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# THE RELATIONSHIPS BETWEEN GOOD GOVERNANCE AND PUBLIC POLICY EDUCATION IN A COMPARATIVE FRAMEWORK

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## LAS RELACIONES ENTRE LA BUENA GOBERNANZA Y LA EDUCACIÓN EN POLÍTICAS PÚBLICAS EN UN MARCO COMPARADO

### Abstract

The inherent difficulties of designing and executing good public policy are not restricted to modernity or to any given political system. Many of these difficulties were pondered and discussed even in the ancient world. Today, public policy education has become a primary need, and more than at any time in recent history, it needs to be promoted globally. In fact, public policy education would help citizens play a more effective role in good governance by clarifying how government decisions directly impact their lives. This paper addresses the origins of public policy fundamentals, arguing that they are not inherently bound to the American context. It suggests that public policy educators around the world can develop their own curricula based on similar broad outlines and comparative studies. The paper, after sketching examples

from bilateral treaties on water rights, further highlights how other real-world case studies from international organizations, such as the International Telecommunication Union (ITU) and the Food and Agriculture Organization (FAO), can help students get exposed to practical policy challenges.

## **Keywords**

public policy education; fundamentals; good governance; students.

## **Resumen**

Las dificultades inherentes al diseño y la ejecución de buenas políticas públicas no se limitan a la modernidad ni a un sistema político determinado. Muchas de estas dificultades ya fueron objeto de reflexión y debate incluso en el mundo antiguo.

Hoy en día, la educación en políticas públicas se ha convertido en una necesidad primordial y, más que en cualquier otro momento de la historia reciente, necesita ser promovida a escala global. De hecho, la educación en políticas públicas ayudaría a los ciudadanos a desempeñar un papel más eficaz en la buena gobernanza, al aclarar cómo las decisiones gubernamentales afectan directamente sus vidas.

Este trabajo aborda los orígenes de los fundamentos de las políticas públicas, sosteniendo que no están intrínsecamente ligados al contexto estadounidense. Sugiere que los docentes de políticas públicas de todo el mundo pueden desarrollar sus propios planes de estudio basados en líneas generales similares y en estudios comparados.

El artículo, tras esbozar ejemplos de tratados bilaterales sobre derechos hídricos, destaca además cómo otros estudios de caso del mundo real procedentes de organizaciones internacionales, como la Unión Internacional de Telecomunicaciones (UIT) y la Organización de las Naciones Unidas para la Alimentación y la Agricultura (FAO), pueden ayudar a los estudiantes a familiarizarse con desafíos prácticos de las políticas públicas.

## **Palabras clave**

educación en políticas públicas; fundamentos; buena gobernanza; estudiantes.

## 1. Introduction

Public policy as an academic discipline is relatively new, having been founded in the United States after World War II. It is both an academic field and a training for practical professions<sup>1</sup>.

(1) It is unclear what fundamentals undergraduates in public policy studies should master for graduate study or professional work. My experience suggests that they need the following: Recognize recurring patterns of social life and governance that reappear across a wide historical and geographic range of societies.

(2) A grasp that *self-government*, in any form, presents difficulties that life under an oligarchy, a personal ruler, or a far-flung empire does not present.

(3) An understanding of the logical premises for governance by the people in a democracy or republic.

(4) The realization that to be responsible for policy is to deal with unexpected problems; the unexpected is not some separate category.

(5) The capacity to accept constraints in the tools or solutions that are available.

(6) Experience in making decisions on unexpected problems while working collaboratively within a small group, ensuring accurate recall of the group's consensus and process, not just one's individual contribution or preference.

(7) The ability to clearly communicate a decision to the public, consider objections to it, and answer questions fairly.

It is useful to briefly consider the relations between the recently listed qualities and skills and the framework creation of the U.S. Constitution. Items (1) through (4) were part of the intellectual equipment of the 55 founders who wrote the Constitution. These qualities were fairly widespread in the revolutionary generation. All four qualities were stimulated by the types of effort involved in fighting for, and conceiving of, a republic that would cover a large extent of territory – something then a novelty in the world. Later, with greater historical distance from the founding era, these four qualities may have declined.

