

Theo yêu cầu của khách hàng, trong một năm qua, chúng tôi đã dịch qua 16 môn học, 34 cuốn sách, 43 bài báo, 5 sổ tay (chưa tính các tài liệu từ năm 2010 trở về trước) Xem ở đây

**DỊCH VỤ
DỊCH
TIẾNG
ANH
CHUYÊN
NGÀNH
NHANH
NHẤT VÀ
CHÍNH
XÁC
NHẤT**

Chỉ sau một lần liên lạc, việc dịch được tiến hành

Giá cả: có thể giảm đến 10 nghìn/1 trang

Chất lượng: Tao dựng niềm tin cho khách hàng bằng công nghệ 1. Bạn thấy được toàn bộ bản dịch; 2. Bạn đánh giá chất lượng. 3. Bạn quyết định thanh toán.

Tài liệu này được dịch sang tiếng việt bởi:

www.mientayvn.com

Tìm bản gốc tại thư mục này (copy link và dán hoặc nhấn Ctrl+Click):

<https://drive.google.com/folderview?id=0B4rAPqlxIMRDSFE2RXQ2N3FtdDA&usp=sharing>

Liên hệ để mua:

thanhlam1910_2006@yahoo.com hoặc frbwrthes@gmail.com hoặc số 0168 8557 403 (gặp Lâm)

Giá tiền: 1 nghìn /trang đơn (trang không chia cột); 500 VND/trang song ngữ

Dịch tài liệu của bạn: http://www.mientayvn.com/dich_tiang_anh_chuyen_nghanh.html

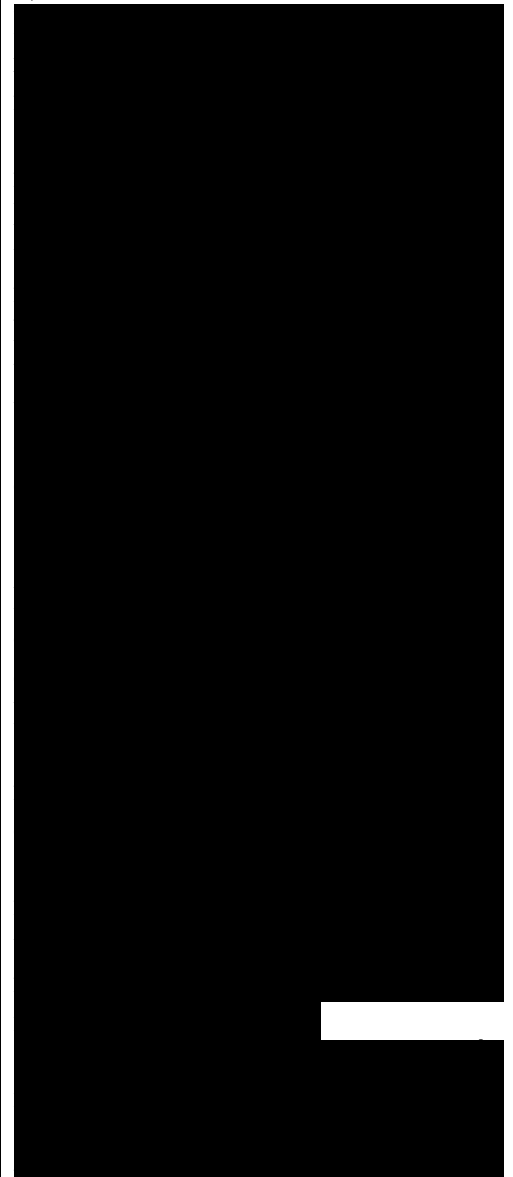
| | |
|---|---|
| <p>"Regulation, Contracting and Public Ownership</p> <p>Chapter Contents</p> <p>Introduction</p> <p>Regulation</p> <p>Contracting out</p> <p>Public enterprise: government as producer</p> <p>The privatization debate</p> <p>Conclusion</p> | <p>"Quy chế, ký kết và quyền sở hữu công Nội dung chương Giới thiệu Quy định Hợp đồng ra bên ngoài</p> <p>Doanh nghiệp nhà nước: Chính phủ với vai trò nhà sản xuất Các cuộc tranh luận về tư nhân hóa Kết luận</p> |
| <p>Introduction</p> <p>Governments obviously interact with businesses in many ways, through regulation, through taxation, through purchasing, and through provision of goods and services, to mention but a few. Both government and business are interested in the creation of a buoyant economy, and interact in a number of ways to this end. Some private companies owe their very existence to government contracts and lobbying activity can be directed at achieving commercial advantage from governments. Rather than examining the broad relationship of government and business (see Hughes and O'Neill, 2008) this chapter focuses on three aspects of it, each of which has featured as part of recent public sector reform. First, through regulation, governments set the rules within which the private sector has to operate; second, through contracting out,</p> | <p>Giới thiệu</p> <p>Rõ ràng chính phủ tương tác với các doanh nghiệp theo nhiều cách, chẳng hạn như thông qua các quy định, thông qua thuế, mua bán, và cung cấp hàng hóa và dịch vụ. Cả chính phủ và doanh nghiệp đều quan tâm đến việc tạo ra một nền kinh tế sôi động, và tiến hành một số biện pháp để đạt được mục tiêu này. Một số công ty tư nhân phải dựa vào các hợp đồng với chính phủ để tồn tại và các hoạt động vận động hành lang có thể được hướng vào việc đạt được lợi thế thương mại từ chính phủ. Thay vì xem xét mối quan hệ trên quy mô rộng giữa chính phủ và doanh nghiệp (xem Hughes và O'Neill, 2008) chương này sẽ tập trung vào ba khía cạnh của mối quan hệ này, mỗi khía cạnh trong số đó có đặc trưng như là một phần của cải cách khu vực công cộng hiện nay. Thứ nhất, thông qua</p> |

governments purchase goods and, increasingly, services from the private sector, and may even deliver some of its own work through such means; and, third, through public enterprise, governments may sell goods or (more likely) services to the public in the same way as though they were companies (see Chapter 2).

