism and professionalism, which he supposes to be the main ideological elements of local level policies. "Local policies" are mostly "public service policies".

The remarkable feature both in Kouzes' and Mico's and Dunleavy's model is that public service organizations have three qualitatively distinctive spheres of action. The models raise the question about the boundaries of service organizations and about the units of analysis. It seems that a single organizational unit is not often the most suitable unit of analysis in public management studies. The political, administrative and service domains are qualitatively distinctive spheres of public service management, and these spheres have qualitatively different environments, but together they comprise "a public service policy" and its implementation.

The model presented by Richard Normann can in this connection be taken as a model of the proper service domain. Because Normann's frame is taken from private service organizations, he regards them as relatively autonomous units. Thus the notion of political and administrative suprasystems is lacking in Normann's model. Indeed, when Kouzes and Mico have tried to present the context of public service management, Normann primarily presents the object field of service management.

Normann gives the following elements of service management ³¹

- the organizational culture and "philosophy" (values)
- the service concept (what is provided as service?)
- the service delivery system or "the package" (how?)
- the market segment (who are clients?)
- the external and internal image of the organization

Normann especially emphasizes the meaning of "the managerial culture" in service organizations. He sketches some elements of the "successful management culture" as follows ³²

- emphasis on quality and excellence
- client-centeredness

- investment in people and emphasis on a highly qualified social technology
- small is accepted as beautiful "in a large scale"
- a clear organizational specialization, but broad perspectives

It is not clear, if Normann is making some contrasts to the management cultures of industrial organizations. I have got the impression that the differences between the management of service organizations and industrial organizations are not necessarily very remarkable. We can notice e.g. the quality circle type of management in industrial enterprises, and it seems to share features with Normann's model. It is also difficult to keep the difference between "the ideal" and "the actual" in models of management.

Both Normann's "successful management culture" and the quality circle management philosophy are usually presented as ideal types for management. These ideas are not necessarily entirely new. The idea of service orientation is known already in some earlier formulations of industrial and business management ³³.

The core of service management seems to be a certain value orientation, especially the client-centeredness and the quality of service contacts in terms of the welfare or satisfaction of the clients. It is not equally clear what this implies for the qualifications of service managers, for their concrete activities and for external relations in the management of services.

A certain distinction should also be considered between public services and private services with regard to Normann's model.

The principles and values of equality and justice are traditionally a part of "managerial philosophy" in public services. These principles and values have consequences on the selection of clients (the market segment). Public service organizations should not in principle select their clients according to their ability to pay for services, which can be quite often the tendency in private service organizations. Indeed, the

goals of public service policies are often formulated as equalizing and supporting the weak groups of clients.

The public services are thus more often confronted directly with the basic needs of their clients, while the private services confront more often the secondary needs of the clients. It seems that there are evident differences in value patterns also between different types of service organizations.

5. Some conclusions

I suppose the core of the public service management to be "the service values" and the use of resources for the implementation of these values in a certain environment. This core could be also called "a service culture". The service values and resources must, however, make confrontations with other types of values and resources. This is implied in Kouzes' and Mico's domain model.

One conclusion is, that the management of public services should be analyzed in its external relations within interorganizational networks. Pfeffer and Salancik³⁴ have presented two managerial roles in relation to the environment: the responsive role and the discretionary role. The former denotes to the adjustment for external constraints, while the latter denotes to the active use of external possibilities. The former role produces "a negotiated environment" and the latter "a created environment".

I suppose that the external managerial roles and relations and also the characteristics of environments could be analyzed as relations and interdependencies in organizational networks. The network also implies a group of several managers in interaction, not only separate individual managers.

Earlier e.g. Turk³⁵ has presented evidence for the significance of interorganizational relations for the development of public services. He

found that those public service organizations which had many external linkages were also more prone to innovations and developmental efforts.

At the beginning of the present paper an elementary management sentence was formulated to be "a manager is managing an unit under some conditions". It seems that the sentence should be modified on the ground of the presented considerations. For public service organizations the sentence would more appropriately be like "a group of managers is managing some public policy i.e. is implementing certain values and intentions, in a field of an interorganizational network". The reflection of this sentence in some empirical connection would emphasize the significance of data concerning relations between the value patterns, the external relations and the results achieved in public service management. In short, the qualities of public service management depend on the structural, cultural and action linkages of the managers ³⁶.

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WORKING PAPER, March, 1985
BUREAUCRATS OR CONTINGENT ACTORS?
A Role Set Approach to
Public Management

TORODD STRAND
ECPR Joint Sessions of Workshops
BARCELONA

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ACTION AND MANAGEMENT. A NEW FOCUS IN PUBLIC AFFAIRS

The rising interest in the concept of public management suggests a stronger attention to action, actors and managers. It also explicitly approaches the question of whether the public-private distinction is fruitful or not in describing, analysing and advising leaders in organizations which are denoted public. Organization theorists and social scientists in general are quick to point to the constraints and systemic conditions under which actors operate, often relegating the actors to the roles of puppets, for all practical purposes totally determined by external conditions, such as the imperatives of formal structures and rules, mandates from politics, and the powers of organized groups.

The reasons for studying actors under a set of specified contingencies are obvious. Such contingencies may be such as those mentioned above but they may in fact range from personal inhibitions, role constraints, interpersonal stalemates through commonly recognized organizational bindings and limitations inherent in the nature of the state, and the culture in which actions and systems are embedded. (Crozier and Friedberg, 1980). However, one may argue that the perspective which emphasizes the general nature of systems and constraints tends to lose the actor in the act. A research strategy which focuses on actors and their factual and perceived room for manouvering has been largely neglected in the study of public organizations. But to cover empirical holes and to try out an alternative strategy for revitalizing public organizations it is worth trying, under the device "Leadership where else can we go", without necessarily

subscribing to the ideological overtones in the statement.

There is a conspicuous lack of detailed descriptions of what leading personnel in public organizations do from hour to hour, the personal prerequisites, and the roles they take in their narrow environment. Similar descriptions for the private sectors have to a large extent formed new bases for management theories (Mintzberg, 1980, Stewart, 1982). The combination of a fresh empirical approach with the insight of modern decision theories have brought management theory into a new state, without pretending to describing or explaining the total conditions of business or the capitalist state. For public management we do have the broad descriptions of the social characteristics for upper level personnel, often addressed to the question of whether these characteristics influence the organization and politics or not. But for the behavioural descriptions we have very little, and the lack of portrayed heroes under the level of Statesmen is conspicuous. A focus on managerial behavior and preconceived leadership functions run contrary to a tradition and signifies an experimental choice as much as a justified position.

There is little agreement as to what the public-private distinction means, and what consequences it might have for a theory of organizational behaviour or leadership. Behind the present interest in public management there is a tacit convergence in the literature on public bureaucracies with the generic organization theory literature. The fact that we have different theoretical traditions does not prove the necessity or fruitfulness of such a distinction. Several authors have speculated about the difference between management in government and private management. Such lists normally appear quite credible, but they often purport the

impression that government business is entirely different from that of the private sector, and often imply that we need different theories for the two fields. A summary of these studies presented by Rainey Backoff and Levine (1976) emphasizes the impact of such factors as market exposure, legal formal constraints, political influences, public scrutiny, and expectations, complexity of objectives and vagueness of evaluation and decision criteria, organizational performance capacity, incentive structures, and personal characteristics of the employees. The list suggests a number of constraints or contingencies for decision making and production which can apply in a varying degree to all kinds of organizations.

Rather than accepting that the conditions and constraints described above are generic to organizations denoted as public, one should explore the variation of contingencies over a broad area of organizational types and behaviours, and try to map decision making and managerial behaviour under conditions which should be described dimension by dimension. Only empirical evidence thus can reveal the salience of a public-private distinction. Not preconceived ideas or constitutional definitions. The constitutional definitions, however, remain with us in trying to deal with the administration versus politics dimension. The fundamental distinction is not justified by empirical studies, on the contrary. The differences may be maintained to a certain degree as the basis of differentiation within a functioning whole, with considerable overlap of areas of attention, decision making power and impact. Administrative organizations are indeed very persuasive partners in the

relationship, and the existence of elected assemblies and political roles may as much be seen as an extension of the administrative organizations, as the other way around. Similar partnerships are not uncommon in the private sector.

MANAGEMENT, PRIVATE AND PUBLIC, VARIATIONS OVER ROLE SETS

Having chosen an actor approach, without discarding organization and other environmental contingencies, and having left the public-private distinction open for the time being, we shall define our area of study further by introducing the notion of basic functions or prerequisites in organizations, and assume that such basic functions can be manifested through specific roles. This approach allows us to describe individuals and apply significance to their actions while at the same time consider their functions in a broader sense, and the contingencies which constitute their constraints and possible areas of action. The notion that high level officials may be seen as the embodiments of the organizational values and purpose has been set forth by Selznick (1957), in his work about institutional leadership. The idea that the leadership both symbolizes the core values and most significant actions of the organization has since been elaborated and popularized through ideas of organizational culture. Thompson (1967), has elaborated on Parson's distinctions between three levels of organizational functions, the technical level, the administrative level, and the institutional level, suggesting a role differentiation of leadership along the same dimension. Organizations seem to have a variety of needs and purposes, which can be embodied more or less perfect in leadership roles, which relate both to the internal functioning of the organization, its structural adaptation,

and its legitimization towards a wider society. From Parson's systems prerequisites and on there has been a number of elaborations and suggestions as to what the basic functions in organizations are. (Quinn, 1982). There are considerable areas of agreement, although the phrasing may be different. They may be forced into a fourfold table which dimensions are external versus internal orientation, orientation towards stability, versus orientation towards change.

Table 1. Basic organizational functions/leadership functions, distributed along two dimensions.

Change	Integration	Adopting to environment
Stability	Creating and maintaining structure	Producing achieving goals
	Internal	External

Healthy organizations are supposed to perform all these functions successfully, although emphasis and visibility may vary over time. In several recent works on public management the authors seem to be aware of the variety of possible foci, (Bekke, 1985, Gerding and Koiman, 1984). The history of teaching and research around public management also takes a bewildering number of directions. Gunn (1984) mentions four

major themes, namely a) public management as public administration, b) public management as business management, c) public management as public policy, and d) public management as managing people. It just so happens that Gunn's categories can be applied to the fourfold table, and thus again support the underlying dimensions we are dealing with. Integrating may be seen as managing people, adapting to environment, conducting public policies, business management as producing and public administration as creating and maintaining structures. We can also place competing theoretical traditions in the separate boxes examples are human relation theories, theories about open systems, theories about rational decision making, and theories about stable structures, such as bureaucracies. What is obviously called for is an approach where integration is possible. It may well be that focus on leadership roles may be sufficiently narrow to enable such an integration, and at the same time allow a perspective which entails contingencies, as well as wider societal structures. A role - function approach highlights the game of competing values within an organization, which takes us to questions concerning the current emphasis and power relations within the organization, and the mediating between the organization and a broader environment, prompting us to investigate the connections between internal and external coalitions (Mintzberg, 1982).

Table 2. Competing values and orientations in organizations.

	Openness	
	Subjectivity	
	Risk taking	
	Searching	
Maintenance		Innovation
Concensus		Conflict
Process		Results
Tranquility		Unrest
	Constraints	
	Objectivity	
	Security	
	Authority	

We find a strong emphasis on internal coordination and maintenance of the system on the left side, whereas on the right side achievements and new opportunities are appreciated. In the lower area of the figure order, rationality, and authority are emphasized, whereas in the upper sections, exploration and sensitivity to external and internal signals prevail.

The functions and orientations exhibited in tables 1 and 2 may be expressed in an organization through a corresponding set of roles, most likely to be performed by leading personnel. Both important writers, such as Maccoby (1979), and widely popularized writers, such as Adizes, (1980), pinpoint typical figures which may lend their names to the fourfold role set: the Integrator, the Entrepreneur, the Administrator, and the Producer. We shall approach the problems of describing action and actors versus systems, by assuming that leadership roles can express the core competence and working conditions of an organization, thus

combining the view that an actor has liberty to act, and at the same time is socially bounded when dealing with (public) management.

Table 3. Four basic managerial roles.

INTEGRATOR	ENTREPRENEUR
Motivating	Avoiding threats
Developing	Exploring opportunities
Integrating	Negotiating task environment
ADMINISTRATOR	PRODUCER
Creating and maintaining structures	Setting goals and standards
Auditing	Achieving results

By mapping the role set in an organization at the highest level one may catch some of the basic orientations, weaknesses and strengths of that organization. Leadership behaviour as well as theories about organizations and leadership tend to leave one or several aspects out, they have blank spots. In the current writing about public organizations we seldom find the integrator function described or attended to at all. (Bøie Larsen, 1984). Intuitively one would place the emphasis in public organizations in the lower area of the model with a strong bias towards administration and possibly production. However, this is open to empirical investigation.

The coordination or integration of the four functions is a

further question to be posed in analyzing organizations. To what extent can the organization operate in such a manner that the variety within the organization efficiently ^{can} be taken advantage of? This would require a certain amount of mutual recognition and formalized procedures and so on. An obvious pitfall would be to recognize only one style or one type of role.

Furthermore one must ask questions about leadership. Given that there are formal roles to perform the above functions, the question of whether the incumbents are given the instruments and social opportunities to fulfill their roles is an open one. Formalistic, impotent, and even dysfunctional behaviour is a potential also for leading personnel. The factual conditions for exerting leadership, or in our jargon: performing the vital roles, may vary a great deal between organizations and settings.

ROLE DEMANDS AND ASSESSMENT OF PERFORMANCE

Roles are constituted by the formal description of a position, the expectations directed towards the incumbent, and the incumbent's interpretations of his tasks, constraints and capabilities. Our data are less than complete, but responses to a question as to what the core demands of their job are, will be used as an indicator of the role type the respondent in fact does perform. We shall fill in these responses as well as other questions in a matrix which distinguishes public from non public settings, and bureaucratic from non bureaucratic organizations. The suggestion is that the existence of bureaucratic organization may account for the differences in role profiles, as much as the public-private distinction can. By reading the marginal percentages in the following tables one can establish which difference seems most important, and by inspecting the individual cells, finding the combinations which account for the possible overemphasis on one or several roles. 1)

Tables 4 A-E. Most important demand put on leaders(%)

A Getting things done Proceeding...			B Controlling			
	Public	Private	Pu	Pr		
Bureaucratic organization	57	37	50	23	6	17
Other org	50	12	21	6	10	8
	53	15	26	15	19	11

C Motivating, supporting people			Exploring the environment			
	Pu	Pr	Pu	Pr		
Bur	70	87	76	13	12	13
Non bur	72	61	63	12	47	39
	71	67	69	13	47	32

D Scanning the environment to be able to adapt.			
Bur	33	38	35
Non bur	43	23	28
	39	25	30

The respondents were allowed to pick two fixed alternatives out of a list of five, plus an open alternative in the end. A majority pointed to the demands for motivating and supporting people on the job. The answers indicate for tables A, B, and C that bureaucratic versus non bureaucratic organization forms make more of a difference than the public-private

distinction. Getting things done, proceeding with the task at hand, seems to be a typical demand in public bureaucracies, as well as in other public organizations. Sticking to rules seems to be an important demand, particularly in public bureaucracies, whereas exploration of the environment and searching for new opportunities seems to be the overriding concern among leaders in private non bureaucratic organizations. "Scanning of the environment to be able to adapt" occurs on the whole more frequently as a response in public organizations than does it in private organizations, and seems to be, somewhat surprising, the least frequent response amongst leaders in non bureaucratic private organizations.

The two hundred leaders have also assessed the relative strengths and weaknesses of their personal and unit performance in relation to the perceived demands of their jobs

Table 5. Demands of managerial jobs. Assessment of performance. (%)

<u>Average resp</u>	<u>Modal case</u>	<u>Best at</u>	<u>Weakest at</u>
A Getting things done, proceeding...			
26	Pu bur 56	Several 50	Several 5
B Controlling, rules			
13	Pu bur 23	Pu bur 45	Pr 20
C Motivating, supporting people			
69	Pr bur 76	Pr 28	Pu bur 20
D Exploring, searching for opportunities			
32	Pr non bur 47	Pr 28	Pu bur 20
E Scanning the environment to be able to adapt...			
30	Pr non bur 43	Pr non bur 10	All low

Least discrepancy between demands and ability is reported

for "getting things done" and the most frequently occurring shortcoming appears to be the ability to support and motivate people, particularly in public bureaucracies. We can sketch a rough pattern along the dimensions in Table 3 and the public bureaucracy which report demands in the upper quadrants, exhibit their strengths in the lower area

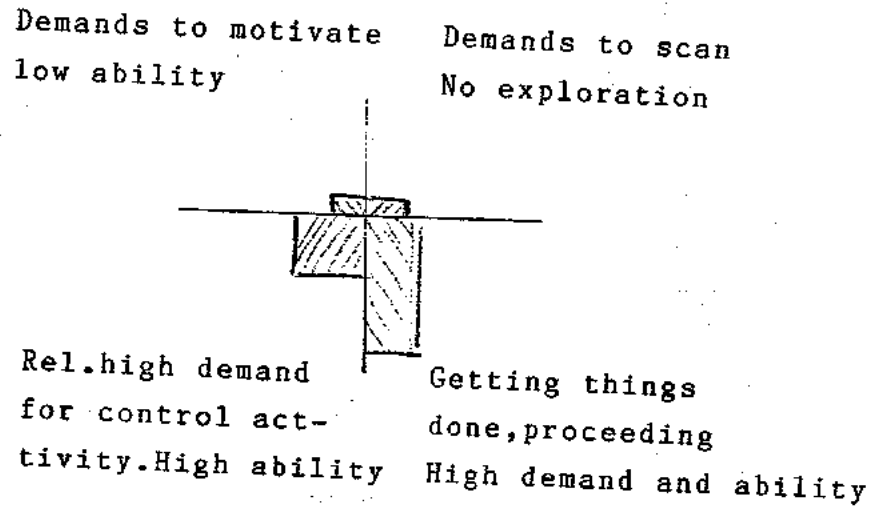


Figure 1 Profile, managerial functions public bureaucracies.

LEADERSHIP AS PERCEIVED FREEDOM TO ACT AND SUCCEED.

Freedom to act is a distinguishing aspect of leadership. It is commonly assumed that there is less programmed activity the higher up in the organization one reaches. Stewart and others have suggested that the area of leadership is "located" in the space between the core demands of the job and the (perceived) constraints occurring in the organizational and external environment, a view that implicates that public bureaucracies leave little or no room for leadership at all. A simple measure of the perceived room to maneuver is time available for activities chosen by self.

Table 6. Percentage of total time available for activities generated by respondent.

	Public	Private	
Bureacracy	26	41	30
Non bur	26	29	27
	26	31	29

The table shows no dramatic differences between public and private organizations, and even smaller differences between bureaucratic and non bureaucratic organizations. However, there is a marked relative increase in available time for leaders in private bureaucratic organizations. The table suggests that constraints in terms of fixed schedules, role demands and so on, occur to a large extent in all leadership positions, and that there is little difference between the private and public sector in this respect. The question which not have been answered is whether the constraints are generated by previous choices or just are "givens". There is also a question whether managers act as leaders or mainly deal with technical, routine or insignificant aspect of the organizations life.

Table 7. Reported ability to act as a leader. INDEX.100 av.

	Public	Private	
Bureaucatic	86	91	88
Non bur	88	108	102
	87	106	100

There is a marked difference between the public and private leaders in their reported ability to act as leaders, and the difference increases sharply when we move into non bureaucratic organizations. The numbers may reflect an actual reality, or to some extent the difference in legitimacy in reporting success in the two types of settings. There is support for the notion that leadership is less expressed in mechanistic organizations than in organizations with different structures, located in less stable environments. Leaders in public services tend to assume that the

environment of their organization is much more stable and predictable than do leaders in private organizations. The bureaucracy/non bureaucracy distinction does not make much of a difference here. This is also true for the potential opportunities offered in the environment assessed to be considered fewer in public organizations than in private organizations. The most dramatic difference between the two types and settings do we find in the assessment of the complexity of their environments, where public leaders score 78 points and leaders in private organizations 119 points on an index where 100 points indicate the mean value of the response distribution.

THE FOUR FIELDS OF LEADERSHIP ACTIVITY

Selznick (1956) calls goalsetting one of the defaults of leadership. It is also a frequent assertion that vagueness of objectives pursued is one of the characteristics of public management. It is reasonable to hypothesize that the role of the producer, who sets goals and standards for achievements and is occupied with achieving goals, is weakly represented in public organizations. However, leaders in public bureaucracies more often than others report that the main demand of the job is to get things done, and a high percentage in all sorts of organizations report that this is what they are best at. Also when asking what motivates them in their jobs a large proportion in all sorts of organizations, 76%, report that a wish to see results of their activity is a primary driving force. When it comes to assessing result of the organization's activity the public leaders are much moderate than the leaders in private organizations. 19% of the public leaders report the results of their organizations last year as being excellent, whereas 45% of the leaders in the private sector give this report. The public leaders are inclined to respond "satisfactory" to this question. 85% of the private leaders point primarily to economic results as indicators of success, whereas leaders in public organizations are uncertain, with client satisfaction

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as the most frequently reported answer. A large group of miscellaneous responses and no answers constitute the majority.

Although it is not confirmed that goal setting and achievements are primary characteristics of public management, the data at least allow for some doubt about the notion that public business is "aimless". Clearly there is not one singular predominant goal or measure of success, on the other hand there is a widely reported orientation towards results and a wish to get things done. The possible insufficiency in this area may be due to external conditions which are not to be discussed here, or shortcomings of other parts of the leadership functions.

The role of the administrator in public administration is often conceived of as the role of the bureaucrat, oriented towards authority and routine, while taking the structural limitations for granted. But in fact 45% of our respondents in public bureaucracies report that their organizations are not well adapted to their tasks. Less than 20% of the respondents in the private sector characterize their organization in this way. We find the same response patterns concerning adaption to market demands and client needs.

Table 10. Respondents who report that their organization is well adapted to the tasks.(%).

	Pu	Pr	
Bureaucratic	55	82	68
Non bur	67	81	75
	63	81	72

This indicates that public bureaucrats may be stronger in maintaining structures than creating and adapting them, still 54% of the public organizational respondents report that

Organizational development measures have been taken over the last three years, slightly less frequent than in the private sector.

The role of the integrator is seemingly very important for all categories of respondents. But when asked what importance they assign to cooperation across areas of responsibility in performing their jobs, the public leaders score much lower than the private leaders. It has been shown above in table xx that leaders in public bureaucracies most frequently point out their lacking ability to motivate and support people. They also consistently report that they in their jobs are less stimulated than the private leaders to develop communication ability, openness, kindness, and empathy.

The role of the entrepreneur in public organizations is vaguely and infrequently described. The material clearly states that most of the entrepreneurial features are to be found in the non bureaucratic organizations in the private sector. 47% of the private leaders report that exploring the environment is a strong demand in the job, whereas only 13% of the leaders in the public sector give the same report. However, in the less heroic aspects of the entrepreneurial role, that of scanning the environment for information, and relating to other governing bodies, the distinction between the private and public sector is in no way clear. Public managers more frequently than private managers report that the scanning of the environment is a significant demand in the job. Public managers seem to perceive expectations from political bodies as less binding than do private managers, as far as expectations from their boards of directors are concerned.

There is a consistent pattern in the way public versus private managers perceive the environment. Public managers quite consistently see their environment as a set of

limitations to a larger extent than private managers. They see fewer opportunities, and they think of the environment as being more predictable than do public managers. They do, however, see it as more complex to a very significant degree. But still, much more stable.

PUBLIC MANAGEMENT: QUESTIONS AND CHALLENGES

Our data support the notion that leadership roles, particularly in public bureaucracies, are less developed, or perceived as more constrained than the other types of organizations. The management point of view is less expressed, and the lack of bold language in stating aspirations, achievements, and opportunities indicates that the high level roles in public bureaucracies to a certain extent are meak and mechanistic. It also seems that the concept of management team is more adequate for a description of private non bureaucratic organizations than public bureaucracies, where only 18% of the respondents report team management, whereas 42% of the non bureaucratic private leaders give this report.

Referring to our initial scheme of leadership functions the data suggest that one of the quadrants is particularly weak, that is the quadrant where the integration function is located. Whereas the needs are considered high, relevant behaviour is not encouraged. The creation of a culture and a sense of mission should be included in this area of managerial activity. This seems to require a fuller participation by all organizational members than what is possible or at least usual in bureaucracies. Also the distinction between the expressive and instrumental functions in public affairs seems to relegate the role of the public administrator to something less than that of the integrator or missionary leader. One sees examples of such public leaders from time to time, and there are generally no constitutional obstacles to negotiating the working order between politics and administration, to enable public leaders

in administrative and service organizations to act as bearers of causes and values.

The traditional role as an administrator also seems to be challenged in that only about half of the leaders in public bureaucracies consider their organization well adapted to the tasks they are put to perform. Bureaucratic organizations in the private sector are reported to be much more adapted to their tasks, which might indicate that bureaucracy in itself is not an evil, only that it may be ill adapted to tasks and environments sometimes, and that public organizations too often by custom or design have come to be of a bureaucratic nature.

Public leaders also seem to be somewhat frustrated concerning goals and productivity. A majority reports that a primary motivator for them is to get things done. On the other hand they are less than clear in reporting what they get done, and they are modest in reporting their level of achievement. Introducing rationality in public organizations in a businesslike fashion has been attempted at, and more often than not failed. Goals are hardly given from the outside in any organization, and they may be both complex and partly contradicting each other. The role of the public bureaucracy leader might also be to create and establish goals and indicators of success, interpreting them from signals in the environment, and inventing them when such signals are lacking or totally absent. Again the more or less implicit understanding that goals in the area of politics, and means is the area of administration, unnecessarily inhibits the role characteristics and mayby the behaviour of the leader in public organizations. Leaders who are willing to take risks, face conflicts, and strive for results will find and invent goals and measures for good performance. Bureaucratic structures and cultures are not amenable to such strivings.

The entrepreneurial role of public leaders lies far from the traditional picture of a public bureaucrat. According to our notion there is some need in all organizations to perform the entrepreneurial functions, but seemingly only a few public

organizations are designed to emphasize this function. The searching, subjective attitudes and experimentation are legitimate features of politicians, and hence clearer as a discriminator between politics and administration than in the other fields mentioned here as managerial functional areas. The development of entrepreneurial activities are probably strongly inhibited by bureaucratic structures and cultures, but also by the sort of technical competence which public leaders acquire through education and training on the job. They see no role models as entrepreneurs, and have no heroes to draw inspiration from.

A less dramatic aspect of the entrepreneurial function is that of learning. Public bureaucrats more than other leaders report that scanning of the environment is an important demand of the job, but it does not seem that their search methods and mechanisms for exposure enable them to learn, i.e. changing behaviour, to a higher degree than do leaders in other types of organizations and settings. On the contrary, one may hypothesize that public organizations set up buffers to protect themselves, and thus avoiding opportunities to learn about their own performance, and other important realities of the world. Since public organizations deal with environments which admittedly are erratic and complex, they need learning mechanisms that recognize information beyond reports on compliance or not, reaching into the area of double loop learning, i.e. recognizing new goals and values generated in their environment as a response to their actions.

The idea of complementary and may be contradictory organizational functions as a framework for the analysis of managerial roles has been illustrated by some data.

Tentatively the results indicate that there are biases in orientation in public organizations towards the lower quadrants. But there is also an unexploited potential in the integrator quadrant.

The question of integration or cooperation between the roles has only been touched-but it an important theme for research and reform - what are the conditions for developing fuller and more integrated role set at the higher levels i public organizations?

Is there room for leadership ? There is i all organizations, but some organizations do not select and develop leaders . In public organizations the constraints are perceived as more severe than in private organizations. A possibly accurate report or trained inability to deal with turbulence and challenges. The impact of a bureaucratic organization although accounting for significant differences does not give a unitary and consistent explanation for observed variance. The public private distinction seems to be a more important yet less explored factor. And the interaction between the two is complicated. Further research would benefit from comparative material -not only of the type presented here.

While some of the reforms aiming at moderizing public administration seem to aim at bringing the activities over from the "A" quadrant towards the "P" area trying to start "industrialization" in public affairs, the challenging development for administrative reforms through-out society lies in recognizing the needs of the service society where the qualities of the two upper quadrants are called for.

- 1) The data reported in this paper are questionnaire responses from 200 Norwegian top and high level managers in the private and public sectors.

All occur in the sample as a result of their participation in management training and development programs for public and private personell: The Administrative Research Foundations nine weeks management development program and the three months program for higher civil servants sponsored by the Ministry of Administration and consumer Affairs.

The frequently reported distinctions between Public and Private and Bureaucratic and Non bureaucratic setting are based in the following distribution of respondents:

Number of respondents in each cell

	Public*	Private:	All
Bureaucratic organizations	45	35	80
Other (nonbur.) organizations	52	61	113
	97	96	193

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PUBLIC PERSONNEL MANAGEMENT
IN THE NETHERLANDS, AN ESSAY
ON THE BENEFITS OF RETRENCHMENT

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1. Introduction

This is an essay about some recent topics concerning the personnel-policy and personnel-management in the Netherlands, with regard to the retrenchment-policy of the Dutch government since 1980. Personnel Management (PM) will be conceived as that part of the management activities in an organization, that is directed towards the optimum utilization of human resources for the achievement of organizational goals¹. Personnel policy determines the specific objectives, instruments and activities and Personnel Management is responsible for the implementation, preparation and evaluation of personnel policy.

In this paper we will discuss four issues:

- firstly the changes in content and instruments, the changing attitude of personnel officers (PO) towards the role and position of PM and the increasing power of PM in the government-organisation (see part 2 about Managerialism and rationalism).
- secondly the assimilation process between the private and public sector on certain issues (part 3)
- thirdly the development towards a system of collective bargaining (part 4) and
- finally the decision-making structure between the central and local government (part 5)

Generally, three topics are especially of interest to Personnel Management in the public sector:

- (1) The ways in which government-organizations in the decision-making structure can distinguish the roles of political authority on the one hand and employer on the other hand².
- (2) The relationship and comparability with the private sector.
- (3) The relative position of power of the PM within the organization³.

I shall argue that these topics (which are interrelated) are (positively) influenced by the recent retrenchment policies by the Dutch government. From 1980 on, the Dutch government has developed a rather severe retrenchment policy.

In the years 1982-1986, moreover, another 9 billion dollar cut back will be necessary. The biggest part of these cuts will have to be found in the public personnel sector (lowering salaries, change of the social security system, work-time shortening, privatisation, etc.). Furthermore the number of jobs available in the public sector will have to be reduced. From 1982 onwards, the national government has been reducing each year the number of jobs by 2%. Local government on his part lost more than 8000 jobs (4%) in 1984.

These cut-backs have to be executed by personel departments which in this way are forced in a different role than before. In the same time however, retrenchment policy can be an important innovating force, as far as changes in PM are concerned.

2. Managerialism and rationalism

For a long time personnel policy in the Netherlands has mainly been oriented towards individual needs. Personnel officers hardly sought themselves as a part of the total management system. This implied that the position within the organization was relatively weak. Most of the time, important changes of the structure of the organisation were indicated by other departments. It was left to PM to implement these policies.

It seems that hardly anybody paid attention to issues like organization-development, flexibility and effectivity. The attention was focussed on pay and conditions and the legal status of the employee.

In the seventies, personnel-policy-development became more important, especially as a result of far reaching developments in Dutch society, such as the call for more (political) participation and emancipation, which also influenced the substance of personnel policy: more participation of employees, equal opportunities for women etc. However the individual well-being and the individual growth, still were central issues and there was no relation with the effectivity of the organization.

Besides this, the decade can also be characterized by growing professionalization of personnel policy, especially with an eye on the well-being of the members of the organization. The conclusion may be, that this attitude toward PM, created a relative weak position of power within the organization, especially in relation to financial and economic management.

As a consequence of successive economic crises, this situation changed at the end of the seventies.

The economic recession can be said to have had the following effects on public personnel policy:

- a. Severe retrenchment-operations directed towards the pay and conditions of public personnel (e.g. in 1984 the salaries were cut by 3%). From 1980 the so called system of "price-compensation", was done away in favour of a policy of more jobs, which jobs however never materialized⁴.
- b. Growing unemployment (18% at this moment), which unemployment the government has tried to reduce by means of:
 - general work-time reduction (as from august 1985 a working week of 38 hours) with a re-occupation level of 75%
 - earlier voluntary retirement (from 61 years)
 - stimulating part-time jobs
 - work-teaching jobs for young people
 - job creation (jobs of 32 hours) also for young people
- c. A changing attitude towards the role of the state in society. According to the government and parliament, state-intervention should be reduced by means of deregulation, privatization and by 2%-reduction of the total number of civil servants (pure public goods like army, police and the tax-department are except from).

These far reaching measurements have had their impact on the role and position of PM, because of the central role the personnel department must play with respect to matters like reorganisation, privatization, replacement, etc.

If only because of the fact that the personnel department has to justify these policies against the unions of public personnel. The following effects of the recession are of main importance for the PM:

- a) The interest of politicians for personnel policy has increased (especially in the larger cities).
- b) An increasing power in relation to the financial-economic department (both concerning resources). Like in other countries PM is more and more integrated in the total management system.
- c) A shift of attention from the individual well-being of the members of the organization, towards a more organizational approach. This implies more attention for the process of steering and control of organizational processes and activities. This shift in attention requires other instruments such as information-systems and management-development.

d) Decentralization of responsibility of personnel policy. The line-management, together with budget-responsibility, becomes more responsible for personnel policy. Staff-management on the other hand should concentrate on policy design and line-management advice⁵.

I shall call this conglomeration of changes and effects, a process of managerialism and rationalism.

As it were, PM in the Netherlands is growing to a process of emancipation.

3. Assimilation-process

Public personnel in the Netherlands still has a special legal status:

- Pay and conditions are unilaterally determined although there is some consultation between the unions on the one hand and the minister or local councillors on the other hand, there is no system of collective bargaining.
- Public personnel is not entitled to strike in order to further their claims in a labour dispute (for both aspects see the next part).
- The legal position and status have been laid down in a special act: the Public Servants Act of 1929.

This special legal status was legitimized by the notion that public personnel are the state's-servants and would therefore have special rights and duties. In return the pay and conditions generally would be better than the employees in the private sector.

Because of the growing number of government-activities and therefore the growing number of employees, the majority of public personnel is performing similar jobs and activities as in the private sector. Therefore there is hardly any reason to maintain their special status.

There is another reason why the special legal status is questioned: viz. the policies of the present Dutch government.

One of the most important objectives of this government is the strengthening of the private sector, at the expense of the public sector, both on economic and political grounds (in as much as these are to be distinguished). As an illustration of these developments, see table 1 in which the mean-labour costs of the public and private sector are compared. The figures are illustrating that during the last 4 years the labour-costs in both sectors are assimilating.

Table 1 : Mean labours-costs in the private and public sector

year	1960	1970	1980	1984
sector				
1 private sector	5.748,-	15.336,-	43.818,-	50.374,-
2 public sector	7.673,-	23.774,-	61.737,-	62.813,-
index 2 : 1	1.33	1.55	1.41	1.25

Source: Centraal Economisch Plan, 1977 en 1984

The most important feature of this assimilation-process concerns the way of pay-determination. Till 1981 the pays and conditions of public personnel automatically followed the pays and conditions of the private sector, by means of the trend-mechanism (based on a mean of about 40 collective agreements in the private sector). This trend-mechanism, however, was totally undifferentiated (1).

As a consequence, this mechanism has been criticized more and more. In 1981 the necessity to cut back public spending, was the direct cause to abandon the connection between the wages in the private and the public sector. From this moment onwards, the changes in wages have become the subject of political discussion and budgetary decisions. The government and the parliament determine the pay and conditions of employees, in their role as

political authority, and not in their role as employer. It would be clear that the unions in particular, objected strongly against this change of course. At the moment, the government is looking for an alternative way of pay-settlement. For this reason a special committee has been constituted with the task to compare the pay and conditions in both sectors (as known a permanent problem in public personnel management). Because of technical problems and because of the opposition by employers in the private sector and by some of the unions (of manual workers), this comparison will fail. Perhaps, the best way to handle this problem of comparability is the systematic approach in which certain categories are related to similar categories in the market-sector (a differentiated trend). An other alternative would be to give more powers of discretion to individual organisations, in order that they are able to operate as if they were on the market. However, the latter alternative may be difficult for certain categories of public personnel, because in certain segments of the market the government or the local authority is the only employer.

My conclusion is that because of the retrenchment-policy of the government, the pays and conditions in the public sector are assimilated to those of the employees in the private sector. In the meantime the Dutch government is still looking for a good replacement for the trend-mechanism, for the wage-development in the public sector. Eventually, the choice may again be in favour of a trend-mechanism, but more differentiated; in combination with a certain degree of decentralization, in order to implement a more market-like wage-policy.

4. Towards a system of collective bargaining

As said before, the industrial relations in the public sector in the Netherlands are characterized by the non-existence of a system of collective bargaining⁶. In their role as political authority and employer the government deliberates with the representatives of the unions of public personnel, but when they don't reach an agreement, the central or local government can decide unilaterally about the pay and other conditions. Recently this situation has become firmly criticized. Both parliament and the unions want to create a system in which both partners are considered to be equal. When the economy was prosperous and there were no financial constraints, this fundamental issue did not come to the fore. In times of retrenchment this system of combined roles, becomes problematic and generates conflicts.

