Diffusion across OECD countries

Fabrizio De Francesco

18.1 INTRODUCTION

Impact assessment (IA) has innovated the way many governments formulate their policy reform. Governments adopt policy innovations such as IA to increase their legitimacy in the international economic and political environment. Yet, during the last two decades and following the 1995 Organisation for Economic Co-operation and Development (OECD) recommendation on regulatory reform (OECD 1995), the process of diffusion has been intense (see Figure 18.1; cf. OECD 2009, 2011). Between 2005 and 2008, several countries enhanced either the institutional design or the scope of IA as a result of the OECD regulatory review. [1] These considerations call for a nuanced analysis of the role of the OECD in the adoption and institutionalization of IA among its Member States.

Throughout the chapter, we will argue that the OECD has been an active agent of diffusion. However, national administrative traditions and country-to-country interaction have a large role in the successive institutionalization process of IA. We will also discuss the research design that is more suitable to analyse the complex phenomenon of diffusion of policy innovations through transnational networks, by remarking on the OECD practices for framing regulatory reform.

The OECD itself has been instrumental in the diffusion of policy instruments (Porter and Webb 2008), and IA is no exception. As an ideational authority (Lehtonen 2009; Marcussen 2004; Mörth 2004), the OECD deploys both meditative and

inquisitive functions (Mahon and McBride 2008). Indeed, recent OECD activities on regulatory reform confirm the soundness of this claim. The OECD Council recommendation on regulatory policy and governance was revised and approved in 2012 (OECD 2012). This recommendation provides the new standards for benchmarking the quality of regulatory governance across nations. In addition, the OECD has proposed to evaluate regulatory policy according to two types of measures: citizens' perception of regulatory quality and the completeness of the regulatory management system (OECD 2010). It has also started to explore new issues such as international regulatory cooperation (OECD 2013a) and transnational networks of independent regulators (OECD 2013b).

Apart from the OECD impetus for establishing standards for regulatory reform, empirical analyses show that IA has been diffused mainly through socialization (facilitated by the knowledge exchange activities of the OECD) among Member States (Wiener 2013). For example, there are doubts as to whether the OECD reviews of regulatory reform have a causal effect on the adoption of IA (De Francesco 2012). A further result is that the influence of the OECD is mainly limited to the stage of IA adoption (De Francesco 2013). Thus, the role of the OECD in the global spread of IA among developed economies has to be qualified.

Although the definition of policy diffusion is now consolidated (Gilardi 2012; Maggetti and Gilardi 2015), there is still a discussion on which stage of the policy cycle we can expect interdependence to occur among countries. At the outset, let us rely on a broader definition of policy diffusion. Policy diffusion concerns a dynamic and informed decision-making process, whereby decisions in a given country have been systematically conditioned by prior choices in other countries and international

institutions. When properly understood, diffusion encompasses the decision to adopt, but also policy formulation, implementation and evaluation. Such a definition allows us to achieve a nuanced analysis of policy diffusion. For instance, one may expect higher level of countries' interdependence in the stages up to policy adoption, whereas the actual implementation remains resistant to the prior choices of other governments and to the activities of international organizations.

The remainder of this chapter is structured around this expectation. By proposing IA as a transnational policy innovation, the next section sets the analytical framework for assessing the role of the OECD as a transfer agency. Section 18.2 also describes the events triggering waves of IA diffusion. Section 18.3 summarizes the evidence on the role of the OECD on the governments' choice to adopt IA. Section 18.4 assesses the extent of diffusion of implementation and evaluative practices. The chapter concludes by suggesting that the OECD should assist governments to consolidate their knowledge on how to achieve effective implementation and the compatibility of IA with institutional and administrative settings.