Each of these regulation, contracting out and public enterprise - has undergone major change in recent decades, as part of the ongoing process of public sector reform. There has been a general shift away from public enterprise through the process of privatization. But contracting out and regulation have increased in importance even as they have changed how they work. Old style regulation was where governments would further the interests of particular favoured groups or individuals, through licences or other restriction on possible competitors. Regulation is now more likely to be pro-competitive and to be focused on outcomes rather than merely prosecuting transgressors. And while the contracting out of the provision of goods and services is hardly new, there has been much more recourse to contracting by government in one form or another with the private or not-for-profit sectors

"The three points are related to one other. Regulation can be an alternative to public enterprise; that is, governments can regulate rather than owning enterprises that have

quy định, chính phủ thiết lập các quy tắc mà khu vực tư nhân phải tuân thủ, thứ hai, thông qua hợp đồng ra bên ngoài, chính phủ mua hàng hóa và ngày càng nhiều dịch vụ từ khu vực tư nhân, và thậm chí có thể phân phối một số công việc của mình thông qua các phương tiện đó; và, thứ ba, thông qua các doanh nghiệp nhà nước, chính phủ có thể bán hàng hóa hoặc (nhiều khả năng) các dịch vụ cho công chúng theo cách như một công ty (xem Chương 2).



natural monopoly characteristics that were once seen as a reason for government ownership. Contracting, with the private sector is a strategy used more often to reduce government final delivery of goods and services, and is a form of privatization. An important sub-category of contracting out is that of public private partnerships (PPPs), where the private sector provides the infrastructure -most often, though not exclusively - through a long-term contract with the government. Despite three decades of privatization, public enterprise still remains important in some countries: The ability of governments to intervene in the private sector by taking a stake in-or even total ownership of - companies returned to the fore during the global financial crisis (GFC) of the late 2000s.

"

What regulation, contracting and public enterprise have in common is that all are at the intersection of the public and private sectors. Since the early 1980s, many governments have systematically sold or shutdown public enterprises, contracted out more of the provision of government services, and aimed expressly at deregulation. Privatization has been successful, at least in the narrow sense that there is now less government ownership of enterprises. However, deregulation has not proceeded all that far if one looks at the total amount of regulation in society. Certain kinds of deregulation have appeared - airline deregulation, for example - but in general there

trừ nhỏ

phạm

is now more regulation than before. With the size of governments ranging from a third to a half of the GDP in most developed economies, it is not surprising that there is **much** interaction between the public and private sectors - with the government as producer, as contractor and as a commercial partner with the private sector. These relationships are of interest not least because of real issues about management and accountability in government.

Regulation

Governments have the undoubted power to make laws or regulations over any activity in society. Regulations can be economic or social, though social regulations are often just called laws. Social regulations are aimed at protecting citizens and can include environmental rules, occupational safety and regulations on employment. Probably the most prominent usage of the term 'regulation' is in allowing or prohibiting activities in the economy, or in setting conditions to govern how economic relations are accomplished. Economic regulation is not very different from laws affecting social behavior; for example, the rules setting out employment conditions could be considered both social and economic. Also, all regulations, all laws, have at their origin the government's monopoly of compulsion and force in exactly the same way as any restriction on criminal activity.

Through their regulations, governments set out the rules for markets to work optimally. As

Stiglitz (2001, pp. 346-7) argues:

If markets are to work effectively, there must be well-established and clearly defined property rights; there must be effective competition, which requires antitrust enforcement and there must be confidence in the markets, which means that contracts must be enforced and that antifraud laws must be effective, reflecting widely accepted codes of behaviour.

There are several points to consider here. In the absence of competition policy, companies would collude; laws must not only be enacted, but they, must also be obeyed. But the two key points are, first, enforcing contracts, and second, establishing property rights. Much of regulation concerns these two matters.

"The private sector relies on contracts and these must be able to be enforced, Without enforcement, contracting parties would be able to renege on the deal and, If this behaviour became widespread, there would quickly be a complete lack of confidence in the system of exchange. the legal system provided by government is one of the greatest assets for a market system, and in particular for the enforcement of contracts. It is important to note that having suitable institutional support is essential before government activities can be contracted out. Contracting cannot work if there is insufficient institutional support in a society to enforce contracts; it can fail as a result of inadequate institutions. "

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Markets can exist without secure property rights, but it could be argued that markets are not likely to work well in the absence of such rights. With further economic development there follows a demand for the protection of intellectual property and other intangibles. A firm's real assets are increasingly likely to be in the skills of its workforce, its value-added in terms of design and innovation - in intellectual property, in other words - rather than in being a price taker from what it produces. As a result, institutions that can protect information and property rights attached to information become more important. Establishing property rights can be a rationale for privatization. When an enterprise is held in government hands, its ownership is quite diffuse; but transferring an enterprise to private hands is assumed to improve both efficiency and accountability, as an owner takes more care of an asset in which it has a property right.

Other institutions can enhance the operations of markets. Grindle (2000) adds independent central banks and tax agencies, stock markets, and regulatory bodies for privatized industries and financial institutions' (pp. 180-1) to contracts and property rights. These most often rely on the instrument of regulation. Businesses must comply with government-mandated occupational health, safety and environmental standards. Also, most countries have some kind of competition policy or antitrust legislation to enforce competition within private markets and restrain any

tendency to collusion and monopoly among businesses.

Despite the undoubted asset that the legal system provides, there is some controversy over the role of regulation in the economy and its burden on the private sector. There are regular complaints that there are too many regulations and that they have become too intrusive, stifling business and affecting competitiveness. Changes to regulation and the regulatory system have been a major part of public sector reform. Much economic regulation - that is, regulation explicitly intended to affect entry, supply or pricing decisions in the private sector - has already been eliminated or revised in a number of countries. There are some specific kinds of regulation.

Financial regulation

"This part of the regulatory system includes interest rates, supervision of the banking and financial sector - in general, exchange rates, foreign investment and requirements regarding the registration of companies and their directors. Financial market regulation requires market participants to set out specified information so that investors can make informed decisions - information must be set out in a prospectus in a prescribed form - as well as prohibitions on some activities, including conflicts of interest. Directors must be named and have clear duties. Accounting standards set out how the accounts are to be organized, and specific rules as to how activities such as borrowings are to be accounted for in the accounts. There are rules

những lợi ích không thể phủ nhận

or tax treatment and for auditors."

