

OECD Benchmarking in Enhancing Policy Convergence: Harmonisation, Imposition and Diffusion through the Environmental Performance Reviews?

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Abstract

This paper analyses the ways in which the Organisation for Economic Co-operation and Development (OECD) in general, and through its benchmarking exercises in particular, can contribute to policy convergence in its member countries through mechanisms of harmonisation, imposition and diffusion. As an organisation without direct regulatory power, the OECD relies on 'norm creation' through social learning, socialisation, persuasion and soft coercion, of which the OECD peer reviews are a prime example. The organisation's Environmental Performance Review (EPR) programme is examined more in detail, to find out how such mechanisms operate in practice. The paper concludes that the influence of the EPRs tends to be modest, largely because of the diplomatic tone of the reviews and the somewhat 'ceremonial' character of the review process, but the reviews. The type and intensity of this influence greatly depends on the country-specific context, notably on the existence of change agents within the environmental administration of the reviewed country, motivated to carry forward the OECD message. In the long term, the main impact of the EPRs is likely to take place through the reproduction and dissemination of the OECD 'organisational discourse', dominated by mainstream economic theory. While the reputation of the OECD as an independent, 'apolitical' advisory body is a prerequisite to its peer reviews having an influence, such a reputation may crucially constrain any attempts to reform the reviews in order to enhance their impact.

1. Introduction: OECD in search for its lost identity

The OECD is an international organisation in crisis. Its member countries very much agree on the continuing relevance of the original objectives of the organisation – to promote policies designed to achieve the highest sustainable economic growth; to contribute to sound economic expansion in member as well as non-member countries; and to contribute to the expansion of world trade (e.g. OECD 2003c).¹ Over the past decade or so, however, as a result of changes in the international policy arena, the OECD seems to have somewhat lost its original identity, and its legitimacy is increasingly being questioned, both within and beyond the member governments. While the workload and the demands placed upon the OECD are increasing – six new countries have joined the organisation since 1994,² and ever new areas are being proposed and added to the OECD list of activities – the available resources have been dwindling. The permanent professional staff working in the OECD secretariat is only 4.6 per cent larger today than it was in the late 1970s, and almost 9 per cent less than in 1995 (OECD 2003a). This is so despite the near doubling of the GDP volume of its member countries since the late 1970s.³ The lack of resources can be seen partly to reflect the declining importance that the member countries seem to attach to OECD work in relation to that carried out by other organisations and bodies. In its reform work, the OECD identified the following as key reasons for the organisation needing to ‘fight harder for less’ and look for its lost identity (Julin 2003; OECD 2003a, 20; OECD 2003c):

1. Along with ***globalisation***, the number of important players in the global policy arena has increased considerably, which has accentuated the competition in the arena of international policy analysis and advice. The urgent short-term issues tend to crowd out the longer-term concerns in which the OECD has its comparative advantage.
2. The ***changing role of the state*** has led to the expansion of the role of non-governmental actors, such as business and civil society.
3. The ***end of the cold war*** and the intensification of the European integration have moved the geopolitical priorities away from the OECD.
4. The extensive ***pressure on governments to cut spending*** also affects the OECD, which has made the OECD staff feel that governments and the public at large are not listening to them.

These problems have also been reflected in the disputes over the financial burden sharing among the member countries. Moreover, the budget cuts have led to a constant increase in the share of voluntary contributions, which at present cover about 25 per cent of OECD’s financing needs. In practice, they allow the wealthiest countries to steer the OECD work according to their interests, by avoiding the consensual decision-making within the Council over the use of budget resources. This likewise tends to reduce transparency and compromise the possibilities of long-term planning of activities.

¹ The aims of the OECD as set forth in its founding Convention are: (a) to achieve the highest sustainable economic growth and employment and a rising standard of living in member countries, while maintaining financial stability, and thus to contribute to the development of the world economy; (b) to contribute to sound economic expansion in member as well as non-member countries in the process of economic development; and (c) to contribute to the expansion of world trade on a multilateral, non-discriminatory basis in accordance with international obligations. http://www.oecd.org/document/7/0,2340,en_2649_201185_1915847_1_1_1_1,00.html

² These new members were Mexico (1994), the Czech Republic (1995), Hungary (1996), Poland (1996), Korea (1996), and the Slovak Republic (2000).

³ In the late 1990s, the organisation’s budget was cut by around 18% in real terms (Dostal 2005, 465).