In this period parliament (or the local politicians) take the role of the employer, being more interested in budget-motives than in trying to develop a good personnel policy.

Besides, the unions even don't have the right to strike. The Netherlands have signed the European Social Covenant in 1961, which legitimized strikes of public personnel, but this has never been implemented by formal law. Since 1961 a permanent discussion has been going on, concerning the ways how the right to strike should be implemented. Especially the question which categories should not be allowed to strike, was an issue of debate. At this moment there is no consensus about these subject. Nevertheless, there have been strikes in the Netherlands, but there are more juridicial constraints, than in the private sector. At this moment there are various proposals for a formalization of the right of strike.

Intergovernmental relationships

As we mentioned before, there are initiatives to create a system of collective bargaining, however, the retrenchment policy is facilitated by the possibility of a unilateral determination of pay and conditions.

At the central level the Minister of Home Affairs deliberates with the unions, about the pay and conditions of the civil servants. At the local level this task is performed by the alderman and the councillors. No formal relation exist between the central and local level!

In practice, local authorities follow the main outcomes of the decisions on the central level, because it is this central government which is able to intervene in the local discretion. The Minister of Home Affairs is responsible for the coordination of the personnel policy for all the employees in the public sector. Therefore he can use four instruments:

- a) The proposition of legislation to parliament (the most important retrenchment-propositions are executed by law; "forced coordination").
- b) To negotiate with the different employers in the public sector (departments, municipalities, provinces; "positive coordination").
- c) The execution of supervision ("negative coordination").
- d) Recommendations by circulars ("weak coordination").

The result is that the local authorities (about 220.000 employees) do not have any formal say in the deliberations about the main issues of pay and conditions. They can only accept the outcomes and effects. The local authorities can't practice their responsibilities as employers, on main issues.

A second conclusion concerns the ineffectivity of the coordination by the Department of Home Affairs⁷. Because of its implementation the supervision appears to result more in bigger than smaller differences of main issues of pay and conditions. This is why we speak of the "paradox of supervision". The intention of supervision is to prevent inequalities in pay and conditions for similar categories of personnel. Because of the different implementation of the supervision by the eleven provinces (intermediate organizations), the supervision of the Ministry leads to arbitrariness. Based by our research-results we have designed, by order of the Minister of Home Affairs, a process of coordination of policy-determination and -implementation⁸.

In essence, the recommendations are:

1. The relations between the levels of employee-employer deliberation and between the employers must be formalized.
2. The local authorities must be given the possibilities to be responsible for public personnel policies, also on main issues. For that reason there must be created a Board of Employers in the public sector.
3. Local authorities should create organizations of employers which are mandated to make binding decisions, together with the unions and with the other employers. So the Minister has to stand back as far as his present competences are concerned.
4. When collective agreements on pay and conditions have been reached, the system of supervision can be replaced by a system of verification concerning the observance of these agreements.
5. When agreements are reached on the central level on the main issues, the concretisation of these issues should be established in sectoral deliberations, for instance for certain categories of employees (health-care, fire-men, police etc.).

In summary, the relationships between the central and local levels should be formalized and the decision-making-process should be differentiated towards specific groups of public personnel. This means more decentralization, which creates the conditions for more labour market-orientated personnel management.

In this way a balance can be found between the two most important principles in public personnel policy, e.g.: (1) the striving after coherence and an equal legal position and (2) the necessity of policy-discretion on the level of the individual organizations in the public sector, for example with regard to the position on the labour-market in case of recruitment.

The conclusion is, that because of financial restraints and because of the constant interventions by parliament in the negotiations between employers and employees, the negative aspects of the decision-making system became more manifest. This led to the proposition of some changes in the system. However, it should be noticed that the present government still seems to be

preoccupied with its retrenchment policy. Perhaps that a new government in 1986 will introduce a new system of negotiations. The local municipalities already anticipate such a new system. This coming May they will institutionalize an employers- organization.

6. Conclusion

As said in the introduction in general three problems characterize the public personnel management:

- (1) The ways in which government-organizations in the decision-making structure can distinguish the roles of political authority on the one hand and employer on the other hand.
- (2) The relationship and comparability with the private sector.
- (3) The relative position of power of the PM within the organization.

We have argued that the governmental retrenchment policy since 1980, has functioned as an important innovative force, on these three issues.

The decision-making-system in the Netherlands will soon be adjusted to the situation in other West-European countries: collective bargaining, a certain degree of differentiation (towards various categories of personnel), more autonomy (for individual organizations), and the right to strike for the unions of public personnel.

Changing the system is all the more necessary because of the financial crisis and the cut-backs in the wages for public personnel. The problem of the mixing of roles of political authority and employer will probably be solved through the formalisation of the procedures by which budget-policies and negotiations with the unions will be combined.

The establishment of the total budget for the wages for public personnel will, also in the future, be a task of parliament, but the ways in which this budget will be divided, will in the first instance be the responsibility of the employer. Political decisions will only be the external constraints for this responsibility.

The relationship between both roles will always exist.

The second characteristic, the comparability of the public and private sector, at this moment also is a political issue. Attention is being paid to the possible methods which could be used by government to develop and implement a wage-policy for the public sector.

There is a tendency to strive after more differentiation and decentralisation, to create the possibility for the individual governmental organizations to take situational factors into account (e.g. the specific

characteristics of a certain labour market). This can also result in more flexibility, which again may lead to more effectivity.

As far as the third characteristic is concerned, the power position of personnel management), it may be concluded that this power position in most organizations is growing, because of the retrenchment operations. It seems that because of this 'shrink-management' the vicious circle in which personnel management often is found, can be broken⁹. Personnel management will be more 'managerial-oriented' and will have more attention for the effectivity of the organization¹⁰.

In spite of these positive effects of the governmental retrenchment policy, there are also some negative effects. The ways the cut-backs are implemented in the governmental apparatus are hardly differentiated. The differences in the various labour markets are for instance not taken into account. Concerning some top-specialist-jobs, (e.g. in the field of information technology), the government cannot compete with the private sector, which means that on several positions (for instance universities) the needed qualities cannot be kept. The cause of this is the undifferentiated and centralistic way in which the cut-backs are implemented. The budget seems to be the only criteria that counts.

Nevertheless, the retrenchment operations of the last years have brought more positive than negative effects for the quality of the governmental organization and the role and task of personnel management in the Netherlands.

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1. see K. Legge, Power, innovation, and problem-solving in personnel management, London: McGraw-Hill, 1978; this is a 'functional' definition in the managerial sense and not in the sociological sense of the concept 'function'.
2. see e.g.: A. Fowler, Personnel Management in Local Government, London: IMP, 1980 (sec. ed.) and A.W.J. Thomson and P.B. Beaumont, Public sector bargaining a study of relative gain, London: Saxon House 1978.
3. see e.g.: Legge (ibid) and T.J. Watson, The personnel managers, London: Routledge and Kegan, 1977.
4. untill 1980, each year the wages of workers and employees were automatically compensated for the rate of inflation. This mechanism was abolished in 1980, because of the intention of the government to create more jobs. But budget-restrictions prevented the effectuation of this policy.
5. compare: K. Walsh, Emerging bureaucracy: industrial relations system in local authorities, in Public Administration Bulletin; nr. 40, dec. 1982, pg. 55-72; he describes the changes in the industrial relations, like a more managerial attitude and more specialization.
6. more about this issue in J.H. Weggemans (ed.), Arbeidsverhoudingen bij de overheid, Deventer: Kluwer, 1985 (in druk) ("Industrial relations in the public sector").

7. from 1979 till 1984 we have undertaken several research-projects by order of the Department of Home Affairs, concerning the coordinating activities with regard to the personnel policy of the various categories of employers in the public sector. The final report was published in 1984: C.L. Menting and J.H. Weggemans, Coördinatie van overheidsperoneelsbeleid, als bestuurlijk en organisatorisch probleem, Deventer: Kluwer, 1984 ("Coordination of public personnel policy, as an administrative and organizational problem").
8. we designed a theoretical model for the coordination of policy-determination and implementation, mainly based on A. Kuhn, The logic of Social Systems, London: Jossey Bas Publ., 1976. Kuhn distinguishes a detector, a selector and effector function in coordinationprocesses. We concluded that especially the 'effector-function' fails in the present system of coordination.
9. Legge (ibid): "to obtain adequate resources (...) a personnel department requires power which, at present, in many organizations it lacks, presicely because of its inability to convince those who do control resources of its potential contribution (...) reinforced by environmental change, a progressive spiral may be and, hopefully, is being initiated"(pg. 136).
10. see K. Walsh, Local government militancy in Britain and the United States, in Local Government Studies, vol. 8, nr. 6, 1982, pg. 1-17.

THE UNITED NATIONS AND THE POLITICS OF OUTER SPACE

S. ALEX CUNLIFFE

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THE POLITICS OF OUTER SPACE AND THE UNITED NATIONS

Introduction

Analysis of the wide range of literature focussing upon the role of the United Nations in international conflict management reveals a number of distinct 'schools'. In direct opposition to the pre-Second World War 'idealists' who foresaw the United Nations as the type of multilateral assembly which could be an agent for the diplomatic resolution of international disputes, a large number of 'realist' academics maintained that such organisations could never be anything other than subordinate to the primary state actors. More recently, this 'state-centric' view of world politics has been challenged by a school of thought which does not exclude a potentially influential role for international organisations. However, it would appear that the controversy between these schools of thought is far from completely resolved and the role of international institutions in conflict management remains ambiguous in the present, volatile international setting. A worthwhile test for this debate is presented by an analysis of the role of the United Nations as an actor within the politics of outer space. Unlike the majority of Earth-bound international disputes, this environment represents a political area which is not constrained by any historical claims of national jurisprudence. In this respect, it is possible that the United Nations could

assume a position of international importance in the politics of outer space.

The most recent challenge to the efficacy of the United Nations as an actor in the politics of outer space has been raised by a call for the development of an anti-satellite weapons system. On March 23rd, 1983 President Reagan appeared on national television to present a speech which ended by calling upon scientists within the United States to develop an American defensive system against ballistic missiles. Although this speech never explicitly mentioned outer space, Presidential advisors briefing the press hinted that such a weapons system could be based in space and the notion of a "Star Wars" weapons development was publicised. In subsequent months, the Washington Administration emphasised their interest in the military potential of outer space by setting up several advisory groups to analyse the military and industrial opportunities presented to the United States (1).

At first sight, the widespread publicity that potential "Star Wars" research has attracted seems to point to an absence of international, diplomatic machinery to effectively prohibit and control an arms race in outer space. This is alarming because, whilst the superpowers would appear to be the primary actors in such developments, the political, economic and military ramifications of intergovernmental disputes in outer space could involve every political system on this planet. This is especially the case when one considers that the further use of this environment for military purposes could significantly

transform earth-bound notions of nuclear deterrence and strategic balance.

However, closer examination of international law and, in particular the proceedings of the United Nations, reveals a considerable body of existing legislation which could be invoked to limit and even prevent an arms race in outer space. Indeed, an item relating to the Peaceful Uses of Outer Space was first debated in the United Nations General Assembly as early as 1957 (2). Moreover, Article 2 of the United Nations Charter, which prohibits the use of force, does not exclude confrontation beyond the Earth's atmosphere. Since 1957, there has been a plethora of UN proposals and treaties designed to forestall and prohibit the militarisation of outer space (3). Despite this, "Star Wars" developments appear to be proceeding apace. In the face of this intransigence, the role of the United Nations as an actor in the politics of outer space must be examined. Whilst the demilitarisation of outer space is only one facet of international relations beyond the Earth's atmosphere, it is nevertheless most important and clearly holds the greatest implications for the members of the United Nations. Indeed, it has been recognised that this issue is crucial if the United Nations is to assume a position of influence in the politics of outer space. On the 15th December 1983, the General Assembly adopted a resolution calling upon all States, in particular those with major space capabilities, "to undertake prompt negotiations under the auspices of the United Nations with a view to reaching agreement or agreements

designed to halt the militarization of outer space and to prevent an arms race in outer space, thus contributing to the achievement of the internationally accepted goal of ensuring the use of outer space exclusively for peaceful purposes."(4).

In this respect, evidence of ineffectuality by this multilateral institution may hold ramifications for its overall influence in this particular area of politics. With this in mind, it is necessary to review the perceived position of the United Nations within this framework of world politics. It is the intention of this paper to examine the legislative and bureaucratic framework introduced by the United Nations over the militarisation of outer space and to consider the political realities of this international organisation as an influential actor in this particular environment of world politics.

The Role of the United Nations:an academic appraisal.

In the years prior to the Second World War, attention was focussed upon the potential role of institutions like the United Nations as organisations capable of succesful conflict management in international relations. However, this utopian or idealistic view was subsumed during a period following the War by academics who emphasised the primacy of the state and the overriding concern for power and security within a realistic interpretation of world politics. At the forefront of this 'realistic' analysis was Hans J. Morgenthau who, in 1952, argued that American foreign policy operated in the pursuit of

national interest rather than within an environment characterised by utopian ideals of internationalism (5). Over the next two decades, there followed a school of academic thought in which international organisations were seen as performing an essentially subordinate role in the management of international crises. In this respect, the United Nations was perceived as primarily an instrument of governments, unimportant in its own right and incapable of powerful, independent action (6).

However, in the 1970s there appeared a challenge to this 'realistic' approach. A number of studies began to question the position of the state as the dominant, unitary forces within world politics. In particular, it was pointed out that the state should not automatically be conceived as a rational, unitary actor in the formation of foreign policy. Such writers as Huntington, Keohane & Nye and Reynolds emphasised the critical role and impact of a number of transgovernmental 'interest groups' upon outcomes in world politics (7). Within this interpretation, the international influence of non-state groups, for example multinational corporations and state bureaucracies, assumes considerable significance. Thus, far from being the instruments of the nation state, such actors play independent, transnational and, at times powerful roles in the world political arena.

Within this 'transnational' environment, international organisations such as the United Nations perform a number of functions. Firstly, they may provide a forum wherein sub-state units can meet, negotiate and, to a certain extent, co-ordinate

their influence in foreign policy formation. Secondly, they can serve to modify states' behaviour by placing a multilateral character on a unilateral interest. In this context, Pentland argues that the United Nations can be seen as an international organisation which imposes an element of 'intergovernmental collaboration' in what he sees as an increasingly interdependent world where unilateralism is impossible because "more and more goods are becoming collective at the international level." (8) Thus, whilst certain member states may view the United Nations as an instrument for the fulfillment of their policy objectives, their appearance in this international arena allows the opinions of diverse and opposition groups to be voiced. In an article entitled 'Transgovernmental Relations and International Outcomes', Keohane and Nye noted (9):

"One of the most important but seldom noted roles of international organisations in world politics is to provide the arena for sub-units of government to turn potential or tacit coalitions into explicit coalitions characterized by direct communication among the partners. In this particular bit of alchemy, the organization provides physical proximity, an agenda of issues on which interaction is to take place, and an aura of legitimacy.... Thus, by defining the issues to be considered together, and by excluding others, international organizations may significantly affect political processes and outcomes in world politics, quite apart from active lobbying by their secretariats."

It is this process, the transnationalists claim, which places a multilateral 'gloss' upon what may originally be perceived as unilateral interest.

Finally, intergovernmental organisations may, within this

interdependent interpretation, achieve a measure of autonomy which enables them to operate as actors in their own right. In 1970, Edward L. Morse argued that the process of modernisation had broken down the state-centric character of foreign policy and that, under certain conditions, international institutions could pursue independent strategies in a growing variety of issue areas. Such a process was especially thought to be pertinent where the issues at stake were 'novel' to the world political arena (10). Thus, in certain new and complex areas of international relations, for example the politics of the Sea-Bed, organisations such as the United Nations would be able to capitalise upon states' lack of experience. This is particularly the case where the international institution can develop its own bureaucratic arrangements to add organisational framework and credibility to this multilateral approach (11).

Within this context, it would be intuitive to analyse the extent to which the United Nations endeavoured in the post War Years to establish a 'presence' in the uncharted politics of outer space.

The United Nations and the Politics of Outer Space.

It would be erroneous to assume that the United Nations has ignored the importance of what may appear to be a contemporary political issue. Following the first General Assembly debate on the politics of Outer Space in 1958, a temporary Committee on the Peaceful Uses of Outer Space (COPUOS) was formed. Its original membership was twenty-four but, in

subsequent meetings of the General Assembly, COPUOS was granted permanent status and expanded to a level where, by November 1980, it was agreed to provide for fifty-three members on the Committee. Over the years COPUOS has become the prime instigator for both UN consideration of space related activities and the development of a broad legal basis for Outer Space negotiations. As the name of this Committee suggests, it was recognised that the United Nations could only perform a function as an influential actor provided that outer space was not used for military purposes. The aspiration to demilitarise this environment was expressed by the United Nations General Assembly just a few days after the launching of the first satellite. On the 14th November, 1957, Resolution 1148 called for steps aimed at ensuring that space be used "exclusively for peaceful and scientific purposes". In addition, Resolution 1348 of the 13th December reaffirmed that "it is the common aim that outer space should be used for peaceful purposes only". This was the forerunner for a number of legislative attempts to ensure the demilitarisation of the environment beyond the Earth's atmosphere. Thus, the 1963 Partial Test Ban Treaty specifically banned the testing of nuclear weapons in outer space and, in 1967, a more comprehensive document, The Outer Space Treaty, was passed. Article IV of the Treaty stated: (12)

States Parties to the Treaty undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such

weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

Although this did not provide for a complete demilitarisation of outer space, it emphasised that space activities should be carried out for the benefit and in the interests of all countries, and "in the interest of maintaining international peace and security and promoting international co-operation and understanding" (13). More recently, attempts have been made to eradicate the loopholes of this legislation. In 1978, an Italian delegation presented a working paper to the Committee to the UN Conference on Disarmament in which it proposed a review of the regime established under the Outer Space Treaty. It was recommended that explicit measures be introduced to prohibit the launching and stationing in orbit, or anywhere in outer space, of all weapons, not merely nuclear weapons and other weapons of mass destruction. Such a ban, the document suggested, could be embodied in an Additional Protocol to the 1967 Treaty (14).

Also in 1978, a French delegation in the Ad Hoc Committee of the Tenth Special Session of the United Nations General Assembly introduced a detailed proposal to ensure the use of outer space and satellite technology for peaceful purposes. The Paper noted that satellites, available only to the United

States and the Soviet Union, provided these two countries with the precise information used in the verification of their 'bilateral disarmament agreements'. In an effort to subject these negotiations to multilateral scrutiny, France proposed the establishment of an International Satellite Monitoring Agency (ISMA), at the service of the international community. Such an body would be a Specialized Agency of the United Nations, open to any State Member, and would become an essential adjunct to disarmament agreements. It would process and analyse the data collected by observation satellites; co-ordinate measures to provide interested parties with information and act as a UN arbitration committee for the settlement of disputes. On the 14th December 1978, the General Assembly passed Resolution 33/71 which requested the Secretary-General to undertake a study of the technical, legal and financial implications of the establishment of ISMA. All the members of the United Nations, with the exception of the United States and the Soviet Union, have declared themselves in favour of the French proposal (15). The United States has declared itself against the proposal whilst the Soviet Union remains silent.

Moreover, in 1979, following eight protracted years of negotiations, an Agreement Governing the Activities of States On the Moon and Other Celestial Bodies was introduced to the United Nations General Assembly. This document declared the Moon and its natural resources to be the 'common heritage of mankind' and implicitly demilitarizes all of Outer Space except for close orbits around the Earth (16).

Despite these documents, it is apparent that the existing body of international law has not prevented President Reagan's call for military developments in Outer Space. It has been argued that such developments are taking place because current legislation does not provide for a complete demilitarisation of the environment beyond the Earth's atmosphere (17). However, there are a number of strong indications that the Reagan Administration wishes to develop the 'Star Wars' ABM project irrespective of previous agreements (18). The President's speech in March 1983 may have been made with one eye upon the Presidential election in November 1984 but the determination to continue research into the militarisation of Outer Space has been steadfastly maintained since the re-election. This is noticeable in the recent American refusal to place possible 'Star Wars' developments on the agenda of the 1985 Geneva peace talks. Undoubtedly, this 'hawkish' line has been pursued by the Reagan Administration in the belief that American research into this project may be outpacing similar developments in the Soviet Union. Whatever the motivation, it should be emphasised that Washington's position has been established and maintained outside the multilateral arena of the United Nations (19). Indeed, it is interesting to note that the Soviet Union has made a number of recent attempts to reintroduce to the environment of the General Assembly the topic of Outer Space demilitarisation.

Soviet Proposals to the United Nations (1981 & 1983).

The first Soviet proposal, introduced in 1981 as a draft treaty for the General Assembly, represented a transformation

in Moscow's attitude towards the debate on weapons in Outer Space. Prior to this initiative, the Soviet Union seemed to prefer such arms limitation talks to be discussed with Washington on a purely bilateral basis (20).

The 1981 proposal is essentially concerned with introducing a Treaty which would prohibit the stationing of weapons of any kind in Outer Space. According to Article 1, the Parties would "undertake not to place in orbit around the Earth objects carrying weapons of any kind". They would also not "install such weapons on celestial bodies or station such weapons in outer space in any other manner, including on reusable manned space vehicles" of existing or future types. Parties would also undertake not to assist or encourage any state, group of states or international organisation to carry out activities contrary to this prohibition (21). However, it soon became apparent that the Soviet proposal had its shortcomings. In particular, little attempt was made to precisely define the term 'weapons of any kind'. Moreover, this proposal placed few restrictions on some anti-satellite weapons systems already in existence (22).

As a result, in 1983, a more comprehensive Soviet document prohibiting the use of force was submitted to the United Nations. Entitled, Treaty on the Prohibition of the Use of Force in Outer Space and from Space against the Earth, it contained a number of specific proposals:(23)

- 1) not to test or deploy space-based weapons for destruction of objects on the Earth, in the atmosphere or in outer space.
- 2) not to use space objects as a means to destroy targets on the Earth, in the atmosphere or in outer space.

3) not to destroy, damage or disturb the normal functioning or change the flight trajectory of space objects of other states.

4) not to test or create new anti-satellite systems and to destroy any existing anti-satellite systems and

5) not to test or use manned spacecraft for military, including anti-satellite, purposes.

Such proposals strengthen the existing guidelines designed to ensure a demilitarisation of Outer Space. More importantly, perhaps, they represent an attempt by Moscow to bring the debate back into the environment of the United Nations where it is hoped that President Reagan's unilateral line will be subject to multilateral scrutiny, debate and possible opposition. However, it is apparent that Washington is anxious to avoid such pressures. When presenting this draft treaty to the General Assembly, the Soviet Union undertook to observe a moratorium on the launch of any kind of anti-satellite weapons as long as other states observed the same sanction. The need to repeat the undertaking became apparent in January 1984 when the United States made a first test of a new anti-satellite system (24). In the face of this intransigence, the role of the United Nations in the politics of outer space appears limited.

Summary.

Whilst it is always difficult and usually problematic to apply judgements to a political issue which is as yet unresolved, or at least undeveloped, a number of points can be made relating to the role of the United Nations in the politics of outer space.

The transnational school of thought, whilst emphasising the

international influence of non-state groups in the web of world politics, did not exclude an important role for international organisations. Thus, such organisations as the United Nations could not only act as a forum for communication between transnational groups such as multinational corporations and bureaucratic structures but also, in certain circumstances, achieve a measure of autonomy which enables them to become influential actors in their own right. Such 'circumstances' were especially seen to be relevant in the constantly changing environment of contemporary world politics. Thus, in those areas of international relations where nation states do not hold historical claims of national sovereignty, the United Nations, with a well developed bureaucratic framework, could prove to be a suitable medium for multilateral influence and conflict management.

The United Nations cannot be criticised for failing to address itself to the political issues of outer space. This international institution has not been reluctant to introduce legislation relating to the peaceful uses of outer space. Neither has it procrastinated in the development of a bureaucratic framework to consider the issues of that environment beyond the Earth's atmosphere. Over the decades since 1957, bodies such as COPUOS have grown in both size and stature. However, the effectiveness of the debates, the legislation, the draft proposals and the institutional machinery has been severely limited by the reluctance of superpowers either to curtail research into the militarisation

of outer space or to discuss its implications in the multilateral arena.

This is particularly noticeable in the United States where the Reagan Administrations' preoccupation with 'Star Wars' research seems to have contributed to a further polarisation of relations between Washington and Moscow. This has a number of implications for the United Nations. As Pentland rightly points out, polarisation into rigid alliance systems can act as a substantial restraint upon the utility of international organisations.(25).

"Tight bipolarity, in which every state is bound to one bloc or other, is the least congenial setting for global international organizations... Between the blocs, accommodation and interaction tend to be limited to the leaders, whose bilateral dealings give little role to a global organization."

For the most part, the pre-eminence of security in Washington and Moscow remains the major obstacle to a participatory role for organisations such as the United Nations. Thus, the threat of militarisation of outer space intrinsically threatens the aspirations of those who hope to see the United Nations operating as an important actor in this environment. Since 1957, when the General Assembly first debated political issues relating to outer space, it has been recognised that the international arena can only perform a function within a dictum which emphasises the 'peaceful' uses of outer space. As Huntington noted in 1973, "international organisations are designed to facilitate the achievements of a common interest among many national units."(26). The mere level of economic investment required to research and develop a

military program for outer space dictates that such ambitions can rarely be more than the unitary preserve of superpowers. In this respect, the notion of 'common interest' in the militarisation of outer space is effectively a contradiction in terms.

Nevertheless, this paper does not intend to conclude that the transnational school of international relations is in error and that the politics of outer space signifies a new era of state-centric 'realism'. This is not necessarily the case. Indeed, there are indications that the role of non state actors, for example the multinational corporations within the arms lobby, continues to be crucial in maintaining the American interest in 'Star Wars' developments (27). However, it would not appear that the United Nations has an effective role within this schema, either as a forum wherein sub-state groups can communicate or as an influential actor in its own right. In this respect, the words of Kurt Waldheim, Secretary General to the United Nations in 1981, seem especially poignant: (28)

"I have to say that for all our efforts and undoubted sincerity, the Organization has not yet managed to cut through the political habits and attitudes of earlier and less hurried centuries and to come to grips decisively with the new factors of our existence."

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2. Resolution no.1148 (XII), 14th November 1957.
3. For further discussion of important UN legislation on this issue, see V.Kopal, Evolution of the Main Principles of Space Law in the Institutional Framework of the United Nations, Journal of Space Law, vol.12, no.1, (Spring 1984), pp12-26.
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9. Keohane & Nye, *ibid*, p60.
10. For a consideration of these 'conditions', see for example, E.L.Morse, The Transformation of Foreign Policies: Modernization, Interdependence and Externalization, World Politics, vol.XXII, no.3, 1970, pp371-392.
11. This phenomenon can be see in the development of the power and influence of the European Comunity which has gone hand in hand with the broadening of its bureaucratic structures.

12. The full title of this piece of legislation reads, Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies There has been a number of other important UN agreements, for example, the 1968 Agreement on the Rescue of Astronauts and the Return of Objects Launched into Outer Space; the 1972 Convention on International Liability for Damage Caused by Space Objects.

13. Article III.

14. Committee on Disarmament, Document CD/9, 1st June 1978.

15. The United States has stated that ISMA, "would be neither feasible nor desirable in the foreseeable future (because) substantial..... political, organizational, technical and financial difficulties would be associated with an international institution charged with collecting and assessing satellite information pertinent to verifying arms control agreements." UN Document A/34/374, 27th August 1979, p27.

16. It has been argued that the Moon Agreement can be utilised to establish an international authority similar to the proposals for an International Sea-Bed Authority. See, P.Nesgos, The Proposed International Sea Bed Authority as a Model for the Future Outer Space International Regime, Annals of Air and Space Law, V, pp549-573.

17. See S.Danielsson, Examination of Proposals Relating to the Prevention of an Arms Race in Outer Space, Journal of Space Law, vol.12, no.1, Spring 1984, pp1-12.

18. In addition to the US intransigence to the UN proposals and legislation, many commentators feel that Washington is in contravention of the 1972 ABM Treaty which has been reviewed and reaffirmed by the United States and the Soviet Union on a number of occasions. Article V of this Treaty commits each nation not 'to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.' See, for example, E.Kennedy, Star Wars versus the ABM Treaty, Arms Control Today, July/August 1984; S.D.Drell, Preserving the ABM Treaty: a Critique of the Reagan Strategic Defense Initiative, International Security, vol.9, no.2, (Fall 1984).

19. Moreover, it would appear that Washington's position has been developed without consultation with her NATO allies.

20. Some provisions in previous bilateral arms control agreements between the Soviet Union and the United States relate to space activities. In addition to the 1972 ABM Treaty (ibid), the SALT II Agreement expands the Outer Space Treaty by forbidding development, testing and deployment of systems for placing in orbit nuclear weapons etc..See, SALT II Agreement,

Article IX, US Arms Control and Disarmament Agency: Arms Control and Disarmament Agreements.

21. Draft Treaty on th Prohibition of the Stationing of Weapons of any Kind in Outer Space, U.N.G.A., A/RES/36/97.
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SPACE, CULTURE AND POLITICS

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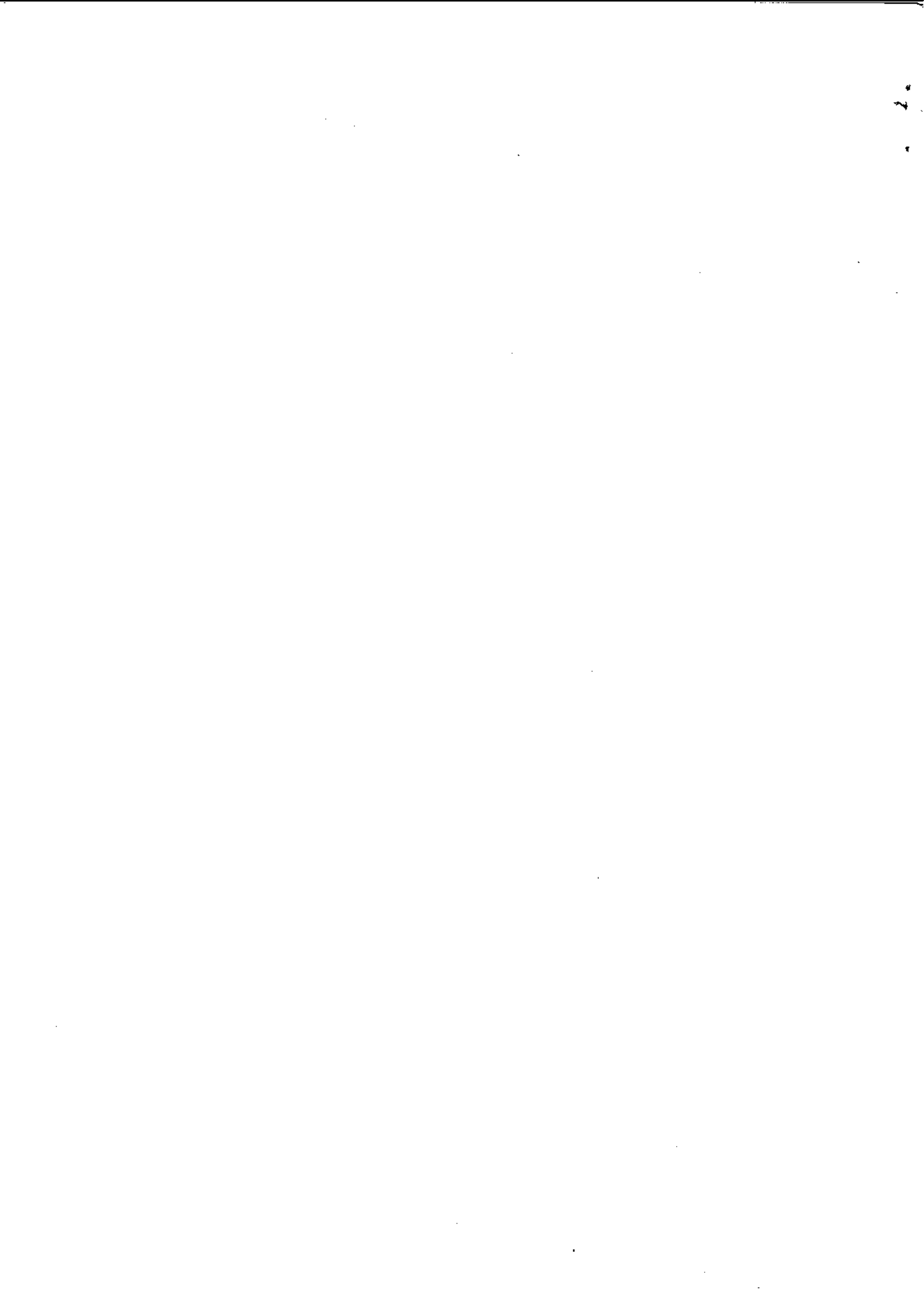
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'Space, Culture and Politics'

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So far in human history outer space has been explored and exploited more in our culture and our imaginations - in our literature, films, and consumer goods, than in reality. The conquest of space in this cultural and imaginative sense started in earnest in the nineteenth century and has reached a zenith in the last three decades with a cascade of hit movies, science fiction novels and magazines, comics, cartoons, records, television series and in other commercial forms such as toys, clothes, foods, fairs and computer games. My paper will start to examine this phenomena and in particular to try to a) show how space exploration has been incorporated into our culture, ideology and politics, b) to show how our images of outer space have been shaped by our existing culture, ideologies, economy and political practices, and c) I shall try to draw some constructive policy conclusions of a political nature in regard to the exploration and exploitation of outer space.

To achieve these aims the paper will provide the following elements:-

- 1) a short conceptual and methodological preface on the present state of cultural studies,
- 2) a brief historical survey of Western conceptions of outer space, space travel, other planets and aliens, as represented in novels, television series, films and comics,
- 3) an exposition of how our western cultural conceptions and our political and economic practices have informed and shaped our visions and anticipations of outer space,
- 4) an account of the dangers and limitations inherent in such an ethnocentric view of outer space, in which it is in reality treated as an arena for extending the politics, society and economy of Earth.

It is hoped that, from this somewhat novel approach to the politics of space, fellow workshop members will gain a clearer understanding of how our present ideas and images, our present politics and achievements, have been informed by western culture, especially consumer culture. This may then help members to contextualise better their own considerations of new technologies, policies and practices, and will assist them to look for more novel and worthwhile visions for the exploration and exploitation of outer space.

I.

Studies of culture have been emerging and declining in use with monotonous regularity since the beginning of the nineteenth century. The first great wave was with Herder, the German historical school and fellow romantic academics in

neighbouring European countries. The second followed in the middle of the century when a new school of anthropologists, starting with Henry Maine and using new comparative methods, began to explore the unique languages, social practices, family structures and belief systems of numerous non European societies. A third group of studies built on this and turned their attention to Cultures as 'Civilizations', charting their rise and fall. Arnold Toynbee is a first class example of this genre. A fourth group have treated culture, as did Matthew Arnold, as the artistic products, beliefs, values and aspirations of the elite in each society. Cultural Studies in schools have generally been involved with this approach and its objects of study, classical music, oil painting, poetry and the classical novels. A fifth approach was a reaction to this, and with Richard Hoggart and F R Leavis it turned the attention to the shared norms and values of the masses, they studied what was variously called mass, folk, or popular culture. This was the great vogue in the anthropology and sociology departments in the period from 1930 to 1970 in the U.S.A and Great Britain. Finally, in politics departments in the same countries since 1950 a vague subject emerged called Political Culture which with Almond and Verba amounted to a study of the attitudes, beliefs, emotions and values of a society, that are directed towards the political system and political issues.(1)

As a concept culture has numerous uses and meanings in academic circles, it has normative connotations, and hence is a contested, if not an essentially contested concept (Gallie

1956-7, Connolly 1983). Raymond Williams in *Key Words* (1976) has described "Culture as one of the two or three most complicated words in the English language". Historically it has variously been used to mean to inhabit to, cultivate, to protect, to honour and to worship, but by the nineteenth century four distinct meanings had become popular, (1) to cultivate or nurture (Herder) (2) a synonym for civilization (Toynbee) (3) the restricted and elite values, beliefs and productions of a literary elite (Arnold) and (4) the general values, norms and intellectual and artificial productions of a society or group. (Maine, Fraser, Tylor)

The new phase of studies, to which this paper belongs, started to emerge in the 1970's, building partly on the work of Hoggart, Leavis, Raymond Williams and Edward Thompson, but imbuing inspiration from various new theoretical perspectives that had developed since 1945, especially the critical theory and cultural theory of the Frankfurt School (Habermas, Adorno, Marcuse, and Horkheimer); the phenomenologists and ethnomethodologists (Schutz and Garfinkel); hermeneutics (Bauman) and the synthesising work of the Birmingham Centre for Contemporary Cultural Studies.(2). The new interest lay as Stuart Hall argues, in examining and explaining "the process by means of which, meanings and definitions are socially constructed and historically transformed, with literature and art as only one, specifically privileged, kind of social communication" (Hall 1980, 15-47). The key issues then in contemporary cultural studies are (1) what are the major and minor meaning systems available in contemporary

society, (2) how, if at all, are they socially constructed, (3) how are they historically transformed, and (4) are art, literature, science and academic studies especially privileged?