<a>18.2 THE DIFFUSION OF A TRANSNATIONAL POLICY INNOVATION

<fo>The global diffusion of administrative reform is not contested. At the conceptual level, social scientists agree on the convergence of policy-makers around ideas and instruments of the so-called new public management (NPM) (Pollitt 2001, 2002) of which IA is a component (Radaelli and Meuwese 2009). Transnational policy networks have facilitated the spread of policy innovations (Stone 2004). The OECD has

certainly strengthened the NPM movement. Through data collection, discussions, peer review, decisions and evaluations on policy ideas, the OECD produces and disseminates knowledge and international best practice. Not only is the OECD a sort of knowledge platform, it reframes the logic and features of regulatory reform. Regulatory policy recommendations are generalized and packaged by the OECD (Sahlin-Andersson 2001) exactly in order to accomplish its mission to transfer international best practice.[2]

Several scholars have conceptualized the OECD influence on domestic policy (Armingeon and Beyeler 2004; Carroll and Kellow 2011; Lehtonen 2009; Marcussen 2004; Martens and Jakobi 2010; Pal 2012; Woodward 2009). However, there are alternative explanations of the spread of administrative reform. Governments can either learn from the experience of the others or independently select functional solutions in order to solve common problems such as a financial crisis or citizens' dissatisfaction with public sector performance. By conceiving IA as a policy innovation, Table 18.1 summarizes the analytical framework for linking the influence of the OECD with policy diffusion.

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Based on Sahlin-Andersson (2001), Table 18.1 presents three modes of diffusion of administrative practices and evaluative models. The first mode of independent choices associates the adoptability of IA with countries' common administrative features, capacity and tradition. Such internal determinants determine the decisional capacity of policy-makers. The implication for the institutionalization of IA is a marginal convergence of administrative requirements and practices. Because laggard

countries have no capacity to develop any practices to evaluate IA, innovation occurs among pioneer countries that are able to learn from their own experience.

The second mode explains policy diffusion through spatial or hierarchical models, as well as a mechanism of information exchange about an innovation. Governments are interconnected as their political and bureaucratic elites communicate and interact, sharing ideas, solutions and experiences. This process of socialization revolves around the role of pioneer countries and their implementation practices and evaluation templates. The outcome of this learning process is clustered convergence.

IA has spread according to a normally distributed pattern (see Figure 18.1; OECD 2009). A normal policy innovation is a useful perspective to assess the role of the OECD as a transfer agent (De Francesco 2013, 2014, Sahlin-Andersson 2001, Stone 2004). This is the third mode of diffusion. Furthermore, the analytical standpoint of transnational policy innovation allows us to address the questions of what has been diffused and when the spread has occurred.

Understanding the interaction between the attributes of an innovation and the attributes of an adopting unit is essential for answering the question of what has been diffused. Empirical evidence suggests that IA is an oversight mechanism, a means to politically control regulators (Froud et al. 1998; Posner 2001; Shapiro 2005). The institutionalization of such a regulatory review requires time (West 2004). Furthermore, there is not a unique model for exercising the political control on regulators. IA is an administrative principle rather than a well-defined methodological model, such as cost-benefit analysis (CBA) or compliance cost analysis. In other words, among transnational networks of regulatory reformers IA is a label attached to a range of forms and methods of appraisal (Radaelli 2005), including the standard cost model (SCM) (see

Chapter 7).

By addressing the question of when the diffusion of IA occurred, we expose the conditions that facilitated countries' interdependence on regulatory reform. As expected in the normal diffusion of innovations, Figure 18.1 shows that the cumulative proportion of states adopting had a slow start. Canada and the USA were the only countries adopting this regulatory governance innovation in the 1970s. Australia, Germany, Hungary, the Netherland, Sweden and the UK adopted IA in the 1980s. Political ideology and cultural proximity played an important role in explain the transfer of the American experience with IA in Canada (Stanbury and Thompson 1982) and the UK (Froud et al. 1998). Concomitantly, a group of European pioneers adopted a model of IA based on checklists, rather than a fuller economic analysis as in the case of the USA (De Francesco 2013). Accordingly, IA emerged through the establishment of two different and independent models or approaches.

In the 1990s, the diffusion process became more visible in the data. In 1995, the Council of the OECD adopted the 'Recommendation on improving the quality of government regulation' (OECD 1995). And between 1995 and 1999, 15 OECD and European Union (EU) countries adopted IA. This group of countries has different economic and politico-institutional conditions. Thus, different patterns of diffusion are plausible: New Zealand and Ireland are the laggards among the cluster of the Anglo-Saxon countries. Mexico and Korea remind us of the influence exerted by the USA. Vertical influences from the OECD may explain IA adoption in France, Iceland, Italy and Switzerland, whereas geographical proximity to pioneers seems more relevant in the case of countries such as Austria, Belgium and Norway (De Francesco 2013, p. 8).