On the other hand, items (5) through (7) are administrative qualities that, in its new structure of government, the revolutionary generation had to learn. In the American

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<sup>1</sup> A short and helpful overview can be found in Potucek and Leloup, "Approaches to Public Policy in Central and Eastern Europe," pp. 1-2, <https://www.martinpotucek.cz/wp-content/uploads/2019/10/approaches-pp.pdf>. This is chapter 1 of Potucek, M., and Leloup, L., et al., *Public Policy in Central and Eastern Europe: Theories, Methods, Practices*, (Bratislava: Network of Institutes and Schools of Public Administration in Central and Eastern Europe, 2003), published online by Cambridge University Press, 2018.

experience, it is important to note that these latter qualities may have reached their real fruition in the 1930s and 1940s, a period when the Great Depression and World War II tested the country's capacity for survival. Furthermore, the development of congressional legislation for reform and of executive-branch agencies to address pressing problems created a structural legacy that is now the subject of controversy and dispute.

Students new to the study of public policy are likely to assume that for a given problem, material resources, a knowledge base, and the rationality to use both well are already in place. However, in a given case, at least one of these three is likely to be lacking. Also, the rule of law is not a constant in a given society; it is, at best, more fragile than it appears and is a matter of degree, tending to widen or narrow depending on which social strains are affecting it.

These general observations may seem platitudes, but I draw them from observing students and their expectations of the world. Their expectations are best addressed by presenting actual policy problems that they can, if not exactly master, tentatively solve in collaborative exercises.

## 2. How Students Can Work in Class with the Fundamentals

Although these seven fundamentals may initially appear overly ambitious when listed in this fashion, each can be taught in school. I have sought to do so in two required courses taught by other colleagues: "Great Thinkers and Public Policy" and "Public Leaders and Active Citizens." I will draw on my teaching in these courses to address each of the seven fundamentals I propose.

For students to (1) contact the idea of patterns that have reappeared across a wide range of societies, I introduce them to Confucius. In the West, it is no longer appreciated that Confucius is the earliest source of civil service thinking and standards of conduct. The idea that civil servants should be free of corrupt self-dealing or over-responsiveness to political influence is Confucian. However, eighteenth-century European intellectuals were very much aware of Confucius, having absorbed the writings of seventeenth-century Jesuit missionaries who were resident in China and scholars of its culture. It was only after the Chinese concept of civil service examinations had been adopted in the nineteenth century in Britain and the United States that its Chinese origins were largely forgotten. In class, I lectured on Confucius' life and work. More importantly, students read extracts I have collected from the *Analects*<sup>2</sup> that directly relate to the concept of civil

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<sup>2</sup> Eno, R. (2015). *The Analects of Confucius*, at [https://www.transcend.org/tms/wp-content/uploads/2022/09/Analects-of-Confucius-Eno-2015-TMS\\_compressed.pdf](https://www.transcend.org/tms/wp-content/uploads/2022/09/Analects-of-Confucius-Eno-2015-TMS_compressed.pdf).

service. I rely on Robert Eno's (2015) edition. To facilitate their understanding, I have divided these extracts into sections with strong practical application, such as:

- On informing yourself
- On the people
- On getting employed
- On how to act
- On getting fired
- On leaving
- On young people
- On the flourishing and decline of states.

Students select a short passage and write a brief essay on why they find it meaningful personally or for policy. Many are often surprised by the accessibility and ethical familiarity of this ancient text – understandable, since its values were imported into European high culture in a previous period and are now absorbed as ideals.

For students to take in the reality that (2) self-government is a constant effort to meet difficulties – an effort that passing into oligarchy, accepting a personal ruler, or functioning inside an imperial structure will obviate (though of course each of these brings its own distinct sufferings). I introduce them to *The Politics of Aristotle* (Aristotle, 1992)<sup>3</sup>. It is curious but true that in American universities, undergraduates are more likely to be introduced to Plato's *Republic* than they are to Aristotle's *Politics*. While Plato's work is speculative philosophy, Aristotle's has empirical grounding and is riddled with examples from real city-states (it has been estimated that Aristotle and his students may have been aware of about 500 of them). In continuing this contrast, Plato's work is not oriented toward self-government. At the same time, Aristotle attempts a taxonomy of self-governing constitutions and is explicit about their relative capacities to stabilize and endure. Given this, one would imagine that Western democratic societies, in educating their youth, would gravitate more toward *Politics*, but in the United States, this has not been the case.