For me the use of 'culture' relevant in my study is as a reference to the everyday world of meanings; available and on display in a society or a sub group at any one time. By 'meanings' I refer to the feelings, responses, significations, evaluations, understandings, inferences, responses, and reactions of members of a group, and expressed in actions, behaviour, achievements and artifacts, such as buildings, paintings, etc. Meaning is what it feels like or is signified by knowing, being or doing something, like watching a film or a concert, being a punk rocker or painting a slogan on a wall. What I am particularly interested in is how it feels to be, and what is signified or inferred by knowing, or being an ordinary person, like Wittgstein on language the ordinary user is taken as more significant than the elite grammarian, etymologist or dictionary writer.

The 'everyday world' is the lived world of ordinary people, the world they inhabit in ordinary experience. But experience involves a relationship between what is experienced. eg things, artifacts, the behaviour of others, events, persons; and experiencing, a conscious awareness, judging, understanding and signifying. In practical experience we do not, as some have thought, separate things to be experienced (the to be experienced) and consciousness. Nor can we consistently separate them in theoretical knowledge,

for as Michael Oakeshott once put it, to know a thing involves judgement, an experience and an object of my experience which can only be separated by abstraction (Oakeshott 1933, 9-85). We therefore should not be committed to any one sided methodology such as materialism, realism or psychologism. We should explore in an eclectic fashion, using various methods, approaches, sources of experience, objects and artifacts, the shared world of groups and societies to tease out cultural meaning and signification whenever and however it is exhibited.

We may close this conceptual and methodological preface with a short and incomplete catalogue of variables we can use helpfully to analyze cultural productions.

- a) place of appearance. eg the book, television, meal table, the shop, the body.
- b) the audience (size and nature) - shop, elite, mass, intellectual, consumers.
- c) the aesthetic level of mediation - elite or popular or folk
- d) the form of communication - cartoon, film, toy, magazine, music
- e) uniqueness of the rules, skills and techniques utilized - mode of experience
- f) the intentions of the cultural producers - to educate, to legitimate, to make a profit.
- g) the power conferred on groups or individuals - do the beliefs maintain one sort of group or another?

The journal 'Theory Culture and Society' has carried articles which explore all of the above variables and the relationships between them (3).

II

Human fascination with outer space is as old as the historical records we have available to us. Ancient Chinese, Babylonian and Egyptian records reveal the use of planetary movements as measures for imperial dating systems, unwittingly testimony to an interest in and knowledge of space. In ancient Judaism, the planets and at least one of the stars appear in a significant role in several stories and the earliest notions of heaven appear both in literary and pictorial forms to be above the earth in space. The Greeks do not seem to have conceived of voyages into space but both at the level of popular culture, in religion and mythology, where the heavens are the domain of the gods; and in elite culture where from the 8th century B. C. serious interest was taken in planets and planetary motion (by people such as Pythagoras, Heraclitus of Pontus, Plato and Aristotle, Eratosthenes of Cyrene and Ptolemy (Claudius Ptolemaeus)) (Powers 1982, 19-20). The Ptolemaic model of the solar system, with its concentric circles of planets and stars reaching out from the equant centre between the Earth and the Sun to the outer planets, the firmament, crystallinum, primum mobile and finally to the empyreus, was to dominate western culture, with minor Roman and Christian modifiers until Copernicus, Kepler and Galileo and the fourteenth century scientific revolutions.

One of the first visions of space travel was contained in

a parody of human attempts at exploring other countries and peoples by Lucian Samosta in his *Vera Historia* (True Story) of AD150. The hero travels to the moon and sun having the sort of adventures the average Roman army officer might have in his postings abroad. Christian scholars tended to leave exploration of space to the period after temporal death. The heavens were created by and were the home and domain of God, not to be explored or tampered with by man without the possibility of drawing divine retribution upon himself. Even the observation of the planets was looked upon with suspicion, suspended only when Galileo proved its military potential to the Venetians and others, in that it allowed the spotting of ships and the approaches of armies well before they could be seen without visual aids. When Galileo, building on the observations and theories of Copernicus, Kepler and Tycho finally formulated and publicised his new theory of the solar system, in which everything moved around the sun, there was a genuine challenge to the Christian taboos about space research, and the fears of the papal authorities were directed into attacks on the new system and its advocates (Brecht 1963, Stillman Drake 1961, Koestler 1959, Kuhn 1957). For several generations divine retribution was feared for such scientific and philosophical liberties, culminating in the various catholic inquisitions, witchcraft persecutions in seventeenth century and the claim that the fire of London was Gods expression of wrath for Hobbes atheistic philosophy, premised as it was on Galilean ideas of motion (Spragens 1973).

The pre-modern cultural conception of space was not

deeply informed by astronomy anyway, but by religion, mythology, art, folk arts such as story telling and astrology. With the scientific revolutions culminating in the seventeenth century reformation of science in Britain, culture was gradually brought into line with the new knowledge. The models for this were inspired also by the experience of exploration, by land and sea, of the rest of our own globe, with Raleigh, Columbus, and later Cook we had models of the adventures and problems experienced by explorers of other lands and people. In stories about these voyages we meet people who were impossible to communicate with in our language, aliens with strange beliefs and practices, novel social political and economic forms of life, aliens who were savage and violent, uncivilised and dangerous, dominators or those to be dominated. In biographies and historical records we have details of these confrontations, but in a mass of Utopias of the time pictures of new and alternative worlds were built up juxtaposing knowledge of ourselves with that of other societies and shared imaginative leaps. In the 'Utopia' of Thomas More, Bacon's scientifically inspired 'New Atlantis', Campella's 'City of the Sun' and much later Swifts 'Gullivers Travels' we have the first great models of what later when applied to outer space becomes science fiction (Morely 1885,). One less known version that did include a special adventure was Cyrano de Bergerac's "Historie comique de etat et empire de la Lune" of 1656. Like other utopias of the day it could be read as philosophy, satire, as fantasy or as political prescription but here at least we get the first

idea of a globe outside of our own, organized as a state and as an empire.

During the eighteenth, nineteenth and twentieth centuries science continued its advances, drawing itself, often unintentionally, into battles with religion, but it is with the development of new technologies and their effects on social development that begin the models for our modern culture of space. Anthony Burgess and others have correctly recognized that without the rise of science and positivism, the development of new technologies and the attendant break up of other intellectual and social orders such as religion and the old feudal and rural social and economic systems, science fiction and the imaginative exploration of space would never have become possible (Burgess 1983). The new starting points in science after Bacon's brilliant insights, was Newton's new and 'mechanical world' picture. This promoted further massive expansions in astronomical research centring eventually on the Herstmonceaux Observatory. . . . The massive advances in physics were soon followed in the areas of chemistry and biology, and under the impact of Comte, Bentham, Mill and Marx into the social sciences.

Technological explanations rapidly followed pure scientific explorations during this period, producing new sources of power, modes of transport such as trains and steamships, new machines for production and for war. The effects on the landscape and the ecology were soon recognised by romantic critiques, as were the massive growth of cities, slums, communications centres, factories, shops, and markets.

The new cities and its populaces demanded and developed a new culture fit for the new 'society of strangers' and hence there grew up the popular press, folk music and music halls, mass re-production of pictures, scientific and literary societies of all kinds, such as the famous 'Lunar Society'. At the same time Britain, except for the loss of its American Colony, continued its own imperial expansion and extension of its colonies around the world, an achievement made easier by the scientific and technological advantages she had over aliens in war.

The cultural accommodation of the new science and technology took place in the universities, literary and scientific societies, journals, papers, books, libraries, art galleries and music halls of the day, especially during the nineteenth century. In art there were numerous attempts to capture the scientific spirit, but clearly achieved in the pictures of Joseph Wright of Derby 'A Philosopher Giving a Lecture on the Orrery (1764-6) and 'An Experiment with a Bird in an 'Air Pump' (1767-8). In music 'several works were produced on planetary themes culminating in the 'Planets' by Gustav Holst. In popular literature scientific and astronomical books were in mass circulation and we find the first real attempts to imagine space and time travel, and encounters with aliens. The key figures were Edgar Allen Poe (1809-1849), Jules Verne(1828-1905) and H.G.Wells (1866-1946). Poe, an American, did not take space travel seriously, as he couldn't conceive the technology necessary for such an adventure, and indeed his account of a balloon trip to the

moon in his "The Unparallel Adventures of One Hans Pfaall" of 1875 is a satire on the idea. However, this itself is unwitting testimony to the view that space travel was possible and his other adventures into the mind, into cosmic visions and such futuristic tales as 'Mellonta Tauta' of 1849 set the style for much future scientific fantasy writing. Jules Verne was in another league with H.G.Wells, producing brilliantly written novels of voyages to the remotest corners of the world and the universe. In an age in which tourism was becoming vogue, Verne was the imaginary tourist guide to other and future worlds in his 'Journey to the Centre of the Earth' (1864), 'From the Earth to the Moon' (1865), 'Round the Moon' (1870) and 'Twenty Thousand Leagues Under the Sea' (1870). While the former were imaginary tourist guides, Wells added the dimension of imaginary historian or observer of a future in which the technologies of ourselves or others make possible confrontations with aliens from other planets. In the 'Time Machine' of 1895, we have before Einstein's opening up of the possibility, a plausible account of the consequences of time travel in which aliens from the past and future are met. In 'War of the Worlds' (1898) it is aliens with superior technology to our own who come and do to us what we had been doing to foreigners for generations, invading, killing and dominating. Finally in a 'First Men on the Moon' (1901) an otherwise poorly written novel, we get a symbolic start to a century to be dominated by our own exploration and exploitation of outer space.

The twentieth century has seen a mushrooming of cultural

representatives of space that mirror the rapid advances in astronomy, science, electronics, technology, politics and war. The 'romance of science' spoken of by Wells and Verne however began to turn sour and the cultural representatives of space became deeply divided between those stressing exploration and those stressing exploitation; those stressing space as the 'new frontier' and those seeing it as the new battlefield, the 'high ground'. One of the first great impulses to the space travel vogue was the conquest of the air brought about by the balloon and aircraft and quickly put to military use by European states engaged in national and imperial rivalries. Cultural heroes like the Red Baron and later Biggles, came into it in a way that put space travel off to a bad start, for from this point onwards the danger of collapsing territorial sovereignty and inability to defend oneself from the air, became a source of paranoia, with gas attacks, zeppelin bombings, blitzes and nuclear attack as the actual or potential realities. The second great impulse came from Einstein's theorizing on the relativity of space and time then later the invention of radio. Radar and then television and computer technology produced new waves of creative response.

Up to 1940 cultural reproductions and reconstructions of outer space were contained mainly in novels and rather crude films as well as the elite intellectual production of textbooks. From 1940 to 1960 the new technology of communication took over and there arose a massive advance in the production of science fiction, magazines, comics and novelets, radio programmes, films and television series.

From 1960 these had been joined by new video's, computer games, toys, clothes, fun fairs and even foods. We have seen space become a consumer commodity, the product of commercial exploitation as well as the object of examination and exploitation by states, academics and scientists.

Science fiction became a distinct mode of literature in the first half of this century, and achieved its own cultural hero's, literary stars and cults, as well as its own economy and publishing network for books and magazines. Several new stars arose, especially Aldous Huxley (1894 - 1963), C.S.Lewis (1898 - 1963) and the much feited Olaf Stapledon (1886 - 1950). In his 'Brave New World' of 1932, Huxley foresaw a future society completely subjected to the materialism, hedonism and scientific control offered by contemporary industrialized, and especially capitalist societies. Writing from a more conservative position Lewis foresaw the future threat to elitist and hierarchical societies from the masses in his 'Out of the Silent Planet' of 1938. The battle between the forces of good and evil are fought out in 'Hideous Strength' 1945 and in a parallel word in 'The Chronicles of Narnia' of 1950 - 1956, so beloved by contemporary children, in the form of 'The Lion, the Witch and the Wardrobe' of 1950. Of greater intellectual merit was Stapledons 'Last and First Men' of 1930, his 'Star Maker' of 1937 and 'Sirius' of 1944. A trained philosopher Stapleton tried to expand his understanding of the history of human thought into the future in 'Last and First Man', while in the 'Star Maker' God makes a return as a scientist experimenting with Earth as a model for

future constructs.

This intellectualism is not the mark of all that followed the second world war, though with some writers such as Arthur Clarke, Asimov, Bradley and Heinlein it is evident. The war had brought massive technological advances and applications which paved the way for a new cultural response. The German invention of rocket powered aircraft and ballistic missiles, radio, radar, and nuclear weapons, the experience of alien totalitarian domination with its propaganda, thought and mind control and technological and special domination, were taken as paradigms for what was to come. The first peaceful application of rockets to explore space began contestably in 1947 when a modified two stage V-2 was launched to an altitude of 250 miles by the Americans, but this application lagged behind the military endeavour to produce intercontinental ballistic missiles during the 1950's. By a margin the Americans lost the race into space when in October 1957 the Russians got Sputnik 1 into orbit, followed by an aptly named Explorer 1 in January 1958. From then on the technological and especially the military saga will be too well known to those present to justify further description. However some comment on the political, economic and social events accompanying these developments may help us to understand the consequent cultural preoccupation with space. The war had settled the boundaries of the world into three blocks, those dominated by the Russians, and the Allies, and the rest-those countries considered as worthy of influence only by trade, tourism and diplomacy. The 'Iron Curtain' and the 'cold war'

between the superpowers, each now unable to defend sovereign space because of advances in aircraft and missile technology, created massive fear and even paranoia in both blocks. Economic confrontation was mixed with political and social confrontation and the two Korea's and Germany's became not only test beds but shop windows for potential buyers of ideologies and economic and political systems around the world.

Space and culture since 1950 has reflected these developments, and the 1950's were perhaps the high point of the literary science fiction boom, with alien invaders taking over minds and bodies often being only just distinguishable from the Russians and Chinese. This was the age of Ray Bradbury, Frederick Pohl, Arthur C Clarke, Isaac Asimov and John Wyndham at the elite end of the business, and of the mass cult and pulp magazines such as Galaxy, Mercury, Analog, If, Amazing and Fantastic at the other end. Clubs and societies grew up around these magazines and the influence soon spread to comic books for adults and children - the 1950's was the age of the 'Eagle' in Britain. The comic strip heroes were turned rapidly into film and television heroes with Captain Marvel, Superman and Buck Rogers leading the way. On the radio 'Journey into Space' attracted massive audiences during the decade and other imitations followed, at the funfairs the rocket replaced the horse, car or train as the symbol of excitement and sensuality. In the 1960's science fiction per se had a 'new wave' with writers expressing the decline in tension between the super powers, in more creative,

exploratory and adventurous novels. Television taking over from radio as the dominant media found space a source of audiences with various Quatermas stories, Dr Who and the cult series Star Trek. Hollywood and other big producers discovered space as a social commodity and in 1977 and onwards massive audiences have attended '2001: A Space Odyssey' by Stanley Kubrick and Author Clarke later there was: 'Star Wars' the first in the series of a popular space saga (with all the correct ingredients, war, valor, magic, the quest, hero's, super villains and romance); and 'Close encounters of the Third Kind' which reveals the wonder rather than the terror of a terrestrial visit.

By the 1980's academic studies of science fiction were being undertaken while NASA and other space agencies devised plans for unmanned and even manned probes out beyond our immediate planetary system. More immediate concerns with space preoccupy the military industrial complex of the West and East, as they involve new MIRV missile systems, aptly named 'Star Wars' anti-missile and anti-satellite systems, communications systems that can operate during nuclear storms, advanced radar early warning systems, remote sensing systems, satellite and solar power stations. Medical, mechanical and pure scientific and astronomical research and application have hung onto the tails of this research. In the meantime, in popular culture science fiction literature has been moved into the realms of a specialist sub culture while science fiction films, videos and television series have grabbed the mass market. Even more stunning has been the spread of the home

computer and the domination of the software market for these by space orientated games. The new leisure market has been partly filled by computer based games machines, popularly called 'Space Invaders Machines', and funfairs stock these and new machines mimicking rocket, satellite, space capsule and space buggy technology.

Entering into the space market in a big way commercially has come the space toy, with Space Lego leading the way, followed by Star War toys and dolls, Action Force and many other toy and doll series. Markets in space guns, Jeddi light sabres, peddle cars and space helmets bring us to the space clothes market from the most sophisticated space suit to the printed T-shirt. Food manufacturers have now moved into the market with Space Invader Spagetti pieces, Stars Wars yoghurts, rocket ice lollies, chocolate and toffee bars. Holidays to space centres are organized by some travel agents and week long conventions for Star Trek fans. With cars and bicycles looking ever more like spacecraft especially car dashboard facias, with pop records such as 'Woodpeckers in Space' 'Major Tom' by David Bowie and the apparent entrance of feminism, gayness and pornography into the science fiction film and book market, the conquest of space by 'Consumer Culture' may now look complete.

III

The story told above reveals a process of influence from the real world of science and space technology and exploration to our culture, but now, we must look at how our cultural products have fashioned and shaped our beliefs and views of

space in return. Here I cannot pretend to prove that politicians and the military really believe that space is the new theatre or frontier for war, or that President Reagan's 'Star Wars' programme reflects the American myth of the lone gunslinger disarming his enemy with a careful shot, as was represented in one recent newspaper cartoon. But we can show that in our popular cultural products, western societies and states have endowed alien creatures, societies, planets, machines and things with human and usually the worst human qualities, that they have endowed alien societies and economies with the features of their own, and that they have conceived outer space largely in the fashion of extension of human and earthly life. Once illustrated this argument can be used to warn us about the limitations and dangers of our conceptions and can be used to advise us that a more open minded view of space and policies for its exploration and exploitation will be needed (4).

The ethnocentric view of outer space in our popular culture can be witnessed in areas of alien psychology, social, economic life; the nature and use of machines, especially robots; in magical and religious points of reference; in the reference to alien ecological problems, in the technologies of travel, in alien political life, their political behaviour, attitudes, institution and practices. That the descriptions we find of spacial, alien worlds and beings are ethnocentric is unavoidable. From Wittgenstein, through ethnology and hermeneutics to David Oldmans article "Making Aliens: Problems of Description in Science Fiction and Social Science"

(Theory Culture and Society 2,1,1983, 49-68), the epistemological, and linguistical problems of describing, explaining and understanding unexperienced things and experienced others have been well documented (5). Oldman's three points about cultural descriptions of aliens can however be usefully remembered. Firstly, in science fiction stories "aliens and humans highlight each others qualities", but secondly as "the humans create aliens" we find that "aliens are perforce distortions of humanity" (Oldman 1983, 57). The possible distortions of humanity in aliens include their being 'deficient' physically, mentally or morally, or superior in one or all of these dimensions. We may add now that something similar true of descriptions and understandings of alien societies, outer space, planets and other extra terrestrial phenomena, whether they be machines, robots, plants, animals, spirits or whatever, for they are likewise endowed with terrestrial attributes that are either superior or deficient in some way. If these arguments are right our whole vision of space, from its scientific description to the understanding of its meaning, value and use, are constrained by our own epistemological and linguistic reality and potential, something well to have in mind when creating policy for outer space.

To avoid over lengthy description I shall support my general thesis by reviewing some development in a number of genre within science fiction books, articles, comics, films and television series. I shall take as symbolic the recurring themes of (1) man and machine; (2) space and time travel;

(3) man and alien beings including their psychology and social relations; (4) man, alien societies and states; (5) man and religion and magic in space; (6) man and the ecologies of alien worlds; (7) parallel worlds and counter factuals; (8) utopias and dystopias.

(1) Man and Machine.

Stories of mans relationship to his own creations are as old as his invention of artifacts, or in this case the invention of machines. The relationship has rarely been happy and even in 18th century culture special devils were conceived as inhabiting machines and making them deficient - these were gremlins. With the invention of machines for space travel the problems experienced with other earthly machines like cars, engines, guns and television are elaborated and projected on a grand scale onto a vast new array of gadgetary, including spaceships, computers, robots, bombs, and machine assisted men. So spaceships 'go out of control', gain a mind of their own, refuse to obey orders or alternatively fulfil our fantasies of power going at light speed or faster, deflecting asteroids or incoming laser rays, they do incredible feats of navigation, and cunningly blow up alien spaceships. On board space computers with superior brains gradually begin to exert their superiority over men as in '2001', or else go deficient by having psychological or emotional problems such as schizizophrenia, anger, love, hate, but most usually the lust for power and domination. Similar states befall space bombs and robots, who perfectly programmed to serve all human needs usually start to dominate, or endanger his creators as with

'Blade Runner' by Alan Norse, made into a widely popular film. In one superb parody of philosophy a bomb refuses to take a command to disengage its firing mechanism. When argued with by a human, and asked to justify the certainty with which it trusts its judgements and sensory systems, the bomb goes through the whole of philosophy from Descartes to Russell, resting its case on, 'I think therefore I am'. In the end in 'Blade Runner' machines and men test out their emotional needs on one another, the hired robot killer ending up having sexual intercourse with the last known killer robot on Earth. Half man half machine series are popular along with superman themes, which extol the terrors or attributes of ordinary mortals.

(2) Space and Time Travel.

These are two classic themes in science fiction and pose problems originally conceived in theoretical physics and mathematics by scientists from Newton to Einstein and beyond. Rockets, killer stars, flying saucers, particle transporters and space lifeboats litter our books, films, and toyshops and these are sent, arrive or meet on missions with the similar, or usually superior equipment of aliens. Space travel takes us to alien planets, galaxies and into new world where man has not gone before, using space warps, hyper drives and other systems. Spaceships may have phallic symbolism or may refer to the idea of escape but usually space travel offers adventure, exploration and almost inevitably an encounter with aliens which more often than not leads to conflict. In time travel, as in Wells, Bradbury and Asimov, the travellers

experience the moral problems of whether to interfere with the course of events - the dilemma is of course never resolved by Dr Who or any of his compatriots.

3) Man and Aliens

David Oldman points out in the quotations above the key theme in this genre of science fiction. Aliens are deficient or superior men, they have very definite human characteristics attributed to them. This goes for physical description, in which aliens have faces however distorted; to emotional and psychological characteristics in which the alien is a psychopathic killer, a cuddly teddy bear a mutated or colonized human, a Freudian neurotic or psychotic, a sexual partner or as in one film at least a rapist. On this last theme science fiction has also entered into the worlds of gay sex in Francious Motier's 'Philip Jose Farmer: Conquers the Universe', lesbianism in 'When it Changed' by Joanne Russ and 'Woman on the Edge of Time' by Marge Piercy. But the norm for aliens is to be ugly, superior or inferior humans with distinct psychological problems and deficient moral codes - all very human.

(4) Man, Alien Societies and States.

These themes of alien societies and states recurr in science fiction, though there is a strange silence about their economies, which suggest the fulfilment of the technological promise of a world without work. Most aliens, and even humans in space are employed in administrative, military, service and leisure activities - cleaners, farmers, manual employees of all kinds rarely if ever get coverage. Socially aliens seem

to stick to their own kind or race, they are carefully stratified and live in families, clans or some other similar organization. Most usually alien races seem more efficiently organized than our own, more regimented and goal orientated, though a counter theme is one of social collapse usually as a result of either rampant individualism encouraged by materialism and consumerism or as a result of over authoritarian control and denial of individual liberties.

Politically alien societies are most interesting, they seem to be organized into states, empires and federations, they are regularly authoritarian and elitist, usually with a dictator or Imperial Commander of some kind, aided by a Senate, Counsel or some similar body of elders or experts. Most of the above themes can be found in Asimov's famous 'Foundation' series which was serialized between 1942 and 1950 (Astonishing Science Fiction 1942 - 1950), and in the currently developing 'Star Wars' film series. Asimov seems to use the theme of the collapse of the Roman Empire in his stories, while 'Star Wars' concentrates on the rise of barbarianism valiantly resisted by a new Bodecia (Princess Leia) aided by a wizard, an overgrown teddy bear, a space tear-away and a romantic and innocent adolescent. The idea of Galactic Empires has been continuous this century and appears recently in Empire Star (1966) and Nova (1968) by Samuel Delany, The Ring of Ritornel (1968) by Charles Harness. Adaptations from world history recur in a revival of the Machiavellian world of princes and merchants in the 'Polesotechnic League' stories by Paul Anderson. Democracy

rarely fares well in the science fiction scenarios, the soft hearted and dithering debaters rarely see the machinations of the totalitarian aliens before it is too late, the democratic and free federations contain weaklings, the self interested and traitors. It is usually only when the democrats put their fate into the hands of a mystic or a military war lord that the defence of democracy takes on a pragmatic form. In almost all stories the masses get little or no attention, the history of extra terrestrial societies, like our own, is the history of elites and heroes, not the masses or sub groups.

5) Man, Religion and Magic

One other regular feature of the culture of outer space is the triumph of the irrational over the rational, not only of emotions like fear, hatred and envy over optimism, love and altruism, but also the triumph of magic, spiritual forces and even the Gods over science, matter, men and monsters. The first Nietzschean theme appears in the great 'Superman' stories and in many subsequent imitations, where a human with mystical powers added takes on and defends mere mortals. In the second theme we find aliens exhibiting the gamut of psychological traits; charted from Nietzsche, through Freud to Mosca and Lorenz; desperate to wipe out the last vestiges of the humanistic psyche. In the last theme we find magical forces being used to dominate, usually by alien aggressors, but occasionally, as in Star Wars, being used by the forces of good in their defence (earthlings are rarely aggressors). This theme can be seen in the figure of Sean O Lochlainn in Randall Garretts 'Too Many Magicians' (1966) and in the

figures of Darth Vader for the baddies, and Yoda and for the goodies, in 'Star Wars'.

Religion is an unexpected theme to appear in the science fiction genre which has been so influenced by the rise of science and positivism, the power of technology and materialism, but this very human preoccupation is evident as early as H.G.Wells 'The Wonderful Visit'. Space travellers not only discover God but also Jesus as in 'The Star' by Arthur Clarke, and 'Behold the Man' by Micheal Moorcock. Going beyond this, new messiahs are found in Barry Malzberg's, 'Cross of Fire' (1982) and religion is used to recreate a collapsed society in Walter Miller's, 'A Centicle for Leibowitz' (1960). Religion is however not merely the preserve of aliens and humans, for in one story 'The Quest for St Aquin' a computer assisted robot logically deduces the existence of God. In a final fulfillment of the religious promise God and heaven get discovered in space, and Ray Bradbury even charts the fateful discovery of a race of sinless beings on Mars in his 'Fire Ballons' (1958).

6) Man and the Ecologies of Alien Worlds

In the modern world, with the exception of the currents of romanticism and idealism, the dominant view has been of nature and the world as at the disposal of man and for his benefit, referred to in Bacon's aphorism 'knowledge is power'. The dangerous implications of such a policy of ransacking nature and exploiting its resources for materialistic and imperialistic purposes have become evident in the ecology movement popular ever since the 1960's. This theme is echoed

in much of science fiction literature and in wider space culture. While space agencies are busy trying to find ways to exploit space for material and military ends, space culture explores the advantages and dangers. Alien invaders, even allies like Superman, arrive because alien planets have become sterile and overexploited, as in the popular television series 'The Invaders'. Spacemen meet and explore ecological disaster areas learning lessons as they go, and in one of the most recent crop of science fiction films, one of our largest recording stars, Sting is found in a 'Holy War' against the despoilers of the Planet Arratis (Dune, Frank Herbert 1965 - 84).

7) Parallel Worlds

One feature of human existence which emanates from human freedom and the experience of time is a knowledge that the world of events and things could have been other than it is. This theme is explored in the study of counter-factuals. In science fiction it gets exposure in the literature on Parallel Worlds in which for instance world wars get won by the wrong side, as in the case with Hitler in Frederick Mullaly's 'Hitler Has Won' (1975). Other stories reveal God as still reigning on earth, the Roman and Greek empires still in existence and a world in which the Daleks have actually defeated Dr Who. Einsteinian theories of time, theories of schizophrenia and anthropological theories of other societies, have fueled our speculation of such fantasies which make a nonsense of human history.

Many other theories exist in science fiction, many of

which are listed in Brian Stableford's excellent essay on the genre (Stableford 1984) but we can usefully end with a look at utopia and dystopia in science fiction.

8) Utopia and Dystopia

The production of utopias and dystopias has numerous origins and explanations but they regularly recur in human literature, mythology, religion, song and films. At the very minimum they are a form of literature which serve the practical purpose of illustrating and prescribing alternative possibilities for human development. When extended into space the same basic purpose, as well as the shared production of fantasy amusement, satire and parody, are served. Some of these productions have become universally popular as with George Orwells '1984', and Aldious Huxley's 'Brave New World' but numerous similar products explore for better or worse, human potential projected into outer space (Ruth Levitas 1982).

IV

The discussions and ^{examples} ~~the~~ given in the previous pages illustrate the points that western culture has been inspired and has responded to the discoveries in astronomy, science, philosophy, religion, history and sociology of the modern world; and that our culture has projected into outer space the ethnocentric vision of earth, man, society and the state constructed in our general social and political cultures. Several reason can be given for these phenomena of which I shall briefly discuss five, three of which suggest a genuinely imaginative or exploratory response, two of which suggest a more manipulative and exploitative set of motives.

Exploratory Responses

- (1) One explanation of the massive cultural response to space lies in the simple hypothesis that modern man, like his predecessors, has been forced to come to terms and make sense of a new world filled with often unbelievable discoveries and inventions - a world of relative space and time, of nuclear weapons and space travel. Ordinary people who cannot understand the teachings of science, psychology, politics and philosophy, still need to fit the new knowledge into their world of ideas, and with the guidance of a cultural elite have done so in science fiction literature, films, toys and other consumer products. The popular productions of pulp magazines, films, television series, comics, toys and games can be seen as genuine evidence of popular interest and demand for understanding.
- (2) The response of the cultural elite, the writers, film producers and creators of toys and games, may within this scenario be seen as the creative responders to popular demand, choosing to educate, excite and warn, in various proportions.
- (3) Within this general explanatory view we must also look at the possible role of the decision makers, the military, the space agencies and academics like ourselves, as educators, informers and advisors, seeking to channel the exciting new developments, from excited creators to an excited audience. This motive is evident in much of the educational work of NASA, many school

teachers and such informal writers as Martin Ince (1981), Robert Powers (1982), Henry S Cooper (1976) and Kenneth Gatlands (1972), as well as such excellent television series as British Broadcasting Associations 'The Sky at Night'.

Exploitative Motives

- 4) On the cusp of the exploratory and exploitative motives lies the commercial and in particular the consumerist view. In this space is seen potentially, like all else on earth, as a source of profit or advantage. Space here is culturally developed, as it is physically developed, to produce personal or group gain. Here there is no larger idea of education, creative thinking or advising, but rather space is another commodity to package and sell in a society dedicated to consumerism. In Western societies where leisure time and leisure activities are increasingly being turned into new commercial markets, space culture is just another part of consumer culture as a whole (Theory, Culture and Society 1983).

Legitimation

- 5) Finally space culture may be seen as part of the efforts of states, space agencies and the space/industrial complex to legitimate massive expenditures of often scarce and vitally needed resources of men, equipment, knowledge and raw materials. Space research from its inception in this century has lived in the shadow of financial decisions being made by governments. The space agencies, the manufacturers, the scientists and the

governments have had to justify their existence and activities, and have done so by exciting expectations and publicizing achievements. At the heart of this has been the idea of 'explorations' and the 'non stick frying pan' theme - the idea that the dominant military and political uses will produce spin off benefits for pure scientific exploration and for the average consumer of goods (especially household electronic gadgets, medicines, computers, and, even via remote sensing, of food itself). Often there is truth in these claims but some ground for scepticism and cynicism must remain.

It is not my purpose to prioritize these motivational explanatory possibilities. In addition I have avoided trying to make a case that space culture and its projection of existing human phenomena into space has affected contemporary policy makers dealing with outer space. My intention has been only to sketch out the development of space culture. However it is the case that all of our politicians, industrial and military planners and we academics have experienced modern space culture, and in some ways it will have entered into our basic beliefs and expectations about the real actualities and possibilities of space research. Certainly in two recent forms of contemporary culture, journalism and the cartoon, a view has emerged that American military planners and President Reagan in particular, are living out a Star Wars science fiction fantasy.

In my conclusions I would like to draw out some considerations that may impinge upon the politics of and

policy for future space research. These fall into four groups; (1) firstly some points about the popularity of space research, (2) secondly a point about the opportunity for the development of space for peaceful ends, (3) thirdly a point about some dangers and (4) finally a hypothetical comment about a future possibility.

(1) Part II and III of this paper sketch out the depth and variety of ways in which the human imagination has been fired by the actualities and possibilities of space research. Generally space has a good image and I would guess that empirical survey material could support this theoretical observation. Human imagination has, however, been fired in very typically human directions, ranging from an adventurous romantic and exploratory view that invites us into space, to an aggressive, destructive and threatening view that may make us more trepidatious. The notion of the 'New Frontier' signifies the first, that of the 'High Ground' for war, the second. Unfortunately in our space culture, and especially consumer culture, the dominant view has reflected that of governments and states, the idea that space is a sphere for colonization, exploitation and above all war. In real terms those with the capital to make their priorities count, namely states, have roughly set the priorities, which run in descending order as the military, industrial, scientific (medical), the environmental and the exploratory. To legitimate these priorities states have had to justify and legitimate their efforts using various devices including appeals to national defence, national pride (the space race),

industrial and consumerist advantage and only at the end sheer adventure.

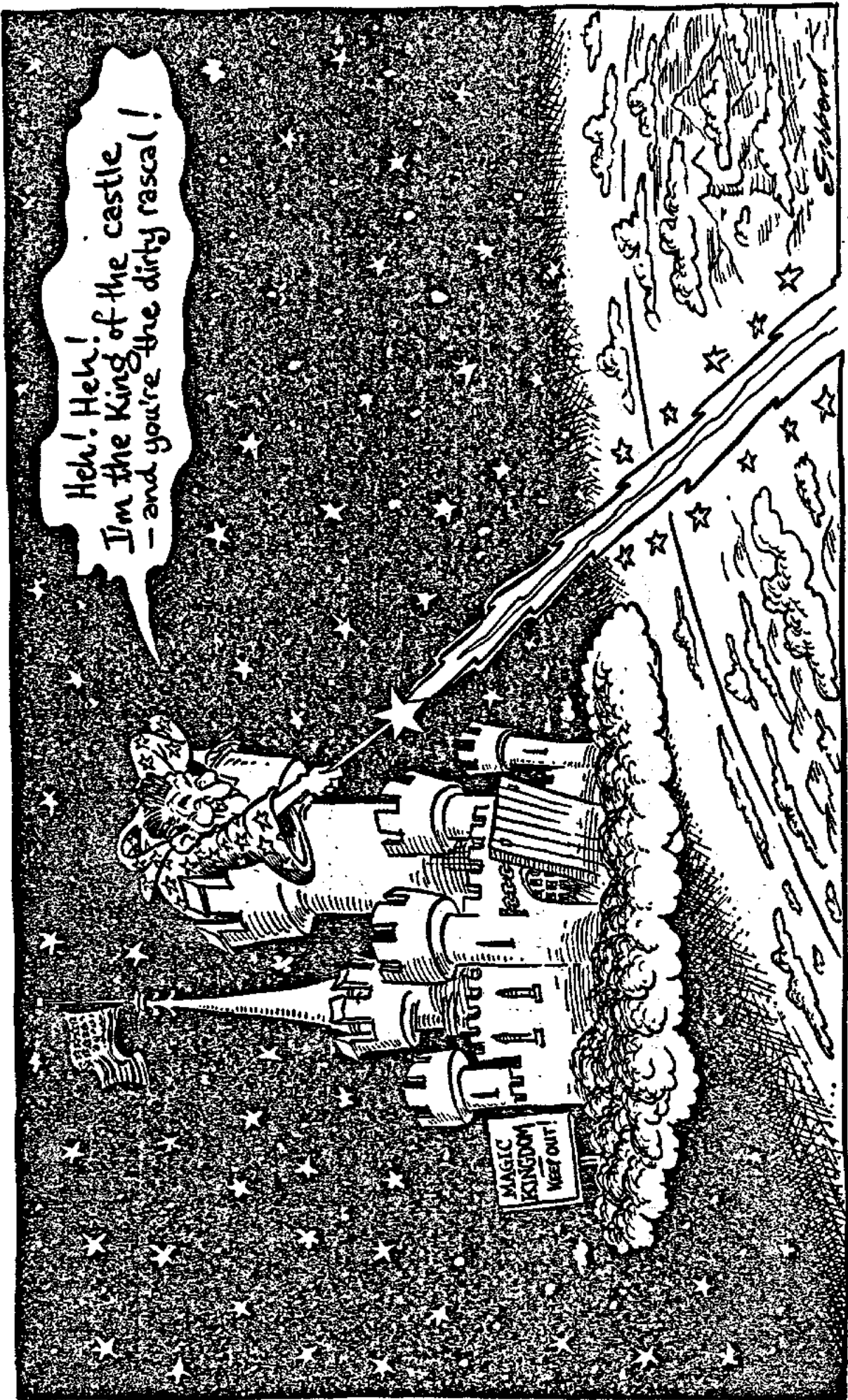
Today space is more popular than ever in our culture and I would imagine that there is popular support for continual space research in most western countries, but especially that related to exploration with special regard to medicine, engineering, astronomy, communications and ecological earth surveys. In my view the 'Star Wars' imagery of contemporary space research is likely to do damage to its existing good image, and could 'kill the goose that has laid the golden egg'.