While the OECD has, in fact, evolved and changed in the 1990s, the reforms have been insufficient to dispel the criticisms that the organisation has been faced with. The organisation has been notably accused of the following shortcomings:

1. It lacks global legitimacy, being perceived as a 'club of rich countries', promoting a neo-liberal reform agenda (e.g. L'OCDE est un...2001; Dostal 2005), too inward-looking an organisation, despite the attempt to increase stakeholder consultations.⁴
2. There is duplication of work among the different global players, and many of the OECD's tasks and functions could be better handled by other international organisations.
3. It has been incapable of responding quickly to emerging, new policy issues, because of its inflexible organisational structure. Because practically all decisions must be taken by consensus among the member countries, discontinuing the activity of a committee is virtually impossible, since there are always groups opposed to such changes.
4. It has low visibility, because of its overly prudent communication approach, reflecting the need to ensure consensus among its member countries. For the same reason, the organisation tends to avoid "politically potentially explosive products" that would for instance compare countries' performance in a particular sector. (OECD 2003c, 20).⁵

To tackle the problems it was facing, the OECD recently launched a reform process, aimed at enhancing its visibility and influence in member and non-member countries, as well as at managing and preparing for the likely enlargement of the organisation to new member countries.⁶ To remedy its legitimacy problem, the OECD has also attempted to increase its interaction with civil society (OECD 2004, 30). Despite the existence of two institutionalised bodies for representing business and labour interests – the Business and Industry Advisory Committee (BIAC) and the Trade Union Advisory Committee (TUAC) – and the increasingly frequent participation of NGOs, on an *ad hoc* basis, in many of the OECD's meetings as unofficial observers,⁷ OECD work still remains characterised by the exclusion of intensive and regular interest group involvement (Dostal 2005).

OECD reform work (OECD 2003a, 9) concluded, unsurprisingly, that the charges against it have been largely unfounded. By contrast, the report on the reform work concluded that the organisation possesses a combination of unique characteristics, such as:

- its intergovernmental character;
- broad range of its Member countries (as compared with, for example, the EU or the G7);
- more focused capacity for policy analysis among a like-minded group (by contrast with the UN agencies);
- non-negotiating context in which most OECD bodies meet;
- unique cross-national data sets and deep analytical capacity of many OECD divisions; and

⁴ This was, for instance, the unanimous judgement of the stakeholders in the meeting preceding the OECD Environment Ministerial meeting in April 2004.

⁵ Exceptions to this rule exist, of course, the OECD Programme for International Student Assessment (PISA) being among the clearest example of studies that can have a decisive impact on policies, by virtue of the public interest and political pressure they generate. PISA is a three-yearly survey of the knowledge and skills of 15-year olds in the principal industrialised countries aimed at producing valid comparisons across countries and cultures.

⁶ A recent report on the OECD's future directions mentions 45 as the medium-term ceiling for the number of member countries (OECD 2003i, 6).

⁷ Establishing a consultative body for the NGOs has been discussed, but the member countries have remained divided on the issue, the United States being open to the idea, Japan and France adopting a more reserved attitude (Les institutions internationales...2001). Neither are all NGOs wholeheartedly behind such an idea, given the financial burden participation would impose on them, and the potential prejudice to their credibility, if the NGOs' independence in relation to the OECD is called into question.

- highly developed capacity to carry out benchmarking and peer reviews.

It is this last aspect – the OECD benchmarking exercises – that the present paper will focus its attention. The key question addressed in this paper is what role OECD's peer reviews play in the OECD's attempts to influence policies in its member countries. In particular, the paper attempts to analyse the potential of the peer reviews to contribute policy change through harmonisation, imposition and diffusion, and the degree to which such potential is exploited in the OECD Environmental Performance Reviews.

The paper relies on an in-depth case study into the OECD Environmental Performance Review (EPR) programme, taken here as an example of a 'peer review' mechanism having the potential to promote policy innovation through the above three mechanisms.

The analysis is based on

- 1) the author's experience as a national delegate to the OECD Working Party on Environmental Performance (WPEP) since May 1996,⁸ as an organiser of the Finnish EPR in 1996-1997, as a country expert on teams reviewing the environmental performance of Mexico (1997-1998) and Russia (1998), and as an OECD consultant in the review of Sweden (2003-2004);
- 2) examination of diverse OECD policy documents relating to the EPR programme and the organisation's work in the area of sustainable development; and
- 3) interviews with 40 individuals: officials from the OECD Environment Directorate involved in the peer reviews, with the WPEP delegates of Canada, Hungary, Japan, Mexico, Portugal, and Slovakia, as well as with other stakeholders involved in the reviews of France, Japan, the Netherlands and Portugal.⁹

The paper begins by presenting the OECD 'peer review logic', then introduces the concepts of harmonisation, imposition and diffusion as a basis for analysing the role of benchmarking in policymaking. The idea of international organisations as 'norm creators' throughout the different stages of 'norm life-cycle' is then presented as a perspective particularly relevant for analysing the influence of the OECD. To complete the conceptual framework, the idea of 'organisational discourse' as a major source of OECD's policy influence is introduced, together with a brief discussion on the various roles in which the organisation can be seen to act. The second part of the paper first presents the EPR programme, then identifies the main pathways of influence from the reviews, and draws on the concepts introduced in the first part of the paper to consider the reasons for the relatively modest impact of EPRs.