I do not ask students to read all of the *Politics*, but I give them extracts from Books IV, V, and VI that focus on the following themes:

- Why are there so many different constitutions
- Social classes and different constitutions

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<sup>3</sup> The edition I use is Aristotle: *The Politics*, Sinclair, T.A. (translator), Saunders, Trevor J. (editor), Penguin (New York, 1992). The original division into eight books should presumably be maintained by any translation into any language. The extracts I use with students are all from Books IV, V and VI.

- Definitions: types of democracy and oligarchy– as types of government
- from a property standpoint
- Polity (the inclusion of different principles)
- Types of tyrannies
- Governments’ likelihood of stability or overthrow
- Best practices for democracies

I think American students find it hardest to understand that the most stable constitution is the one that integrates multiple principles.

In Aristotle’s thought, deviations from the mean in the center are deviations away from a balance of principles, and these can happen either toward the rule of wealth (oligarchy) or toward the rule of the current majority (democracy). If a current majority can overrule laws and customs that support deliberation *in haste*, the constitution will become unstable. Conversely, if deference toward wealth leads to a situation in which “those in the middle,” that is, those who have a sufficiency, enough to feel secure, do not outnumber the other two groups *together*, the rich plus the poor, the constitution will become unstable.

To encourage students to ponder (3) the logical premises of governance by the people in a democracy or republic, after all, why do we assume that the public is a source of good judgment? I introduce them to Machiavelli (1996). It is also interesting that American universities are more likely to teach Machiavelli to undergraduates through *The Prince*, a treatise on sole rulership, rather than through the *Discourses on Livy*, a treatise on republicanism. One would think that the oldest large republic would prefer to teach the latter. In any case, I give students a single section from the *Discourses*, Chapter 58: “That a People is Wiser and More Constant than a Prince” (Machiavelli, 1996).

Machiavelli begins by pointing out that he is arguing for principles “where it is not sought to impose them by violence or authority (*i.e.*, earlier writers)”<sup>4</sup>. On these questions, reason can stand alone. He then explains that the people are neither inherently better nor worse than a prince: “both equally err when they can do so without regard to consequences [...] were any to accuse both princes and peoples, the charge might be true, but [...] to make exception in favor of princes is a mistake”<sup>5</sup>. Human nature is the same among ordinary individuals, princes, or a multitude. Therefore, respect for the laws, especially a community’s founding laws, is what makes the difference in governing wisely. It is only if a people respect its laws that it is “more prudent, more stable, and of better judgment than a prince”<sup>6</sup>.

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<sup>4</sup> Quotations are from the Project Gutenberg source (see note 4).

<sup>5</sup> Mark Musa and Peter Bondanella, cit., p. 126.

<sup>6</sup> *Ibid.*, 131.

Machiavelli's final reason is empirical. In his Renaissance world of the Italian peninsula, he argues that cities governed by the people "make marvellous progress," outpacing those governed by princes. He does not argue that this must always happen, but notes that it often does. For American students, this serves as a necessary corrective to the misconception that a republic or democracy functions like a machine. The idea of opposing social forces in a schema of checks and balances is a wonderful gift from the eighteenth-century legacy. However, Americans of that era did not believe this system would work on its own, without constant civic virtues expressed through deliberation.

To help students understand that (4) being responsible for policy means addressing unexpected problems, and that the unexpected is an inherent part of policymaking, classroom simulations can present real policy dilemmas. These dilemmas are accessible (so most readings are available online) and specific enough for students to analyze effectively. One simple example—from the course's first week—is as follows:

In the U.S. state of Virginia, the law requires that the commissioner of the Board of Health be a medical doctor. The Virginia Senate must also confirm him or her. The Senate had rejected the governor's earlier nominee. He then appointed a temporary acting commissioner while looking for a new nominee. However, contrary to the law, this person was not a medical doctor. Board of Health members became concerned about the legality of any action they or the commissioner might take<sup>7</sup>. The problem with the simulation was: What choices did the Board of Health have to try to change this situation? Whom should it appeal to? Should that appeal be private or public?