(2) In regard to space culture it would seem to me that it is in the interests of space researchers to encourage the exploratory, and to de-prioritize the exploitative images of and motives for research, and to do all they can to maintain or improve the peaceful and creative image of space. More purely educational and informatory products, a greater concern for the peaceful uses of space and a more popular exposure of those elements in science fiction that stress these priorities would help here.

(3) There is a need to recognise the dangers inherent in that vein of our popular culture of space which sees it and its inhabitants as projections of our worst human alter egos. That we will do and cannot avoid imagining space in our own human terms is no excuse for a) not recognising and being prepared for something different and b) for taking a more optimistic and humanistic projection as superior, Eros not Thanatos.

(4) Finally science fiction, philosophy, sociology, psychology, and engineering met when Pioneer 10 was launched with a message for aliens attached to one of its legs. The problem of communication between different cultures was explored by the draughtsmen of this famous message, but in the end an attempt was considered worthwhile. The dominant images in the message were of the naked human form and an upraised saluting arm. The assumption behind this, widely shared by astronomers and the western public at large, is that eventually some meeting with aliens will take place. My final suggestion is that if this meeting is to be anything more than the disaster so often projected, then someone ought to begin preparations for; a) how we would communicate with them; b) how the culture shock that would prevail could be handled, how we should communicate the event to ourselves and c) how a common front could be organised that would cut across national boundaries, cultures and rivalries. Such an exercise in space research, unlike most others, may just turn out to show human benefits not losses.

Heh! Heh!
I'm the King of the castle
— and you're the dirty rascal!



Notes

1. On Herder and Hegel see Sabine (1949, 628-632), on Maine see Burrows (1970), also see Toynbee (1946), on Arnold see Williams (1963), see Hoggart (1958), and Almond and Verba (1963).
2. On contemporary sociological theory regarding Culture see Swingewood (1984), Giddens (1976) and Wuthrow et al (1984).
3. Theory, Culture and Society (1982-). Teesside Polytechnic, Cleveland. Great Britain.
4. For more good discussions of the meanings of science fiction see. Barnes (1974), Garenson (1977), Rose (1970).
5. Some of the best recent accounts of the debate can be found in Wilson (1974); Pettit and Kookway (1978); Outhwaite (1975); Elster (1983); Jarvie (1984); Barnes (1982).

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THE POLITICAL IMPLICATIONS OF BROADCASTING FROM OUTER SPACE:

THE GERMAN DIMENSION (To be presented by Peter Humphreys)

Joint Paper by ; Professor K Dyson and
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This paper is concerned with the political implications of one civil application of Satellite Technology for the Federal Republic of Germany. It seeks to draw attention to the far reaching political ramifications of Satellite television broadcasting for the "broadcasting landscape" of a single West European country. The effect of Satellite television broadcasting on the "broadcasting sovereignty" of individual West European countries is an aspect of the "Politics of Outer Space" that has perhaps been "eclipsed" by the recent interest in the "militarisation of Outer Space" and the fears largely of Third World countries of a "communications imperialism" (mainly of the United States).

West Germany is of special interest for three reasons. Firstly, the FRG is one of the central "media powers" in Western Europe and has taken a leading initiative in developing the technical applications of satellites for broadcasting, and Direct Broadcasting Satellite technology in particular (DBS). The responses of such a central industrial and broadcasting power, incorporating a lucrative advertising market, within a West European context of continued pronounced "cultural and industrial particularism" is of great interest. One important question is that of the political "load" placed on developing supra-national European intercommunication, cultural exchange, economic cooperation and political purpose by the parallel "load" placed on individual national communications structures, cultural identities and regulatory mechanisms.

The second area of interest derives from the federal nature of the country itself, and from the resulting complexity of formulating a new broadcasting policy and new regulatory responses for DBS in a situation where the constituent states of the republic are constitutionally assigned individual cultural and broadcasting sovereignty. These areas of interest together provide two heuristically not unrelated axes of examination; the inter-nation state axis or the "European macrocosm", and the inter-"state" (Land) axis or the "West German microcosm".

The third area of interest has nothing to do with West Germany's central role in Western Europe, nor its federal institutional structure. Instead it stems from its very special position in Central Europe. The "divided Germany" angle and the question of "inter-German relations" result from the country's historically determined unique situation.

Before examining these three areas, it is necessary to briefly explain the technological specifications of both "communications satellites" and "direct broadcasting satellites". It is also important to sketch out the European context in which West Germany's position will be analysed.

Satellite Broadcasting Technology and the European Dimension

Television signals have until recently been transmitted from Outer Space exclusively by means of "communications satellites"; 5 - 10% of their capacity being used in this way the remainder assigned to telephone links and data communication. To this "genre" belong;- the "Intelsat" group, run by the "International Telecommunications Organisation" with over 100 member states but dominated by the US Government and the US "Communications Satellite Corporation" (COMSAT); the "Intersputnik" group run by the communist block countries but dominated by the USSR; the "Symphonie" satellite, the result of early Franco-German space technology cooperation; and the OTS/ECS satellites (ECS1 and ECS2), operated by "Eutelsat", an organisation in which West European PTTs cooperate. This kind of satellite has a low transmission power for television broadcasts, and relatively large and expensive earth receiving stations are required to pick up the signals for further transmission over the terrestrial airwaves or by cable networks.

DBS represents a "new generation" of satellite, which can be placed in "geo-stationary orbit" along the line of the equator at a height of about 36000 km above the earth's surface. This means that DBS satellites can remain in constant direct contact with the area of the earth's surface covered by each satellite's "footprint". Moreover, DBS satellites have a much increased power of transmission allowing their signals to be picked up "individually" and "directly" by even "household" antennae (measuring as little as 90 cm in diameter). As the name implies, this promises to usher in an age of "Direct Broadcasting" from Outer Space, in which the future television consumer will be able to purchase his own equipment enabling him to receive an increased menu of programmes. (1)

A West European response to the age of "Space Broadcasting" began with the founding in 1974 of ESA, the "European Space Agency", largely as a reaction to the predominant role played by the US and COMSAT in the "Intelsat" organisation. ESA might therefore be seen to represent a distinct West European economic, commercial and political aspiration to take a share in Outer Space. Within ESA, however, the three main West European "media powers"

namely Great Britain, France and West Germany, established their own predominance. This was reflected in their major role played in financing and constructing the projects subsequently developed by ESA. The "Ariane" rockets, for example, were a predominantly French development; the ECS communications satellites mainly a joint Anglo-Franco-German development. In 1981 West Germany contributed 27%, France 22% and Great Britain 14% of the total ESA budget of around £55.5m. West Germany's huge financial stake in Outer Space is quite evident. (2)

Even this rather "uneven cooperation" of the West European countries within ESA soon fell victim to "national particularism", and the divisive issue was the development of DBS. Almost simultaneously, France and West Germany together and Great Britain by herself came to the conclusion that their economic interests were better served outside ESA. This triggered an impressive scramble of "particularistic" DBS initiatives. The length of the list speaks for itself;- L-SAT by Italy and Spain, TV-SAT by West Germany in cooperation with TDF1 by France; TEL-SAT by Switzerland; NORDSAT by the Scandinavian countries; NORSEKAT by Norway; TELE X by Sweden; FINNSAT by Finland; LUX-SAT by Luxembourg; and UNI-SAT by Great Britain.

As seen, Franco-German industrial cooperation in space technology had begun within the framework of ESA and further cooperation had led to their joint construction of their own "Symphonie" communications satellite. In 1978, upon the initiative of Helmut Schmidt's Social-Liberal coalition government, a number of West German manufacturing firms with an interest in aerospace - MBB, AEG, Dornier and SEL - came together with the Federal Ministry for Research and Technology and the German Research Institute for Aerospace (DFVLR) to explore the possibility of developing an "export-oriented" satellite again in cooperation with the French. In April 1980 the French and West German governments signed an "Agreement over Technical and Industrial Cooperation in the field of Television Satellites".

It was agreed that the first step should be to construct two satellites (TDF1 and TV SAT) and to place them in geostationary orbit by means of the French "Ariane" rocket. The Agreement was to be the basis of a long term industrial and technical cooperation, with a view to the future export potential of television satellites. The satellites would be operated by the respective national authorities, the "Bundespost" and "Télédiffusion de France". Further

Franco -German consultations led to an allocation of the costs; FRG 54%, France 46%. Satellite production was contracted out to a Franco-German Consortium - "Eurosatellite Limited" - incorporating MBB, AEG-Telefunken, SNIAS, Thompson-CSF and a Belgian firm ETCA. A number of important West German firms stood to gain too from the project;- Dornier, SEL and ERNO were all to take responsibility for components construction and/or servicing. Within "Eurosatellite Ltd", the West German firm MBB played a key role; having the largest single share in the company (24%) and AEG, Thomson-CSF and SNIAS were already bound up with MBB. Again, the role of West German capital and industry is very evident. (3)

In face of this collapse of European unity into national "particularistic" industrial policy initiatives, a minimum but highly necessary level of cooperation and agreement was achieved for the international regulation of DBS. In 1977 a telecommunications conference ("The World Administration Radio Conference for Broadcasting Satellite" - WARC) was held in Geneva. The resulting WARC Agreement, which came into effect in January 1979 and is valid for at least 15 years, allocated 5 channels to each country in Europe and precisely established orbital positions and frequencies for the individual satellites. (4)

The elliptical shape of the "footprints" of these satellites would still create a situation of considerable "overspill", whereby, for example, the West German satellite would cover not only the area of the Federal Republic, but also areas of the Benelux countries, France, Switzerland, Liechtenstein, Austria, Italy, Czechoslovakia and the GDR. In the same way, the "footprints" of these States' satellites would "spill over" into large areas of the Federal Republic. The potential "overspill" situation for the FRG is as follows;- an Austrian satellite would cover 34.1% of the FRG; a Belgian satellite 15.3%; an East German satellite 14.9%; a French satellite 9.5%; a Dutch satellite 17.2%; an Italian satellite 16%; a Liechtenstein satellite 6.9%; a Luxemburg satellite 10%. a Swiss satellite 25.8% and a Czechoslovakian satellite 8.2%. Only 26.5% of the FRG would be "immune" to foreign DBS! (5)

The WARC Agreement had established that television satellites should only be allowed to transmit their programmes directionally, that is aimed at the specific reception areas allocated to them. However, it is clear that for technical reasons "national" satellite programmes will often ignore national borders.

Plans laid in Luxemburg and Switzerland to exploit the "overspill" resulting from their central geographic situation soon made clear one of the major problems presented by DBS to West Germany. West Germany is potentially the most lucrative national advertising market in Western Europe, and any plans by her smaller neighbours to exploit their geographical and linguistic advantages in order to "cream off" the German market are clearly cause for concern. (In both countries German is widely spoken). (6)

Further international agreement over the adverse effects of "overspill" is made difficult by the commitment of West European democracies to the liberal principle of "free flow of information" on the one hand, and the principle of national sovereignty in broadcasting affairs on the other. So far the European Community has represented the most comprehensive of West European initiatives towards integration and coordination and might, therefore, be seen to represent the most probable framework for a future European "communications community". Furthermore, the EEC dimension fits into a wider framework of West European "Western values". The basic rationale behind the EEC treaty is that of economic liberalism, but as mentioned the normative as distinct from economic basis of free communication in Europe is rooted in a general Western interpretation of a concept of "human rights". This includes "the freedom to represent, receive and disseminate information/ideas regardless of national borders". This concept first found expression in the UN declaration of human rights in 1948. Legal force was given to this concept by the "Convention for the Protection of Human Rights and Basic Freedoms" in 1950 with its guarantee of "Freedom of Communication" (Article 10). More recently, this concept has been reinforced by the Helsinki Conference for European Security and Cooperation. One of the declared aims was to be the improvement of "the dissemination of, access to, and exchange of information" including "filmed and broadcast information". (7) West Germany is committed individually to these declarations, and also as a member of the European Community for which they form a plank of European law as administered by the European Court.

The EEC and a European "Communications Community"

The dawning of the "age of satellite broadcasting" raises numerous problems from the point of view of Community Law, at present under investigation. So far the EEC has failed to produce a clear and comprehensive response to the new "load" placed by satellite broadcasting on European coordination and integration. Yet, the Community, by dint of its claim to take

precedence over member States' national laws, does represent a potential framework for a "European Communications Order". However, in place of a "European Broadcasting Constitution" there exists an array of national regulatory policies which exhibit varying degrees of strictness.

The regulation for a liberal inter-community economic exchange laid down in the EEC treaty covers the media. There is a "free" trade of newspapers, books, cinema and television films, radios, television sets etc. This is prescribed by the EEC rule of "free exchange of goods and services" (Articles 3½ and 59 of the treaty). In as much as information is a non-physical entity, however, there is no clear and unambiguous EEC imperative for communications. Nevertheless, on at least two occasions (1971 and 1980) the European Court has ruled that television programmes, including commercial television with advertising, constitute "services". (8)

The question arises of whether the EEC rules on freedom to provide "services" without impediment, and the basic liberal guarantee of "freedom of communications" recognised by the European Court of Justice, amount to an imperative for a "deregulation" of national broadcasting regulations. This dilemma can be restated in another way; it is clear that the "New Media" mean that it will be essential for the member States to reorganise their own national laws for broadcasting; for the Community the question arises of whether it is simply to allow this development to occur without intervention or its own initiatives, or to take responsibility in helping to shape it.

A number of practical problems constitute the "load" placed on the Community's developing functions.

In all member States broadcasting is deemed to fulfil a public function, a function of national and social integration. Moreover, broadcasting is considered to be too powerful a medium of mass communication and a moulder of public opinion for it to be left to the "free play of market forces". In some countries there is a comparatively strict definition of this public function, and correspondingly strict regulation for provision of information that exceeds purely "entertainment" and "news" and ensure "free expression", "balance" and "diversity" of opinion. As will become clear, this is the situation in West Germany.

In all EEC countries regulatory practice sees broadcasting as a "cultural" (as well as an economic) "service". The question arises as to how Community wide broadcasting may affect the existing cultural "balance". There are

legitimate fears that it may "swamp" national and regional cultures. As will also become clear, in West Germany this question is further complicated by the fact that the constituent states or "Lander" of the Federal Republic are constitutionally assigned their own "cultural sovereignty" ("Kulturhoheit ") and therefore their own "broadcasting sovereignty" ("Rundfunkhoheit").

Broadcast advertising is another weighty problem which also has a cultural dimension. In some countries, including West Germany, broadcast advertising has been comparatively strictly limited to prevent "commercialisation" and a feared corresponding reduction of programme standards to the lowest common denominator of "mass appeal". As already indicated, there is also a much wider economic dimension; that of national advertising markets. So long as broadcast advertising was restricted to national markets, the question of whether broadcast advertising from other member States could circumvent national restrictions did not arise. However, in the age of satellite broadcasting the question does arise of whether such advertising may be permitted to "intrude" on another country's ^{broadcasting} landscape and domestic advertising market without external "sanction" for example by EEC regulation, or "internal" sanction by fulfilling the laws of the target country. A recent report for the "Fédération Internationale pour la Droit Européen" makes quite clear the West German view that it is permissible under Community law for broadcast advertising from abroad to be restrained. The same report establishes a West German opinion that no unrestricted entitlement to "feed" foreign programmes into the country's cable systems should be deduced from the EEC rules on freedom to provide "services". (9) However the "unblockable" nature of DBS amounts to an urgent imperative for "cooperative Europeanism" in this matter.

Copyright law is also a problem. Just as the mass availability of video-recorders has made "home pirating" of television films and programmes commonplace, the advent of DBS and cable systems may lead to large scale "pirating" on an international scale. This is likely to prove less of a "load" on Community law and "cooperative Europeanism" than the above mentioned factors, as there is a body of Community "case law" and an obvious willingness to arrive at a consensus. (10)

Scope for EEC initiative remains unclear though. It has been suggested that the Community is "empowered at least to review national rules on broadcasting, but possibly also to arrange for an approximation of certain provisions relevant to broadcasting law, such as limitations on advertising" (11) The setting up

of a "common market for broadcasting" has become a recent preoccupation of the Community. In May 1983 the EEC Commission produced an interim report on the "realities and tendencies in European television", which preceded a "Green Paper for the Establishment of the Common Market for Broadcasting Especially by Satellite and Cable", published in June 1984. (12)

It is clear, however that the Green Paper addresses itself primarily to economic principles, reflecting a "falling back" on to the original aims of the Community. It is also clear that in doing so the Green Paper advocates a principle of "tolerance", which would effectively amount to a considerable "deregulation". For advertising, the Commission favours the adoption of the "smallest European common denominator". Any advertising broadcast on the territory of a member State, originating from another member State which adheres to this minimum common denominator, would be broadcast, even if the "target" country submits national advertising to stricter regulation. This would amount to a massive stride in the direction of "deregulation" for European commercial broadcasting, à l'Américaine.

Although "deregulation" might be one obvious response, given the underlying economic nature of the Community, to the political "load" placed by satellite broadcasting on European integration, it would actually increase the parallel "load" on national regulatory policy processes. For West Germany European "deregulation" could be particularly problematical. In the West German report for the 1984 FIDE Congress, the German rapporteur made it clear that any Community claim to have jurisdiction over national broadcasting laws must be measured against the fact that mass communication is primarily not simply a matter of economics, but of "journalistic culture", for which stronger national regulatory jurisdictions (Vorbehalte - "reservations") are still to be recognised. (13)

Regulating for Pluralism - the West German Case

The "load" placed on the broadcasting sovereignty of individual States by satellite broadcasting is particularly clear in the case of the Federal Republic. This is essentially because broadcasting in West Germany has been "traditionally" subject to a very high degree of regulation, in comparative West European terms, with its basis in constitutional law reinforced by key interventions by the West German Constitutional Court. (14)

Until now broadcasting in the Federal Republic has been the exclusive function of 12 public service broadcasting organisations, accorded the

status of "public corporations" in law; 9 regional radio and television broadcasting houses and 2 Federal radio broadcasting houses, which together form the "ARD", a combine responsible for the "first national television network"; the 12th broadcasting house ZDF, is responsible for the "second national television network". As will become evident, cable and satellite broadcasting promise to usher in a new system of broadcasting, breaking down this "public service monopoly".

Nevertheless, since the post war "rebirth of democracy" in West Germany, broadcasting in that country has been subject to very strict legal regulation. It can be maintained that the "public service monopoly" nature of broadcasting has been a reflection of the constitutional normative imperative to regulate for "pluralism". For largely historical reasons, the West Germans have felt compelled to very strictly regulate for a broadcasting system, which should be free from "capture" either by the State or by sectional interests of Society. The structures of the various broadcasting organisations reflect in turn the aim to safeguard "balance", "pluralism" and "diversity of opinion". Within each, there is a supervisory organ giving representation to a range of "socially relevant groups" (the pluralistic elements of society such as Trade Unions, Trade and Employers' Associations, the Churches, etc). This method of regulation and supervision is called "internal control" because these bodies are internal to the supposedly independent broadcasting organisations. It is their duty to ensure "internal pluralism" whereby a proper "balance" should be ensured within each channel (the German word is "Programm" and implies rather less than "channel" in the English sense, but rather more than the English word "programme"; a "package of programmes"!)

(15)

The "public service monopoly" of broadcasting has to date been confirmed by several Rulings of the Federal Constitutional Court (the country's highest legal and political authority) which have prevented determined attempts to introduce commercial television - the best known case being Konrad Adenauer's attempt to set up "Adenauer Television" in the period 1957 - 60. However, this does not mean that commercial television "per se" is specifically outlawed by the constitution. It is rather the case that the regulatory mechanisms foreseen for the commercial television projects were deemed not to fulfil the very strict regulations for "pluralism" and "diversity" the Court's interpretation of "broadcasting freedom".

In 1981 the most recent important Ruling of the Constitutional Court in broadcasting matters, the FRAG Ruling against an attempt to introduce commercial television in the Saarland, formulated a number of principles and requirements for any future broadcasting legislation and regulation, which quite clearly anticipate the changes in West German broadcasting promised by cable and satellite. This kind of centrality of the "Rechtsstaat" is typical for West German politics, and has set the constitutional boundaries for much of the political debate over the "New Media".

Essentially, the Ruling restates the normative imperative for "pluralistic" regulation derived from the constitution, and specifies that even if cable and satellite technologies overcome the purely technical rationale for a public service monopoly of (no longer) scarce broadcasting frequencies, broadcasting should still not be left to the "free play of (market) forces" (16). In other words, there should be no "deregulation" (on the American model, for example, or presumably on the model of a possible future EEC "deregulation" premised on purely economic principles of free exchange of goods and services).

However, the Court did suggest an alternative possibility for regulatory policy; in place of "internal pluralism" a model of "external pluralism". According to this, "balance" and "pluralism" might be achieved by a greatly increased number of "Programms" which may be permitted to be individually "biased" in some direction (ie politically or culturally), but which would have still to reflect an "overall balance" taken together. The assumption made since by proponents of commercial television has been that the "increased menu" of television made possible by cable and satellite would "automatically" bring about this kind of "external pluralism". In contrast to the existing regulatory structures, an organ of "external control", that is external to the new broadcasters, has been suggested.

As will be seen, the political debate inside West Germany has partly revolved around the merits and demerits, feasibility and non-feasibility of this alternative regulatory model and of hybrid versions of it. As far as the European dimension or "inter-European State" axis of examination is concerned, though, it is clear that were regulatory policies for "balance" (cultural and political) and "pluralism" are as elaborate and encrusted in such a complex legal framework as in West Germany, the "intrusion" of foreign broadcasts, on a potentially massive scale as a consequence of satellite television, represents a very considerable "load" on the country's

broadcasting policy making. This situation is exacerbated by the fact that this foreign intrusion will involve a high degree of commercial television which is in itself an issue that has placed a special "load" on West German broadcasting politics.

There are many, as yet, unanswered questions. For example, does the prospect of foreign penetration of the West German broadcasting landscape strengthen or weaken the case for continued strict regulation on the "internal pluralism" or a "mixed model" basis? Would it necessitate taking the cultural or political "bias" of foreign "Programms" into account when supervising "external pluralism"? Indeed, would it be constitutional to require indigenous commercial broadcasters to "compensate" for foreign "Programms" content? Would it be practical? Would continued strict regulation for indigenous broadcasters not drive West German capital (interested in commercial broadcasting) into cooperation with foreign capital?

If the complexity of the regulatory system and "style" in West Germany is an impediment to a smooth adaption to change, it is also a strong incentive, especially when external events are proceeding so fast and with a logic of their own. This imperative towards adaptation becomes even more clear, when the second "axis of examination" is considered; the "West German microcosm" of the wider European situation.

The Testing of "Cooperative Federalism"

According to the Constitution of the Federal Republic, there is a kind of "functional division of powers" in the realm of mass communications between the Federal level of the State (the "Bund") and the constituent states of the Republic (the "Länder"). The PTT, the "Bundespost", a Federal organ, is assigned the responsibility for communications networks, while the "Länder" are accorded "cultural sovereignty", and therefore "broadcasting sovereignty". The individual "Länder" therefore have the constitutional rights to frame their own broadcasting laws, so long as these laws respect a catalogue of "basic rights" contained in the Constitution.

Since the foundation of the Federal Republic, the organisation of the country's broadcasting system has been determined by the enactment of a number of individual "Land" broadcasting laws and a number of "inter-Land" treaties ("Staatsverträge").

Since, for historical reasons, the areas of the individual broadcasting corporations' activities have not necessarily corresponded to the "Land" borders, a number of "inter-Land" treaties or "Staatsverträge" have been required: for example to regulate NDR a broadcasting house covering the three "Länder" of Hamburg, Schleswig-Holstein and Lower Saxony; for ARD the supra-Land broadcasting combine which produces the "First National Programme"; and for ZDF the "Second National Programme". Since satellite broadcasting (by DBS especially) will affect the whole country, there is, by the same logic, a need for a new "Staatsvertrag" between the individual "Länder" - and it is an urgent need! (17).

At least until recently, the pressures of "cooperative federalism" have been very strong, as the "Länder" have been required by both economic and political pressures to cooperate: the economic imperative to cooperate derives in great measure from the high costs of producing television and from the unequal size of the individual corporations; the political imperative to cooperate has arisen from repeated tensions between the "Bund" and the "Länder", in particular the not always unfounded suspicion of the latter that the former has its own ambitions for encroaching on their "broadcasting sovereignty".

More recently, "cooperative federalism" in broadcasting affairs has been subjected to increased strains by the need to regulate for the "New Media", cable and satellite television. This results from the party-polarisation over "media policy" and particularly over cable and satellite television.

During the seventies, the West German "conservative" parties (the CDU and CSU) have welcomed the opportunities presented by cable and satellite television for breaking down the "public service monopoly" of broadcasting. This opportunity can be summarised fairly simply: on the one hand, the greatly increased channel capacity of cable and satellite networks overcomes the "scarcity of airwave frequencies", and therefore removes any technically justified rationale for a "public service monopoly" of the airwaves; on the other hand the possibility of feed cable systems with programmes beamed down from communications satellites and the more recent possibility of DBS means that there is arguably still less justification for preventing viewers from seeing whatever programmes are offered, and for preventing private initiative in broadcasting. The CDU/CSU have mounted a vigorous campaign in favour of commercial broadcasting, in which they have received massive support from powerful newspaper and magazine

publishers. CDU/CSU "media policy" has been shaped by the desire to create a "friendly" broadcasting "landscape", while the newspaper and magazine publishers have a commercial interest in "deregulation" and cable and satellite. (18)

The SPD, the very party who in government during the seventies were actually responsible for a number of "technocratic" industrial policy initiatives in telecommunications, including DBS, had at the same time developed a "media policy" steadfastly rejecting commercialisation, "deregulation" and staunchly defending the public service nature of West German broadcasting. By the turn of the decade, they had pledged themselves to the existing mechanisms for regulating for "pluralism" and "balance" in broadcasting and against any attempt of the publishers to expand into the electronic media.

The strains placed by the "New Media" on "cooperative federalism" first became evident not because of satellite television but instead over the inter-Land negotiations about the introduction of a number of "pilot projects" for "testing" cable television in the latter seventies. Since on "media policy" (if not in "industrial policy") the SPD was "anti-cable" television, the Ministerpräsidenten of the SPD-ruled "Länder" were inclined to delay the introduction of these pilot projects, and hence the strain on "cooperative federalism". At this stage, the CDU/CSU "Länder" first started to threaten that they would "go it alone" in the event of no agreement being reached. (19)

As it was, it took the Ministerpräsidenten 3 years to agree on the sites for the pilot projects (May 1978) and another 2½ years to agree on the method of finance for them (1980). Nevertheless, the fact that agreement was finally reached is an indication of the powerful "systemic" pressure towards "cooperative federalism" in West Germany.

In June 1981 the Ministerpräsidenten deliberated for the first time about the implications of satellite television. They agreed with ease that the use of satellites for broadcasting was an affair of the "Länder". Any interest of "third parties" in the use of satellites for television had to be measured against this fact. However, they could not reach agreement of to whom to allocate the use of the television channels. It was over this issue that the party political polarisation described above found its first expression.

In fact, the question of allocating channels was not confined to the West German DBS, TV SAT.

In October 1982 the political balance of power changed with the collapse of the thirteen year old Social-liberal coalition. In a General Election on 6 March 1983 a new CDU/CSU led coalition government was confirmed in power, and with this the incumbency of a prominent CDU "media-politician" and long-time campaigner for commercial broadcasting, Christian Schwarz-Schilling, in the PTT Ministry, the "Bundespost". Using the authority that this post gave him, he immediately launched an ambitious programme of cabling the country. Moreover, at the end of 1983 he announced that in addition to the channels on TV SAT the "Bundespost" was going to release capacity for satellite broadcasting on a number of new communications satellites. These additional channels could then be used to "feed" the terrestrial cable-networks. In all, this would amount to an additional thirteen West German T.V. channels: two on the European communications satellite ECS 1; six on an Intelsat satellite; and five on the first West German communications satellite DFS ("Kopernikus").

Although broadcasting is a matter of "Länder" sovereignty constitutionally, the change of power in Bonn therefore had a profound significance for "broadcasting politics". While in control of the PTT the SPD had been able to prevent any widespread cabling and restrict the use of communications satellites to data and telephone communication. At a stroke now, Schwarz-Schilling had set about the creation of a suitable infrastructure for commercial television. In CDU/CSU-ruled "Länder" legislation allowing commercial television was immediately prepared, generally moving over from the "internal pluralism" model to "external pluralism" or a "mixed model". (20)

The Ministerpräsidenten now had to decide upon the allocation of a total of 15 satellite channels, and just as importantly upon principles for the regulation of "feeding" cable-systems with new programmes.

At the same time, the SPD Ministerpräsidenten were now placed under new and strong pressures to compromise. Firstly, the realisation dawned that commercial television was inevitable. Secondly, they sensed that to persist in "fundamental opposition" to commercial television would be counterproductive politically and economically. It would lead to political isolation and amount to an abdication of any possible role in shaping new regulatory policies for the "New Media", and they would forfeit new infrastructural investment in their own "Länder". This much Schwarz-Schilling had made very clear. Worse still, private investment too would be attracted away from their "Länder" to the new CDU/CSU havens

of commercial enterprise. This could only sharpen the growing "prosperity gap" between SPD and CDU/CSU "Länder", and at a time of "industrial crisis" in the traditional sectors of the economy. The economic constraint is particularly apparent in the case of Hamburg, the SPD "fortress" in the North. A fast declining port, that city's future is going to increasingly depend upon its service sector and light industry, especially upon its status as a "media-centre", home of the largest public service broadcasting house (NDR) but also host to the largest concentration of newspaper and magazine concerns in the Federal Republic. Its Ministerpräsident, Peter Donhanji, began to promote a "new realism". (21)

International constraints too were fast becoming apparent. As mentioned earlier, preparations for the construction and exploitation of satellites for commercial broadcasting were fast proceeding in many European countries. The possibility of West German capital (and therefore jobs) flowing out of the country to cooperate with foreign capital in "creaming off" the West German advertising market (again affecting employment) had already been made clear. In 1981/82 West German publishers had first shown interest in taking a share in the LUX-SAT project. In late 1982 the huge West German media conglomerate Berthelsmann announced that it was to take a 40% share with CLT ("Compagnie Luxembourgeoise de Telediffusion") in a "German channel", "RTL-Plus". (Only very recently, the well known "Frankfurter Allgemeine Zeitung" has also approached RTL.) (22) Such a development is alarming to CDU/CSU and SPD pragmatists alike.

Reflecting a "victory" for influential pragmatists within the SPD, the party adopted a new media "Action Programme" (although by a close majority) at its party conference in Essen of May 1984. This conceded the impossibility of fighting resolutely against commercial television. It did, however, still demand that the publishers should not be allowed to extend their influence on the formation of public opinion into the electronic media. It also demanded regulation on the "internal pluralism" model. In spite of this, the SPD Ministerpräsidenten seemed, by October 1984, to have almost reached the necessary agreement with the CDU/CSU Ministerpräsidenten. These key demands seemed to have also been relinquished in the so-called "Bremerhafen Compromise", and instead a "draft treaty" was drawn up, which many in the SPD felt greatly disadvantaged the public service broadcasters. (23)

Another "incentive" for the SPD Ministerpräsidenten to compromise, perhaps the decisive one, have been repeated threats from CDU/CSU "hard-liners" that, in the event of failure to reach agreement, their "Länder" would "go it alone"

and draw up a "rump Staatsvertrag". Moreover, they have also threatened to break up the ARD. In December 1984 the reconvened negotiations over the "draft treaty" broke down, ostensibly over a "technicality". The more likely reason is that Johannes Rau (North Rhine Westfalian) ^{SPD} and Holger Börner (Hesse) ^{SPD} were constrained by uproar over the "Bremerhafen Compromise" within their party ranks. Subsequently, the CDU/CSU Ministerpräsidenten have renewed their threats that they will "go it alone". (24)

The kind of "rump Staatsvertrag" envisaged would raise very difficult constitutional problems, and most likely result in action being taken to the Federal Constitutional Court for a definitive Ruling.

Due to its technical specificity, DBS would amount to "national broadcasting", since it could be received all over the country. Therefore the "broadcasting sovereignty" of all of the "Länder" would be affected. In contrast to international state relations (the "European Macrocosm"), West-German inter-"Länder" relations are rooted in the constitutionally prescribed duty of "mutual respect"; the principle of "cooperative federalism" or "Bundestreue" has a direct constitutional basis. In other words, internally to West Germany the constitutional principle of the "cultural" and "broadcasting sovereignty" of the individual "Länder" prevails over the principle of the "free flow of information". It lays down a duty on the individual "Länder" to reach compromises acceptable to all, when broadcasting issues have a "supra-Land" dimension. For example, it would be legally possible for an SPD "Land", subscribing to "internal pluralistic" regulation, to object to "Programms" originating in a CDU/CSU "Land", regulated according to "external pluralism".

Whether such an objection would prevail over CDU/CSU counter-objections that their "interests" too should be "respected" would be a matter for the Constitutional Court to decide. (25)

Against all this, however, there is probably a more practical reality. When federal citizens have the constitutionally guaranteed right to, and do already, receive foreign broadcasts "off the air", including those from the GDR, it is very questionable whether individual "Länder" politicians would be actually politically able to legitimise any "legalistic blocking" of other West German transmissions.

On the other hand, it is also questionable whether a "rump Staatsvertrag" would be an attractive proposition to the financial promoters of commercial television in West Germany. Delay and uncertainty over the regulatory "threshold"

might drive them into further cooperation with foreign interests.

The West German policy process has therefore been considerably complicated by the dimension of "federalism". There remain many open questions. Nevertheless, it is clear that there is simply no way in which the constitutional principles for broadcasting regulation can be ignored. Whereas DBS undoubtedly sets an urgent imperative for the policy-making process, there are substantial "hurdles" in the path of "deregulation". Compromise is still a likely outcome.

Since West Germany, like all other countries in the "age of DBS" will no longer be a "broadcasting island", the stronger pressures on the system may well materialise through external agency.

In the meantime satellite television has already arrived in the Federal Republic. A minimum of consensus, or more accurately consent, had been reached for the allocation of the two channels on the ECS 1 communications satellite, which depend on retransmission by means of cable. One of these channels went to ZDF, which has produced a "Programm" in collaboration with the public service broadcasters of Austria and Switzerland. The other channel has gone to a consortium of publishers, in which Springer Press have a 30% share! The "fruits" of compromise by the SPD Ministerpräsidenten are already ripening.

Direct Broadcasting and inner-German relations.

Turning now to the question of inner-German relations in the "age of satellite broadcasting", yet another potential political "load" becomes evident.

In contrast to the "pluralistic" nature of West German broadcasting, in the German Democratic Republic television, radio and film have an "agit prop." function of "spreading the marxist-leninist ideology", "contributing to the formation of socialist consciousness", "supporting the socialist society", and "combatting all elements of bourgeois ideology". (26)

T.V. in the GDR is state-controlled and an instrument of the "party", the SED. However, if the "party" has achieved a monopoly of the internal sources of information, it has never been able to prevent East German citizens from receiving Western, mainly West German, broadcasts. About 80% of East Germans have always been able to view West German T.V. In fact, nowhere in the Eastern block is the state's monopoly of information so completely vulnerable as in the GDR. There is evidence to suggest that East Germans may actually have a preference for West German television. At times of international crisis

viewing of West German newscasts may reach staggering proportions. (27)

This has always amounted to a challenge to the ideological legitimacy of the GDR system. In view of the particular sensitivity of the GDR to any such challenge originating in the Federal Republic, the GDR authorities have frequently attacked the ARD and ZDF as the "chief tools of persistent ideological aggression". During the Helsinki talks in the seventies, Erich Honecker repeatedly objected to Helmut Schmidt about "continuing interference in the internal affairs of the GDR", a reference not to special broadcast services to the GDR but to ordinary West German public service broadcasting. (28)

It is unlikely that the GDR authorities will allow any "feeding" of their present (Dresden) or any future cable systems with West German broadcasts. (29) However, if the GDR itself opts for its own DBS it is difficult to see how the GDR authorities will be any more successful in "policing" the use of antennae than they have been in the past. DBS satellite broadcasting from the FRG would be receivable by means of a "household antenna" measuring as little as 90cm in diameter in nearly all of the GDR.

This raises the question of how the East German authorities would react to an increase in commercial broadcasting, with all its ideologically "unacceptable" implications. By its very nature it would be seen as an escalation of West German "ideological aggression", especially as it will most probably contain a much higher quota of cheap American programmes than existing public service broadcasting does.

At the moment the Eastern block countries are planning how to use DBS. In 1985 a "project group", chaired by Poland, is due to report on the matter. (30) For the GDR, one obvious "solution" would be to forego the use of this technology altogether, and instead to develop cable systems, the "feeding" of which can easily be controlled.

In the event of a "DBS free for all", there would be a very real danger that "ideological distancing" ("ideologische Abgrenzung") would be stepped up; in other words there could be a propaganda war with very adverse effects on inner-German relations.

Even at the moment the GDR more than any other Soviet block state is concerned to subject the West German broadcasters to a code of "good behaviour" based

on "peace and good neighbourliness".

The tension between "free" versus "balanced" flow of information therefore has a much more ideological, and consequently more intractable, dimension in the realm of East-West relations, especially intra-German relations. Since the signing of the Helsinki Final Act of the Conference on European Security and Cooperation in 1975, there has been a continued polemic in East-West relations over interpretation of the provisions for "freedom of information". On the international level, the East block states have joined the Third World countries in opposing what they see as "Western Media Imperialism".