In the 2000s, the remaining OECD and EU countries adopted IA and were also

influenced by the EU better regulation agenda.[3] This group of laggards is composed of two clusters of countries: the Central and Eastern European and the Southern European Member States. In this last stage of diffusion, we see the drive of several networks of national experts on regulatory reform set up by the European Commission and the Council of the European Union. Modelled on the OECD governance mechanisms and composed by the same experts travelling to Paris, these networks facilitated further interaction among the EU Member States.

By relying on the three alternative scenarios of learning, the next section answers the analysis of how and why IA has spread among the OECD and EU Member States.

18.3 THE OECD AND THE ADOPTION OF IA

Although governments were already aware of the necessity to govern the complexity of their regulatory processes, the OECD has provided them with inferential shortcuts about the model they can emulate (Sahlin-Andersson 2001; Smullen 2010). By reframing IA as a tool to enhance the empirical evidence of decision-making, the OECD reduced the uncertainty faced by governments in taking the decision to adopt IA. Indeed, there is still lack of evidence of the impact of IA on citizens' welfare (Cowen 2005; Radaelli and De Francesco 2010). By producing a coherent narrative about IA as a regulatory innovation (Black et al. 2005), the OECD increases exponentially the communication exchanged within transnational networks. This ideational activity of the OECD has increased the probability of a given country in a specific year to adopt IA.

18.3.1 Framing IA

Transnational governance scholars have argued that ideas, institutions and innovation travel through an active process of translation (Czarniawska and Sevon 1996), hybridization (Djelic 1998), editing (Sahlin-Andersson 1996) or creolization (Sahlin-Andersson and Engwall 2002). The travel metaphor is about carriers and editors of knowledge: 'some ideas or frames could become popular and powerful not because of their intrinsic properties but because of the ways in which they have been formulated and packaged and because of who transports and champions them' (Djelic and Sahlin-Andersson 2008, p. 17).

Used for understanding the diffusion of management ideas (Djelic and Sahlin-Andersson 2008, p. 17), the conceptual framework of 'travel of ideas' was successively applied to the OECD (Sahlin-Andersson 2001) and governance through soft law, standards, norms and guidelines (Djelic and Sahlin-Andersson 2008). In particular, the OECD acts as a editor of policy templates and prototypes (Sahlin-Andersson 2001). The convergence of policy discourse on NPM (Pollitt 2002) is the consequence of these OECD ideational activities, although a recent analysis on agency reform in Australia, the Netherlands and Sweden has highlighted that national styles of speaking about reforms are still persistent (Smullen 2010). However, travels and translations are about NPM not only as a package of economic and managerial doctrines, but also as a set of instruments such as total quality management (Joss and Kogan 1995; Zbaracki 1998) and performance budgeting (Pollitt 1999).

A recent systematic analysis of the OECD documents and publications on regulatory reform attempted to assess in what manner IA has been translated, reframed

and packaged as an international best practice of regulatory reform (De Francesco 2013, chapter 4). A sequence of ideational activities was observed. The OECD first drew up a set of best practices and selected IA as *the* policy innovation for simplifying the policy discourse on regulatory reform. The administrative preconditions for and the political ideologies of IA were omitted. Recommendations for regulatory reform were then approved. Although the OECD chose to label various policy appraisal methods and techniques as IA, recommendations and regulatory reform reviews were constantly based on the principle of the maximization of socio-economic welfare. Through this sequence of activities, the OECD made IA more intelligible as a tool for enhancing the economic rationality rather than the political control of decision-making. By fulfilling the aspiration of governments to be modern (Lodge 2005; March and Olson 1983), the emphasis on such an attribute promoted the adoption of IA among the OECD and EU countries.

All in all, the OECD is an ideational agency able to frame policy innovations and establish good governance principles and standards that are, broadly, well received by its Member States. And in the last ten years or so, the OECD has also been flexible enough to update its organizational discourse by going beyond the translation of international experience in a one-size-fits-all approach.[4]

18.3.2 Empirical Evidence

Analyses aiming to uncover the probability of a given country to adopt an innovation in a specific year are now the standard in policy diffusion studies (Berry and Berry 2014). A discrete event history analysis (EHA) has tracked the diffusion of IA among OECD and EU countries (De Francesco 2012). Qualitative analyses corroborate the diffusion

of IA (Radaelli 2005), regulatory oversight bodies (Cordova-Novion and Jacobzone 2011; Wiener 2013), as well as evaluative practices, such as CBA of environmental policy (Livermore 2011). The overall finding of this set of studies is conclusive: transnational networks foster national governments to adopt regulatory appraisal systems and oversight mechanisms.