Each week, students were presented with a different problem that required them to identify with real policymakers. Some problems were at a local level, as in this example; others were national; still others were international (for instance, the Arctic Council, the International Telecommunication Union, or the Food and Agriculture Organization). All the problems had aspects that were not anticipated by laws, regulations, or customary procedures, so they lacked an obvious solution.

The simulations sought to build in students (5) the capacity to accept constraints on the tools or solutions that are available. This was done by offering a menu of approaches and largely restricting the students to these options. In the example just given, students had three options: (a) the Board of Health should send a private letter to the governor; (b) the Board members should discuss their concerns with members of the Virginia senate, who might well talk about them in public; or (c) the Board should issue a public

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<sup>7</sup> For a journalistic account of this controversy, see for example the Washington Post, "Youngkin's Health Chief Was Ousted. What Happens Now?," February 10, 2023, at <https://www.washingtonpost.com/dc-md-va/2023/02/10/greene-virginia-health-youngkin-abortion/>.

statement to the citizens of Virginia, explaining the gravity of the situation. Students had to accept that, in this simulation, they did not have the power to fix the problem.

It is difficult for experienced policy professionals to (6) make decisions under constraints on unexpected problems, collaboratively in a small group, and to recall the details of the group's decision accurately later, rather than only one's own part in that decision. However, this is exactly what will be needed the next day.

In the classroom, having been briefed on the problem, students formed groups of four to six. These groups were not fixed throughout the course; instead, they were formed on the spot as follows.

All students posed three questions about larger issues raised by the policy problem, and their answers were tracked. Those who had answered at least two out of three in one fashion went to one side of the room; those who answered in the other fashion went to the opposite side. Then, students formed groups that included people from both sides of the room.

Once settled in groups, each group was given a six-sided die. They counted off so each student had a number, then rolled the die to see who would lead the group, which meant making sure each student got their turn to express their thoughts before the conversation became general. The groups then had twenty-five minutes to agree on how to handle the policy problem, with a warning when five minutes remained. They were also repeatedly told that they must each take clear notes on the group's decision, because these would form the basis of a later writing assignment.

This sequence is less complicated to do than it appears on paper. By the third week, the students had become quite habituated to it. Note-taking is important. Students do not naturally identify with a group decision or recall the reasoning behind it. They can only learn this through practice.

With their notes, students should practice (7) clearly communicating a policy decision as if writing for the general public. They should also consider objections and provide fair answers to possible questions. A few weeks later, each student picked one week's group decision and wrote a mock press release about it. They also created a "Frequently Asked Questions" page, addressing four or five questions or objections they came up with themselves.

During the course, students complete these exercises at least twice. They learn the fundamentals of clear communication about something they are responsible for, but responsibility in a group sense, not just as an individual. Although these papers are only two pages long, there is plenty of opportunity to get details wrong or right; to confuse or clarify.

### 3. An Example: Comparing Two Bilateral Treaties' Modes of Handling the Same Type of Problem—Water Rights

Various types of policy problems, especially those related to nature or the fundamentals of human welfare, exhibit similarities across cultures and can be treated comparatively in class. Climate change, modes of organizing public health, dealing with epidemics or pandemics, or improving energy efficiency are broad areas that will provide countless examples.

Here, I will work with one such area: bodies of water that cross national boundaries. One case concerns the United States and Mexico; the other concerns Iran and Afghanistan. In each case, a pre-existing treaty serves as a framework for water allocation and dispute settlement and can address new and unforeseen situations. There is also a major contrast: in the North American case, the headwaters are in the territory of the larger, more developed country, whereas in the Middle Eastern case, they are in the territory of the smaller, less developed country.

#### 3.1. The North American Case

In North America, the water rights treaty was negotiated during a period of positive U.S.-Mexican relations. In 1944, both Mexico and the U.S. were at war against the Axis powers and were therefore allies. As Howard F. Cline (1965) notes in his classic account *The United States and Mexico*, German sinkings of Mexican cargo ships in 1942 had led Mexico to declare war on all three Axis powers<sup>8</sup>. During the war, Mexico and the U.S. cooperated extensively on supplies and materiel. In the midst of this activity, the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande was negotiated. It includes some features of interest worth considering for freshwater cross-border treaties in general<sup>9</sup>.