2. 'Peer review logic' and benchmarking

Ranking and rating, evaluation of policies, and performance measurement have over the past decade become increasingly popular as 'new methods of governance' and 'regulatory innovation', in the context of changing role of the nation-state, and the emergence of multiactor, multilevel governance structures (see e.g. Lehmkuhl 2005; Lodge 2005). This article focuses on a benchmarking exercise typical for the OECD, the international peer review. In many traditional professional fields such as

⁸ This work also included participation in workshops preparing the 'second cycle' of EPRs, and a survey concerning the experiences from the 'first cycle' of EPRs, carried out by the author with the assistance of the OECD secretariat, and Environmental Counsellor Heikki Sisula from the Ministry of the Environment in Finland (OECD 1997).

⁹ A more thorough description of the research method as well as a list of interviewed individuals can be found in the author's Ph.D. thesis (Lehtonen, 2005, forthcoming).

medicine and science policy peer review – systematic evaluation by colleagues – has a long-standing tradition. While peer reviews in their traditional fields of application have come under threat by the increasing use of performance measurement (e.g. Hansson 2000), in international organisations the idea of peer reviews seems to be gaining ground, albeit in a different form and on a different level.

There is no generally accepted common definition for peer review by international organisations. However, as an OECD ‘flagship’, the expression has over the years assumed a specific meaning in the OECD context, and a tentative definition has been provided as “the systematic examination and assessment of the performance of a State by other States, with the ultimate goal of helping the reviewed State improve its policy making, adopt best practices, and comply with established standards and principles” (OECD 2003b, 9). The examination should be *non-adversarial* and rely on mutual *trust* among the States involved, as well as on their shared *confidence* in the process. With these elements in place, peer review is assumed to create a system of mutual *accountability*. (ibid.)

Peer review can be seen as an assessment process in between performance measurement and evaluation. It differs from the former by the fact that it does not result in a binding or legal judgement by a superior body, and it never implies a punitive decision or sanctions, is characterised by dialogue and interactive investigation, and usually does not involve formal reporting by the examined state. (ibid., 5.) Compared with evaluations, in turn, peer reviews pay less attention to the causal mechanisms behind the policy outcomes – the main emphasis is on results instead of explanation, even though the explanatory element is usually more present than in performance measurement.

Peer reviews are expected to exert their influence through ‘*peer pressure*’. Public scrutiny, dialogue with peer countries, comparisons, and in some cases even ranking of countries, put pressure on the domestic public opinion, national administrations and policymakers. Media involvement and the ensuing public scrutiny are essential in enhancing the effectiveness of peer pressure. (OECD 2003b, 10.) A country seldom wants to be seen in a negative light among its peers, and therefore peer pressure may be a powerful tool in promoting compliance, notably in the ‘laggard’ states (see Beyeler 2002; Marcussen 2001, 8; Strang and Chang 1993). From an institutionalist perspective, peer pressure constitutes an instrument establishing normative criteria of appropriate behaviour (Lehmkuhl 2005, 2), a tool that international organisations use to stimulate the national bureaucrats to aspire to what the organisation defines as a ‘modern’, ‘democratic’ or ‘economically efficient’ public sector (March and Olsen 1998). Peer reviews must balance between on the one hand a high level of ownership felt by the reviewed country, which requires that the country be closely involved in the process, and on the other, diminished credibility resulting from attempts by the reviewed State to unduly influence the final outcome. Key concepts characterising peer reviews are *policy dialogue*, *transparency*, *capacity building* through mutual learning, and ‘*soft enforcement*’ aimed at enhancing *compliance* (OECD 2003b, 17-18).

3. Harmonisation, imposition and diffusion through benchmarking

The first perspective to OECD’s role in international politics is the typology of Busch and Jörgens (2005a; 2005b), consisting of three broad classes of mechanisms – harmonisation, imposition, and diffusion – through which international processes, actors and institutions contribute to domestic policy change and cross-national policy convergence.

The term '*harmonisation*' integrates mechanisms such as negotiation, legalisation, compliance and enforcement. In international relations literature, harmonisation is understood as a multilateral and state-centred process, international negotiations among sovereign states and subsequent policy formulation preceding the domestic implementation and compliance. While participation in such multilateral decision-making is voluntary, once an agreement has been reached, the states have little leeway in refusing the adoption of policy innovation, but are more or less obliged to comply with the agreement. This compliance is often monitored and enforced by independent institutions. (Busch and Jörgens 2005a.)