EHA shows that the institutionalized patterns of interaction among governments facilitated by the OECD have provided governments with a simple cognitive map for taking the decision to adopt IA. The analysis did not provide a conclusive finding with regard to the internal characteristic of countries. Captured by legal origin and the previous adoption of freedom of information law and environmental impact assessment, administrative capacity is not substantial. Still central government expenditure is a statistically significant predictor. Spatial and horizontal modes of interconnectedness did not matter once controlled for the years of networking among the OECD regulatory networks (De Francesco 2012).

Single-country case studies confirm the impact of the OECD and transnational networks. In Turkey, for example, the OECD regulatory review was the main driver of IA adoption (Sezen 2011, p. 337). By taking advantage of the same window of opportunity, the Italian bureaucratic elite designed a fully fledged IA system (Natalini 2010). This adoption mechanism was effective also for key OECD partners. In Brazil the federal government responded to the 2008 OECD regulatory review by establishing a programme to strengthen the institutional capacity for regulatory management (Peci and Sobral 2011).

French technocratic experts reformed the 'conventional administrative law' (Rose-Ackerman and Perroud 2013, p. 289) by importing policy solutions such as IA

from the OECD and the European Commission (Lafound 2001). In a similar vein, '[i]n Austria, discussion on Regulatory Impact Assessment within the civil service were trigged by development and debates on the EU level as well as in Germany' (Biegelbauer and Mayer 2008, p. 119). Formalized in the economic competitiveness agenda of Lisbon, the European debate on competitiveness has reverberated in several South European capitals such as Athens (Hatzis and Nalpantidou 2007) and Lisbon (Garoupa and Vasconcelos Vilaca 2007), as well as Central and Eastern European capitals that have already been influenced by the OECD and the Support for Improvement in Governance and Management (SIGMA) project (Staroňová et al. 2007). Overall, the Lisbon agenda has favoured the rapid diffusion of SCM (De Francesco 2011; Wegrich 2009).

18.4 THE LIMITED INTERDEPENDENCE OF IA PRACTICES

Cross-sectional analyses of policy diffusion tend to focus on the single event of policy adoption and neglect the implementation gap (Blomquist 2007). As evidenced in the NPM literature and many analyses of IA systems, this gap is considerable in the case of reforms that have a strong rhetorical component (March and Olson 1983).

Accordingly, a nuanced analysis of transnational interdependence requires tracing the institutionalization of administrative innovations. The 2005 and 2008 OECD survey data[5] (OECD 2009) allow us assess the extent of variation across countries in the implementation of IA by setting the hypothesis of transnational interdependence against more conventional models of public administration and incremental reform (Radaelli

and Meuwese 2009).

This cross-sectional data on implementation of IA show that internal determinants (cf. the first mode of diffusion in Table 18.1) such as 'earliness of adoption' and 'legal origin' matter. The extent of implementation is higher among early adopters than late adopters. Mechanisms for political control of regulators are consolidated only among the pioneers, confirming that IA as an administrative oversight tool requires a long process of institutionalization. Incremental reform is also evidenced by the negative correlation between years of adoption and the extent of implementation, indicating the constant leading role of pioneers and early adopters and the marginal emulation of late adopters. Facilitated by the ideational role of the OECD, trends of convergence are mainly associated with the legal design and the practices of regulatory analysis. On the contrary, peer review and regulatory quality indicators are not substantial: governments tend not to fully comply with the OECD normative model. Turning to the administrative tradition, English legal origin countries have the highest implementation scores. They are followed by French and German legal origin countries that have a similar scope of implementation. Scandinavian legal origin countries lag behind even the post-socialist countries (De Francesco 2013, chapter 6).