The treaty's formula for *who* will implement it tends to depoliticize problems and put technical aspects in the foreground. It established U.S. and Mexican Sections with parallel personnel structures. Each section is headed by an "Engineer Commissioner," who is aided by two assistant engineers, a legal advisor, and a secretary. All of these are granted diplomatic rank as a condition of the treaty, so their status is clear when they visit the other country. The Engineer Commissioners report directly to their foreign ministries.

<sup>8</sup> See a classic account in Howard F. Cline, *The United States and Mexico*, New York: Atheneum 1965, pp. 265-272.

<sup>9</sup> The full text of the treaty in English and Spanish is available at <https://www.ibwc.gov/wp-content/uploads/2022/11/1944Treaty.pdf>.

The Treaty's personnel have the capacity to discuss and act on ongoing issues that are certain to demand attention, such as increases in sediment that clog waterways or higher salinity in water delivered from upstream to downstream. Their role is to negotiate an interpretation of the treaty as it applies to the matter at hand and embody that solution in a document called a "Minute".

The "Minute" is transmitted to the two foreign ministries. Either country has 30 days to object to a "Minute", which otherwise becomes part of the treaty with the same force as the treaty itself<sup>10</sup>.

The Treaty specifies annual water amounts to be delivered to Mexico, but given the aridity of the vast region covered, there is time flexibility in meeting the requirements. When the balance shifts toward excess or lack, U.S. deliveries that are higher or lower than the treaty amount are included in a five-year running average.

The upstream party has an incentive, in a year of high-water supply, not to retain all the water beyond the required level, because any surplus will be recorded in the five-year account. Thus, the variation in natural conditions has a greater scope to establish the required amounts over a longer term. (In the case of the Rio Grande in a high-water year, after delivering Mexico its required amount, the United States is still not entitled to more than one-third of the flow.)

In severe droughts, the time frame is extended. The treaty states: "In the case of extraordinary drought or serious accident to the hydraulic systems [...] any deficiencies at the end of the aforesaid five-year cycle shall be made up in the following five-year cycle [...]"<sup>11</sup>.

Not all dams and storage works are the sole property of either country. The treaty provided for "international storage dams": the national shares of water in a given dam are agreed upon, and the dam's costs are divided in the same proportion. If the dam generates hydroelectric power, the associated costs are split evenly. Personnel from one country who are active in dam projects in the other country are free from any restrictions on their movement.

The "technocratic" style of problem-solving embodied in the U.S.-Mexico treaty has the weakness of being unresponsive to issues arising in smaller regions and districts across the vast area involved. The proof of this is that over the years, "Minutes" have

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<sup>10</sup> For a deeper look, see Stephen P. Mumme, "The U.S.-Mexico International Boundary and Water Commission in the Sustainable Development Era," *IBRU Boundary and Security Bulletin*, Summer 2001, pp. 117-125, at [https://www.durham.ac.uk/media/durham-university/research-/research-centres/ibru-centre-for-borders-research/maps-and-databases/publications-database/boundary-amp-security-bulletins/bsb9-2\\_mumme.pdf](https://www.durham.ac.uk/media/durham-university/research-/research-centres/ibru-centre-for-borders-research/maps-and-databases/publications-database/boundary-amp-security-bulletins/bsb9-2_mumme.pdf).

<sup>11</sup> Treaty relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, or the 1944 Water Treaty, signed at Washington, November 14, 1944, at <https://www.ibwc.gov/wp-content/uploads/2022/11/1944Treaty.pdf>.

created bi-national committees to focus on “problem and region-specific” efforts; an observer notes that “the narrowness of their focus appears to aid in their success”<sup>12</sup>. In addition, “Citizens’ Forums” are also held in various regions, to which the public is invited, and information on water activities is shared. However, it is unclear whether this is a significant channel for public input into policy.