CONCLUSION

It is perhaps difficult not to see satellite television as an "external agency" towards "deregulation" on both the inter-nation state and the inter-"Länder" axes of examination. DBS in particular, in view of its material technological qualities and opportunities, seems to create a logic of its own, with little respect for any other normative constraint than the "free flow of information". Yet this paper has attempted to demonstrate that broadcasting is governed by normative considerations, which are by no means confined to any simple interpretation of "free flow of information". The highly normative character of the regulatory system and the political debate about "reregulation" in West Germany extends far beyond any such lowest common denominator. At the same time, however, clearly material considerations of economic and political cost and benefit have also been conjured up by technological change and innovation. The pressures towards "deregulation" resulting from the need to be competitive are clearly evident on both axes of examination. The concern to promote both national and sub-national ("Länder") interests in a developing new industrial and market situation is a powerful constraint on policy makers beyond considerations of ^{purely} normative preference.

However, in view of the far from complete policy adaptation on either the European or the national level, it would be foolhardy to subscribe to any reductionalist argument of "economic" or "technological determinism". It would be more accurate to suggest that satellite television is acting as an "imperative" for the rapid processing of policy responses to a "third age of broadcasting". The "media" may be new, but essentially the political problems are not so new.

Within Europe, the tensions are quite clearly between national "particularism" and a highly developed sense of national "sovereignty", and a wider European aspiration towards integration and a stronger global identity and role. As far as industrial policies for DBS are concerned, "particularism" has so far prevailed (although bilateral initiative modifies the picture a little.)

As for cultural policy, so far it appears that the EEC has tended to be slow to take up the challenge. The signal response to the political "load" of satellite broadcasting is rather Pavlovian in kind: a "knee jerk" reflex of the Commission (DG5) to reduce initiative to the familiar economic sphere. While the "Green Paper" prepared by the Directorate General for the Internal Market and Industrial Affairs seems to advocate a widespread deregulation to promote "free exchange of goods and services", there has been little sign that concerns of "national sovereignty" in broadcasting have been taken into account. At the level of the Council of Ministers there have been two discussions so far (in 1984), and on 2 January 1985 a high level "Citizens' Europe Committee" was set up by the EEC Heads of State. As a result the "Commission for Radio, Television and Film" of the Directorate General for Information (DG10) is preparing recommendations for a very modest EEC production fund. It is likely that substantial difficulties arising from questions of national sovereignty in broadcasting regulation will surface at the level of the European Parliament.

A largely "economistic" approach by the EEC Commission hardly seems likely to constructively overcome the problems resulting from different national regulatory "styles". It might also be suggested that DG 5 would hardly have interested itself in the question, were it not for the fact that television is a vehicle for advertising! The kind of economic "laissez-faire" recommended in effect by DG5 might lead to an "everybody's a loser" situation, if a fully blown commercialisation, on the American model and indeed leaning very heavily on inexpensive American programmes, sweeps away everything that has to date characterised distinctly European public service standards. Moreover, such a development would very likely amount to a "carte blanche" for increased European "particularism", in the absence of a successful European programming initiative, as giant national and multinational European commercial broadcasters battle it out for a massive advertising market. In such an event, highly developed regulatory mechanisms, no matter how complex and entrenched in constitutional principle

and law as in the West German case, would be little defence. The characteristic West German debate over "reregulation" would become as much a matter of historical interest as the post-war regulatory system itself would be a historical relic.

There is, therefore, a powerful rationale for a "cooperative Europeanism", whereby individual national responses to change take into account the varying cultural aspirations, policy "styles" and economic concerns of other member states. Without a concern for normative balance, of the kind that for historical reasons informs debate in the West German "Rechtsstaat", there must be less hope for a "cooperative Europeanism" than there is for "cooperative federalism" in the Federal Republic. It is at least possible to view West Germany as a kind of "model" of a society geared towards compromise. In spite of the difficulties placed in the way of policy adaptation in that country by its federal nature and "legalistic political style", these very factors have led to an informed political debate, at least at elite level, and to efforts towards an acceptable compromise. "Cooperative" pressures are working themselves through the country's policy process. The SPD in opposition is acting as a "cooperative opposition". In spite of current "deadlock" it is difficult not to see a characteristic West German process of policy adaptation in progress, which is likely to reach some kind of compromise solution. It is hard to envisage an all out "deregulation" of broadcasting in West Germany, the very centrality of constitutional principles would mitigate against this arising from purely political intention.

A similar systemic impulse towards "cooperative Europeanism" may be developing. However, it can be argued that an over emphasis on economic liberalism and a very narrow interpretation of an "ideal" like "free flow of information", could turn out to be counter-productive for European harmonisation.

In the short term individual countries may be able to retain a measure of autonomous control over the "feeding" of cable systems (although DG5 might regard this as a failure!) In the longer term, if DBS fulfils its promise of access to a wide audience, the situation is far less clear.

This paper has briefly raised the wider question of East-West debate over

satellite television, by looking at the particularly interesting case of inter-German relations. Here the tensions between "free" versus "balanced" flow of information has an even larger dimension, with global implications. In effect, Germany can be seen therefore also as a "microcosm" of a divided Europe and a divided World. The consequences of any failure to resolve the international tensions resulting from broadcasting from Outer Space will, however, be much more keenly felt in Germany than elsewhere in Europe.

Footnotes.

- (1) W Arnold (Hrsg), "Die Elektronischen Medien", Heidelberg, 1984, pp 163-171; For a more detailed description, see: H Holzer and K Betz, " Totale Bildschirmherrschaft", Köln, 1983, pp. 85-117.
- (2) H Holzer & K Betz, *ibid*, pp. 87-88; also: M Schmidbauer, "Satellitenfernsehen für die Bundesrepublik Deutschland", West Berlin, 1983, p58.
- (3) H Holzer & K Betz, *ibid*, pp. 100-108; also: "Neue Medien" journal, No. 1, June 1984, p34; also: R Thiele, "Rundfunkversorgung durch Satelliten" in "Media Perspektiven" 10/84 p734.
- (4) R Thiele, *ibid*, pp 729-32; H Holzer, *ibid*, pp 90-100;
- (5) H Holzer & K Betz, *ibid*, pp 90-100; For even more precise details, including table showing which foreign satellite transmissions might be received in the larger West German cities, see : R Thiele, *ibid*, p731. See also: "Rundfunksatelliten; Programme über Grenzen hinweg" in "Neue Medien", No 1, June 1984, p 35.
- (6) J Kaiser, "Satellitenfernsehen- Probleme und Perspektiven für Europa", text of an NDR broadcast, 20 Feb. 1983, published in "Aus der Reihe Medienreport 8; Überlegungen zur Medien-Zukunft", NDR 1984, pp 133-36.
- (7) Prof. G Herrmann, "Europa und die Medien; Bericht Bundesrepublik Deutschland" to the F.I.D.E. Congress in The Hague, 1984, p 3.
- (8) Judgement of 30 April 1974 (Case 155/73 Sacchi), 1974 ECR p409 and Judgements of 18 March 1980 (Case 52/79 Debauve), 1980, ECR p 833.
- (9) Prof. G Herrmann, *op cit.*, pp 15 & 21.
- (10) Dr. M Seidel, "Europe and the Media; General Report", to the F.I.D.E. Congress in The Hague, 1984, p 27.; For a very detailed exposition of copyright issues resulting from cable and satellite, see: S Mostesher & S de B Bate, "Satellite and Cable T.V. International Protection", an Oyez Longman Intelligence Report, 1984; in particular, pp 120-22 on "European competition laws".
- (11) Dr. M Seidel, *ibid*. p 5.
- (12) "Green Paper for the Establishment of the Common Market for Broadcasting Especially by Satellite and Cable", EEC COM. June 1984. There is a very short but useful summary and comment on the Green Paper in the Sept. 1984 "Media Bulletin" of "The European Institute of the Media", Manchester, Vol 1 No 2. For a summary of the different propositions of professional and intergovernmental organisations on the transfrontier-broadcasting of advertising, see Dr. E Couprie, "Advertising -Cable-Satellite: The European Debate", 1984, also published by the same Institute.
- (13) Prof. G Herrmann, *op cit.* p 6.
- (14) For a useful guide to the West German broadcasting system and the issues raised by the "New Media" see; H J Kleinsteuber, "Rundfunkpolitik; Der Kampf um die Macht über Hörfunk und Fernsehen", Opladen 1982.
- (15) This kind of regulation has also been called "integration broadcasting" (Integrationsrundfunk) since it promotes social integration.

- (16) BVerfG, Ruling of 16.6.1981; see "Leitsätze" and "Auszüge aus den Gründen" contained in the "Dokumentation" to Ulrich Lang, "Der verkabelte Bürger", Freiburg i. Br. 1981, pp.81-84.
- (17) For a description of the negotiations of the Ministerpräsidenten up to the end of 1983 see: R Gross, "Zum Stand der Diskussion über den Satellitenrundfunk" in "Media Perspektiven", 1/84 pp.45-50; see also "Neue Medien", No 1, June 1984, "Deutscher Satellitenslalom", pp40-42.
- (18) H J Kleinsteuber, op cit, pp. 45-48 and 60-62.
- (19) This is a possibility since "broadcasting" is an matter of "Länder" sovereignty.
- (20) R Gross, "Verfassungsrechtlich bedeutsame Schwerpunkte der Mediengesetzgebung" in "Media Perspektiven" 9/84 pp 681-96. (For a critical view.)
- (21) In this he recieved ^{influential} support from the "party manager", Peter Glotz, but he has since been vigourously criticised by Peter Paterna, Chairman of the party's "Media Commission" and Albrecht Müller, former adviser to Helmut Schmidt.
- (22) see G Opitz, "Radio Luxembourg" in "Media Perspektiven, 1/84 p.44; and "Neue Medien" Nol, June 1984, pp106-14; and "Süddeutsche Zeitung" No 263, 13 Nov. 1984, p 18, "Zulieferung über die Grenze".
- (23) For a text of the "draft treaty" see "T.V. Courier/Dokumentation" No 23-D of the 30.11. 1984; see also "Kabel und Satellite", No 5, 9 Nov. 1984, Dokument 1/84; and Norddeutscher Rundfunk "Medienreport; Aktuelle Informationen von Michael Wolf Thomas zum Konzept der Ministerpräsidenten über die Neuordnung des Rundfunks ", No 043:321.
- (24) see "Süddeutsche Zeitung" No 296, 22/23 Dec. 1984, p 1.
- (25) Interview of epv. with Prof. W Hoffmann-Riem, Direktor of the Hans-Bredow-Institute, Hamburg; 1984; copy in author's possession.
- (26) H Meyn, "Massenmedien in der Bundesrepublik Deutschland" (section on the GDR), Berlin 1968, p 101.
- (27) P Lendvai, "The Bureaucracy of Truth", London 1981, pp. 85 & 144/5.
- (28) P Lendvai, *ibid.* p144.
- (29) R Thiele, op cit. p742.
- (30) R Thiele, *ibid.*, p742.

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The Politics of Satellite Broadcasting: the case of France and Luxembourg

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The relatively stable pattern of postwar Western European broadcasting has begun to break up. Already the structures of different national broadcasting systems have altered incrementally over the past few years with the growth of new radio stations and television channels. A by no means exhaustive checklist of such developments would include inter alia the creation of Channel 4 in Britain, the recent launching of Canal plus in France, the de facto establishment of private television networks in Italy, the beginnings of regional television in Spain, the introduction of cable television in West Germany and its continued expansion in the Netherlands and Belgium. The general trend is towards an increase in the number and type of television outlets, with previously excluded political and economic actors actively seeking, and in many cases gaining, a foothold in the broadcasting field.

Impressive as these changes undoubtedly are, however, they seem relatively small beer when set against potential future developments. The introduction of fibre optic cable networks and of direct broadcasting by satellite (dbs) may be about to usher in a new audiovisual era in which American-style multi-channel television comprising local, regional, national and supranational transmissions comes to be regarded as normal. In the more developed Western European countries governments are at present encouraging or directly participating in the development of cable and dbs for largely industrial and commercial reasons. The ramifications of such developments for the traditional pattern of postwar broadcasting may be as widespread and profound as they are difficult to predict.

The object of this paper is to examine the debate surrounding the introduction of direct broadcasting by satellite by France and Luxembourg. The paper is divided into three parts comprising, first a section on the established broadcasting systems and recent developments; socondly, a section on key aspects of the dbs debate itself; and, finally, a section on the possible impact of dbs on French broadcasting in particular and Western European broadcasting in general.

There are various reasons why a study concentrating on France and Luxembourg is of value. First, France is one of the major broadcasting countries in Western Europe and has been in the forefront of those states developing direct broadcasting by satellite technology and expertise. It has recently committed itself to the launching of two direct broadcasting satellites by 1988. Though aimed principally at the metropolitan French audience, the programmes of the French dbs satellites will be obtainable by viewers in neighbouring countries as well. For different reasons Luxembourg is also an important country in the audiovisual field. Because of its geographical position and its historical commitment to commercial activity in the media field, Luxembourg has been an important state actor in influencing the development of Western European broadcasting, an importance which is not related to the size of the indigenous television and radio audience. The broadcasting relationship between the two countries has been marked by long periods of cooperation, punctuated by conflicts, including the present one over the issue of satellite broadcasting.

Secondly, the French broadcasting system is at present undergoing a variety of structural changes, of which the introduction of dbs is only one. Leaving aside changes in the provision of radio services, notably the legalisation of private local radio, France has recently acquired a new television channel, Canal plus, has committed herself to an ambitious plan to wire up the nation to fibre optic cable networks and in January of this year President Mitterrand gave the go-ahead in principle to the establishment of private television channels at the local/regional level, transmitting in traditional over-the-air hertzian fashion. Moreover, these developments cannot be appreciated discretely. They are rather interdependent, with any one having a whole host of potential effects for the others. In the French context, then, dbs cannot be presented as a single development to a relatively stable broadcasting system. It is one of several changes to a system in a state of transition and flux.

Finally, the development of dbs by France is part of an industrial strategy to modernise the nation's infrastructure using French (or European) technology in competition with American and Japanese hardware. At the same time the French government is extremely conscious of the potential threat to national culture posed by the opening up of France's broadcasting frontiers. Dbs is part of an industrial and cultural gamble by the French, in which the state is playing a dominant role in seeking to balance out frequently conflicting objectives. The French experience of state dirigisme in the development of dbs contrasts with the approach undertaken in other Western European countries, most notably Great Britain.

1) Broadcasting in France and Luxembourg: the traditional systems and recent developments

Prior to the election of Francois Mitterrand as President of the Republic in 1981, French broadcasting arrangements had remained relatively little changed since the second world war. The traditional postwar system could be summed up as follows: a highly centralised, state monopoly under close, and frequently direct, governmental control. This meant that television (and radio) were used as nation-building weapons in this diverse and fragmented society, with only minimal token concessions to local customs and regional demands. Secondly, the state broadcasting services, particularly television, did not have to face any commercial competition, even of the regulated, public service variety which breached the BBC's monopoly in Britain in 1954. While in some frontier departments viewers could enjoy programmes transmitted from foreign channels, in most parts of France the state television services had a captive, if not always particularly satisfied, audience. Finally, political coverage was manipulated for partisan ends, ranging from short-term electoral manipulation to long-term ideological indoctrination, with appointments to key decision-making posts being made largely on political rather than professional grounds, while direct ministerial or Elysee censorship was also common practice.

This is not to argue that between 1945 and 1981 there were no important changes in the structure of French broadcasting or lack of organisational reforms. The development of television in the 1950s, the establishment of a second television channel in 1964, the introduction of commercial advertising on the two state channels in 1968, the creation of a third channel with an allegedly regional vocation in 1973 and the attack on the state monopoly by localised pirate radio stations in the late 1970s

were all evidence of a broadcasting system growing in size and seeking to satisfy new demands. To help cope with these and other changes a succession of broadcasting statutes were introduced (1964, 1972 and 1974). All of them, however, continued to support the legal framework of the state monopoly, while in effect none seriously challenged the practice of partisan political control. In most essential aspects the 'old broadcasting regime' was still functioning by the end of the Giscard presidency in 1981.

Since then, important changes have taken place (and others are in the offing) which may have far-reaching consequences for the nature of the French broadcasting system. The ground for these changes was prepared by the 1982 statute on audiovisual communication, the spirit and letter of which can be regarded as both a reaction to perceived defects in the traditional system and also as a preparation for the transition to the much-vaunted information technology era. The principal feature of the 1982 Socialist reorganisation is the abandonment of the state monopoly over programming. While in principle French broadcasting is to continue to be run on public service lines, the state has relaxed its jealously guarded exclusive hold over all sources of broadcast output (although it still retains overall technical charge of frequency allocation).

Already a new television channel, the first in nearly twelve years, has been launched - Canal plus, which is funded not from licence and advertising revenue, as are the three traditional channels, but from monthly subscriptions which viewers pay on top of the annual licence. France's first pay-tv channel is bound by fewer public service obligations and is, therefore, much freer than its rivals to transmit what it likes: its schedules are dominated by feature films, serials, game shows, etc. Canal plus can concentrate on popular entertainment

television aimed at the mass middlebrow audience, an essential marketing strategy if it is to attract and retain sufficient subscribers to make the venture a commercial success. It is this subscription element which clearly distinguishes Canal plus from the other three channels. The main shareholder, Havas, has close links with the French state, since the chairman of Havas (who is also head of the new channel) was Mitterrand's directeur de cabinet during the first year of his presidential term. Through the personage of Andre Rousselet, the state remains the dominant influence in the ownership and control of Canal plus.

Though the fourth channel represents an important new element in French broadcasting, a more significant change will take place if and when the Socialist government's plans for cable come to fruition. The objective is to cable one and a half million households by the end of 1987 (a target which now looks exceedingly optimistic), with the aim of wiring up six million households by the mid-1990s. While the responsibility for installing and maintaining the technical infrastructure lies with the state, the running of the programming side of cable has been placed in the hands of local quangos containing a mix of public and private representatives. The nascent cable networks will be governed by operating conditions designed to protect both the French television programme production industry and the national film industry. If the ambitious plans for cable are a success, France will enter the era of American-style multi-channel television.

Before that happens, however, it seems likely that there will be a further extension in the number of traditional over-the-air television channels. In January 1985 President Mitterrand announced that he was favourable to the legalisation of private television channels at the regional level. It is too early to say how many new channels will be

established, but already a whole host of private interests, many of them already with a stake in the media field (eg publishers, non-state radio stations) have manifested their enthusiasm.

The introduction of broadcasting by satellite must be placed in the wider context of a broadcasting system undergoing a variety of changes (some of which appear mutually contradictory). Without a knowledge of developments in the French broadcasting arena since the passing of the 1982 statute, it is impossible to appreciate fully the terms in which the satellite broadcasting debate has been conducted in France.

- (b) As far as broadcasting in Luxembourg is concerned, Radio-Tele Luxembourg has enjoyed a commercial monopoly under the control of the Compagnie Luxembourgeoise de Telediffusion, in which the French state through Havas has an important shareholding. Normally the appointment of the head of RTL is within the patronage of the French President, though the Luxembourg government has exercised a power of veto in the past. RTL's radio output can be received throughout most of France, while its television programmes broadcast via terrestrial transmitters are obtainable in adjoining French departments only. Financed from advertising, Tele Luxembourg's programming consists principally of entertainment, particularly cinema films. Because of the technical constraints on transmitting television programmes over a long distance by traditional land-based transmitters, in the field of television (as opposed to radio) Luxembourg has not been a major competitor for the French state channels in the past.

2) Broadcasting by satellite: a new element in the media debate

On December 27 1984 the French Prime Minister, Laurent Fabius, confirmed the government's decision to launch the first direct broadcasting satellite, TDF 1, in July 1986 and a second, TDF 2, some time in 1988. This put an end (at least for the time being!) to a protracted period of vacillation on the part of the French government, during which it was unclear whether France would pursue its initial enthusiastic commitment to dbs. TDF 1 will carry four television channels which will be obtainable in the greater part of Western Europe. Its transmissions will mark the culmination of a policy whose origins can be traced back to the late 1970s during the presidency of Mitterrand's predecessor, Valery Giscard d'Estaing.

It was in the late 1970s that the then Giscardian government agreed to combine forces with Helmut Schmidt's West German government to construct two direct broadcasting satellites, one for each country. The reason behind the commitment on both sides was principally industrial. Both governments were conscious of the need to invest in communications infrastructure for fear that a refusal so to do would leave world markets open to the Americans and Japanese. While the allocation of the available channels was quickly the subject of much speculation, it was evident that the French government was open-minded on the question. The decision was taken to pursue the dbs option before any policy was formulated as to how dbs would be used and for whose benefit.

As with its bold cable plan, the French dbs project has had various problems to overcome, of which the inter-state Franco-Luxembourg conflict has been only one. In fact it would be misleading in the extreme to present a picture of two monolithic sovereign states battling it out from entrenched battle positions. The debate over satellite broadcasting has been marked by internal strife within France, with government ministers and relevant branches of the administration, not to mention the existing television channels, divided over policy decisions. France has not pursued the dbs option wholeheartedly or single-mindedly. Indeed, the governmental strategy set out in the late 1970s has been questioned and re-examined at various stages since in the light of other broadcasting developments and technological advances.

A fundamental issue has been whether dbs was either necessary or desirable if France was adopting cable in any case. The commitment to dbs has been most clearly exhibited by the state transmission company, TDF, which has the responsibility of maintaining the state's network of transmitters and supervising the use of frequencies, and also within the Ministry of Industry. For TDF direct broadcasting by satellite is a prestige project which allows the company to present itself at the forefront of technical progress. To maintain its corporate self-image TDF had a vested interest in the government's commitment to dbs.

Within the Ministry of Posts and Telecommunications, however, and in particular inside its telecommunications wing, the Direction Generale des Telecommunications, there have been voices raised against France's dbs policy, notably by the DGT's director general, Jacques Dondoux. Various arguments have been put forward from the opposition camp against TDF 1. One is that such a satellite would be inordinately expensive and, in any case, is already technologically obsolescent. Related to

this is the view that given the government's pledge to wire up France to fibre optic cable, the government could concentrate on the lower powered and much cheaper telecommunications satellites (similar to the already operational ECS 1), which could beam programmes down to headend stations which in turn would transmit them through the cable networks. One advantage of this option was lower costs, both to the state (provided that cable was going ahead anyway) and to the viewer, since the latter would not have to purchase expensive and unsightly receiving equipment in the shape of the parabolic dish. Another benefit as far as the French government was concerned was that this option would allow the relevant regulatory authority within France to control the viewers' programme intake by monitoring output at the headend. Unwanted or undesirable programming could be controlled at the point of entry into France.

While this aspect of the satellite debate was largely fought out between technocrats, in the end the final decision was imposed by the government. At the end of 1984 it was announced that the launching of TDF 1 would go ahead in the summer of 1986, while a second satellite, TDF 2, would be sent up in 1988 to ensure back-up facilities in case of malfunction of TDF 1. The need for France to maintain a presence in what could be a lucrative export market, particularly to Third World countries, certainly played a part in the government's continued commitment to dbs. So too did the recognition that France would be unable to stop output from other direct broadcast satellites being received across much of its territory, notably if Luxembourg pursued its own dbs policy. Better, so the French government seems to have decided, to join in the dbs game as a participant than leave a vacuum to be filled by others.

The position adopted by Luxembourg regarding dbs has been a crucial element in French thinking throughout, with France fearing that Luxembourg might launch its own satellite in competition with the French one, thereby compromising the latter's commercial viability. Through Havas' shareholding in the Compagnie Luxembourgeoise de Telediffusion, the French government has sought to apply pressure on the Luxembourg authorities to participate in TDF 1 rather than pursue their own separate project. Luxembourg was to be wooed with the allocation of two of the four available channels on the French satellite, one to be used for French and the other for German language programming.

While agreement on this policy was being reached, however, the Luxembourg government was simultaneously pulling the rug out from under the French (and, incidentally, from the CLT as well) by setting up a new body, the Societe luxembourgeoise de satellites (SLS), to investigate the possibility of launching a different dbs satellite backed by American private interests in the shape of the Coronet company. Relations between the French Socialist government and the Christian Social government of Pierre Werner in Luxembourg reached a low ebb, despite the latter's assurance that there would be no French-language commercial television programming on the future Luxembourg satellite, GDL. This was insufficient to reassure the French Minister of Communications, Georges Fillioud, who wanted no competition from Luxembourg for TDF 1's German language channel as well. This conflict, which dominated relations between the two governments during the early summer of 1984 was resolved only when a new head of government more sympathetic to the French case was elected - Jacques Santer.

In October 1984 Fillioud and Santer approved a declaration which envisaged the cooperative use by both countries of the French dbs. Luxembourg agreed not to transmit for a period of five years by means

of another satellite any programmes, financed by advertising (and, therefore, available without any additional payment on the part of the viewer), which might compete with those of the CLT on TDF 1, ie French or German language programming. In return, the two CLT channels on the French dbs would enjoy a monopoly position with regard to finance from commercial advertising.

Other problems remained to be resolved, such as how would the French utilise their own two dbs channels and by what means would these be financed? Ever since the late 1970s various schemes had been floated concerning responsibility for programming the TDF 1 channels. Radio Europe 1 was said to be interested in extending its media position. Some argued that TDF 1 should transmit the two national state channels, TFl and Antenne 2. This would not only have ensured 100% reception across the whole territory, but have done away with the expensive necessity of maintaining a whole system of land transmitters.

In December 1984 the government decided that something new was required to whet the public's appetite for dbs. It proposed that one of the channels should transmit for the most part original programmes, derived largely from co-productions with other European broadcasting services. Responsibility for running the programming side of this channel was given to Pierre Desgraupes, the former director general of Antenne 2. The second channel would be used to re-transmit the best programmes from the French and other Francophone television services. This schema is already in operation in Western Europe in the form of TV5, but is at present available only through cable systems since the programmes are broadcast from the ECS 1 satellite.

As regards financing the two French channels, Jacques Pomonti, head of the National Audiovisual Communication Institute (INAC), was given the task of establishing a company to commercialise usage of TDF 1 and to

draft an overall financial plan. As advertising is ruled out, sponsored programming would seem to be the most likely solution, though the situation is so fluid that still more changes of policy cannot be ruled out before satellite broadcasting eventually takes off.

3) The impact of direct broadcasting by satellite: problems and prospects

The argument of this paper so far has been that dbs is only one element of change in contemporary Western European broadcasting. The potential impact of dbs must, therefore, be placed in the context of related technological and political developments. The position at the moment is one of tremendous flux (particularly at the level of ideas) and technical breakthroughs on the one hand, accompanied by some changes, but also a large measure of continuity, in the structures of national broadcasting systems on the other.

The principal innovatory aspect of dbs in Western Europe is its capacity to penetrate previously (more or less) secure national boundaries. Programmes transmitted from one national (or supranational) source are now available to audiences in other countries to an extent undreamt of previously. It is this aspect which most evidently concerns both national politicians and broadcasters on the one hand and supranational agencies such the European Economic Community and the European Broadcasting Union on the other. For example, a recent 'green paper' of the European Commission on broadcasting by satellite and cable proposed the creation of a 'common market for broadcasting' and proposed, as a first step, four draft directives for discussion, the main object of which was to harmonise existing laws in order to provide European Community audiences with the widest possible range of programmes. The four fields are (a) advertising, (b) protection of children and young people, (c) right of reply and (d) copyright.

The member states of the EEC have, however, tended to react to the advent of dbs in a highly nationalistic fashion. The French government, in the person of its Minister of Culture, Jack Lang, may have called for a European-wide solution to the problems posed by dbs, including the creation of a European support fund for the television programme production industry and greater emphasis on coproductions at the European level. Equally, however, the French have been strongly antipathetic to a free-for-all which, in their eyes, would lead to European broadcast outlets being used as channels for the transmission of primarily American, low quality programming and feature films. The fear of France becoming a dumping ground for programmes reflecting an American 'Coca Cola culture' has been strongly felt and articulated within the ranks of the French government. In the past the French state has taken various measures to protect and encourage its domestic television programming industry, both public (Societe Francaise de Production) and private sectors, as well as the native cinema industry. State subsidy and programme quotas have both been employed towards this end, which has been justified on grounds of protecting French culture and maintaining employment in the relevant sectors of the economy. The fear of Luxembourg acting as a clearing house for foreign, and especially American, television programming was omnipresent during the bi-lateral governmental negotiations.

At the same time, however, France has not remained immune from the regulation/de-regulation debate on broadcasting which has become an issue in virtually every country of the Western world. Technological developments have certainly contributed to the pertinence of that debate, since they remove (or at least severely attenuate) one of the factors underpinning the traditional organisation of broadcasting in many Western countries, viz. the shortage of airwave space for transmission.

It was this shortage among other factors which helped preserve the legitimacy of the French state's case in the past to exercise monopoly control over broadcasting. The abandonment of the state monopoly over programming is in part an admission of how much things have changed in the technological environment. The state monopoly in broadcasting was becoming more and more difficult to defend technically (and indeed impossible in the field of radio transmissions as the pirate stations of the Giscard presidency demonstrated).

It was also becoming more difficult to defend politically. New social, economic and political actors have been clamouring for a stake in the changing world of broadcasting, some wanting to make money, others looking for a platform for their views. With the increase in the number of programming sources, the extension in the number of hours broadcast and the escalation in production costs, the state could no longer afford (literally and figuratively) to maintain its monopoly position ad infinitum. Thus, while the state remains the predominant actor by far in shaping and directing the French broadcasting system, a gradual liberalisation of broadcasting is undoubtedly taking place, as commercial interests and local authorities are allowed a share of the spoils and responsibilities.

This liberalisation of broadcasting within France is unlikely to be reversed. The political parties of the opposition Right, currently favourites to win the 1986 parliamentary elections, have abandoned their support of the state monopoly. Using the changing technological environment, the Right are also personifying the new ideological zeitgeist away from statism and towards neo-liberal policy initiatives. Applied to the field of broadcasting, this would result in a significantly reduced state sector and the opening up of television to private interests even more than is now the case. The Right are also arguing for greater de-regulation of broadcast output.

In the light of the commitment to dbs and of other changes in the French broadcasting system, what does the future hold for what the French now grandiosely call 'audiovisual communication'? To the outside observer, France still appears to be a state determined not to miss out on the 'communications revolution', while at the same time fearing the consequences of such a revolution for its indigenous industry and culture. The Socialist government has recognised the dangers, and even the impossibility, of not responding positively to new social, political and technological developments which have made the broadcasting arrangements of the 1970s look as outdated as the television valve. Yet it also wishes to protect and nurture a national broadcasting service which retains certain quintessentially French characteristics. At present, the government is striving to balance out a variety of what often seem to be conflicting goals: industrial, political and cultural, in an environment which is no longer so sealed off from the outside world as before.

The development of dbs and of other new media outlets has proved less of a political problem for the Right than for the Socialists (and not just because the former are in opposition). Gaullists and Giscardians now argue that the public is best served by a more liberal system containing a large non-state element. In a system where the viewer can choose between different products, the market mechanism can come more into its own, with the viewer exercising consumer sovereignty. Broadcasting is here presented as analagous to the press, with the public being best served by an increase in the number of outlets which will lead to more diversity of content and freedom of choice, resulting in greater consumer satisfaction. Dbs in this analysis represents an additional element of choice.

But there are counter-arguments which the French government has deployed. An increase in the number of outlets does not by itself necessarily lead to greater choice in programming. Fragmentation of the audience may result in certain diseconomies of scale, with the result that some types of programme are less frequently produced because no single outlet is guaranteed a large enough audience to cover production costs, though co-productions may help to overcome this problem in part. Competition between channels may lead to a policy of playing safe rather than taking risks, with channels 'competing' within a very narrow spectrum of output. Finally, the viewer may have to exercise his/her consumer preferences in a market increasingly dominated by US made or American style programmes, with costs for the preservation and dissemination of the national culture.

It remains problematic whether the Socialist government in France can reconcile its different objectives. The recent decision by President Mitterrand to give the go-ahead to private television channels at the regional level has thrown a spanner in the works, with the CLT now seeking a stake in this new development and threatening to renounce its participation in TDF 1. In this constantly changing environment it is impossible to predict with certainty how French broadcasting will look in five years' time. Nor can one say with any great degree of conviction whether the public will be better served in the new broadcasting system than in the now defunct state monopoly. Variations in tastes, standards and evaluation of programme quality, as well as differences in political and ideological beliefs, make any response highly value-laden. What is clear is that French broadcasting (and Western European broadcasting generally) is in flux; that broadcasting by satellite is one, but only one, element in this changing picture; and that dbs represents for France an industrial and cultural gamble.

For background material on broadcasting in France in the 1980s see R. Kuhn, 'France: the end of the government monopoly', in R. Kuhn (ed.), The Politics of Broadcasting, London, Croom Helm, 1985 and R. Kuhn, 'France and the new media' in R. Kuhn (ed.), special issue of West European Politics, vol.8 no.2, April 1985.

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PUBLIC, PRIVATE AND COMMON IN OUTER SPACE:

Res extra commercium or res communis humanitatis

beyond the final frontier?

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I. INTRODUCTION: THE LEGAL AND POLITICAL CONTEXT

The "Tragedy of the Commons" is a parable that arises essentially from the common ownership of dry land. These days in Western societies, land "commons" are the exception rather than the rule. Furthermore, almost all of those that remain are circumscribed by a set of specific legal circumstances that define their existence. The "commonage" rights attached to many West of Ireland hill farms, for example, are confined to specified individual landowners who may buy and sell them on the market. This means that they can either be divided (privatised) by the agreement of all owners of the commonage rights or that they can be bought out by someone who acquires all of these rights. Most other types of "common" land are in fact farms of state-controlled land to which certain collective access rights have been granted and from which, by implication, they can be withdrawn.

In an earlier paper, I have argued that land has a number of specific properties which imply that the "Tragedy of Common Land" is a parable that should be generalised to other contexts only with considerable care (Laver 1984). The most obvious of these properties are as follows:

- (i) Land can be fenced; hence private property rights can easily be defined and defended.
- (ii) Land is easy to access; this makes the many people who might want to use common land all potential actors in the tragedy.

- (iii) Land is scarce; this creates pressures towards over-exploitation.
- (iv) Land is exhaustible; hence over-exploitation can result in irreversible tragedies.

The purpose of this paper is to explore the usefulness of this parable in an application for which it is, prima facie, eminently suited. This concerns the activities of individuals, companies and states in outer space, an area that is currently beyond any national jurisdiction. For the purposes of this discussion, outer space actually comprises two quite distinct types of good. In the first place, there are celestial land masses, the most important of which is the Moon. In the second place, there is the space in between these, the most important parts of which at the moment are satellite orbits around the Earth, notably the geostationary satellite orbit (GSO).

There has been a recent burgeoning of political, and especially of legal, interest in outer space. Most of this arises from the imminent technical feasibility of its scientific, military and commercial exploitation. The main institutional forum for this has been the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS).² The current international situation is structured by a number of international agreements, the two most important of which are the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, (the 1967 Outer Space Treaty), and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (the 1979 Moon Agreement).³ The latter, if its meaning is

to be taken at face value, constitutes one of the most fundamental international agreements ever made, creating an entirely new form of "property". This is res communis humanitatis, the common heritage of all mankind. The Moon Agreement also provides for an international regime to administer outer space.

While COPUOS deals with the broad political and policy issues of law-making for outer space, another specialised agency of the UN, the International Telecommunication Union (ITU), deals with the middle level policy-making and administration of satellite broadcasting. All satellites require broadcasting frequencies, and the policy-making functions of the ITU developed with the activity of broadcasting itself, given the need to share out scarce broadcasting frequencies. The handling of the practical nitty-gritty of this matter developed within the ITU's administrative arm, the International Frequency Registration Board (IFRB). The issues are discussed at World Administrative Radio Conferences (WARCs), the next (and probably the most controversial) of which will be held in 1985.⁴

In parallel with the developing international interest in the law and politics of Outer Space, there has been considerable interest in the Deep Sea Bed. There has been some cross-fertilisation between the two fields. Thus the concept of res communis humanitatis was raised almost simultaneously in relation to the Deep Sea Bed and the Moon, though first incorporated in an international agreement in the 1979 Moon Agreement.⁵ While most technical features of outer space and the deep seas differ quite radically, the politics of the two international issues display some quite striking similarities.

In the first place, we find in both a typical mixture of "high" ideal and "low" self-interest. Those most concerned to implement international agreements involving radical prescriptions for the public ownership of either Outer Space or the Deep Sea Bed tend to be those (particularly third world states) least likely to be able to enforce private claims to them. Conversely, those who have dragged their feet on the high principles have tended to be the states (notably the United States and Soviet Union) with the current or anticipated technical capacity to actually expropriate the resources at issue.