The OECD data were complemented with a qualitative analysis that mapped the practices to evaluate the performance of IA programmes (Radaelli and De Francesco 2007). Symbolic adoption is evidenced by the fact that the majority of adopters do not appraise, as well as that evaluation systems are generally unsophisticated annual reports for the parliaments drafted by the central oversight units. Evaluative models were transferred through government-to-government communication among countries that adopted the SCM. Ministerial ceilings on administrative burdens and independent

advisory bodies are the most relevant examples of such transfer. 'For its simplicity, observability and compatibility, the SCM was a more easily transferable evaluative model. Governments that were engaged with more complex economic methodologies, such as CBA and risk analysis, tended to benefit from their own direct experience. In this cluster, transfer – if it occurred – was constrained by the complexity of the regulatory appraisal system and adjusted to the institutional actors and administrative context' (De Francesco 2013, p. 155).

18.5 CONCLUSION

By drawing attention to mechanisms of transnational governance, this chapter has focused on the extent and the modes of diffusion as well as the practices for diffusing IA. Our framework looks at several stages of the innovation process. Although the literature is explicit that transnational policy networks facilitated the adoption of IA, governments maintain autonomy on the implementation and the evaluation of administrative practices. When it comes to implementation, national reformers tend to deviate from international best practice, even if the OECD has endorsed them as evaluative standards within the peer-review mechanism. As a result, the sequence of three snapshots taken at the adoption, implementation and evaluation stages shows hybridization of IA practices (see also Wiener 2013). Although internal prerequisites do not inhibit the exchange of ideas and the OECD impacts on the cross-national adoption of IA, national policy-makers adjust transnational practices and normative blueprints to the institutional and political context that matters to them – electorally, ideologically or

for other reasons.

Hybridization results also from the diffusion of several methods of policy appraisal, such as CBA and SCM. Assembled together under the IA label, the international legitimacy of these methods allows national regulatory reformers to pick and mix different methods in an incoherent strategy, according to their political opportunity (see Natalini 2010 on the Italian experience with SCM after the frustration of implementing IA).

Labelling international best practice is not the only ideational activity of the OECD. The OECD has been effective in de-contextualizing IA from a specific country's administrative and institutional setting. IA is more intelligible when framed as a tool for evidence-based decision-making. If, on the one hand, such a promotional activity fulfils the mission to transfer best practice, the OECD, on the other hand, has not yet consolidated knowledge on how to achieve effective and efficient implementation and evaluation.

Taken together, this evidence on diffusion of practices and practices of diffusion shows that the OECD is a good teacher in de-contextualizing practices and establishing transnational norms. However, effective implementation requires the compatibility of an innovation with institutional and administrative settings. Looking at data on implementation and evaluation of IA programmes across countries, many governments still need to fit IA to their national regulatory policy, parliamentary activity in pre-legislative scrutiny and styles of consultation and interest-group access to decision-making. Only when the institutional and administrative compatibility of IA is achieved can we say that governments are efficiently learning from innovations and best practice. By learning how to make compatible transnational innovations, a laggard country can

learn more quickly to find the equilibrium between the reinvention of transnationally transferred innovations and its administrative system. Accordingly, in addition to its mission of transferring best practice, the OECD should promote the transfer of such a type of learning among its Member States.

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<a>ACKNOWLEDGEMENT

NOTES

1. For instance, the Czech Republic and Japan have dramatically improved their overall IA system, whereas France and Sweden have strengthened their institutional arrangements. France was reviewed by the OECD in 2004 and 2009; Japan in 1999 and 2004; and Sweden in 2007 and 2009.

2. Article 1 of the OECD Convention states that the mission of the OECD is to promote economic and trade expansion policies.

3. The beginning of the 2000s saw the emergence of the 'European Administrative State' with the enactment of a set of European Commission Communications on impact assessment, consultation, use of expertise, regulatory simplification, a new comitology decision and the operating framework for the European regulatory agencies (Allio 2008).

4. By acknowledging the gaps in the implementation of IA in several Member States, the OECD recently shed more light on the other functions and the political and administrative context of this policy innovation. For instance, recent publications, the EU 15 better regulation project and the 2012 recommendation on regulatory governance attempted to coherently embed policy objectives, tools and institutions. Rule of law and democratic accountability are now taken into account.

5. Collected in 1998, 2005 and 2008, indicators of regulatory management systems are drawn from a checklist based on the OECD's recommendations on regulatory reform and governance. These indicators measure the quality of regulatory institutions and tools such as: regulatory oversight bodies; reductions in administrative burden; effective consultation and public participation; cost–benefit analysis and impact assessment; and indicators of regulatory performance and outcomes.

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