### 3.2. The Middle Eastern Case

Before considering the other half of our comparison, it is important to note an underlying difference: for at least two centuries, the peoples of the Helmand Basin and its surroundings regulated water use on their own for much of the time, without outside help. In Afghanistan’s Nimruz province (east of Iran’s Sistan and Baluchistan province), “there is no document regarding problem solving.” As Abdul Qayyum Karim (2016) notes, “*Mirabs* are accustomed to applying their experience for justification, and also [the] problem is only with one season” – that is, the season when water is more abundant (p. 18). Other scholars, referring to the late 19th century, observe that “while the question of water allocation remained unanswered, for 30 years disputes over the Helmand waters in the delta were apparently settled locally without intervention from central authority; that is, residents – Afghans and Iranians – cooperated in sharing the same water” (Nagheeb & Warner, 2022, p. 559). The same authors describe the period from 1905 to 1930 as similar. The point is not that if the local people on both sides of the border manage things, all will be well; rather, the point is that when all is well, they manage things. If customary usages are present today, even in part, then they can be viewed as a positive human resource (“a feature, not a bug”) that allows the governments to focus on procedures designed to handle times of strain.

Floods, droughts, and the river’s own changes, of course, require over time a level of binational planning that local people cannot provide – so there is no argument for autarky here. Even in earlier periods, such as “from 1905 to 1930, an annual joint commission made up primarily of academics appointed by the two countries cooperated in jointly measuring and allocating the Helmand water at Band-e Kamal Khan” (Nagheeb & Warner, 2022, p. 560). The impetus for the Helmand River Water Treaty of 1973 may have come in part from the severe drought of 1970-71. The treaty’s ratification and exchange of instruments, however, did not come until 1977.

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<sup>12</sup> Sánchez, Anabel. (2006) 1944 Water Treaty Between Mexico and the United States: Present Situation and Future Potential, *Frontera norte*, 18(36), p. 136, at [https://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S0187-73722006000200005](https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S0187-73722006000200005).

The treaty leaves the question of *who* will implement its provisions largely to the two governments. Protocol Number One of the Treaty states only that “the Commissioners shall be appointed from among high-ranking officials” (Helmand River Water Treaty, 1973, Protocol No. 1, Article 3, p. 3)<sup>13</sup>. The Commissioners, their deputies, and advisors from both countries constitute a Joint Committee which meets regularly.

Even if the Joint Commission agrees to handle a problem, its powers are unclear. Article 7 states affirm: “This Committee shall endeavor to solve expeditiously any problem which may arise in the performance of its duties under this Protocol. The decisions of the Joint Committee shall be binding within the limits of its authority.”

However, Article 10 sets up another body that can overrule the Joint Committee:

Each party to the Treaty shall appoint a delegation headed by the Minister responsible for matters relating to water utilization. The delegations of the two parties shall together constitute the “Committee of Ministers [...] which shall have jurisdiction to solve any problem that may arise in the application of this Protocol” (Treaty on Water Utilization, Article 10).

Article 11 further complicates the structure by stipulating that if the Committee of Ministers fails to reach an agreement, each party to the Committee shall submit a report to its respective Government so that “the two Governments seek a solution through diplomatic channels”.

Notably, the Protocol specifies that “any decision made, or action taken by either Committee shall not in any manner whatsoever establish a precedent,” ensuring that when a problem recurs, the problem-solving process starts from scratch (Treaty on Water Utilization, Article 11).

The level above the two Committees is covered by Protocol No. 2, which allows the parties to establish an Arbitral Tribunal of three members, one of whom need not be an Iranian or Afghan national. This last provision is the only part of the treaty with truly colonial echoes, recalling instances of British arbitration in the late 19th and early 20th Centuries<sup>14</sup>.

While the technical or “bottom” level of decision-making has its authority circumscribed, the time flexibility for equitable problem-solving is also somewhat narrow. In a year with low water levels, the amounts delivered by Afghanistan are to be adjusted downward; when water levels rise, the amounts delivered will also increase to specific levels set out in the treaty (Article 3).

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<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

In practice, this suggests that there is only a two-year time frame in which the water deliveries can find equilibrium—a time frame in which Nature may not cooperate.