In this, we find a characteristic conflict between theory and practice, since it is one thing to set up a lofty international agreement, yet it is quite another to monitor, much less to police, it. Thus a group of eight equatorial states (Brazil, Columbia, Congo, Ecuador, Indonesia, Kenya, Uganda and Zaire) laid a claim, in the 1976 Bogota Declaration, to exclusive "rights" over their respective sectors of the GSO.⁶ This Declaration, however, has about as much real significance as one of the many unilateral 200 mile claims to territorial waters made by Latin American states without the naval power to enforce them.⁷

Both fields of international law must also face the problem of constituting "international regimes" to administer and apply rules developed to govern the exploitation of common international resources. The setting up of an International Seabed Authority is already firmly proposed in the Law of the Sea, while an equivalent space authority is proposed in the 1979 Moon Agreement.⁸

Finally, many of the problems addressed by both Sea and Space lawyers are as yet hypothetical. The level of technology in both fields is so far very limited, thus problems of resource scarcity have yet to manifest themselves, and the tragedies concerned are anticipated rather than real. Perhaps the most general statement that can be made about the political and legal contexts of debate over both Outer Space and the Deep Sea Bed, therefore, is that both are highly speculative. They each relate to specific problems that may or may not develop, depending on the march of technology. Debate, therefore, is as much concerned with what might happen as with what ought to be done if it does happen. The control of nuclear weapons is one of the few other major international policy issues in which we meet this complex fusion of science, law and politics.

2. COMMONAGE RIGHTS IN PRACTICE

Discussion of the "Tragedy of the Commons" has generated a lot of loose talk about "commons". The implicit assumption has tended to be that everyone knows what a common is, and that it is not really necessary to go into greater detail by developing a precise definition. Since the parable has been mainly used for heuristic purposes, this has not mattered too much. Before we can apply the concept to a specific problem, however, we do need a more precise definition, particularly in the light of the strong possibility that precise details of this definition will exert a strong influence on our conclusions.

The Tragedy was originally developed in relation to common land. Conventional land law, however, explicitly or implicitly recognises several forms of common ownership. Detailed provisions fall into four general categories:

- (i) Common property rights imposed by the state.
- (ii) Common property rights established by voluntary legal acts on the part of existing owners (these acts include contracts, wills and the establishment of trusts).
- (iii) Common property rights established by practice (these include, for example, public rights of way).
- (iv) There is an implicit residual category of property that can become effectively 'unowned' (and capable of re-appropriation) if existing legal rights are not exerted over it for a certain period of time. (Here we note the concept of the possessory, or "squatter's" title).

The non-existence of such a thing as an international "state" means that only the latter three concepts are currently generalisable to international space commons. The potential constitution of an international "regime" to govern exploitation of the Moon does, however, mean that all forms of commonage are theoretically relevant. In practice, two are overwhelmingly important. These are international commons voluntarily established by contracting parties to a treaty, and those established under "general" or "customary" international law, by uncontested practice.

The distinction between treaty law and general or customary international law is crucial to an understanding of the politics of outer space. The 1969 Vienna convention of the Law of Treaties codified customary international law on this matter. This provides, crucially, that a treaty cannot bind states that are not a party to it. Thus a space common set up by a treaty is only a common for the parties to the treaty. Non-parties may treat its legal status as unchanged. Here we note a crucial practical distinction between land and space law. Most land commons established by contract, trust or will concern land that was previously privately owned. If all relevant private owners contract in this manner, third party rights are in practice not likely to be affected. Most space commons established by treaty involve certain restrictions of previously unconstrained international use rights. Third party rights are involved and the potential for conflict, as we shall see, is much greater. The issue that arises is that of whether a common can be regarded as a common at all if it is only recognised as such by a limited number of contracting parties.

General international law applies when treaty law does not. There are conflicting interpretations of the precise applicability of general international law, but it seems generally accepted that a rule is "binding on the defendant state unless the defendant state can show that it has consistently rejected the rule since the earliest days of the rule's existence; dissent expressed after the rule has become well established is too late to prevent the rule binding the dissenting state". (Akehurst 1977, p.38). Space commons may therefore be established by the uncontested international practice of certain principles. (These principles may even be enshrined in a Treaty and

may become, in this way only, binding upon third parties). In a direct analogy with land law, for example, rights of way for satellites in orbit have been established on the basis of uncontested international practice.

The distinction between general international law and treaty law is particularly important in a situation in which only a limited number of states are actually capable of establishing common practices in space. When any state signs an explicit treaty, its position on the subject at issue is clear. When a space power puts objects into orbit, ~~its position is also clear~~ its position is also clear. When a non-space power does not put objects into certain orbits, however, little can be inferred from this practice. Certainly, principles of customary law cannot be induced from such non-actions.

For this we can see the roots of an important dimension in the international politics of space law. This concerns the tendency for general international law to favour space powers at the expense of non-space powers, and for treaty law to do the reverse. Able to practice space activity, space powers may establish rules of general international law, including forms of commonage rights, that may become binding on non-space powers. The latter may be technologically incapable either of establishing their own space practices or sometimes even of understanding the full implications of the practices of others before it is too late. In contrast, non-space powers command healthy majorities in most international fora. Indeed, in COPUOS, the principle of consensual decision-making means that any participant state maintaining a strong objection to a proposal under discussion may prolong the discussion until an acceptable compromise is reached. The formal possibility of majority voting has never been implemented. Either way, however, the fact that a large number of non-space-powers is represented in both the ITU and COPUOS means that non-space powers are better equipped to

to shape the treaty law, as opposed to the customary law, of Outer Space.

Given the interaction between treaty law and customary law, this leaves the situation structured in favour of the space powers. Since the customary law applies to all, while treaty law applies only to states party, a space power may simply refuse to ratify a treaty and remain free from its provisions. It may then proceed to act on the basis of rules of customary law that amount to a statement of current space power practice. (Both the USSR and the USA failed to ratify the Moon Agreement).

To sum up, therefore, the most important forms of commonage rights in space at the moment are those established as a result of international practice. Acts by space powers in these commons have implications for all, including non-space powers. The latter may impose additional common obligations under treaty law, but these obligations only have practical effect if the treaties concerned are ratified by space powers.

3. CONCEPTS OF COMMON IN SPACE

Space commons can be classified under three general principles of international law, those of res nullius, res extra commercium and res communis humanitatis.⁹

"...one of the initial premises of international law... is the territorial division between nations of the space upon which human activities are employed. Traditionally three categories are established for this spatial division (a) national territory (b) res extra commercium (c) res nullius, to which the 1979 Moon Treaty and the 1982 United Nations Convention on the Law of the Sea have recently added a new one, namely (d) common heritage of mankind (res communis humanitatis)."
(Cheng 1983: p.90.)

A res extra commercium cannot form part of the national territory of a state. A res nullius does not yet form part of any national

territory (but could). Traditionally, for example, the Moon was res nullius. It was susceptible to national appropriation in law, even if in practice this was infeasible. In contrast, Outer Space was traditionally res extra commercium, since national sovereignty can only be claimed with reference to dry land.

The 1967 Outer Space Treaty converted the Moon to a res extra commercium with the declaration that "Outer space, including the Moon and other celestial bodies, is not subject to national appropriation". The treaty, of course, applied only to the contracting parties, though it is now felt that it has become, by a process of de facto international acceptance, a rule of general international law.¹⁰

The 1979 Moon Agreement contained the statement that "the Moon and its natural resources are the common heritage of mankind". This represents an attempt to establish it as a res communis humanitatis. The definition of a res communis humanitatis in the Agreement is vague, however, referring mainly to the "establishment of an international regime" (XI: 5) that has responsibility, among other things, to produce the "equitable sharing by all States Parties in the benefits derived from (lunar) resources, whereby the interests and needs of the developing countries, as well as the efforts of those countries which have contributed either directly or indirectly to the exploration of the Moon, shall be given special consideration". (XI: 7). The Moon Agreement has not yet acquired the status of general international law and thus applies only among contracting parties.

The key distinction that can be made at this stage, therefore, between a res extra commercium and a res communis humanitatis is that the former may be used, though not expropriated, by any state for almost any purpose not excluded by an explicit provision of international law. It may be used as a dumping ground for waste products, for example, or for a very wide range of scientific experiments. A res extra commercium is beyond ownership by any. A res communis humanitatis, in contrast, is defined as something that is under an international jurisdiction enjoined to engage in efficient management and equitable distribution of resources, even among those who may have no direct participation in the activity involved.¹¹ In this sense it is owned by all.

All three forms of "international" jurisdiction in space can be thought of as defining commons of one form or another. A res nullius is in effect a type of residual common. The clear implication is that it can be appropriated by a particular state, even though this has yet to happen. Traditionally, as in the nineteenth century scramble for Africa, land that was res nullius was appropriated under international law by the equivalent of establishing a possessory title. Territory that was not under the jurisdiction of an internationally recognised state, no matter how densely-populated it might have been by unfortunate locals, was subject to appropriation in this way. For space "commons" the situation of res nullius prevailed while demand was insufficient to motivate expropriation, or while technology was insufficient to implement it. Thus, for thousands of years the Moon remained a res nullius. The space race that took place in the 1960s, however, concentrated the mind of the international community on the matter

and provoked the 1967 Outer Space Treaty. There is now no example of res nullius in outer space, so that we need not consider it further.

Most of outer space is now res extra commercium. Considering space as the space between celestial bodies, this has always been so, given the need for dry land as a basis for defining national sovereignty. Considering the celestial bodies themselves, those in deep space are unambiguously res extra commercium assuming that the 1967 Outer Space Treaty which defined them as such can be considered a part of general international law.

Confusion, however, surrounds the practical application of the concept of res communis humanitatis. This arises from the status of the 1979 Moon Agreement, unratified by the space superpowers and yet to receive sufficient general acceptance to allow it to be considered a part of customary international law. Between parties to the Treaty, celestial bodies in the solar system are res communis humanitatis, but here we face a fundamental contradiction, between the nature of the concept and its international application.

4. RES COMMUNIS HUMANITATIS AND PRIVATE ENTERPRISE ON THE MOON

The Moon is unambiguously res extra commercium under the Outer Space Treaty and now under customary international law.

What, however, is the status of a Treaty provision declaring the Moon to be the common heritage of all mankind when that provision is valid only for a limited number of contracting parties, a number that falls

very far short of representing all mankind? The notion implies obligations for "all mankind" which all mankind cannot yet be taken to have accepted. Yet the very essence of the common heritage concept, unlike most restricted agreements between contracting parties, only has meaning if it is applied universally.

One radical escape from this bind has been attempted by Aldo Cocca. This is to claim that the Outer Space Treaty and the Moon Agreement are part, not so much of international law, but of jus humanitatis.¹² He lists all of the references to "mankind" in the Outer Space Treaty and claims that "this has led many writers to consider Mankind as a legal subject and even (to) state that such a characteristic arises from Law after the entry into force of the Outer Space Treaty" (Cocca (1981) p.14. Unfortunately his footnote on this point does not tell us who these writers are). If this interpretation were to be accepted, the two Space Treaties would apply to humanity, not to states, and concepts such as res communis humanitatis could not be rejected simply because states had not accepted them into international law.

The problem with this analysis is that the common heritage concept articulated in the Moon Treaty is defined, as we have seen, in terms of an international regime to be established by "States Parties to (the) Agreement" (Moon Treaty XI. 5).¹³ While Cocca may claim that humanitatis means "of and for mankind",¹⁴ the Moon Treaty is unambiguous in stating that such goals will be realised by a regime comprised of contracting states.¹⁵ The only logical conclusion that can be drawn is that, until such time as the 1979 Moon Agreement becomes part of the body of general international law, the concept of res communis humanitatis has no practical legal role in outer space.

In the medium term, the fate of the concept will depend upon how broad a cross-section of the effective space powers become parties to the Moon Treaty. Non-space powers have every incentive to sign, since they thereby gain explicit rights over the benefits of lunar exploitation, with no costs. Furthermore they gain a right to be represented in the administration of the Moon.

Potential signatories among the space powers, however, face quite the opposite incentives. They enter an obligation to share the fruits of their space labours and to submit themselves to an international regime including a number of non-space powers. In exchange it may be said that they gain an international agreement for the orderly government of the Moon. Yet the only states with the power to disrupt order on the Moon are the space powers themselves. Given the low level of trust between the USA and USSR, this may be a sufficient inducement, though only if both are signatories. Otherwise one would be bound by the Treaty while the other would not. The unilateral signatory would face only costs with no consequent benefits. Here we come to the heart of the problem. If the USA and the USSR were to adopt a co-ordinated strategy involving ratifying the Moon Agreement, they might well each achieve sufficient benefits from so doing. If they do not adopt a co-ordinated strategy, each faces a situation whereby it may be put in the worst of all worlds by unilateral signature. Both would probably prefer to retain the Moon as a res extra commercium in this event. We have, in short, a classic Prisoners' Dilemma.

This game is lopsided however, since the USA has a particular disincentive to accept the concept of res communis humanitatis, one that does not apply to the USSR. This arises from US commitment to private enterprise. If the US government envisages the future opening of the Moon to exploitation by private companies, it must take into account the strong possibility that the Moon Agreement may effectively ban this. There is some confusion on this matter. Roger Hoover (a legal counsel for Lockheed Missiles and Space Co. Inc.) takes a cautious view in a comprehensive analysis of the legal position of private enterprise in outer space:

"The proposed Moon Treaty is seen as a potentially destabilising force for private industry participation in outer space activities. This insecurity arises from the fact that, although the proposed Moon Treaty would seem to permit private industry participation until 'the exploitation of the natural resources of the moon...is about to become feasible' the extent and nature of private industry participation thereafter is unclear...Its right to participate or to continue operating, or to retain its technology, or to retain and control the benefit derived from its activities would all be subjected to the economic, political and nationalistic considerations of an international body or organization and the member states thereof, and private industry or its nation... may have little or no ability to protect the interests of private industry in outer space activities".
(Hoover (1983) p.121).

On the other hand General Martin Menter (Vice President of the International Institute of Space Law) has taken a much more relaxed position, quoting with approval the view that the prohibition on private appropriation of resources in place on the Moon does "not apply to natural resources once reduced to possession through exploitation" (Menter (1981), p.62).

This view is supported by Christol (1982) who places great reliance, as does Menter, on the interpretation that lunar resources, once moved from where they have been found, can then be expropriated. Article 11.3 of the Moon Treaty contains a bald statement that "natural resources in place" shall not become the property of any person or state. (See Appendix B). Christol goes as far as to claim that this amounts to a "provision... that once such resources have been removed from their original "in place" condition they may become the property of the acquired". (Christol (1982), p.306).

John Locke, of course, expressed the same point some years earlier:

"We see in Commons, which remain so by Compact, that 'tis the taking of any part of what is common, and removing it out of the state Nature leaves it in, which begins the Property; without which the Common is of no use. And the taking of this or that part, does not depend on the express consent of all the Commoners. Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digg'd in any place where I Have a right to them in common with others, become my Property, without the assignation or consent of any body. The Labour that was mine, removing them out of that common state they were in, hath fixed my Property in them". (Locke, (1690)).

Whether the recital of Lockean justifications for primitive capitalist notions of private property would cut much ice with an International Space Authority charged with the "equitable sharing of the benefits deriving from (lunar) resources" is another matter. The better view would appear to be that the 1979 Moon Agreement does undermine potential private enterprise activities on dry land within the solar system.

In contrast, the Outer Space Treaty makes specific mention of private activity, or at least to the role 'non-governmental entities' and to the "nationals" of a state in space. Such activities must be authorised by a state, and that state will be held liable for them, but this very distinction can be held to sustain a concept of non-state space activity. No international administration that might adopt unwelcome policies in the future is advocated. There is no requirement for equitable sharing of benefits, rather a much looser exhortation that the exploitation of Outer Space should be carried out "for the benefit and in the interests of all countries". Thus the legal regime under the Outer Space Treaty, the current status quo, is much more amenable to private enterprise activity, and we might expect a

US government subject to strong pressure from a powerful private aerospace lobby to prefer it. As Menter tactfully says:

"Industry is naturally aware of the US Government's philosophy for private sector ownership and operation of the means of production and distribution. It is hoped that industry will participate in the planning for its future role in space activities and assist the Government towards these ends by financial participation where possible, and by advising the nature and extent of Government support required" (Menter (1981) p.67).

This makes an unmodified Moon Agreement a less attractive proposition for the USA than it might seem to the USSR. The latter, presumably, will shed fewer tears over the fate of Moon ore digg'd by private hands.

Nevertheless, the basic Prisoners' Dilemma structure may remain if the rather lopsided benefits of mutual US/Soviet acceptance of the Moon Treaty are seen by both sides to outweigh the disadvantages. The two space powers do have a history of some limited co-operation over matters cosmic, so the effective implementation of the concept of res communis humanitatis cannot be entirely ruled out for all time. Any ratification of the Moon Treaty by the US, however, is almost certain to be subject to a reservation defining a US interpretation of res communis humanitatis that is compatible with private enterprise activity.

Given the lack of a precise definition of the concept in the Treaty, its main distinctive features are the international regime it implies, and the notion of the equitable sharing of benefits with non-space powers. A res communis humanitatis, if it ever comes into being, will therefore be a special sort of common, and quite how susceptible this will be to tragedies will depend upon the interpretation that is placed on the notion of "equitable sharing". It is well known,

of course, that there is a world of difference between this and "equal sharing". If equitable sharing turns out to involve the sharing of a considerable portion of the surplus generated by space activities, the incentives towards collaborative, rather than competitive, exploitation will be enhanced and pressures towards tragedy reduced. (Even without the concept of res communis humanitatis, there are considerable incentives to spread financial risks (and hence benefits) by forming large multinational consortia).

In short, while the regime of res extra commercium that currently governs the Moon is susceptible to tragedy, and the regime of res communis humanitatis is designed to avoid this, how far it can succeed if implemented depends upon the detailed interpretation that is placed on the central concept of "equitable" sharing.

5. RES EXTRA COMMERCIIUM, NATIONAL APPROPRIATION AND THE GSO

International law has traditionally recognised only definitions of national territory that are made with reasonably close reference to dry land. Recent technological advances (notably the development of radar, then satellite, surveillance of sea and air space) massively extended the range at which activity remote from dry land could be feasibly monitored. Politically, the effects of this first manifested themselves in dramatically enlarged claims to territorial seas, extending in many cases to 200 nautical miles from straight base lines that were drawn around national coasts (and which often incorporated uninhabited islands). As far as air space was concerned, general

international law, confirmed by the Paris Convention of 1919 and the Chicago convention of 1944, recognised the national sovereignty of the subjacent state. National airspace was assumed to extend as high as planes could fly.

The 1967 Outer Space Treaty, as we have seen, reaffirmed the principle that outer space is res extra commercium, beyond national sovereignty. The increasing number of satellite launches therefore generated the tricky problem, still unresolved, which is to locate a boundary between air space and outer space, areas in which the quite different legal regimes of national sovereignty and res extra commercium operate.

It came to be regarded as a principle of general international law that satellites operate in outer space.¹⁶ This was because nearly all states accepted the orbiting of satellites over their national territory without complaint. Given that the lowest feasible perigee of satellites currently in orbit is around 100km above the Earth's surface, and given that no plane could fly at anything like that height, there was no great problem.

Four technical developments may disturb the equilibrium. These are the rapid exploitation of the immensely valuable 'common' resource represented by the geostationary orbit (GSO), the development of 'remote sensing' satellites capable of detailed surveys of the land beneath them, the role of direct broadcasting satellites (DBS), especially in public television transmissions, and the growth of speculation about the potential future transmission ~~to be made~~ ^{of} massive amounts of solar energy back to earth, ^{using solar power satellites} (SPS).
(The first three are well within the current state-of-the-art. The last is way beyond it). Of these, the GSO has produced the most immediate set of concerns, and it is on this that I shall concentrate the following discussion.¹⁷

There are two basic issues in the debate over the GSO. The first concerns whether the GSO is in outer space, as considered in the 1967 Outer Space Treaty - in other words it concerns the location of the outer space boundary. The second concerns the regulation of national and private activities in the GSO, if it is decided that these take place in outer space.

The 1976 Bogota Declaration claimed the GSO for eight equatorial states on the basis that it was not part of outer space:

"The geostationary synchronous orbit is a physical fact linked to the reality of our planet because its existence depends exclusively on its relation to gravitational phenomena generated by the earth, and that is why it must not be considered part of outer space" (See Appendix C for full text).

As Jackhu (1982) points out, this argument would lead to no satellite orbit being considered to be in outer space, since all are a product of the Earth's gravitational field. Presumably, therefore, it would amount to an extension of the airspace regime to well beyond a height of 36,000km from the Earth's surface. The only way that this could not be the case would be to resort to a functional rather than a spatial definition of air space and outer space.

Functional definitions of legal jurisdiction operate on the nature of the activity concerned rather than its spatial location. They enable a different outer space boundary to be fixed for different types of activity. This is not as far fetched as it might seem, since general international law currently recognises a "right of way" for

space launches through foreign airspace. (And of course it also recognises a right of innocent passage for foreign ships through the territorial sea). In this way the airspace/outer space boundary could be set at 100km for many purposes, but extended to 36,000km for the purpose of space station activity in the GSO. Such functional definitions did find some favour among international lawyers in the early days of space law, including those of both space powers. They have since fallen from grace. (See Cheng (1980) for a discussion of the political history of this debate, in which he suggests that the change in Soviet attitude was a direct consequence of the Bogota Declaration.

Those who argue for a functional definition of outer space claim that all physical space boundaries would be essentially ad hoc. The physics of this can be convincingly argued. (see Mishra and Pavlasek (1982). However, the number of straight lines to be found in the world's atlases is testimony to the fact that arbitrary boundaries have hitherto presented no insuperable obstacles either to politicians or to international lawyers.

A functional definition of airspace that included the GSO yet excluded tens of thousands of kilometers of outer space beneath it could, of course, be proclaimed. It is politically inconceivable, however, that the space powers would cede the GSO to eight equatorial states in this way and the states themselves clearly viewed the Bogota Declaration as more of an opening gambit than a serious claim. Both the USA and the USSR have subsequently ignored the Declaration, and even the Bogota states themselves have subsequently behaved, particularly as members of the ITU, in such a way as to indicate that they accept that the GSO is a part of outer space (Jackhu (1982)).

Determining that the GSO is in outer space does not resolve the precise location of the space boundary, of course, and this is a continuing concern of space lawyers.¹⁸ Nonetheless, a more pressing issue is the matter of how to regulate the activities of both states and private individuals in the regime of res extra commercium in general, and in the GSO in particular, in order to avoid potential tragedies of the orbital commons.

In theory, the notion of res extra commercium seems tailor-made for tragedy. Anyone may use the resource for any purpose not expressly forbidden under international law, and no international regime exists to regulate their behaviour. In practice, the most important current example of a res extra commercium in space, the GSO, comes complete with an international regime that has regulated its use from the outset. The problem, therefore, does not concern the matter of whether regulation should take place, but rather of how it should operate in practice.

As I mentioned above, the GSO is regulated by the ITU, using its power to control essential broadcasting frequency assignments. These assignments involve use rights rather than property rights. They do not preclude others from using the assigned frequencies if they cause no interference, and they lapse after a period of time if not used. In practice, the first-come-first-served principle adopted for terrestrial broadcasting was implemented for the GSO by the IFRB, though no application has yet been denied access.¹⁹ There is, indeed, some dispute over whether the GSO will ever become overcrowded. While many third-world states are seriously concerned at potential exclusion from GSO benefits by the first-come-first-served principle,

others put their faith in the current or anticipated ability of broadcasting technology to accommodate vastly increased use-levels.²⁰

ITU policy is settled at World Administrative Radio Conferences (WARCs) and WARC 1971 codified the practice that satellite frequency assignments were transitory use rights, rather than permanent property rights, with a formal resolution that:

"the registration with the ITU of frequency assignments for space radiocommunication services and their use should not provide any permanent priority for any individual country or group of countries and should not create an obstacle to the establishment of space systems by other countries".

This renders ITU policy on the GSO consistent with the principles contained in the Outer Space Treaty, an important matter given the fears of some states that long-term (say 30 year) use of the same GSO slots might be taken to amount to national appropriation. (See Gorove (1982)).

WARC 1979 included a major debate on potential commons tragedies in the GSO and, under intense pressure from third world states, resolved that WARC 1985 will initiate a process of comprehensive planning of the use of the GSO. Its terms of reference will be "to guarantee, in practice, for all countries the equitable access to the geostationary satellite orbit and the frequency bands allocated to space services", a principle already laid down in Article 33 of the 1974 International Telecommunications Convention.

If WARC 1985 should succeed in this, it will create a status for the GSO that is superficially quite similar to that of res communis humanitatis. An international regime is already in place, operated by an international organisation, and it will be charged with guaranteeing equitable access to, though not sharing of, space benefits. While the ITU resolutions make no reference to 'mankind' (as opposed to states), we have already seen

that even the Moon Treaty envisages the interests of mankind being represented by states.

The key practical distinction between the likely implementation of the concept of res extra commercium in the GSO and that of res communis humanitatis in the Moon Treaty is ~~thus that between~~ equitable access and equitable sharing.

From the perspective of private participation in space activities this distinction, of course, is crucial. At a very crude level, it represents one of the important differences between capitalist and socialist notions of equity. Equitable access does not threaten the profitability of private space ventures that succeed in gaining access to the GSO, in contrast to the concept of equitable sharing, which could, as we have seen, be implemented with precisely this effect.

The GSO is only exhaustible in the short term, given the current state of technology, unlike many traditional commons. Given a typical space station life of seven years,²¹ crowding of the orbit does not permanently destroy it. This means that equitable access can be granted to all who currently need it, while the inequalities that might arise in the event of future crowding, and the potential for future tragedies, are covered by the provision that no satellite slot is guaranteed for all time.²² In practice, space stations in situ in the GSO may be ~~hard~~ to dislodge, notwithstanding explicit provisions to the contrary, and it is this factor that fuels the fears of third world states.

These fears could be overcome by two means of providing for equitable access. In the first place the entire GSO could be appropriated by an international agency such as the ITU, which would auction temporary space station slots in the same way that nations auction oil leases.²³ This would create typical capitalist equity on an "equal access on the basis of ability to pay" principle. Surpluses could be retained to help the space activities of third world states. Alternatively, space station slots could be allotted to all ITU members, whether or not they can currently use them. Provision could be made for the temporary leasing of unused slots allocated to third world states who do not need them. This solution would amount to a classical enclosure of the GSO commons, with the award of permanent, but alienable, use rights to all commoners.

Failing these options, the aversion of a tragedy in the GSO depends upon a continuation of the short life of the space stations themselves and the declaratory principle that the frequency assignments they exploit are not guaranteed.

Either way, we have a form of "capitalist commons", the arrangements for which allow private profit-maximizing activities in the GSO and attempt to avert potential tragedies by specifying a system of private use rights. This falls a long way short of the notion of equitable sharing that characterises a res communis humanitatis which sets out to tackle the potential for tragedy by collectivising the commons and thereby removing the incentive for socially damaging private exploitation. In practice, the emergence of this distinction is hardly surprising,

given the current existence of a number of private satellite operations. In theory, the distinction may even be appropriate, given the relative indestructibility of the GSO as a common resource. The crunch will come, of course, when it becomes necessary to put in to practice the principle that GSO use rights are purely temporary.

6. CONCLUSION

A number of practical distinctions can be made between the various types of common that exist in space.

In the first place, some commons arise from practice (through customary international law) and some arise from agreements between contracting parties (through treaty law). The current position of the Moon is clouded by a provision in treaty law (res communis humanitatis) that only really makes sense as a part of customary international law. The application of customary law when treaty law does not apply distorts the situation in favour of practising space powers.

In the second place the two key concepts res extra commercium and res communis humanitatis hold out very different roles for potential private sector participation in space. The most important practical distinction is between equitable access and equitable sharing, and reflects opposition between enclosure and collectivisation as solutions to tragedies of the space commons.

Given the relationship between customary and treaty law, and the commitment of the USA to private space activities, it is unlikely that a concept of res communis humanitatis will be effectively implemented in a way that precludes private sector participation.

The framework of international law gives the USA an effective veto in this matter.

Thus progress towards a definition of the relationship between public and private in outer space is most likely to be made in an elaboration of the twin concepts introduced by third world states into the operation of the res extra commercium of the GSO. These are equitable access and temporary use rights. Both must be applied in practice if a tragedy is to be averted.

NOTES

1. The GSO is the orbit, about 36,000km above the equator, in which satellites appear stationary when viewed from the Earth. Space stations in this orbit now fulfil a central role in the global telecommunications network.
2. For a discussion of COPUOS, and of the other institutional arrangements for the practice of space politics, see Matte (1981). For a history of COPUOS, and a full discussion of its decision-making process, see Christol (1982), especially Chapter I.
3. For a negotiating history of the latter, see Galloway (1980) and Williams (1981). Other important UN agreements include the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Object Launched into Outer Space, the 1972 Convention on International Liability for Damage Caused by Space Objects, the 1976 Convention of the Registration of Objects Launched into Outer Space. For a review of current issues before COPUOS, see Gorove (1983).
4. For a history of the developing role of the ITU in space activities, see Jackhu (1983). For a review of current issues facing the ITU/IFRB, see Stowe (1983), Du Charme et al. (1982).
5. To be precise, the concept was first raised in the UN Sea Bed Committee on 17th August, 1967, and in the Outer Space Committee on 19th June 1967 (at 3.15p.m.:). See Cocca (1981), p.15.
6. For a full text of the Bogota Declaration, see Appendix C.
~~_____~~ For a discussion of related legal implications, see Gorove (1983), Cheng (1982).
7. Although a renewed attempt will be made to establish property rights in the GSO at the World Administrative Radio Conference in 1985. See below and also Stowe (1983) for a discussion of this.
8. See Nesgos (1980) for a comparison of the two proposals.
9. While Christol (1982), in his 932 page tome on space law, does not refer to a res extra commercium and refers to Article 2 of the Outer Space Treaty as establishing res communis, the position stated in this section reflects the bulk of writing in the field.
10. See Cheng (1983) for a discussion of this.
11. Christol (1982) (Ch. 9) goes into possible models for an international and ministration at some length, looking at the role of the U.N. in general, the proposed deep sea-bed authority, Intelsat, Inmarsat, The European Space Agency, The International Atomic Energy Agency and COPUOS itself.

12. Looking even further into the future, Lazarev (1980) considers the possibility of legal conflict with extra-terrestrial beings, in which case the concept of jus humanitatis would really come into its own!
13. A legal regime of course, refers in general to a set of legal principles, and does not necessarily imply an organization to administer these. In practice, it is almost impossible to imagine a regime without institutions. (See Christol (1982) (Ch.8) for a discussion of this).
14. See Cocca (1981), p.14.
15. Indeed, from this we can see that, if the Moon Treaty were to become a part of general international law, there would arise an awkward situation in which the concept res communis humanitatis would apply to all states, but would be administered only by contracting parties to the Treaty. (Wassenbergh (1980) develops some of the implications of this problem).
16. For a full discussion of the political and legal history of this debate, see Christol (1982) pp.435-547.
17. See Chustos (1980) Logsdon and Monk (1983) and particularly Mossinghoff and Fugua (1980) for a discussion of remote sensing and Logsdon (1980) for a discussion of solar power satellites.
18. See Kopal (1980) for a vigorous argument in favour of the lowest satellite perigee definition, which certainly seems, de facto, to be the boundary most commonly accepted.
19. See Jakhu (1983) for a full discussion of the development of this system.
20. Finch (1983) claims that the issue of scarcity will not arise until 2100.
21. This limited life arises from the need for onboard energy supplies to maintain a space station in the GSO.
22. Vicas (1982) explores various organisational scenarios for implementing this policy.
23. See Vicas (1980) for an elaboration of this argument.

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Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

Convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, will further the Purposes and Principles of the Charter of the United Nations,

Have agreed on the following:

Article I

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and encourage international co-operation in such investigation.

Article II

Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

Article III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

APPENDIX A TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES, JANUARY 27, 1967

The States Parties to this treaty,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as the legal aspects of the exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples,

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space," which was adopted unanimously by the United Nations General Assembly on 13 December 1963,

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 17 October 1963,

Article IV

States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

Article V

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

Article VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer

space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

Article VII

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the moon and other celestial bodies.

Article VIII

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registry they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

Article IX

In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of

Article XII

All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

Article XIII

The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and use of outer space, including the moon and other celestial bodies, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international inter-governmental organizations.

Any practical questions arising in connection with activities carried on by international inter-governmental organizations in the exploration and use of outer space, including the moon and other celestial bodies, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

Article XIV

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Treaty.

the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment.

Article X

In order to promote international co-operation in the exploration and use of outer space, including the moon and other celestial bodies, in conformity with the purposes of this Treaty, the States Parties of the Treaty shall consider on a basis of equality any requests by other States Parties to the Treaty to be afforded an opportunity to observe the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

Article XI

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depository Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

6. This Treaty shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.

Article XV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

Article XVI

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depository Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XVII

This Treaty, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depository Governments. Duly certified copies of this Treaty shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States.

APPENDIX B. AGREEMENT GOVERNING THE ACTIVITIES OF STATES ON THE MOON AND OTHER CELESTIAL BODIES, DECEMBER 5, 1979

The States Parties to this Agreement,

Noting the achievements of States in the exploration and use of the moon and other celestial bodies,

Recognizing that the moon, as a natural satellite of the earth, has an important role to play in the exploration of outer space,

Determined to promote on the basis of equality the further development of co-operation among States in the exploration and use of the moon and other celestial bodies,

Desiring to prevent the moon from becoming an area of international conflict,

Bearing in mind the benefits which may be derived from the exploitation of the natural resources of the moon and other celestial bodies,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage Caused by Space Objects, and the Convention on Registration of Objects Launched into Outer Space,

Taking into account the need to define and develop the provisions of these international instruments in relation to the moon and other celestial bodies, having regard to further progress in the exploration and use of outer space,

Have agreed on the following:

Article 1

1. The provisions of this Agreement relating to the moon shall also apply to other celestial bodies within the solar system, other than the earth, except in so far as specific legal norms enter into force with respect to any of these celestial bodies.
2. For the purposes of this Agreement reference to the moon shall include orbits around or other trajectories to or around it.
3. This Agreement does not apply to extraterrestrial materials which reach the surface of the earth by natural means.

Article 2

All activities on the moon, including its exploration and use, shall be carried out in accordance with international law, in particular the Charter of the United Nations, and taking into account the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding, and with due regard to the corresponding interests of all other States Parties.

Article 2

1. The moon shall be used by all States Parties exclusively for peaceful purposes.
2. Any threat or use of force or any other hostile act or threat of hostile act on the moon is prohibited. It is likewise prohibited to use the moon in order to commit any such act or to engage in any such threat in relation to the earth, the moon, spacecraft, the personnel of spacecraft or man-made space objects.
3. States Parties shall not place in orbit around or other trajectory to or around the moon objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the moon.

4. The establishment of military bases, installation and fortifications, the testing of any type of weapons and the conduct of military maneuvers on the moon shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration and use of the moon shall also not be prohibited.

Article 4

1. The exploration and use of the moon shall be the province of all mankind and shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. Due regard shall be paid to the interests of present and future generations as well as to the need to promote higher standards of living and conditions of economic and social progress and development in accordance with the Charter of the United Nations.
2. States Parties shall be guided by the principle of co-operation and mutual assistance in all their activities concerning the exploration and use of the moon. International co-operation in pursuance of this Agreement should be as wide as possible and may take place on a multilateral basis, on a bilateral basis or through international intergovernmental organizations.

Article 5

1. State Parties shall inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon. Information on the time, purposes, locations, orbital parameters and duration shall be given in respect of each mission to the moon as soon as possible after launching, while information on the results of each mission, including scientific results, shall be furnished upon completion of the mission. In the case of a mission lasting more than thirty days, information on conduct of the mission, including any scientific results, shall be given periodically at thirty days' intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter.
2. If a State Party becomes aware that another State Party plans to operate simultaneously in the same area of or in the same orbit around or trajectory to or around the moon, it shall

promptly inform the other State of the timing of and plans for its own operations.

3. In carrying out activities under this Agreement, States Parties shall promptly inform the Secretary-General, as well as the public and the international scientific community, of any phenomena they discover in outer space, including the moon, which could endanger human life or health, as well as of any indication of organic life.

Article 6

1. There shall be freedom of scientific investigation on the moon by all States Parties without discrimination of any kind, on the basis of equality and in accordance with international law.

2. In carrying out scientific investigations and in furtherance of the provisions of this Agreement, the States Parties shall have the right to collect on and remove from the moon samples of its mineral and other substances. Such samples shall remain at the disposal of those States Parties which caused them to be collected and may be used by them for scientific purposes. States Parties shall have regard to the desirability of making a portion of such samples available to other interested States Parties and the international scientific community for scientific investigation. States Parties may in the course of scientific investigations also use mineral and other substances of the moon in quantities appropriate for the support of their missions.

3. States Parties agree on the desirability of exchanging scientific and other personnel on expeditions to or installations on the moon to the greatest extent feasible and practicable.

Article 7

1. In exploring and using the moon, States Parties shall take measures to prevent the disruption of the existing balance of its environment whether by introducing adverse changes in that environment, by its harmful contamination through the introduction of extra-environmental matter or otherwise. States Parties shall also take measures to avoid harmfully affecting the environment of the earth through the introduction of extra-terrestrial matter or otherwise.

2. States Parties shall inform the Secretary-General of the

United Nations of the measures being adopted by them in accordance with paragraph 1 of this article and shall also, to the maximum extent feasible, notify him in advance of all placements by them of radio-active materials on the moon and of the purposes of such placements.

3. States Parties shall report to other States Parties and to the Secretary-General concerning areas of the moon having special scientific interest in order that, without prejudice to the rights of other States Parties, consideration may be given to the designation of such areas as international scientific preserves for which special protective arrangements are to be agreed upon in consultation with the competent bodies of the United Nations.