Whenever a financial crisis hits there inevitably follows a demand for better regulation. The passing of the Sarbanes-Oxley Act in the United States in 2002, requiring enhanced accountability for companies, followed a period of corporate scandals. A few years later, with the GFC, other apparent failures of financial regulation led to further demands to deal with even greater failures. Safeguarding the public interest requires the regulation of private markets. Inadequate regulation, it appeared, had led directly not only to banks failing and companies being dragged down with them but also to governments having to bail them out, with taxpayers ultimately footing the bill. The GFC showed that existing financial regulation, while adequate for day-to-day events could not cope with the systemic risk posed by what was a near collapse of international finance.

Restrictions On supply of goods and services,

Governments often use regulations to allow or prohibit activities in the private sector. There can be regulation on price, quantity and quality, plus various product or packaging standards. It is common for transport industries to be regulated: the taxi industry is in most countries, along with railways; and there are domestic and international regulations covering airlines and shipping. Television and radio stations are licensed as a matter of course. Regulations surround the gambling

industry. Imported goods may attract tariffs and quotas or non-tariff barriers. Much of this kind of regulation is demanded by the industry itself and for its benefit. Many governments have looked at this kind of regulation quite closely as part of wider public sector reform

Occupational licensure

"Particular professions, such as medical practitioners, dentists, lawyers, plumbers and electricians often require a government-issued licence in order to practise. This kind of regulation has been regarded by critics as a restriction on economic freedom; a bad lawyer or even a poor doctor should be sued if their work is not adequate (see Friedman and Friedman, 1980). This argument was always a bit too extreme to be taken seriously, especially for those professions where the public would prefer them to have some test of qualifications before they were engaged. However) the general point did have some effect for occupational regulations that appeared to have no real basis. In some jurisdictions, interior decorators require a licence, and there would seem to be no public interest in that. There is some tension in the relationship between safeguarding the public interest by requiring qualification standards and what can be a desire of professions to restrict their numbers to maintain or improve the incomes of their members.

"

Standards

Decisions to create a standard may be agreed within an industry or can be mandated by government. Not all standards are enforced by regulation, though many are. An economy has more standards than can easily be counted, ranging from building standards such as for concrete, fire control, systems, electricity appliance regulations, to food standards. Standards may be international; for example, shipping containers come in either 20 ft or 40 ft lengths. It is hard to think of **an industry** anywhere in the world that can operate without agreed standards, and even if an industry agrees to their implementation, they are often enforced by the use of regulation.

Competition policy

This is a special category of regulation aimed at making firms in the private sector compete with one another. It can be defined as 'those policies and actions of the state intended to prevent certain restraints of trade by private firms' (Doem, 1995; p. xi). Without competition policy, its advocates argue collude; form cartels; restrict access to their products; fix prices; behave in a predatory manner; or merge with competitors- all with the aim of reducing competition and keeping prices and profits high

National laws do differ, but there is

Các

general agreement as to the practices that are to be listed as illegal. Among the practices outlawed in the United States even before the First World War, and followed later by other countries, were resale price maintenance, price fixing by cartels, and mergers resulting in a substantial lessening of competition. These are still the main points followed by competition authorities now. In addition, some have taken on the role of the regulation of natural monopolies and consumer protection.

The regulation of competition has not been without opposmon. Arguments against include (i) the existence of monopoly is relatively uncommon and does not justify government regulation; (ii) markets are resilient rather than fallible, and the distortions that result from monopolies or effective monopolies are rare and do not deserve the full weight of the law; and (iii) that intervention by government in the market is against the principles of liberty and justice. In general, though, competition policy has become stronger in recent decades. Competition authorities have found their actions supported by the courts and in the even more important court of public opinion. Competition policy provides a compromise. Governments can regulate markets at a relatively small cost to themselves, given that competition authorities are fairly small, and, by forcing competition to occur, the community at large can benefit.

. Environmental regulation

"As discussed earlier (see Chapter 2), there can be externality effects on the environment,

ạnh tranh

Cục quản lý

most notably water and the atmosphere, that are not captured by an economic transaction that causes them. For example, it is possible to buy coal and to burn it, thus creating pollution, but the external effects on air, water or land are not paid for by the purchase of the coal. Only through government action can the public's interest in clean air and water be addressed, with the most common way of doing this being through the use of regulation. Since the 1960s, environmental regulation has grown. The problem of climate change felt to be aggravated by increases in greenhouse gases has led to proposals to deal with this through a market-based mechanism using tradable permits. However, both this approach and traditional environmental regulation exist firmly within the instrument of regulation using the coercive powers of the law

"

Responsive regulation

"As many of the economic reforms promoted by governments since the 1980s illustrate, the debate about regulation has largely been conducted between those who seek greater regulation of economic activity and those who would prefer to see less. To Sparrow (2000), deregulation represents 'yet another swing of a now familiar regulatory pendulum' between two apparently irreconcilable regulatory styles - one adversarial and punitive and the other more inclined to persuasion and negotiation (p./34). However as Sparrow and others argue, the swinging of the pendulum is not necessarily inevitable

không

"

"one alternative to the conventional view of regulatory policy is that of 'responsive regulation' (Ayres and Braithwaite, 1992; Braithwaite, 2006). The traditional approach to regulation is to prosecute regulatory breaches as they are found, using the full force of the law. This is how and why laws were created. However, there is a movement within regulation towards responsive regulation and more of an outcomes focus rather than a punitive one.

"

"For example, when the penalty for a regulatory breach is too extreme, such as the revocation of a licence, it is rarely invoked. Ayres and Braithwaite (1992) suggest that there needs to be a graduated set of responses - the regulatory pyramid - and the state can escalate according to the response of the transgressor to lower-level penalties. The highest penalty is argued to be a 'benign big gun' that is only brought out occasionally, but exists as a perpetual threat. This approach leads to regulation being regarded as an interaction, where the ultimate aim is to get a result rather than merely to prosecute. As another example, if there are two parties to a cartel, the first one to inform the regulator may escape penalty completely. The desired result is achieved, even though one admitted lawbreaker may go free.