### 3.3. Organizing the Problem So Students Can Work on It

Students of policy need a framework for discussion that is grounded in the concrete yet includes abstract elements. Without trying to complete the task here, let me show how I would start in presenting the problem of cross-border water rights. By comparing the North American and Middle Eastern cases, we see that water rights issues are addressed in three broad domains, which we can call:

- The technical domain, which includes water engineers and agricultural and environmental experts;
- The usage domain, where regional residents carry out their activities;
- And the political domain, where water issues are a concern between governments.

We can imagine these domains hierarchically, with the political on top, the technical below it, and usage at the bottom. Alternatively, we can imagine them as overlapping, qualitatively distinct but not “stacked” or ranked. In the hierarchical view, it is always possible to take a seemingly intractable problem and “kick it upstairs” to the next level to solve. In the overlapping view, assigning responsibility for problem-solving can be difficult. However, it is possible to pool knowledge and resources across two or more domains and arrive at a solution.

What these two treaties emphasize is fairly evident. In the North American case, the treaty makes the two Engineer Commissioners and their staffs the hub of its operation. If the political domain wants to intervene in a decision that has been embodied in a minute, it must find the energy to do so and take the initiative. The communities in the usage domain would also have to struggle to get serious input into a given problem-solving process.

In the Middle Eastern case, the technical domain may be underemphasized. The treaty even stipulates that the Commissioners must be selected from high-ranking officials, not that they should be professionally qualified, though presumably members of their staff would be water engineers. There are no details in the treaty about the Committee’s decision-making process or how to embody its decisions. If the Committee is deadlocked, it can always refer the matter to the Committee of Ministers, which sits above it. Hence, the political domain is always one step away when policymaking becomes difficult.

The “silent partner” in the Iran-Afghanistan treaty, however, is the domain of usage. Since Afghans and Iranians have a long history of customary usages that hold up fairly

well in years of average water levels, a breakdown in the political domain does not necessarily imply a breakdown in the water distribution—that depends on the stringency of the situation.

With these observations, I will stop. However, for a classroom, the next step would be to develop menus of specific options to improve both treatments.

#### 4. Conclusions

I believe the seven fundamentals I proposed at the beginning of this paper are not inherently bound to the American context. Their origins are much older than those of the United States, so there is no reason to think they have unique American features. On the contrary, for these fundamentals, the United States has been an adapter of other traditions. Consequently, teachers of public policy in many other countries will likely find they can develop their own coursework with similar broad outlines.

Internationally, a readily available way to adapt these techniques is to use problems arising within international organizations, especially UN agencies dedicated to specific areas. While standpoints on a given problem may differ, the overall issue of how to determine the agency's path will remain the same.

Two cases that I have used in class are from the International Telecommunication Union (ITU) and the Food and Agriculture Organization (FAO). For the ITU, the problem was to develop recommendations for handling e-waste (typically used cell phones), with a range of options viable for low-, middle-, and high-income countries<sup>15</sup>. For the FAO, the problem was to develop a strategy to promote millets worldwide—grains that are hardly affected by heat, drought, high altitudes, and the effects of climate change—while avoiding their becoming a fashionable Western ‘health food,’ which would wreck their price structures for most countries’ needs<sup>16</sup>.

When students imagine they are operating in an international organization, they get an initial taste of horizontal (less hierarchical) modes of organization. This is a valuable experience for later, when they are in frameworks where vertical organization is primary, which may appear to be only command structures. When a specific problem seems insoluble at first, both the vertical and horizontal dimensions of interaction should be tried out, one after the other, to see if the problem's rigidity can be loosened up.

<sup>15</sup> For a recent discussion of the problem from the ITU, see “Supporting a Circular Economy for Electronics,” <https://www.itu.int/en/action/environment-and-climate-change/Pages/ewaste.aspx>.

<sup>16</sup> For example, see Food and Agriculture Organization: “International Year of Millets 2023: Final Report,” <https://openknowledge.fao.org/items/f019d0db-768d-4428-8234-cf803968c4d9>.

More broadly, students' learning experiences can be related to human issues in the practice of constitutionalism. Policy actors have to learn to operate their national constitution—that is, not to act within the constitution only in a passive sense, and certainly not to act outside it. They have to provide the right kind and degree of dynamism. Hence, students need to be taught, through practices and reflection, that there are essential human factors that those engaged in policy must infuse into existing structures.

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