Article 8

1. States Parties may pursue their activities in the exploration and use of the moon anywhere on or below its surface, subject to the provisions of this Agreement.

2. For these purposes States Parties may, in particular:

- (a) Land their space objects on the moon and launch them from the moon;
- (b) Place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the moon.

Personnel, space vehicles, equipment, facilities, stations and installations may move or be moved freely over or below the surface of the moon.

3. Activities of States Parties in accordance with paragraphs 1 and 2 of this article shall not interfere with the activities of other States Parties on the moon. Where such interference may occur, the States Parties concerned shall undertake consultations in accordance with article 15, paragraphs 2 and 3 of this Agreement.

Article 9

1. States Parties may establish manned and unmanned stations on the moon. A State Party establishing a station shall use only that area which is required for the needs of the station and shall immediately inform the Secretary-General of the United Nations of the location and purposes of that station.

Subsequently, at annual intervals that State shall likewise inform the Secretary-General whether the station continues in use and whether its purposes have changed.

2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the moon by personnel, vehicles and equipment of other States Parties conducting activities on the moon in accordance with the provisions of this Agreement or of article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article 10

1. States Parties shall adopt all practicable measures to safeguard the life and health of persons on the moon. For this purpose they shall regard any person on the moon as an astronaut within the meaning of article V of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

2. States Parties shall offer shelter in their stations, installations, vehicles and other facilities to persons in distress on the moon.

Article 11

1. The moon and its natural resources are the common heritage of mankind, which finds its expression in the provisions of this Agreement and in particular in paragraph 5 of this article.

2. The moon is not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means.

3. Neither the surface nor the subsurface of the moon, nor any part thereof or natural resources in place, shall become property of any State, international intergovernmental or non-governmental organization, national organization or non-governmental entity or of any natural person. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon, including structures connected with its surface or subsurface, shall not

create a right of ownership over the surface or the subsurface of the moon or any areas thereof. The foregoing provisions are without prejudice to the international regime referred to in paragraph 5 of this article.

4. States Parties have the right to exploration and use of the moon without discrimination of any kind, on a basis of equality and in accordance with international law and the terms of this Agreement.

5. States Parties to this Agreement hereby undertake to establish an international regime, including appropriate procedures, to govern the exploitation of the natural resources of the moon as such exploitation is about to become feasible. This provision shall be implemented in accordance with article 18 of this Agreement.

6. In order to facilitate the establishment of the international regime referred to in paragraph 5 of this article, States Parties shall inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of any natural resources they may discover on the moon.

7. The main purposes of the international regime to be established shall include:

(a) The orderly and safe development of the natural resources of the moon;

(b) The rational management of those resources;

(c) The expansion of opportunities in the use of those resources;

(d) An equitable sharing by all States Parties in the benefits derived from those resources, whereby the interests and needs of the developing countries, as well as the efforts of those countries which have contributed either directly or indirectly to the exploration of the moon, shall be given special consideration.

8. All the activities with respect to the natural resources of the moon shall be carried out in a manner compatible with the purposes specified in paragraph 7 of this article and the provisions of article 6, paragraph 2, of this Agreement.

Article 12

1. States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the moon. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the moon.
2. Vehicles, installations and equipment or their component parts found in places other than their intended location shall be dealt with in accordance with article 5 of the Agreement on Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.
3. In the event of an emergency involving a threat to human life, States Parties may use the equipment, vehicles, installations, facilities or supplies of other States Parties on the moon. Prompt notification of such use shall be made to the Secretary-General of the United Nations or the State Party concerned.

Article 13

A State Party which learns of the crash landing, forced landing or other unintended landing on the moon of a space object, or its component parts, that were not launched by it, shall promptly inform the launching State Party and the Secretary-General of the United Nations.

Article 14

1. States Parties to this Agreement shall bear international responsibility for national activities on the moon, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in this Agreement. States Parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the moon only under the authority and continuing supervision of the appropriate State Party.
2. States Parties recognize that detailed arrangements concerning liability for damage caused on the moon, in addition to the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and the Convention on International Liability for Damage Caused by Space Objects, may become necessary as a result of more extensive

activities on the moon. Any such arrangements shall be elaborated in accordance with the procedure provided for in article 18 of this Agreement.

Article 15

1. Each State Party may assure itself that the activities of other States Parties in the exploration and use of the moon are compatible with the provisions of this Agreement. To this end, all space vehicles, equipment, facilities, stations and installations on the moon shall be open to other States Parties. Such States Parties shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. In pursuance of this article, any State Party may act on its own behalf or with the full or partial assistance of any other State Party or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.
2. A State Party which has reason to believe that another State Party is not fulfilling the obligations incumbent upon it pursuant to this Agreement or that another State Party is interfering with the rights which the former State has under this Agreement may request consultations with that State Party. A State Party receiving such a request shall enter into such consultations without delay. Any other State Party which requests to do so shall be entitled to take part in the consultations. Each State Party participating in such consultations shall seek a mutually acceptable resolution of any controversy and shall bear in mind the rights and interests of all States Parties. The Secretary-General of the United Nations shall be informed of the results of the consultations and shall transmit the information received to all States Parties concerned.
3. If the consultations do not lead to a mutually acceptable settlement which has due regard for the rights and interests of all States Parties, the parties concerned shall take all measures to settle the dispute by other peaceful means of their choice appropriate to the circumstances and the nature of the dispute. If difficulties arise in connection with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State Party may seek the assistance of the Secretary-General, without seeking the consent of any other State Party concerned, in order to resolve the controversy. A State Party which does not maintain diplomatic relations with another State Party concerned shall participate in such consultations, at its choice, either itself or through

another State Party or the Secretary-General as intermediary.

Article 16

With the exception of articles 17 to 21, references in this Agreement to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Agreement and if a majority of the States members of the organization are States Parties to this Agreement and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. States members of any such organization which are States Parties to this Agreement shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the foregoing.

Article 17

Any State Party to this Agreement may propose amendments to the Agreement. Amendments shall enter into force for each State Party to the Agreement accepting the amendments upon their acceptance by a majority of the States Parties to the Agreement and thereafter for each remaining State Party to the Agreement on the date of acceptance by it.

Article 18

Ten years after the entry into force of this Agreement, the question of the review of the Agreement shall be included in the provisional agenda of the General Assembly of the United Nations in order to consider, in the light of past application of the Agreement, whether it requires revision. However, at any time after the Agreement has been in force for five years, the Secretary-General of the United Nations, as depositary, shall, at the request of one third of the States Parties to the Agreement and with the concurrence of the majority of the States Parties, convene a conference of the States Parties to review this Agreement. A review conference shall also consider the question of the implementation of the provisions of article 11, paragraph 5, on the basis of the principle referred to in paragraph 1 of that article and taking into account in particular any relevant technological developments.

Article 19

1. This Agreement shall be open for signature by all States at United Nations Headquarters in New York.

2. This Agreement shall be subject to ratification by signatory States. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Agreement shall enter into force on the thirtieth day following the date of deposit of the fifth instrument of ratification.

4. For each State depositing its instrument of ratification or accession after the entry into force of this Agreement, it shall enter into force on the thirtieth day following the date of deposit of any such instrument.

5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Agreement, the date of its entry into force and other notices.

Article 20

Any State Party to this Agreement may give notice of its withdrawal from the Agreement one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article 21

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement, opened for signature at New York on

APPENDIX C. BOGOTÁ DECLARATION, DECEMBER 3, 1976

FIRST MEETING OF EQUATORIAL COUNTRIES*

The undersigned representatives of the States traversed by the Equator met in Bogotá, Republic of Colombia, from November 29 through December 3rd, 1976 with the purpose of studying the geostationary orbit that corresponds to their national territorial, sea, and insular territory and considered as a natural resource. After an exchange of information and having studied in detail the different technical, legal, and political aspects implied in the exercise of national sovereignty of States adjacent to said orbit, have reached the following conclusions:

1. The Geostationary Orbit as a Natural Resource

The geostationary orbit is a circular orbit on the Equatorial plane in which the period of sidereal revolution of the satellite is equal to the period of sidereal rotation of the Earth and the satellite moves in the same direction of the Earth's rotation. When a satellite describes this particular orbit, it is said to be geostationary; such a satellite appears to be stationary in the sky, when viewed from the earth, and is fixed on the zenith of a given point of the Equator, whose longitude is by definition that of the satellite.

This orbit is located at an approximate distance of 35,871 Km over the Earth's Equator.

Equatorial countries declare that the geostationary synchronous orbit is a physical fact linked to the reality of our planet because its existence depends exclusively on its relation to gravitational phenomena generated by the earth, and that is why

it must not be considered part of the outer space. Therefore, the segments of geostationary synchronous orbit are part of the territory over which Equatorial States exercise their national sovereignty. The geostationary orbit is a scarce natural resource, whose importance and value increase rapidly together with the development of space technology and with the growing need for communication; therefore, the Equatorial countries meeting in Bogotá have decided to proclaim and defend on behalf of their peoples, the existence of their sovereignty over this natural resource. The geostationary orbit represents a unique facility that it alone can offer for telecommunication services and other uses which require geostationary satellites.

The frequencies and orbit of geostationary satellites are limited natural resources, fully accepted as such by current standards of the International Telecommunications Union. Technological advancement has caused a continuous increase in the number of satellites that use this orbit, which could result in a saturation in the near future.

The solutions proposed by the International Telecommunications Union and the relevant documents that attempt to achieve a better use of the geostationary orbit that shall prevent its imminent saturation, are at present impracticable and unfair and would considerably increase the exploitation costs of this resource especially for developing countries that do not have equal technological and financial resources as compared to industrialized countries who enjoy an apparent monopoly in the exploitation and use of its geostationary synchronous orbit. In spite of the principle established by Article 33, subparagraph 2 of the International Telecommunications Convention, of 1973, that in the use of frequency bands for space radio communications, the members shall take into account that the frequencies and the orbit for geostationary satellites are limited natural resources that must be used efficiently and economically to allow the equitable access to this orbit and to its frequencies, we can see that both the geostationary orbit and the frequencies have been used in a way that does not allow the equitable process of the developing countries that do not have the technical and financial means that the great powers have. Therefore, it is imperative for the equatorial countries to exercise their sovereignty over the corresponding segments of the geostationary orbit.

2. Sovereignty of Equatorial States over the Corresponding Segments of the Geostationary Orbit

In qualifying this orbit as a natural resource, equatorial states reaffirm the right of the peoples and of nations to

(d) The devices to be placed permanently on the segment of a geostationary orbit of an equatorial state shall require previous and expressed authorization on the part of the concerned state, and the operation of the device should conform with the national law of that territorial country over which it is placed. It must be understood that the said authorization is different from the coordination requested in cases of interference among satellite systems, which are specified in the regulations for radiocommunications. The said authorization refers in very clear terms to the countries' right to allow the operation of fixed radiocommunications stations within their territory.

(e) Equatorial states do not condone the existing satellites or the position they occupy on their segments of the Geostationary Orbit nor does the existence of said satellites confer any rights of placement of satellites or use of the segment unless expressly authorized by the state exercising sovereignty over this segment.

4. Treaty of 1967

The Treaty of 1967 on "The Principles governing the activities of states in the exploration and use of outer space, including the moon and other celestial bodies," signed on January 27 of 1967, cannot be considered as a final answer to the problem of the exploration and use of outer space, even less when the international community is questioning all the terms of international law which were elaborated when the developing countries could not count on adequate scientific advice and were thus not able to observe and evaluate the omissions, contradictions and consequences of the proposals which were prepared with great ability by the industrialized powers for their own benefit.

There is no valid or satisfactory definition of outer space which may be advanced to support the argument that the geostationary orbit is included in the outer space. The legal affairs sub-commission which is dependent on the United Nations Commission on the Use of Outer Space for Peaceful Purposes, has been working for a long time on a definition of outer space, however, to date, there has been no agreement in this respect.

Therefore, it is imperative to elaborate a juridical definition of outer space, without which the implementation of the Treaty of 1967 is only a way to give recognition to the presence of the states that are already using the geostationary orbit. Under the name of a so-called non-national appropriation, what

permanent sovereignty over their wealth and natural resources that must be exercised in the interest of their national development and of the welfare of the people of the nation concerned," as it is set forth in Resolution 2692 (XXV) of the United Nations General Assembly entitled "permanent sovereignty over the natural resources of developing countries and expansion of internal accumulation sources for economic developments."

Furthermore, the charter on economic rights and duties of states solemnly adopted by the United Nations General Assembly through Resolution 3281 (XXIX), once more confirms the existence of a sovereign right of nations over their natural resources, in Article 2 sub-paragraph 1, which reads:

"All states have and freely exercise full and permanent sovereignty, including possession, use and disposal of all their wealth, natural resources and economic activities."

Consequently, the above mentioned provisions lead the equatorial states to affirm that the synchronous geostationary orbit, being a natural resource, is under the sovereignty of the equatorial states.

3. Legal status of the Geostationary Orbit

Bearing in mind the existence of sovereign rights over segments of the geostationary orbit, the equatorial countries consider that the applicable legal considerations in this area must take into account the following:

(a) The sovereign rights put forward by the equatorial countries are directed towards rendering tangible benefits to their respective people and for the universal community, which is completely different from the present reality when the orbit is used to the greater benefit of the most developed countries.

(b) The segments of the orbit corresponding to the open sea are beyond the national jurisdiction of states and will be considered as common heritage of mankind. Consequently, the competent international agencies should regulate its use and exploitation for the benefit of mankind.

(c) The equatorial states do not object to the free orbital transit of satellites approved and authorized by the International Telecommunications Convention, when these satellites pass through their outer space in their gravitational flight outside their geostationary orbit.

was actually developed was technological partition of the orbit, which is simply a national appropriation, and this must be denounced by the equatorial countries. The experiences observed up to the present and the developments foreseeable for the coming years bring to light the obvious omissions of the Treaty of 1967 which force the equatorial states to claim the exclusion of the geostationary orbit.

The lack of definition of outer space in the Treaty of 1967, which has already been referred to, implies that article II should not apply to geostationary orbit and therefore does not affect the right of the equatorial states that have already ratified the Treaty.

5. Diplomatic and Political Action

While article 2 of the aforementioned Treaty does not establish an express exception regarding the synchronous geostationary orbit, as an integral element of the territory of equatorial states, the countries that have not ratified the Treaty should refrain from undertaking any procedure that allows the enforcement of provisions whose juridical omission has already been denounced.

The representatives of the equatorial countries attending the meeting in Bogotá, wish to clearly state their position regarding the declarations of Colombia and Ecuador in the United Nations, which affirm that they consider the geostationary orbit to be an integral part of their sovereign territory; this declaration is a historical background for the defense of the sovereign rights of the equatorial countries. These countries will endeavor to make similar declarations in international agencies dealing with the same subject and to align their international policy in accordance with the principles elaborated in this document.

Signed in Bogotá 3rd December 1976 by the Heads of Delegations.

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|---|--------------------------------|
| Geraldo Nabeimento Silva
Observateur du BRESIL | Soehardjono
Indonesia |
| Sara Ordoñez de Lodoño
Colombia | Petersan John Kinya
Kenya |
| Tchitche Linguissi
Congo | Khalid Younis Kinene
Uganda |
| José Ayala Lasso
Ecuador | Wabali Bakitambisa
Zaire |



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THE POLITICAL ECONOMY OF THE GEOSTATIONARY ORBIT

Paper prepared for the ECPR Planning Session:

Politics of Outer Space

Barcelona 25 -30 March 1985

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Though not depleteable the geostationary-satellite orbit is a limited natural resource. Therefore, as with any limited resource, its optimum utility requires planning and/or arrangements. (1)

The 1982 Plenipotentiary Conference of the International Telecommunications Union (ITU) set the dates for two 'World Conferences on the Geostationary-Satellite Orbit and the Space Services Using It.' (2) The conferences to be held in 1985 (August) and 1988 (and designated WARC-ORB-85, and WARC-ORB-88 respectively) reflect the heightened concern of many states over access to a resource that is perceived by them to be 'depleting'. The first meeting will decide which of the space services requires planning and/or arrangements, and the second will put into effect the mechanism agreed to at the first meeting.

The results of WARC-ORB-85 cannot be determined at this stage but fears have been expressed as to the possible curtailment of growth of the satellite communications industry, the major commercial use of space technology to date. Space communications services now constitute a thriving industry valued at some billions of dollars with an annual growth rate of about 18%, and this state of affairs, it has been argued, is a direct result of open

access to the geostationary-satellite orbit (referred to as the geostationary orbit or GSO). To date communication satellites to the value of \$4.8 billion have been placed in GSO with a further \$6 billion to be inserted by 1990 and it is forecast that there will be some \$8.8 billion worth of satellites in the decade after that (all prices are 1982 prices.) (3) These financial projections are based on 277 new satellites over the period 1985-2000.

The Conference is therefore likely to be very contentious not because of the vested economic interests that would seek protection but primarily because it appears to be very difficult to conceive of arrangements that would satisfy the interests of the major groupings at the Conference. (4) The Geostationary Orbit has for fourteen years been considered in international telecommunications law as a 'limited natural resource' and over that period several measures have been introduced, under the auspices of the ITU, with the intention of allowing access to the resource to all states. Despite these attempts a large number of states, primarily the developing states, consider the existing provisions inadequate to "guarantee in practice equitable access to the geostationary orbit and the frequency bands allocated to space services." (5) It is not clear what mechanisms can be devised to "guarantee in practice" access to the GSO.

The objective of this paper is to consider the mechanisms

that have been suggested and/or implemented for use of the GSO and to consider alternative mechanisms. For this it may be appropriate to consider first of all the characteristics of the GSO, as well as those of the Space Services since the Conference is empowered to examine all Space Services. (6)

The Geostationary Orbit

Satellites whose period of revolution is the same as the period of rotation of the earth about its axis are called geosynchronous satellites. Such satellites can be in orbits of any inclination to the equatorial plane and can be of different eccentricities. Of great importance in this family of geosynchronous orbits is the circular orbit in the equatorial plane at a height of some 35,800 kms from the surface of the earth. A satellite in this circular orbit with a prograde motion is called a geostationary satellite and the orbit is accordingly a geostationary-satellite orbit. (7)

The advantage of this orbit is that satellites positioned on it are stationary relative to an observer on earth hence they will always be in view from the subtended surface (theoretically some 40% of the earth's surface) thus eliminating the need for expensive tracking equipment and thus allowing low cost earth stations.

GSO satellites are not truly stationary since perturbations resulting from the oblateness of the Earth, the gravitational effects of the Moon, and pressure from solar radiation cause the satellite to drift from its position in a figure of eight pattern. This drift is corrected to prescribed operational limits by on board jets, a process referred to as station-keeping. Practical considerations therefore dictate that the GSO be treated not as a line orbit but as a ring or doughnut-shaped orbit, as much as 300 kms wide and up to 69 kms thick. When station-keeping mechanisms no longer function, GSO satellites become inactive but remain in the vicinity drifting across the ring at high speed thus increasing the probability of collisions. (8)

Usage of the Geostationary Orbit

The first satellite was placed in GSO in 1963, a communications satellite, and since then the orbit has had to accommodate over 150 satellites of many different types. Although there are many types of space services the fixed-satellite service and the maritime-mobile-satellite service have exerted the greatest demand for orbital positions. (9)

. Fixed-satellite service - in this service earth stations are at fixed points. Satellites in this service have been used for all types of communications requirements such as

distributed TV, telephone, telegraph and telex as well as the newer requirements of business enterprises - high speed data transmission between computers, teleconferencing, high speed transmission of documents. The varied usage incorporates all types of modulation and involves earth stations with antenna size ranging from 1 metre to 30 metres. The FSS is largely provided through common-user systems for global, regional and domestic services, and is also provided by individual administrations for their national services.

The FSS is the most intensely used space service and much of the developments in satellite technology have been for this service. Frequency allocations for this service are primarily 6/4, 14/11, 30/20 GHz, and higher frequencies are also available for use.

. Mobile-satellite services- this incorporates the Aeronautical-mobile satellite, land-mobile satellite, and maritime-mobile satellite services; here earth stations may be located on aircraft, on land, or on ships and may operate in separate systems or in the same system. Earth stations may operate at unspecified locations within a limited geographic area or world wide thus imposing design constraints on the space and earth segment.

There is a global maritime-mobile system in operation -

Inmarsat -, as well as national systems for the USA and USSR. This service has had twelve satellites in GSO and future demand is likely to be high as systems for land-mobile and aeronautical-mobile requirements are introduced.

. Broadcasting-satellite service - in this service, which operationally can only use the GSO, signals are transmitted from satellites direct to home or community receivers. Operational BSS systems are now being introduced in the 12 GHz band. The future demand for satellites in this service is uncertain and thus the use of orbital slots unknown. However, every state has had orbital positions reserved for it according to ITU plans of 1977 and 1983 (see below).

Capacity of the Geostationary Orbit

Any discussion of the GSO as a limited resource must consider the assumed capacity of the orbit as well as current use and projected demand for orbital positions.

At first sight it may appear that the capacity of the GSO can be calculated by ascertaining the amount of room that a satellite occupies (related to the station keeping accuracy) and then relate this to the total orbital space available. The angular dimension of the orbit is 360 and the current recommendation for station-keeping is 0.1 hence under

these assumptions the capacity of the GSO is 1800 satellites. There would thus appear to be more than adequate room in the orbit to cover any future requirements.

Unfortunately the primary restriction arises not from the physical size of a satellite but is a consequence of the use of radiosignals to propagate information to and from the satellite. A communication satellite system consists of a transmitting earth station which radiates a radiosignal to a satellite where it is received, amplified, the carrier frequency is changed and the signal sent to the ground where earth stations at different locations receive the signal. If there is more than one system in operation then one satellite network can interfere with another. (10)

Since all radio systems radiate outside of the intended service area, primarily due to the limited directivity of antennas, the signal from one network is received by another and interference cannot be entirely removed. Interference can be allowed for in the design of a satellite if the interference is small in relation to the desired signal. However as the distance between two satellites decreases the interference increases until it reaches a value beyond which it is unacceptable i.e. the signal to noise ratio is too low for acceptable reception. To prevent this from occurring satellites that use the same frequencies have to be placed some distance apart. (This distance is not fixed but

depends on the level of technology available e.g. if the antenna beams could be better directed the less harmful it would be to an adjacent network thus allowing closer spacing.) Current spacing levels vary across the orbit but assuming a value of 2 degrees, currently in use in some parts of the arc, then this gives a capacity of 180 satellites, for satellites using the same frequencies. At the moment there are some 64 satellites using the 6/4 GHz band and thus there would seem to be more than ample room for any future satellites in the GSO. However, the distribution of these satellites is very skewed reflecting the uneven use of telecommunications among countries. There are three main areas of concentration - 1 to 35 W, 87 to 115 W, 49 E - to 90 E - to meet the demands of the trans-Atlantic service, North American domestic services, and the trans-Indian Ocean and USSR domestic services. In some parts of the orbit particularly the North American arc there are no orbital spaces available for 6/4 GHz satellites within the current limits on spacing.

This overcrowding and congestion of parts of the GSO has created two problems. Firstly the need to meet increased traffic demand over the crowded areas so as to allow the growth of satellite communications to continue and not be limited to a 'steady state' of replacing 'dead' 6/4 GHz satellites by new 6/4 GHz satellites. Secondly it has exacerbated the concern over the finitude of the whole orbit

deepening the assumption of a 'limited natural resource' with wide apprehension over future access to the orbit.

Concern over future access has been expressed by the developing countries but there are also current difficulties experienced by United States corporations who have had their applications for orbital slots turned down because of the current saturated state of the North American arc for 6/4 satellites. (11)

Developing countries have expressed the fear that there may not be suitable orbital positions available when required by them, accordingly they have sought to introduce regulatory arrangements with the expectation that, through these, access to the orbit will be guaranteed whenever such access might be required. These attempts to introduce regulatory measures have now culminated in WARC-ORB-85. Regulatory attempts have been introduced through the activities of the United Nations and through the deliberations of the International Telecommunications Union.

The Geostationary Orbit and the United Nations

The United Nations through its Committee on the Peaceful Uses of Outer Space (COPUOS) is the forum for the formulation of space law. The most important of the five treaties agreed on in COPUOS is the Outer Space Treaty of

1967 which is applicable to all activities and areas of Outer Space. (12) The GSO is generally considered to be part of Outer Space and the Outer Space Treaty is therefore applicable.

Unfortunately the Outer Space Treaty does not establish a regulatory regime for controlling space communications or the use of the GSO but provides general principles which impose very few constraints on the use of the realm. (13) The two principles that have been considered relevant for a discussion of the GSO are Articles 1 and 2 of the Treaty. (14)

Article 1 para 2:

Outer Space... shall be free
for exploration and use by all
states without discrimination
of any kind on a basis of
equality and in accordance
with international law...

Article 2:

Outer Space... is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

The Geostationary Orbit is therefore in law not under the sovereignty of any state, is free for use by all states, on the basis of equality, and in accordance with international law. The GSO is therefore generally held to be an international commons, subsequently (in 1971), considered to be a limited resource, the use of which is therefore amenable to international negotiation.

Pertinent to these observations is the Bogota Declaration of 1976 where eight countries with a land area in the equatorial plane, referred to as equatorial countries, claimed sovereign rights to the parts of the GSO above their territories on two grounds. (15) Firstly that in the absence of any clear legal definition of Outer Space it is not conclusive that the GSO is part of Outer Space. Secondly the GSO is a physical phenomenon related to the reality of the planet in that the orbit owed its existence

exclusively on its relation to gravitational phenomena generated by the earth and hence should not be considered part of Outer Space.

It should be noted that not all the equatorial countries were party to the Declaration, and that under the Declaration the whole of the orbit would not be subject to national control. There are areas subtended by segments of the GSO that are not under the jurisdiction of any state and for these orbital segments a Common Heritage of Mankind regime was suggested in the Declaration.

In the opinion of this commentator the Bogota Declaration has received more attention than it warranted. The Declaration justifies the case for ownership on two grounds, the natural phenomenon perspective and, secondly, the absence of a rigid legal definition of Outer Space. The first argument is fallacious both in terms of customary use and in the context of existing international law. The Radio Regulations which has the status of an international treaty, to which all signatories of the Bogota Declaration are party, defines an 'orbit' thus-

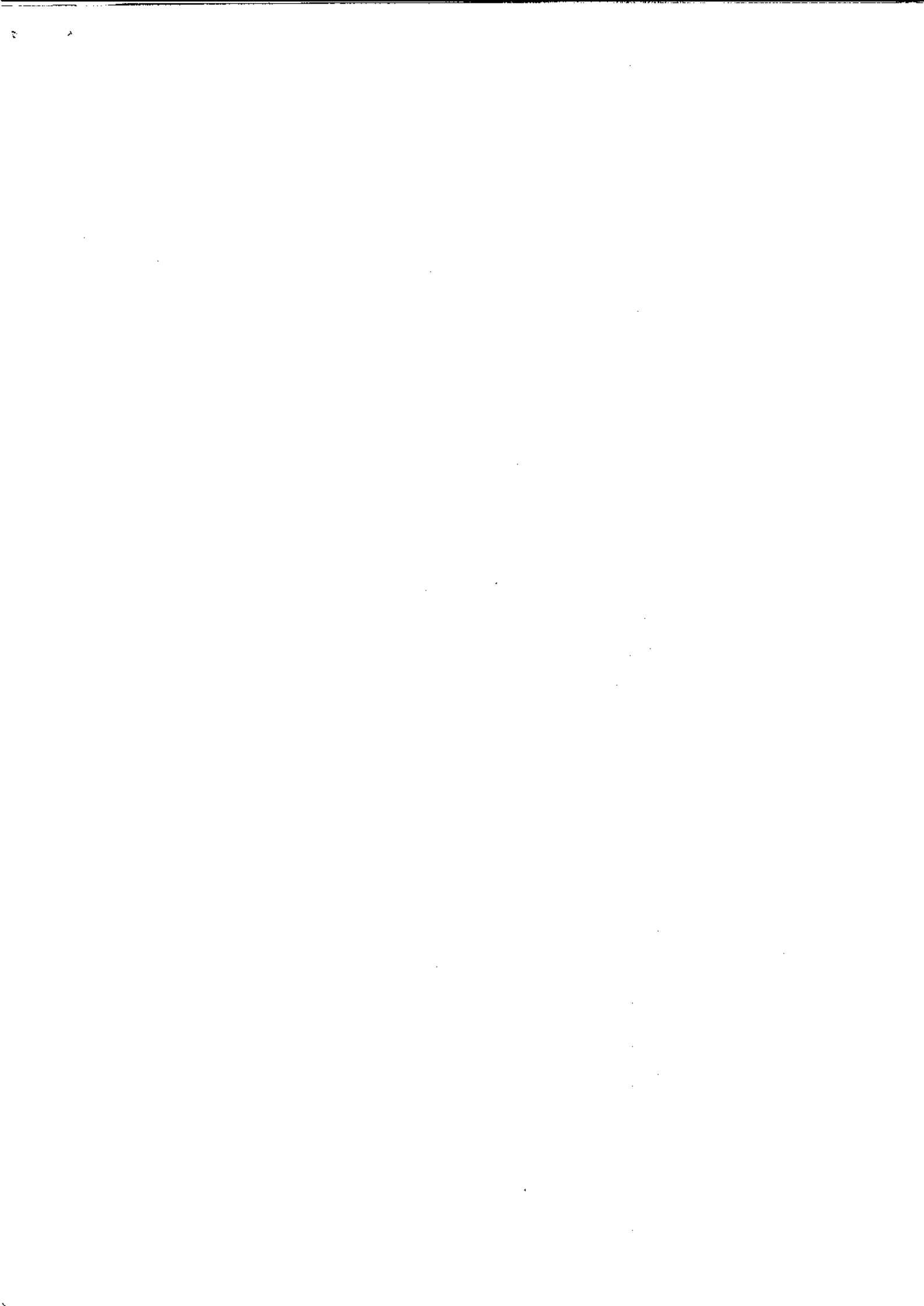
Orbit: the path relative to a specified frame of reference described by the centre of mass of a satellite or other object in space subjected primarily to natural forces mainly the force of gravity. (16)

Hence all orbits owe their existence to the force of gravity, a fact that has been known for some three hundred years since Newton's explanation of Kepler's laws of planetary motion. The second leg of the argument is correct in its assertion that there is no clear definition of Outer Space. (17) All attempts at a definition based on 'spatial' considerations have scientific weaknesses; a 'functional' definition could have been arrived at but has been complicated by the Space Shuttle. Nevertheless it can be argued that though there is no clear definition customary law indicates that the GSO is part of Outer Space. (17)

COPUOS has therefore had little to say by way of regulations for the GSO and indeed has only been an item for consideration by that body since 1979 but within the Scientific Sub-Committee not the Legal Sub-Committee. (18) Despite the absence of any juridicial regulation from COPUOS the process of communication to and from satellites in the GSO incorporate the use of radiocommunication signals and hence by default are subject to the regulatory provisions of the International Telecommunication Union.

The Geostationary Orbit and the International
Telcommunication Union

The International Telecommunications Union, since 1947 a



specialised agency of the United Nations with a membership of 160 states, was established in 1932 as the successor to the International Telegraph Union (founded 1865) and the International Radiotelegraph Union (founded 1906). (19) One of the functions of the ITU is to maintain and extend international cooperation for the improvement and rational use of telecommunications of all kinds. (29) Signals transmitted from earth stations to space stations in the GSO, and vice versa, as well as the distribution and use of the frequency spectrum are therefore subject to the International Telecommunication Convention and its associated Radio Regulations.

To carry out its functions the ITU holds conferences called Administrative Radio Conferences (ARC) to consider specific telecommunications issues. These are at either a regional level, called a RARC, or at a world level when the conference is called a WARC. (21) The Final Acts of these conferences are incorporated into the Radio Regulations and when agreed to by administrations assume the legal status of an international treaty. Plenipotentiary Conferences, held about every five years, are the highest decision making bodies of the ITU. Plenipotentiary Conferences have a wide agenda and are responsible for establishing general policies and programmes, as well as revising the Convention. These meetings are composed of delegations representing all member states with each state having a single vote. The

Administrative Council, consisting of 41 members, directs the affairs, at annual fortnightly meetings, between Plenipotentiaries.

The ITU does not have the status of a supranational Organisation; every member state retains the right to regulate its own telecommunications. The ITU's role is that of harmonisation effected through a complex organisation structure. One of the ITU's four organs is the International Frequency Registration Board (IFRB), composed of five individuals, which is responsible for ensuring that the regulatory provisions of the Radio Regulations are adhered to but it is not endowed with any power of enforcement. Its tasks are largely those of 'good offices', 'mediation' and 'inquiry', overseeing a process of coordination between members of spectrum usage (and thus for satellite communications the use of the GSO). It also decides on the conformity of administrations' practices with those laid down in the Radio Regulations thereby establishing 'rights' to the use of frequencies i.e. who has priority in the use of a particular frequency. The IFRB also examines and produces findings on the potential of any planned system for interference with existing systems.

The rights vesting procedure for frequency and orbit use will be discussed at ORB 85 and will be examined later in this paper but it may be helpful, at this stage, to note

that once a Member's frequency is registered by the IFRB it is 'protected' in that subsequent users are obliged, by the Radio Regulations, to ensure that their systems do not cause harmful interference to existing systems.

The provisions of the Convention and Radio Regulations have evolved over half a century, some parts relate to nearly one hundred years, some time before satellites were launched. Provisions relating to space services, in general, and the orbit/spectrum, in particular, had, therefore, to be associated with procedures long established for terrestrial communications with some important consequences.

The regulations for the use of the GSO in the Radio Regulations have been characterised by two principles - that the orbit/spectrum must be used efficiently, and secondly, the orbit/spectrum must be shared equitably. These two principles have been based on the assumptions that the resource is both finite and available for use by all states.

WARC - 1959

Space activities were first considered by the ITU at WARC-1959 two years after the launch of Sputnik. The ITU members (96 at this stage) considering that provisions were necessary for space radio communications established the Space Service and spectrum was made available for "space

research" purposes.

EARC - 1963

The expansion of space activities, in particular the launch of Telstar in 1962 along with the development of other communication satellites, necessitated the convening of an Extraordinary Conference to consider the spectrum requirements of these new activities. A number of space services were defined and spectrum allocated to them. By the time of EARC - 1963 the ITU had allocated microwave frequencies up to 10GHz for terrestrial networks and no other frequencies, within the capability of the existing technology, were available. The ITU was therefore forced to allocate the same microwave frequencies to two different types of services - space and terrestrial - a procedure that has subsequently led to many technical complications.

This conference also initiated the regulatory mechanisms for space systems in the technical aspects as well as setting out the role of the IFRB in space communications. In this latter aspect the existing procedure of 'first come first served' was extended to include satellite communications.

WARC - Space - 1971

WARC - Spa - 1971 continued the work of the EARC - 1963 but

there were now major extensions involving the geostationary orbit and associated spectrum. This Conference established the general principles and procedures for the GSO, and which have, on the whole, continued to the present time.

Resolution Spa 2-1 established for the first time the idea "that the radiofrequency spectrum and the geostationary-satellite orbit are limited natural resources and should be most effectively and economically used" (22) Res Spa 2-1 also included new measures affecting the procedures of the IFRB:

the registration with the ITU of frequency assignments to space radio communication services and their use should not provide any permanent priority for any individual country or groups of countries and should not create an obstacle to the establishment of space systems by other countries.

This part of Res Spa 2-1 illustrates a concern that the then existing procedure of the IFRB, where the first claim was given preferential rights and was a rights-resting mechanism effectively awarding squatters rights, might be extended to de facto ownership. The emphasis on no permanent priority effectively sought to prevent this from occurring.

The associated provisions of Spa 2-1 of preventing any encumbrance to future systems necessitated a new registration procedure with the IFRB and these were arrived at by revision of Articles 9 and 9A. (23) These Articles essentially introduced a coordinating mechanism, to ensure harmonisation of systems, to be carried out on a bilateral basis through the 'good offices' of the IFRB which would only extend its role to 'mediation' and 'inquiry' (issuing findings) if disputes could not be resolved between the parties themselves. This coordination procedure has, with minor modifications, remained the mechanism for the harmonisation of space communication systems.

These new procedures though they were considered by some developed countries to be a nuisance were constructive in that they promoted the efficient use of the orbit and spectrum by assuring the need for coordination and harmonisation of existing and planned systems. Whilst the spirit underlying Res Spa 2-1 may in part be construed as

promoting equity it may also be reasonably considered that it did not meaningfully modify the existing procedures. Accordingly Recommendation Spa 2-1, a proposal from France, held that if administrations, despite the existence of Articles 9 and 9A, encountered difficulty in obtaining a satisfactory solution to their problems then a future WARC should reexamine the whole coordination procedure.

WARC Spa - 71 also introduced a new space service - the Broadcasting Satellite Service and allocated the 12GHz band to this service. (24) Res Spa 2-2 relates to the establishment of agreements and procedures for the efficient and equitable use of this service. (25) This was the first Resolution that attempted to secure an a priori plan for a space service. Res Spa 2-2, inter alia, called on the ITU to convene a World Administrative Radio Conference to adopt a plan, or agreement, to govern this service the rationale for which was the possible harmful interference that may be created by satellite broadcasts over a large area of the Earth's surface since the other services with allocations in the same band, essentially terrestrial, may require use of the frequencies before the broadcasting - satellite service was set up.