"

"Sparrow (2000) calls for agencies to 'pick important problems and fix them', emphasizing practical managerial responses to problems, notably in regulatory areas. Instead of a successful outcome in regulation being the prosecution of an offender, it becomes a more general change in behaviour in an industry and correcting the problem itself. To Sparrow, regulators face no shortage of strategies, methods, programs and ideas.

Rather, they face the lack of structure of managing them all' (p. 49).

In many countries it is no longer accepted automatically that regulation is always in the public interest. As a consequence, there has been much deregulation of markets and privatization of economic activity that was undertaken previously by the state. However, it would be a mistake to interpret regulatory reform as evidence that governments are now undertaking less regulation. While it is probably true that regulation is greeted with more scepticism, than was the case in the past, governments continue to regulate and do so 'in the public interest'. State intervention through public ownership has been largely discarded, and anti-competitive restrictions and industry-specific regulations have generally lost favour. With these changes, new forms of regulation have emerged. There has been a shift in character from the restrictive role of regulation, which was often anti-competitive, towards pro-competitive regulation to force the private sector to be more efficient through competition.

"

Contracting out

"Arguments-are sometimes put forward that the adoption of contracting out by various governments, starting in the 1980s, was a major change from previous' practice and a defining characteristic of managerial reform (Smith, 2005, p. 591). For Hood (1991), as part of his specification of NPM, greater competition in the public sector includes 'the move to term contracts and public tendering' procedures' and is justified as using 'rivalry as the key to lower costs and better standards' (pp. 4-5).

However, contracting was hardly new even in the 1980s or 1990s. Contracting and tendering have a history within government of literally hundreds of years (Bandy, 2011, p. 157). What was different was the extent of contracting by governments of service delivery. Increasingly, activities once provided directly by' governments began to be provided by contracts with private firms or not-for-profit organizations. Contracting became the referred way of market-testing government activities to separate the purchaser of government services from the provider; in other words> the separation of 'steering from rowing' (Savas, 1987). In some jurisdictions, contracting extended to any good or service for which there was an advertisement in the Yellow Pages (Hughes and O'Neill, 2001).

"Governments everywhere contract for

supplies from, the private sector. The precise point at which goods or services are delivered in house or bought in from outside might change over time, but the principle is unexceptional. As noted earlier (see Chapter 1), the theory of transaction costs (Williamson 1986): has been used as part of the, reason behind contracting out more government services. A firm in the private sector can be regarded as a series of contracts between different parts. These contracts, inside a firm may become real contracts with outside suppliers, and the precise point at which this occurs depends on the transaction costs involved. There are some transactions that would be less costly if contracted out, to reduce administrative costs and provide some competition. However, there are some public sector transactions for which market testing has been made mandatory, where in-house provision would actually be better if it could be shown to have lower transaction costs.

The contracting out of government services can, in some senses, be considered a financial reform. It is usually assumed that cost savings will be made, perhaps the order of 20 per cent (OECD, 1998a) or 15-30 per cent (Osborne, and Gaebler, 1992, p. 89). Incontrovertible evidence is elusive, however. Contracting can be an extension of programme budgeting in that, by specifying the terms of a contract, it is necessary to spell out exactly what is to be achieved and the mechanisms of monitoring.

The detailed delivery may then be in the hands of outsiders, but in principle there is little difference compared to what could occur within government, by setting out exactly what an agency or a section is to achieve and funding it accordingly. If the mechanisms are precise enough, there should be no great difference in internal or external provision, other than not having public servants carrying out the delivery

"Contracting for government services should not be regarded as a panacea for solving public management problems. A requirement to contract out or privatize may ultimately be more costly than in-house delivery. Private contractors need to add profit margins to the cost of provision, so if all other things are equal, their use would cost more. In most circumstances the efficiency gains of private provision might still be present, but this needs to be investigated and not merely assumed. As Donahue (1989) argues, 'Private firms in competitive markets are frequently more efficient than government bureaucracies, but it is romantic to infer from this that the mere fact of private organization, without competition and without market tests, leads to efficiency' (p.222). The circumstances 'In which contracting out will work are spelt out by Donahue (p. 98):"

The more precisely a task can be specified in advance, and its performance evaluated after the fact, the more certainly contractors can

be made to compete; the more readily disappointing contractors can be replaced (or otherwise penalized); and the more narrowly government cares about ends to the exclusion of means, the stronger the case for employing profit-seekers rather than civil servants. The fundamental distinction, however, is between competitive, output-based relationships and non-competitive, input-based relationships rather than between profit-seekers and civil servants per se.

There is considerable promise in privatizing or contracting out, but the approach needs to be pragmatic rather than ideological. In theory, private contractors should work more efficiently, but there is an added burden for public managers above those of simply contracting out. This is to ensure compliance with the terms of the contract to make sure that contractors perform as expected. Compliance is not straightforward, as several questions, both political and technical, need to be dealt with. Administrative and technical questions involve such matters as 'drafting the contract, meeting legal requirements for bidding, creating adequate performance specifications, monitoring the contract properly, encouraging competition, and avoiding excessive 'dependence on contractors' and 'these administrative matters involving how to contract become more important than the basic policy question of whether to contract' (Rehfuss, 1989" p. 219). Contracting out may reduce the size of the bureaucracy, but ensuring compliance and monitoring contracts is likely to require a public service with higher skills. If there are no benefits to be gained by contracting out,

then the provision should be in-house.

"In 1988, a scheme of compulsory competitive tendering (CCT) was started in the United Kingdom. Local authorities were required to 'expose specific services to competitive tendering at fixed intervals and subject to national guidelines' (Szymanski, 1996, p. 1). There was some evidence that contracting was more cost-effective than in-house provision, most notably for services that were easy to specify such as refuse collection. Contracting out of such services was theoretically justified, as Szymanski asserts (1996, p. 4):

"

The rationale behind CCT might be thought to accord with standard economic theory. Refuse collection constitutes a natural local monopoly because of 'economies of contiguity': it is cheaper for a single vehicle and operating team to collect waste from a given street than for several competing operators to do so. However, under monopoly conditions, an operator may be able to extract rents from a local authority because of asymmetric information problems such as the limited observability of effort or the inability of the authority to identify the operator's underlying efficiency.

However, CCT was contrary to the principle that managers should manage. Whether to contract or not should be decided by management, bearing in mind the need to be efficient and effective. But the national requirement - the compulsory part of

CCT - took this away from local managers. CCT became highly unpopular, with arguments being made that the reductions in costs were not a result of greater private sector efficiency but by cutting staff and their conditions of service.

Privatization in the contracting out sense does offer benefits, but only in some circumstances at some times. When it works well there are benefits to privatization. However, when it works badly, 'privatization can muddy public finance, make public management more complex and awkward, strip away vital dimensions of the public purpose that are hard to pin down contractually, transfer money from public workers to contractors without any savings to the collective fisc, allow quality to decay, and increase costs' (Donahue, 1989, p. 217). Setting the conditions is not a simple task. However, it should be approached pragmatically rather than ideologically, and attention should be paid by public servants to the important task of monitoring.

"There may be problems if contracting: out goes too far. A public service operating under explicit contracts with the private sector, or. explicit contracts bewwen policy departments and service delivery agencies, would, be a very different public service. There can be no thought of service to the public or even service to the government. If everyone is a contractor;if everyone has a longer time horizon than the end of their contract; if everyone is a contractor, there can be no such thing as the public interest, only what appears in the terms of a contract.

Forcing public activities to be contracted out, through compulsory tendering, for example, takes away from management accountability. Simple ideological nostrums should be replaced by careful consideration of all the costs and benefits."

Public-private partnerships (PPPs)

A special sub-category of contracting used much more by governments in recent years has been the public-private partnership (PPP). There are differing views as to what constitutes a PPP. Skelcher (2005) notes that PPPs 'combine the resources of government with those of private agents in order to deliver societal goals' and that they include 'contracting out of services, business management of public utilities, and the design of hybrid organizations for risk sharing and coproduction between government and private agents' (p. 347). This list is too wide in scope. Ordinary contracting is quite different from constructing a toll road with a PPP; and contracting with a non-profit organization for a short-term welfare contract is very different from a contract to manage a railway with an expiry date of more than 30 years.

However, providing a project through a PPP is really a form of contracting rather than something completely novel. PPPs are best seen as a special kind of contract involved in infrastructure provision, such as 'the building

and equipping of schools, hospitals, transport systems, water and sewerage systems' (Erridge, 2009, p. 101). Hodge et al. (2010, pp. 5-6) state that there are five different families of possible partnerships for PPPs: institutional co-operation for joint production and risk sharing; **long-term infrastructure contracts** (LTICs); public policy networks; civil society and community development; and urban renewal and downtown economic development. Klijn et al. (2008) define a PPP as 'a cooperation between public and private actors in which actors develop mutual products and/or services and in which risk, costs and benefits are shared' (p. 253). This would appear to rule out contracting in the sense of supply of goods or services, but embraces the kinds of infrastructure project that PPPs usually include. Greve and Hodge (2007) comment that PPPs in their broadest sense are 'just about every type of interaction between public and private actors' but add that, in a narrower sense, 'PPP are distinct institutional models mainly used for infrastructure development, such as build-own-operate-transfer (BOOT), build-own-operate (BOT) and lease-build-operate (LBO)', and that these economic and financial models 'tend to dominate' the public administration literature (p. 180). Some of the issues involved in PPPs of this kind are applicable to contracting in general, but PPPs of the economic and financial kind have more issues than more normal short-term contracts to provide goods or services.

For governments, PPPs offer a way of financing over a longer term than may be available through the regular budget process, especially where there is some kind of constraint on borrowing. Obtaining finance from the outside may mean that projects can be delivered earlier than they might be otherwise be able to be provided. For the private sector a PPP offers some certainty as an investment and some reduction in risk by making a deal with government (Greve and Hodge, 2007, p. 181). Governments and the private sector may be able to find common ground for certain kinds of activities. For example, a toll road may solve a road congestion issue that the government does not have the resources immediately, available to address but providing a long-term revenue stream, backed by the regulatory powers of government, for the private investor.

PPP's came out of the Private Finance Initiative (PFI) in the United Kingdom in 1992 and were used extensively in Britain by both the Conservative and Labour Governments. Other jurisdictions also used them; for example; for toll roads in Sydney and Melbourne in Australia. One of the features of the PFI scheme was that the financing arrangement was in reality an artificial device to evade limits on government borrowing. Later changes to accounting standards meant that the full liability had to be included and this reduced the attractiveness of PPPs, as did the adoption of accrual accounting.

"There are issues of accountability with PPPs

in that a government is responsible for any use of government money and assets but then commits to a project not only itself but often also its successors. Duffield argues (2010, p. 212):"

PPPs are significantly different from other procurement approaches. PPPs involve the private sector taking the greatest responsibility for service delivery over the life of the facility compared with the other contracting options considered. They also have the highest level of price certainty, but this comes at the cost of responsibility for day-to-day decisions relating to both assets and the way in which services will be delivered - the setting of service standards remains a governmental decision.

Skelcher (2005) contends that 'buying through' a PPP predominates over making through a bureau as the preferred model of public service delivery in the early twenty-first century' (p. 362). This surely is an exaggeration, though there is no doubting the popularity of PPPs for large-scale, infrastructure in some jurisdictions, But it is hardly the preferred model, In limited circumstances, a small number of PPPs might emerge, but much infrastructure will continue to be delivered by the government itself or by regular contracting out. Duffield (2010) argues that 'PPPs can work in the right situation', however, they 'are complex and generally require a very large financial transaction, due caution and high levels of expertise' (p. 213).

"Hodge et al. (2010) also argue that important as the trend towards PPPs has been, 'it is also important to remember that PPPs did not wipe out public investment, or indeed infrastructure projects handled either by the public sector alone or by the public sector contracting with the private sector in traditional ways' (p. 596). Even in the United Kingdom, which went further than other countries, the 'reality is that PPPs became a more accepted form of infrastructure project delivery, but not the dominant mode per se (p. 596). While there were a large number of such projects in the United Kingdom, the total value amounted to only about 11 per Cent of government investment (Flynn,2007, p. 253).