In the light of present attitudes to the plans subsequently established on the basis of this Resolution it is ironic that some states that now seek to reject the associated

legislation were instrumental in drafting the proposals. The key proposal was the draft for Article 7 of the Regulations, the prime movers of which were France, Canada, Sweden and, in the Committee stage, the United States.

In devising the characteristics of a space station in the broadcasting-satellite service, all technical means available shall be used to reduce, to the maximum extent possible, the radiation over the territory of other countries unless an agreement has been previously reached with such countries. (26)

Plenipotentiary (Malaga) -1973

The International Telecommunications Convention was updated to include the new attitudes and procedures resulting from WARC-Spa-1971, and to incorporate the expected planning of the Broadcasting Satellite Service scheduled for 1977. Accordingly the terms of reference of the IFRB were expanded to include an orderly recording of the positions assigned by countries to GSO satellites, to furnish advice to Members on the equitable and efficient use of the GSO, and to prepare a

plan for the forthcoming BSS Conference. (27)

Of great interest is Article 33 of the Convention which incorporates the essentials of Res Spa 2-1 with an interesting addition, and is worth quoting in full -

In using frequency bands for space services members shall bear in mind that radio-frequencies and the geostationary satellites orbit all limited natural resources, that they must be used efficiently and economically so that countries, or groups of countries, may have equitable access to both in conformity with the provisions of the Radio Regulations according to their needs and the technical facilities at their disposal.

(28)

Although this addition was inexplicably allowed by developing countries it was subsequently considered to have been an error to have agreed to it since it substantially negates the spirit of Res Spa 2-1 and it may be interpreted as allowing a res nullius regime for the orbit. Article 33

was accordingly modified, under pressure from developing countries, at the next Plenipotentiary in 1982. It does, however, lend support to the claims by developing countries that the stronger states cannot be relied on to keep to the spirit of equitable access and promotes a desire for mechanisms that allow guaranteed access.

WARC - Broadcasting Satellite - 1977

This conference resulted from Res Spa 2-2 and Resolution 27 of the 1973 Convention. WARC-BS-77 saw a marked change in the powers of the Union, particularly as they related to space communications, and established an important precedent for the orbit/spectrum regime. Such a major shift could only have occurred if the strong states, from both East and West, considered such a conference to have been in their interest, however defined by them.

Of key significance was the apparent acceptance by states of Region 1 and 3 that Res Spa 2-1 with its notions of economy and efficiency, in the use of the orbit, could be met by an a priori plan allotment of orbital positions and frequency channels for those position. The BSS Ku band was divided up into many channels, each of which was assigned to states at fixed orbital positions. Apart from technical parameters, assignment considered size, population, time zones and language differences.

Hence orbital positions and radio frequency channels were assigned to states in advance of both their stated needs and ability to make use of the assignments. All states obtained at least four channels.

It was expected that Region 2 would also be part of the plan but at the insistence United States and Canada that their shared use of the band by the FSS and BSS services in Region 2 would not make planning feasible, an arc segmentation scheme was introduced for this Region. However, this did not subsequently prove to be suitable and a planning conference was held for Region 2 in 1983. Despite the vehement objections to any sort of plan at the WARC-BS-77, the United States agreed to the 1983 plan and considered that the outcome of the Conference met its objectives. (29)

It must therefore be concluded that an a priori plan, at least for some services, can meet the needs of all members.

WARC-1979

This Conference, with the mandate to examine all frequency allocations, was expected to be rather divisive on all issues. Instead the frequency spectrum issues proved to be of the mildest contention. The major difficulty lay with

the discussions on the GSO and with the attempts by developing countries to introduce 'guaranteed access in practice' as part of the deliberations on the GSO. (30)

Towards this end they pressed for a Conference to be held for the planning of the Fixed-Satellite Service. A most acrimonious debate resulted in the agreement on Resolution 3 for a 'World Conference on the Geostationary-satellite Orbit and the Space Services Using It'. (31) The essential components of the agreed text are that a Conference will be held to discuss all space services, and to consider whether a plan and/or any other arrangements would meet the demands for 'guaranteed access in practice'.

In passing, considering (e) of the Resolution should be noted - "that in the use of the geostationary-satellite orbit for space services, attention should be given to the relevant technical aspects concerning the special geographical situation of particular countries." An early draft of this was introduced by the supporters of the Bogota Declaration and the final text agreed to by them. However, it does not reflect sovereignty claims but rather introduced the novel dimension that those states which, because of geography, have special problems with radio transmissions particularly where they involve the GSO should, perhaps, merit special attention; this would incorporate polar regions, desert regions, tropical regions etc.

Also of interest to the GSO at WARC-79 was Resolution 4. (32) This indicates that there should be a limit to the period of validity of frequency assignments to space stations using the GSO and that this period, to be determined by the responsible administration, should be made known to all via the IFRB.

Plenipotentiary (Nairobi) - 1982

The necessary element here, from the perspective of the developing countries, was the revision of Article 33 of the Convention. To this end they sought to retain the substance of the first part whilst removing the damaging, from their perspective, - "... according to their needs and the technical facilities at their disposal." (33) In this they were successful. There, however, was an addition to the text reflecting the demands of the equatorial countries - "... taking into account the special needs of the developing countries and the geographical situation of particular countries."

WARC-ORB-85

The above survey indicates that the disparate attempts, over a period of fourteen years, to establish mechanisms for the equitable use, by all states, of the GSO have not been to

the satisfaction of the majority of members of the ITU. Members have been reluctant to ascribe any supranational authority to the ITU with the result that all mechanisms have been no more than non-enforceable general principles. This has culminated in ORB-85 where it is expected that attempts will be made to introduce rigorous arrangements that will guarantee orbital positions for each state whenever such positions may be required. Opposed to this are most of the industrialised countries who argue that the concerns of those who advocate a radical change in the existing arrangements are misplaced since, it is suggested, there is sufficient room in the orbit to meet the demands of all states. This perspective also suggests that the existing provisions have been proved to be sufficiently adequate in that no state that has so far wished to obtain an orbital slot has been denied access to the orbit. In addition the capacity of the orbit even though it is adequate for expected needs can be greatly expanded thus questioning the idea of the orbit as 'a limited resource'.

Expanding the Orbit/Spectrum Resource

There are three basic methods for expanding the resource - increasing the effective band width, reducing inter-satellite spacing, and improving communication techniques. (34)

. increasing effective bandwidth - this essentially involves making more frequencies available for use, as well as being able to reuse any frequencies currently in use. Apart from 6/4 GHz there are several frequencies allocated to the FSS with a total bandwidth of 34GHz of which there is 1000 MHz at 14/11 GHz and 3500 MHz at 30/20 GHz. This expansion is already underway with the newer satellites using 14/11 but 30/20 is still in the experimental stage. Bandwidth can also be increased by frequency reuse through beam separation. If satellite antennas are designed to produce several small beams (spot beams) with 'foot prints' in well separated areas then the same frequencies can be used in each beam increasing the information that can be carried in a given bandwidth by a factor equal to the number of beams. This is also becoming a standard feature, as are polarization techniques which can double the information capacity of each beam.

. reducing satellite spacing - spacing is necessary to prevent interference related to the shape of the beam, its associated side lobe, and the station - keeping ability of the satellite. At WARC-79 the station keeping tolerance was reduced from 1 to 0.1 and this is becoming standard practice.

The beam width decreases as both frequency and antenna diameter are increased hence facilitating closer satellite

spacing. A spacing of 1 seems likely with the use of 30/20 GHz. In addition improved antenna design leading to reduce side lobe radiation would allow closer spacing with the same size antenna.

. improving communication techniques - to date, Frequency Demand Multiple Access (FDMA) has been employed to enable a number of earth stations to use the same satellite. Developments such as digitalisation, data compression and Time Demand Multiple Access (TDMA) will lead to greater efficiency allowing more information to be transmitted for any particular bandwidth.

These are the main technology related developments that will allow an expansion of the orbit-resource and some of these are currently being introduced. In the next decade multi-mission platforms and antenna farms will allow an even greater expansion of the GSO, and at the same time sub-oceanic optical cables with a broadband capacity will absorb some of the demand for long haul telecommunications easing the pressure on the orbit.

The ITU has considered these techniques, and others, in calculations of the theoretical capacity of the orbit. (35) These studies, done in preparation for WARC-85, suggest that the orbit can accommodate some 3000 satellites in all the bands currently allocated to the FSS, and about 200-300

satellites for the 6/4 GHz band.

Hence several independent studies all come to the same conclusion i.e. that the theoretical capacity of the geostationary orbit is more than adequate to meet all foreseeable requirements. If this is the case and since these calculations are freely available to all, why, then the consternation over the 'limited' nature of the resource and why introduce rigorous arrangements based on the fear of depletion. Rigorous arrangements, it is suggested, may even impede the development of new techniques and the expansion of the resource.

Proponents of new arrangements do not deny the accuracy and consistency of the many calculations mentioned above. They, however, point out that the assumptions underlying the calculations all require new technical developments. New technology, it is argued, would mean higher costs, costs that the developing countries cannot afford.

The 6/4 GHz band is the easiest for developing countries to use. On cost grounds these frequencies have been in use for sometime, for both terrestrial and space services, and the widespread use of the technology has meant that equipment costs are low. On technical grounds attenuation is much less at 6/4 than at 14/11 GHz, at higher frequencies rain and sand attenuation increase and the cost of technical

equipment accordingly increases. Again the power requirements for a 14/11 GHz satellite to send TV signals to small antenna will be at least 5 to 10 times that of 6/4 GHz because of rainfall attenuation, hence more expensive satellites will be required.

Developing countries, the major exponents of rigorous mechanisms for the orbit, then suggest that since the resource is open to all states for use on a basis of equity they should not be required to bear higher costs than they, of all states, can least afford, and which would result if the excesses of the industrialised countries were allowed to continue.

Industrialised countries have expressed the view that they would be opposed to an a priori plan for the Fixed-Satellite Service and that other mechanisms would have to be suggested at ORB-85. One such mechanism may be the introduction of a market system in which freely transferable property rights would be granted to all states in an equitable manner. (36) These mechanisms could operate in several ways. The resources could be auctioned with the proceeds going to an international organisation that would distribute the receipts among the states of the world in proportion to each state's share in the resource. This method, however, suffers from the twin difficulties of determining each states share in the resource, as well as denying those

states who cannot meet the auction values access to the orbit. Alternatively there could be transferable rights after an a priori plan allocating orbital positions to every state; those states who do not wish to use their allotments would rent/lease their unused portion to other states. One problem with this is that in an a priori plan orbit/spectrum is tied to a specific service area hence states could only rent to a user who wished to transmit to the lessor's territory.

In addition, by allowing auctions or transfers this market approach essentially will be granting property rights. This would be both a violation of the Outer Space Treaty as well as being outside the jurisdiction of the ITU and outside the terms of reference of the Conference.

Instead of resorting to planning it may be possible to meet requirements by modifying the coordination procedure currently in existence for the introduction of new satellites. The current procedure has three phases - Identification, Harmonisation, and Implementation. In the Identification Phase proposed networks are identified and announced. This is done by individual administrations who furnish descriptive information to the IFRB which in turn publishes the information in Special Sections annexed to the IFRB Weekly Circular. Administrations who feel that the proposed systems will adversely affect their own, have a

period of four months in which to notify the IFRB and the administration of the new entrant. Then begins the Harmonization Phase during which the applicable threshold limits (from the Radio Regulations) for identifying potential interference among networks is identified followed by a process of harmonising incompatibilities. This is done on a bilateral basis under the 'good offices' of the IFRB. If the bilateral process is unable to resolve any difficulties the parties may request the assistance of the IFRB which issues 'findings'. If the problem cannot be resolved then newcomers cannot proceed to the implementation phase and receive protection under the auspices of the IFRB.

If agreement is reached the next stage is the Implementation Phase where, before the network is used, the IFRB ensures that it meets the requirements and, if so, grants protection which includes an expectation that other networks will not cause significant interference for the life of the network.

Despite the elaborate nature of the coordination phase it suffers from the major drawback that there are no enforcement powers available to the IFRB. In addition the onus, and therefore costs, is on the entrant network. The procedure is not amenable to significant change unless greater powers are given to the IFRB which can then 'move' (slightly change the position) satellites to accommodate new systems. This increased power for the IFRB has been

rejected at every Plenipotentiary meeting since 1959.

Conclusion

All mechanisms that have so far been introduced to allow efficient and equitable access to the geostationary orbit have been considered to be inadequate by the developing countries. WARC-ORB-85 has been called at their insistence with the desired objective of introducing new-arrangements/plans to "guarantee in practice" access to the orbit. Although the agenda of the Conference indicates that all space services are to be considered the only service that is likely to be examined is the Fixed Satellite Service. The Broadcasting Satellite Service has already been planned the Mobile Satellite Services will need for orbital positions but not significantly so, the other Space Services hardly make any demands on the orbit and, in any case, use different frequency bands. Guaranteed access in practice cannot be obtained by the existence of general principles or non-enforceable and voluntary procedures. Accordingly it would seem that the Conference can either consider an a priori plan or a change in the coordination procedure. An a priori plan will be objected to by the industrialized countries and, therefore, may not be a viable option. A change in the coordination procedure to meet the demands of the developing countries would require 'supranational' attributes for the International

Telecommunications Union, a feature that states have, over a period of one hundred and twenty years, refused to grant the Union. It may now be necessary to take such a step.

NOTES

1. United Nations - Report of the Second United Nations Conference on the Peaceful Uses of Outer Space p. 69
United Nations, New York, 1982

2. International Telecommunication Convention (Nairobi) - Res. 1, 225
ITU, Geneva, 1983

3. NASA - Study to forecast the world satellite communications market
NASA, Washington, 1983

4. The ITU has held several preparatory meetings for the Conference and none of these have managed to suggest any acceptable new arrangements. See for example CCIR Working Group 4/1 - WARC-ORB-85 Conference Preparatory Meeting
ITU, Geneva, 1983

5. International Telecommunications Union - Final Acts of the World Administrative Radio Conference of 1979
Resolution 3, p. 744
ITU, Geneva, 1979

6. ITU, 38th Administrative Council Meeting Res 895, Document 6068E, 20th May 1983. See also Annex 1 of this paper for the complete directive for this meeting.

7. The formal legal definitions are:
Geostationary satellite - a geosynchronous satellite whose circular and direct orbit lies in the plane of the Earth's equator and which thus remain fixed relative to the Earth.
Geostationary-satellite Orbit - the orbit in which a satellite must be placed to be a geostationary satellite.

See Radio Regulations (1982 Edition) Nos. 181 and 182
ITU, Geneva, 1982

8. For a discussion of these issues and measures to remove inactive satellites from the orbit, see V A Chobotov - The collision hazard in space
Journal of the Astronautical Sciences 30, 191, 1982

9. For a definition of the different types of services see Radio Regulations op cit pp RRI-3 to RRI-8

10. Interference: the effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radio communication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy.

idem No 160, RRI-21

11. It would not be incorrect to state that the difficulties in the N. American arc has heightened most developing countries' perceptions of a 'full' orbit even though the conditions for other orbital segments are rather different. Filings of systems with the Federal Communications Commission (FCC) - the US regulatory body - were closed despite an official 'open skies' policy which allows anyone to seek an orbital position. This was subsequently re-opened by stipulating lower spacing requirements for satellites. See

FCC News Report No. 2778, April 24th 1980 FCC - Assignments of Orbital Locations p. 130

FCC, Washington, 1983, see also

Aviation and Space Technology 60, 9th May 1983

12. The legal title is 'Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and Celestial Bodies', for obvious reason commonly referred to as the Outer Space Treaty. For the text (as well as good expositions on other legal issues of Outer Space) see

Carl Christol - The Modern International Law of Outer Space
p. 851

Pergamon, London, 1982

13. Considering that it is the cornerstone of space law the Outer Space Treaty is woefully inadequate. For a scathing discussion as to why the Treaty was accepted despite the awareness of its inadequacy, see Nicolas Mattee - Aerospace Law

Carswell, Toronto, 1969

14. Although it has never been cited in this context, Article 9 of the Treaty may also be relevant.

15. For the text of the Declaration see Christol - op cit
p. 891

16. Radio Regulations - op cit No. 176, RRI-23

17. For a discussion of the problems at arriving at functional or spatial boundaries see United Nations - The Question of the Definition and/or the Delimitation of Outer Space

United Nations Document A/AC105/C2/7, 1977

18. The equatorial countries do not appear to be as adamant in their attitudes as they once were. Claims of sovereignty have recently become "a sui generis regime" for the Orbit (see note 1 page 70) and they have pressed for "the special geographical situation of particular countries" to be taken into account.

19. See 'The Physical Nature and Technical Attributes of the Geostationary Orbit'

United Nations Document A/AC 105/203

United Nations, New York, 1979

20. The ITU is the most underresearched of the major international organisations with only three major academic studies produced since 1945. The definitive history of the ITU is George Coddington - The International Telecommunication Union Arno, New York, 1972

21. The purposes for which the ITU was established are set out in the International Telecommunication Convention (Nairobi) - op cit Article 4, p 3-4.

22. For the purposes of regulating telecommunications the ITU divides the world into three Regions:

Region 1 - Europe, Africa, the Soviet Union

Region 2 - The Americas

Region 3 - Asia, Australia, Oceania

23. Final Acts of the World Administrative Radio Conference for Space Telecommunications p. 311

ITU, Geneva, 1971

It is a commonly held view that this Resolution the whole of which sets out general principles on the GSO was included as a result of the efforts of developing countries who were in the majority at the Conference. An examination of the proceedings shows that this view is incorrect and that the Resolution is a direct result of draft Resolution F submitted by the USSR to Committee 6 of the Conference.

24. idem Annex 7, 8, pp 159-182

25. idem Annex 1 Art. 1, 84AP, p. 41, 42

26. idem p. 312

27. idem Annex 5, p.117. See also the work of Committee 6 especially Documents 414-E, 397-E, 392-E where the United States commented on the draft various drafts and spoke in favour of the final text

28. International Telecommunication Convention (Malaga) Article 10 b-d, p.9

29. idem p.20

30. U.S. General Accounting Office - US Objectives Generally Achieved at Broadcasting Conference USGAO, Maryland, 1984

31. For an excellent presentation of the closed door

sessions on the GSO discussions see, Anthony Rutkowski - Six Ad-Hoc Two: The Third World Speaks Its Mind in CETTEM - Reaching for Spectrum: WARC '79 CETTEM, SanJose Costa Rica, 1982

a much abbreviated version can be found in Satellite Communications p. 22 March 1980

32. See Annex 1 of this paper.

33. See note 5 at p.746-47

34. See note 28 and associated text; for the new version of Article 33 see note 2, p.23

35. For a technical discussion of the expansion of the resource see, D Jansky - World Atlas of Satellites pp 44-64 Artech, Dedham Mass; 1983

36. ITU-CCIR IWP 4/1 - Provisional Technical Report for WARC-84 (sic)
Doc PLEN /10-E
ITU, Geneva, 1981

These studies were done by the USSR, Japan, Canada and others.

37. One such market system is discussed in Colin Jackson - The orbit/spectrum resource: market allocation of international property
Telecommunications Policy 2, 179-90, 1978

Relating to the Use of the Geostationary-Satellite Orbit
and to the Planning of Space Services Utilizing It

The World Administrative Radio Conference, Geneva, 1979,

considering

- a) that the geostationary-satellite orbit and the radio frequency spectrum are limited natural resources and are utilized by space services;
- b) that there is a need for equitable access to, and efficient and economical use of, these resources by all countries as provided for in Article 33 of the International Telecommunication Convention (Malaga-Torremolinos, 1973) and Resolution 2;
- c) that the utilization of radio frequencies and the geostationary-satellite orbit by individual countries and groups of countries can take place at various points in time, based on their requirements and the availability of the resources at their disposal;
- d) that there are growing requirements all over the world for orbital position and frequency assignments for the space services;
- e) that in the use of the geostationary-satellite orbit for space services, attention should be given to the relevant technical aspects concerning the special geographical situation of particular countries;

resolves

1. that a world space administrative radio conference shall be convened not later than 1984 to guarantee in practice for all countries equitable access to the geostationary-satellite orbit and the frequency bands allocated to space services;

2. that this conference shall be held in two sessions:

1. that the first session shall:

3.1 decide which space services and frequency bands should be planned;

3.2 establish the principles, technical parameters and criteria for the planning, including those for orbit and frequency assignments of the space services and frequency bands identified as per paragraph 3.1, taking into account the relevant technical aspects concerning the special geographical situation of particular countries; and provide guidelines for associated regulatory procedures;

3.3 establish guidelines for regulatory procedures in respect of services and frequency bands not covered by paragraph 3.2;

3.4 consider other possible approaches that could meet the objective of *resolves* 1;

2. that the second session shall be held not sooner than twelve months and not later than eighteen months after the first session and implement the decisions taken at the first session;

invites

1. *the CCIR* to carry out preparatory studies and provide the first session of the conference with technical information concerning principles, criteria and technical parameters including those required for planning space services;

2. *the IFRB* to prepare a report on the operation of the procedures of Articles 11 and 13 including information about difficulties which may be reported to the IFRB by administrations in gaining access to suitable orbital locations and frequencies, and to circulate this report to administrations at least one year before the first session of the conference;

3. *the IFRB* to carry out technical preparations for the conference in accordance with the provisions of the Radio Regulations;

4. *the administrations* to examine all aspects of the matter with a view to submitting proposals to the conference, and to cooperate actively in the above-mentioned work of the CCIR and IFRB;

5. *the Administrative Council* to take all necessary steps for the convening of the conference in accordance with this Resolution.

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References

THE INTERNATIONAL SYSTEM AND OUTER SPACE

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I. INTRODUCTION

Surprisingly little attention is as yet paid to the question what kind of consequences the conquest of outer space has had for the hitherto existing international system as a whole (1). Interest has raised mainly one specific aspect i.e. the militarization and the weaponization of space (2).

But this, although important, is only a part of the general question of whether the international system was modified or even changed into another system by the fact that outer space is no longer merely an inaccessible physical environment. Did outer space, once it became utilized, acquire the same quality as the atmosphere after its utilization by air craft and by wireless communication, or is the relevance of the utilization of outer space for the international system even analogue to the geopolitical "influence of seapower upon history" some centuries ago ? (3)

The following paper does not pretend to answer this question fully; it is much more an attempt to outline some criteria and to gather some data for a preliminary orientation.

The international system is constituted of the following major types of actors: Nation states and their agencies, international organizations, alliances and bloc actors, and transnational organizations and corporations. Before its entry into the space age the international system had the following characteristics:

1. The preponderance of two blocs ("worlds") and the rise of a "third world", challenging the bipolarity of the former two.
2. A weakening of the cohesion of the blocs, and a questioning of the hegemony of the USA and the dominance of the USSR by their respective adherents.
3. A world wide geographical extension of the international system, so that scarcely any area is irrelevant or so insulated from the rest of the world and its power centres that it is incapable of generating system-wide disturbances.
4. The physical and other attributes of power and influence are more concentrated than ever.
5. A rapid development of the application of technical sciences.
6. A growing "structural violence", i.e. an increasing gap in the distribution of wealth among the national actors and a similar increasing gap between the fundamental potentialities and expectations of certain components and the real circumstances of life of other components of the international system.
7. A growing capability of a number of national actors to wage all-out war
8. A multiple role of the international organisations and a steadily rising importance of transnational corporations.

2. THE SECULAR CHANGE OF THE INTERNATIONAL SYSTEM

Since the rise of capitalism the international system has undergone some fundamental waves of changes; one commonly speaks of three industrial revolutions, the first, based on the application of steam machinery, brought England into the foreground of the international scene, the second, based on the application of electricity and chemistry, supported the rise of Germany and the USA and the third, based on the application of electronics, thus the international system has always been in a process of change (5). For a hundred years we have been observing the uninterrupted rise of the USA to unique and universal hegemony. While in former periods the nations that constituted the international system, were to a very considerable extent impermeable and self-contained units, and therefore the capacity of one nation to reach inside the borders of another nation and influence its people or processes was slight, today the level of intercommunication and interaction among national actors is so high that the ability of one nation to reach inside another nation is relevant not only to the nations in question but to the international system as a whole. Nations can now seek to use both external pressure and internal influence in the pursuit of their objectives. The range of possible relationships between actors in the international system has increased greatly with the use of techniques of international influence and informal penetration. The level of interaction among nations has risen as a consequence of the development of informal penetration and other factors.

3. THE INTERNATIONAL SYSTEM AND ITS ENVIRONMENT

Generally speaking, the environment in which a system operates normally has an impact upon that system and the system has, in its turn, an impact upon the environment. Within this frame of reference the entry of some actors of the international system into outer space has influenced the international system because this action has changed its environment. The different elements in outer space will of course have varying degrees of interaction with the international system. Not all elements in outer space are of equal relevance to the international system. Their relevance depends on the frequency of the interaction, the nature of the interaction and the consequences of the interaction. The impact of the international system upon the space environment is initiated and channeled by some of the actors of the international system and not by the system as a whole. Although the capacity of actors to modify certain aspects of their physical environment has increased markedly during recent decades, actors in fact vary in their capacity to influence the environment and in the nature of their influence upon the environment. Large and powerful national actors have a very substantial effect upon the external environment in which they operate. The conditions that confront an actor in his environment affect the behavioral options available to that actor. The environment establishes certain possibilities for action and imposes certain limitations on action. The access and the utilization of outer space reduced the constraints of space upon certain actors of the international system and opened a wide range of options for them, while other actors were at the same time confronted with a number of limitations.

7. PURPOSE OF THE COMPONENTS

The purposes of those actors who are able to access outer space are certainly relevant to the international system and involve activities that tie those actors to the system. The purpose of the space program in general does not significantly differ from the overall purposes of those actors.

An exemption consists probably with respect to the so called Strategic Defense Initiative which contains an important change of the purposes of military strategy. This could have a tremendous impact on the international system if it should once be realized.

The purpose of the "SDI" is to develop systems which can effectively counter incoming ballistic, missile re-entry vehicles, in order to protect the retaliatory forces of the US. This so called defense program will probably be compensated by reconfiguring the SU-offensive weapons, e.g. with sea launched cruise missiles and thus it will first of all accelerate the arms race. Secondly, this program might provoke the SU to develop and deploy an anti-satellite system, a counter-counter-system directed against the US-shield and thus mute the militarization of outer space to a weaponization of it. An arms race within, i.e. directly imbedded in outer space might drastically increase the danger of misperceptions and misunderstandings without corrections being possible. If either side were to develop what it believed to be a successful anti-satellite-weapons-system, then fears of an attempted first strike would be better based than ever. During the Convention of the IAF in September 1982 in Paris the French minister for research and industry, J.P. Chevènement, remarked that the idea of turned, making outer space into a demilitarized sanctuary, - like the Antarctic, the Moon or the seabed is no longer feasible. He added, however, that it would not be too late to save outer space from becoming a battleground for warrobots. It seems - three years later - that it is now already too late for such an international agreement.

8. MEMBERSHIP OF THE INTERNATIONAL SYSTEM

In connection with the conquest of space the membership of the international system has changed slightly insofar as new international organizations resp. subagencies of existing organizations were founded, which are in charge of various issues of outer space, e.g. the Committee on the Peaceful Uses of Outer Space (COPUOS), International Telecommunications Satellite Consortium (Intersat), Intercosmos, Intersputnik, European Space Agency (ESA), International Astronautical Federation (IAF). Considering these new organizations contribute comparatively little to total number of actors and their responsibilities to a change of the international system. On the other hand, the lack of adequate agencies with supranational responsibilities in regard to the outer space e.g. an International satellite monitoring Agency is a significant fact because it demonstrates how important national actors avoid international agreements for the sake of their freedom of action. The vote of the US against a resolution adopted by an overwhelming majority of the UN General Assembly in 1983 on the prevention of an armsrace in outer space

4. THE CHARACTERISTICS AND THE DEGREE OF CHANGE BY USE OF OUTER SPACE

The outer space can have various qualities for the international system or for some of its components, depending on the character of its use. It can possess the quality of a catalyst, thus stimulating ongoing activities. It can be handled as an instrument, i.e. a medium with which to facilitate certain activities. It can, last but not least, be qualified as a resource which makes certain activities possible in the first place.

A related question is the degree of the assumed change of the international system. Does the use of outer space just modify the international system or is the range of change so tremendous that one must speak of an alteration to another international system? The international system will be altered into another one, if there are significant changes in at least four of the following seven criteria (6):

1. Physical change among components
2. Actions of the components
3. Purpose of the components
4. Membership in the system
5. Mode of decision making in the system
6. The substance of system decisions and the nature of system action
7. The processes of systematic interaction.

Within the quarter of a century since the space age began more or less momentous changes have occurred in all of these seven criteria. In what follows the characteristics and the degree of these changes will be investigated.

5. PHYSICAL CHANGE AMONG THE COMPONENTS

There is no reason to regard physical change as only a zero-sum outcome among the actors or an expansion of their boundaries. The sheer fact that only a small number out of the total number of 150 national actors within the international system has access to outer space at present is in itself a manifestation of physical change. The stipulations of the Outer Space Treaty that the outer space shall be free to be used by all states on a basis of equality and not subject to national appropriation by any means is, at least under the present circumstances, a meaningless formality. This applies also to the Bogota Declaration through which a number of countries laid claim to the parts of the geostationary orbit above their equatorial territories.

If one regards the availability of launch vehicles for manned spacecraft as access to outer space then only the USA and the USSR belong to the category of national actors which expanded their physical sphere directly and independently. In the field of retrievable launchers the USA even holds an absolute monopoly position.

If one broadens the criterion by including the possession of unmanned satellites which are mainly launched by others, the USA, France, the Federal Republic of Germany, Japan, India and China to the category of the countries which have transgressed their physical boundaries belong besides the USA and the USSR.

is a striking example. Another example is the US position and the US perception of the position of the USSR towards the so-called Strategic Defense Initiative (SDI). The US are willing to discuss but not to negotiate the proposal. Asked whether the Soviet Union will accept the US commitment to continue SDI research US Ambassador Paul Nitze, special advisor on arms control to the president and secretary of state, said: "This is not something they think can be restricted by an agreement. The Soviets agree with us that there is no way in which one can negotiate an agreement specifically limiting research" (8).

9. MODE OF DECISION MAKING IN THE INTERNATIONAL SYSTEM

Generally the mode of international decision making has not been altered since the beginning of the "space age" and it is not to be expected that it will be. The use of outer space has, however, a certain impact upon the technical mode of decision making within the international system, mainly with respect to a number of the actors.

10. THE SUBSTANCE OF SYSTEM DECISIONS AND THE NATURE OF SYSTEM ACTIONS

The substance of system decision and the nature of system actions has changed significantly under the influence of the utilization of outer space. The accessibility of outer space introduced a new wave of commercialization and militarization to the international system, strengthening the existing relations of power, dominance and dependence.

Space programs with a purely explorative character or with practical purposes for the benefit of all mankind play only a marginal role. Activities in space generally fall into three categories: scientific, commercial and military.

From 1958 tot 1983 over 2800 satellites have been launched, at least 2114 of them are military oriented satellites. Expenditure for space programmes increased worldwide from about 22.000 million US dollars in 1981 to about 35.000 million dollars in 1983 (9). US military space expenditure was 35% higher than the civilian total in 1983, but is increasing rapidly with the decision to develop the anti-satellite weaponry system, involving an annual addition of 5000 million US dollars for research and development. Out of the USSR space expenditures for 1983 about three quarters are estimated to be for military purposes. While Western European, Canadian, Japanese and Indian space expenditures are at present entirely or mainly devoted to civilian purposes this could change if a suggestion by the French President would be followed up and a European Space Community were created to strengthen the Western European military defence power. It would also mean that military space expenditures would continue to grow proportionally faster than civilian expenditure, also outside the USA and the USSR.

The access to outer space, which is limited factually for the great majority of countries and which is controlled by a small number of countries must be regarded as a significant change of conditions for the actors of the international system. It is more than just a prolongation of already existing power differences, and more than just a mirroring of the balance of power before the space age.

6. ACTIONS OF THE COMPONENTS

Actions taken by one component will generally have an impact upon some or all of the other components of the international system. The impact may be slight or great depending on the nature of the action and the relationships among the components. The actions which have to be dealt with here are the policies stemming from the space programmes. A first consequence of these actions that were taken in the pursuance of the space programmes was the access to outer space, and therewith a physical change of certain components which had as such an impact on the international system. But the mere proof of accessibility to the outer space brought - with the exclusion of the moon expedition - no standstill. Quite the contrary happened. The quantity and quality of the spatial action programmes increased steadily during the last 25 years, mainly in connection with military purposes. But only a small number of actors can at present mobilize the financial and technological resources and qualified manpower, which are required by the design, development, construction, launching and operation of spacecraft and payloads.

Outer space also have sufficient scientific, technological, industrial and financial capabilities to benefit from space technology by their independent efforts.

The Outer space actors therefore have a major influence as ... of space segments, producers of ground segment equipment, and providers of services from which the overwhelming majority of other actors of the international system are not only excluded, but which is making them dependent of these outer space actors in their attempt to get some of the benefits of space application. Orbiting overhead are over 1200 satellites, 800 are launched by the USSR, the rest by the US, the ESA, France, and others (7). At present the two main space actors, the USA and the USSR, account for 94% of space expenditures, the Western European actors about 4%, Japan and India about 2%.

11. THE PROCESSES OF SYSTEMATIC INTERACTION

The increasing use of outer space has had a heavy impact on the processes of intersystematic interaction. In recent decades there has been a general increase of interaction on the international scene. This can be observed among other movements as well, by a growth in the amount of communication. The installation of communication and television satellites promotes this kind of interaction to an as yet unknown efficiency. The flow of certain types of informations, cultural traits and expressions across national boundaries contains the potential to disrupt social structures. It is furthermore an example which is directly or indirectly also used by governments for their specific purposes. The traits and expressions of some societies are diffused outward to a far greater extent than those of others. The so called interaction is in fact the transmitting of messages from one sender to many receivers. This kind of one-way traffic contains the possibility of demonstration effects, when attitudes, events or developments within one component serve as an example for orientation in other components. Since the beginning of this century the whole process has been well known under the term "Americanization". The diffusion of patterns of ideas, norms ("Americanism") and practices ("the American way of life") - is an influential and powerful factor within the international system, sustaining modern hegemonial structures. The interaction is not distributed evenly through out the international system; there are centers and peripheries of interaction; one can differentiate types of interaction on the basis of their proximity to certain national actors.

12. CONCLUSIONS

Summarizing the considerations and facts along the seven criteria of the foregoing chapters, there can be no doubt about the situation of the international system, which is changing under the influence of the politics of outer space: There is physical change, actions of a new type are initiated and executed, the purpose of one of the main actors has changed with respect to war and peace, the mode of decision making, the substance of decisions, the nature of actions and the processes of interaction are also changing notably. There is relatively little change in the membership of the system.

The question arises whether these changes within the criteria are so significant that the whole international system is altering to another one. In other words: Does the impact of the use of outer space upon the international system modify or fundamentally change the system? At present it doesn't seem feasible to determine already the presence of a new international system founded by the forces of the space age. Such a reluctance is justified if one looks at the enumerated recent developments in connection with the characteristics of the conventional international system outlined in the introductory remarks of this paper. Which of these characteristics have changed?

- 1) There is still the preponderance of the two blocs; the relevance of the alliance of the non-aligned, however, has declined - for many reasons, one might be their factual exclusion from space politics.
- 2) The picture of the bloc cohesion is contradictory; there are tensions and rivalries, but the supremacy of the bloc leaders appears strengthened - and is certainly affirmed by their space politics.
- 3) The use of outer space e.g. through remote control, permits observation and crisis management by the power centres, thus compensating the possible disturbances on the periphery of the international system.
- 4) Space politics contribute to a further concentration of power and influence.
- 5) Esteem for the technical sciences is still growing due to the use of the outer space.
- 6) The investment and the results of space politics have certainly widened the gap between the 'haves', and the 'have nots'. The further development of the use of outer space can probably widen this gap to such an extent that one must speak of a new quality of alienation between components of the international system.
- 7) Space politics has further improved the capability of some actors to wage a all-out war.
- 8) The role of (universal) international organisations is shrinking.

The foregoing statements signal remarkable trends, because they demonstrate the weight of those actors, who were always in control of certain modern sectors and who already played already a decisive role within the international system before the rise of the space age. The new affirmation of the old hegemonies does not exclude however that future developments of space politics may fundamentally change the international system.

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NOTES

- (1) An exemption is C. Voûte, 1982.
- (2) e.g. D.O.A. Wolf e.a. (1983); B. Jasani (1984); B. Jasani and C. Lee (1985); R. Labusch e.a. (1984); D. Ritchie (1982), G.C. Berkhof (1985).
- (3) So the programmatic title of A.T. Mahan's book, who investigated the period 1660-1763, edited Boston, 1895.
- (4) See M. Pieterston (1981), pp. 38-46, 155-166, 267-278.
- (5) The system-analytical approach in this paper is mainly based on A.M. Scott (1976).
- (6) See A.M. Scott (1976), p. 36.
- (7) Remarks of R. McFarlane, national security adviser to the president, on March 7, 1985, USIS, Official Text Europa No. 405, no. 45, March 7, 1985 The Hague.
- (8) Interview, USIS The Hague, Official Text, Eur.-No.
- (9) For all these figures: G. Dondi and M. Toussaint (1984).