One of the biggest problems. with PPPs, and one not shared with regular contracting, relates to the duration of some contracts signed. It is not unusual for contracts to be for 3(jyears or even longer. Contracts with such long terms are not that common in the private sector, for the obvious reason that conditions can change and one of the parties could be left at a disadvantage. Governments signing such long-term contracts also have a problem in being stuck with assets or deals they may no longer wish to have. There are issues of accountability in that even if a government is responsible for any use of government money and assets, by entering into a long-term contract it commits, not only itself, but also its successors for many years and through changes of government.

"Contracts should not be regarded as the single best way for governments to be more efficient. Their use needs to be dependent on time and place. In some circumstances, costs can be reduced; in others, a contract gains no benefit. One of the tasks of public managers is now to be a manager of contracts, but, especially in the earlier period under question, drawing up and monitoring contracts was not done particularly well. Expertise has been gained only through substantial experience, and contractual problems have not entirely dissipated."

Public enterprise: government as producer.

"Governments can use their powers for many purposes, including setting up enterprises to sell goods or services to the public. Starting in the early 1980s, the widespread privatization of public enterprise in many countries greatly reduced the scale and scope of the sector. This was a marked change to the existing scope of government and an explicit rejection of the idea that governments themselves should own key industries. As public enterprises operate at the boundary of the public and private sector, arguments about their role are often about the desirable role of government itself. In the 1980s, privatization was the subject of highly contentious and acrimonious debate in many countries. In the event, the answer in the debate was overwhelming, in developed and developing countries alike, that governments

vấn

đang đặt ra nghi

should dispose of their public enterprises.

The most significant of the early programmes of privatization was in the United Kingdom. Between 1979 and 1993 nationalized industries in Britain fell from a share of 11 per cent of gdp to 2 per cent, and from 1.8 million employees in 1980 to less than 400,000 in 1994 (Kamarck, 2000, p. 240). The privatization movement spread to other countries, to the extent that, from the early 1980s to 1993, more than 7000 enterprises had been privatized (Farazmand, 1996, p. 18)"

Public enterprises are a noteworthy part of the public sector. They may shrink so far as to become nothing more than an interesting diversion in the history of governmental institutions. They may gain a new lease of life, as they did during the GFC from 2008, when governments in the United Kingdom and even the United States bailed out some key private enterprises by taking up equity or even outright ownership.

Reasons for establishing public enterprise

Governments have established public enterprises for a variety of reasons. Rees (1984) argues that there are four reasons for the existence of public enterprise: to correct market failure; to alter the structure of pay-offs in an economy; to facilitate centralized long-term economic planning; and to change the nature of the economy, from capitalist to

khắc phục những

socialist (p. 2).

"The first point refers to goods or services, which are desired, but will not be provided adequately by the market. Market failure can occur for reasons of **natural monopoly**, restriction of competition in some other way, externalities or spill-over effects on to others, and where the goods produced are to some degree public goods (see Chapter 2). To have such: industries in public hands may be 'a way of retaining the cost advantage of a sole seller while preventing the resource misallocation which would result from a profit-seeking monopoly' (Rees, -1984, p. 3).

The second point - the structure of pay-offs - means altering the benefits received by particular individuals or groups. Beneficiaries could include the employees; consumers or government. Some critics argued that government ownership leads to 'featherbedding', providing terms and conditions for employees above those that could be obtained elsewhere, including the employment of more staff than might be needed."

The third point- centralized long-term planning - is a motivation used in some countries. Government ownership of electricity and the railways in France enabled the provision of services ahead of demand as part of the planning process for the nation, especially in regard to the government's attempts to decentralize the economy. In some sparsely settled countries such as Australia and Canada, utilities were

established in government hands from the outset, because of the inability of private providers to make an economic return. The choice was either to have the government provide services, or for them not to be provided to consumers at all. The fourth point - to change the economy from capitalist to socialist was a major factor in some countries. In the United Kingdom in the immediate post-war period, railways, steel and coal were nationalized, so that the commanding heights of the economy were in government hands. Public enterprise had been regarded as a form of 'soft' socialism, perhaps a transitional stage on the way to full socialism and it was thought that if important industries were in government hands as public enterprises, this would facilitate the transition to a socialist state.'

There has been no single consistent governmental aim for using public enterprise. There have been a set of diverse reasons beyond mere profit-making. Public enterprises have always had objectives other than making a profit.

Kinds of public enterprise

A public enterprise is a particular kind of statutory authority: one that sells goods and services to the public on a large scale, with the financial returns accruing in the first instance to the authority itself (Uhrig, 2003). Public enterprises provide many services, including, in some countries, utilities such as telecommunications, electricity, gas supplies, water and sewerage; transport, such as rail, airlines, shipping services and urban public transport; financial services, notably banks

and insurance companies; and agricultural marketing. Some countries have government owned oil companies, motor vehicle companies, tobacco and alcohol companies. Indeed, it is hard to imagine a product or service that has not been government-owned in at least one country at some time. The only point in common among all of these is their government ownership.

The most important public enterprises have been public utilities, providing services such as water, sewerage, electricity, gas and telecommunication. All these are essential for the economy as a whole - hence the name utilities - but as they are services with connections to households by a network they have a real (or at least a tendency towards) 'natural monopoly' (see Chapter 2). A competitor would not appear, as its prices would need to start higher than those of the public utilities as it set up its own network. As public utilities are essential services they are politically sensitive, and there is great disruption to the private economy and households if supplies are interrupted. As a result of political sensitivity and the tendency to natural monopoly, historically many governments have favoured outright ownership of public utilities. Even if natural monopoly is no longer seen as existing for the full range of utilities; Governments still generally maintain fairly tight control through regulation

Another category is that of essential services that face competition. In many countries the postal service is publicly owned; even in the United States, but Germany privatized theirs in 1995, and Japan in 2005. The letter mail is an essential service, but while ordinary letter delivery may have tendencies towards natural monopoly, it faces competition from direct mail, courier services and telecommunication services, including fax and electronic mail. A postal service would still be seen as an essential service but whether it is government-controlled or not seems less important than it once did. Public freight transport is similar in that it faces competition from private operators, while public passenger trains and buses compete with private cars, airlines and private buses. Other forms of public enterprise are those that exist by using the government's legal powers, such as to, compulsorily acquire commodities, particularly rural commodities for further sale, or to require the purchase of insurance for motor vehicles. The use of compulsory acquisition or compulsory purchase is what distinguishes this group of enterprises, as their main asset is the coercive power-of government.

The other key public enterprises are government-owned corporations, which compete directly With private companies and

in the same market. This category includes banks, insurance companies, airlines and oil companies, to name but a few. The list of public enterprises in competitive environments has been considerably reduced by privatization. The question is, if they are profitable and operate no differently, from competitors, why should they be government-owned? On the other hand, if they are profitable and well managed, why shouldn't the government keep them and use the profits in some socially productive way? Governments have involved themselves with enterprises in competitive environments for many reasons; however, privatization in the 1980s and 1990s saw a clear expression around the world that this strategy was no longer in favour.

Some categories of public enterprise offered no great advantage to the public by being government-owned, Others where there was some kind of public interest might still have been better in private ownership and regulated by government rather than owned. Interestingly, years later there is little nostalgia for the great days of public enterprise, and no serious attempt to nationalize those industries that had been privatized. The public, debate faded away too. The foray into public enterprise again with the GFC was only short-term in nature and did not mark a change of ideology

The privatization debate

The election of the Thatcher Government in the United Kingdom in 1979 led to an intense

debate over the question of privatization, and the 1980s saw an extensive and continuing programme of sale of public enterprises. The debate did not stop there, and, the apparent success of the United Kingdom programme was followed by other countries for example, New Zealand, which saw privatization as well a way of concentrating on core activities as well as a handy means of raising revenue.

While selling public enterprises was the most visible form of privatization it was not the only kind. In the United States, where there was little public enterprise in any case, privatization included the contracting out of services formerly provided by the government. It makes sense to see privatization as the reduction of government involvement in general: as a reduction in production, but also a reduction in provision, subsidies or regulation. Even if much of the argument about public enterprise has been about selling enterprises - reducing production by de-nationalization - the other features are also crucial. Liberalization, by means of reducing regulation, is a critical part of privatization, while contracting out and charging are occurring right across the public sector.

Economic arguments for privatization

Economic arguments for privatization include exposing activities to market forces and competition; reducing both government spending and the government's share of the economic cake; and reducing by using the proceeds from sales of public enterprises. In theory, competition provides powerful

incentives to both produce and efficiently. If competition is seen as desirable, the different instruments of privatization need to be compared. Competition could be introduced by selling assets or de-regulating to allow for the entry of competitors, or by calling for competitive contracts for particular activities. Selling assets only improves competition if an enterprise is already in a competitive environment; and selling a monopoly with its regulation intact does nothing for competition. As Stiglitz (2001,p.350) argues:

"A regulatory structure can be created to ensure that some of the efficiency gains from privatization are shared by consumers and other users and that other social objectives, such as universal service, are enhanced. But the proposition that privatization will, in principle, increase the efficiency of the economy and achieve other social objectives should never be confused with the proposition that, in the absence of effective regulatory structures, privatization may do neither in practice"

Competition can provide benefits, but the best way of introducing competition is to de-regulate the industry, rather than necessarily sell assets, unless de-regulation occurs at the same time as assets are sold. Capturing the benefits of competition requires careful regulatory design. For example, franchising is more difficult in practice than in theory. The successful bidder has clear advantages

when the contract comes up for renewal, and the system would still require substantial government regulation. Political bargaining may become more important in deciding who wins a franchise than genuine 'arm's-length' contracts. If privatization does not result in greater competition, there are unlikely to be major benefits for consumers

"Preventing monopoly exploitation was once regarded as one of the main reasons in favour of public ownership of enterprises, but it is now less significant. Advances in economic theory, particularly 'contestable market theory', suggest that monopolies are constrained from being predatory by the potential entry of competitors (Baumol et al., 1982). They cannot charge too much above reasonable prices because then a competitor might appear. If a monopolist is being constrained in this way, there is no need for government intervention. In addition, even where there are genuine monopoly problems, as in electricity and telecommunications, these may only occur in part of an enterprise's operations.

A further economic argument for privatization has been to reduce cross-subsidies. This is where an enterprise varies its prices so that, within its overall functions, profitable activities subsidize unprofitable but desirable activities. Privatization is seen as a way of charging for services in accordance with their true costs. If the government

desires the provision 'of specific services, it should provide the funds for the, purpose through the budget.

Managerial efficiency and privatization

The efficiency argument for privatization claims that private management is inherently superior to public management. Clearly, the agements of private and public sector organizations do quite different environments and often have quite different. There are theoretical differences between them in the incentives available to management and, because the public sector operates in a political environment, management there may be less straightforward. Perhaps public service conditions are not conducive to excellence? But the managerial argument is more this: it is that public management is inherently inferior. The sector is assumed to have a time-tested set of incentives and abilities in place, and as these are not present in the public sector there must be inefficiency. The only problem with this view is that evidence is hard to locate, and is far from persuasive when it is found (see Hodge, 2000)

For small-scale operations there is some evidence that private vision is more efficient. For example, a comparison of private public refuse collection shows that private contractors tend to be cheaper than public ones (Savas, 1982). At such a local level, may be a case for a greater use of contracting out in areas such as refuse collection or road construction. It is, however, only a form of privatization. It is still a government service or asset, and the

only saving is the difference between contractors and government day labour, which varies according to the activity itself. Often, the ease of gaining data at the lower level means that studies about refutation are used to substantiate the general case for private over public. But it is a far cry from this to the level of large enterprises.

The absence of systematic differences is surprising. Perhaps proponents of privatization make the mistake of comparing public sector management practices with an idealized private management world. In this ideal, management is controlled by, accountable to, its shareholders; workers feel part of their share price reflects the value of the company; and the finalion for poor management 'is the threat of a takeover. In some cases, these views may be realistic, but private managers are often averse to taking risks, treat their shareholders with contempt, and may be concerned with making paper profits rather than management. The available evidence seems to suggest no measure difference between the two sectors. The differences that do exist are more related to the regulatory environment than to ownership and some parts of the public enterprise sector may have greater inefficiencies than others.

Ideological arguments

Privatization is part of the more general debate about the respective merits of market and non-market systems of resource

hình thức

allocation, IdeologiccaoInsiderations have been important in the privatization debate. The early Thatcher Government privatization was largely given by ideology, assisted by pro-market think tanks and changes in economic theory. The ideological fervour faded somewhat, even before the Conservative government was replaced by Labour in 1997. Privatization, in its various forms, began to be viewed pragmatically, as a device that could be used in some circumstances but was not a solution to every problem.

If there has been an ideological debate over privatization, it has certainly been won by those favouring privatization, judging by the policy outcome. This has happened even though the economic arguments for privatization are less than overwhelming; there is no incontrovertible evidence supporting the superior efficiency of private sector provision (though there is a similar lack of evidence of any public sector superiority); and the ideological arguments are unconvincing. The arguments and evidence for privatization were not strong but, in the final analysis, there was no serious and sustainable argument from those in favour of retaining activities in public hands. There now seems to be fairly general agreement that running public enterprises is no longer part of the core business of government, and that if other services can be contracted out the relative costs and benefits should at least be considered.

Accountability

A key issue shared by regulation, contracting out and public enterprise is that of accountability. Of these, regulation may be the least problematic, but even there the real political accountability of regulatory agencies with often highly complex rules and procedures can pose real questions. Some forms of contracting have real issues of accountability. Contracts are often secret; with commercial in-confidence provisions often being used. Not only is the legislature not aware of the precise details, but members of the government may not actually know them either. The longer contract terms are, the more that accountability becomes problematic. If a public-private partnership has a term of more than 30 years - which is not unusual - the government's accountability to the public for such a contract is most dubious. The government would change many times over such a long period; indeed, the contract - which any successive government would be bound to honour - would have tenure far longer than the government that signed it.

Public enterprises have always had particular management problems, including accountability, regulation, social and industrial policies, investment policy, and financial controls. Of these, control and accountability are particular problems for public enterprises, which are set up deliberately to be relatively independent of direct political control. If control is too tight, there is no advantage in having them set

riêng

up as entities with a significant degree of independence. But on the other hand, if government control is too loose, an enterprise may not be accountable to its owners - the public - raising the question as to why it is in government hands at all.

The accountability problem of public enterprise can be seen from its three distinguishing characteristics: 'First ... they must be owned by the government. Second ...[They] must be engaged in the production of goods and service for sale... Third, sales revenues ... should bear some relationship to cost' (Aharoni,1986, p. 6). These characteristics can lead to confusion in accountability. Public enterprises are organizations designed to be a part of the government sector, but also to operate commercially. Despite operating commercially, however, they have no shareholders, and they are government-owned but are usually not funded by government. They have their own management and boards of directors, but are also responsible to a minister. A public enterprise is often required to meet other objectives, rather than simply trying to maximize profit as would a private company.

"The questions of privatization and accountability are linked. One of the arguments for privatization is that public ownership means an absence of real accountability. In this view, the absence of the kind of accountability presumed to exist in

the private sector implies that public enterprises have no place in society. Part of the early publicsector reform process involved reasserting control over-public enterprises, making them pay Huger .dividends, and devising better means of ensuring account ability. The success of these changes was mixed, and inevitably led to further privatization. If accountability. is poor and improvements not possible, the case for privatization becomes much stronger"

Conclusion

Governments have a range of contact points with business. Taxation is a perennial interaction, but the three discussed here - regulation,contracting, and public enterprise - are probably the most important in terms of public management reform.

"The level of regulation has not been reduced, as was often talked about in the early years of managerial reform, but it has changed in character, with much less special regulation to benefit a small group and much more regulation aimed at making businesses actually inpete with each other. But there is a long way to go before many of there more petty regulations are removed, even though many governments have regulation reviews and regulation review units. It is usually harder for a government to take away a regulation that benefits someone than it was to enact it in the first place. There has been a significant level of regulatory reform, but there is no real

prospect of regulation being cut substantially. The contracting out of government services is often regarded as one of the key features of managerial reform. It has been argued here that there is indeed an increase, but that contracting out is by no means novel."

The great public enterprise experiment seems to be over. It is difficult to see any long-term future for the public enterprise sector in any advanced or even developing country, especially for those enterprises supplying goods or services on a large scale. Apart from small-scale activities, it is likely that public enterprise will eventually disappear as, an acceptable way delivering private goods or services, Even the revival during the GFC was expedient rather than a lasting return to the ideas of the 1950s.

Even if the precise dividing line between government and the private sector cannot be drawn with any great precision, there are major differences between them, notably in terms of accountability. All government organizations are assumed to be accountable in some way to the public through the political system. Private organizations are accountable to their direct owners, or their indirect owners - the shareholders. The accountability requirements are so different that there needs to be a warning for all governments that get too close to business. A government is not a business and should not behave as if it is one.

Dù không thể vẽ ranh giới chính xác giữa khu vực nhà nước và tư nhân, thì giữa chúng vẫn có sự khác biệt lớn, đặc biệt là trách nhiệm giải trình. Tất cả các tổ chức chính phủ được cho là phải chịu trách nhiệm trước công chúng thông qua hệ thống chính trị. Các tổ chức tư nhân chịu trách nhiệm trực tiếp với chủ sở hữu của nó, hoặc chủ sở hữu gián tiếp của họ - các cổ đông. Các yêu cầu về trách nhiệm rất khác nhau nên cần phải cảnh báo cho tất cả các chính phủ liên quan quá mật thiết đến kinh doanh. Chính phủ không phải là một doanh nghiệp và không nên cư xử như thể nó là doanh nghiệp.

| | |
|--|--|
| | |
|--|--|