Imposition takes place when external actors intentionally coerce nations to adopt policy innovations, which they would not have adopted otherwise. The specific mechanisms of imposition range from forceful coercion to economic and political conditionality. While harmonisation is triggered by the desire of the states to improve the management of collective problems or to avoid negative externalities of unilateral action, in the case of imposition, the motivations of the targeted countries and those who seek to impose their policies upon others are distinct from each other. The former may simply reject the demands or accept them in order to obtain the political or economic benefits which imposing actors offer in exchange for conformity with their demands. The 'imposing countries', in turn, seek to export their fundamental values and principles. (Busch and Jörgens 2005a.)

Finally, *diffusion* is defined as a "process by which policy innovations are communicated in the international system and adopted voluntarily by an increasing number of countries over time" (Busch and Jörgens 2005a). At the micro-level, diffusion takes the form of social learning, copying or emulation. Diffusion is basically a horizontal process whereby individually adopted policies and programmes add up to a decentralised regulatory structure (Levi-Faur 2005). A number of reasons can be cited for national policymakers' willingness to emulate other countries' policies. The 'rational' motivations include looking beyond national borders for effective solutions to domestic problems, and being persuaded – but not forced – by other actors to adopt policies from abroad. Desire to conform with what is considered as broadly adopted political norms, to gain legitimacy and enhance self-esteem among both the national and international policy community are among the more 'identity-related' motivations (Finnemore and Sikkink 1998; Marcussen 2001; Busch and Jörgens 2005a.)

The boundaries between the three mechanisms are not always clear, but the mechanisms often work synergistically, in parallel, in subsequent turns, or constraining each other (Busch and Jörgens 2005a; 2005b).

4. International organisations as creators of norms and identities

Institutionalist scholars of international relations have emphasised the 'ideational' factors behind the influence of international organisations that have no direct regulatory power over their member countries. Such organisations can advance harmonisation, imposition and diffusion through 'idea-games' (Marcussen 2001) by diffusing ideas, shaping a certain 'repertoire' of reform, and providing domestic actors with arguments that allow them to legitimise their actions (e.g. Finnemore and Sikkink 1998; Haas 1992; March and Olsen 1998; Marcussen 2001; Dostal 2005). As deliberate *creators of international norms and identities* international organisations "define problems, construct conceptions of causal knowledge, and create frames for action that integrate across nation states" (March and Olsen 1998, 963). Such expert organisations are not only decision-making institutions, but also, and above all, institutions for socialising individuals, creating meaning, and for promoting specific concepts of the nature and role of the state, markets, human rights, and

international organisations (ibid., 964).¹⁰ This perspective not only helps to understand how policy diffusion takes place, but also explains some of the reasons behind harmonisation and imposition – reasons that relate to factors such as esteem, legitimacy, and the identities of the states as members of an international society.

Mechanisms of *socialisation*¹¹ include both positive and negative feedback – ‘stick and carrot’ – particularly characteristic to the OECD peer review exercises. In international politics, socialisation involves diplomatic praise or censure reinforced by material sanctions and incentives. (Finnemore and Sikkink 1998.) *Imitation* (or emulation) is triggered by dissatisfaction or the discovery of new possibilities and does not necessarily involve direct contact between social actors. In the midst of an overflow of information, international organisations could play a role in helping actors distinguish the relevant from the less relevant. (Marcussen 2001, 22.) While an international organisation without regulatory power can hardly exercise direct *coercion* over its member countries and impose binding sanctions, it can indirectly coerce its member countries to comply with certain norms and principles, through regular peer review mechanisms, for instance (ibid. 2001, 21-22). Such benchmarking may amount to *de facto* imposition when embedded in international or national regulation, or when it has a central role in market processes (Lehmkuhl 2005, 26-27).

5. Norm life-cycle

The processes of socialisation, imitation and coercion have different roles in function of the phase of the policy process and ‘norm life-cycle’ at which they operate. First of all, international organisations can function as ‘*norm entrepreneurs*’: along with NGOs, as parts of larger transnational advocacy networks, or transnational ‘epistemic communities’, international organisations can advocate the adoption of certain international norms to a large extent filtered through the training and educational background of the officials (see also Haas 1992, 17; Finnemore and Sikkink (1998, 895). For example Dostal (2005 451) has emphasised the role of the OECD as a ‘first mover’ in influencing the definition of policy problems.

The second stage, ‘*norm cascade*’, is a result of an active process of international socialisation intended to induce norm breakers to become norm followers. As “custodians of the seals of international approval and disapproval”, international organisations can play a crucial role in establishing and assuring adherence to international norms, and *legitimising* or *delegitimising* state actions. A government can also use external evaluations to acquire legitimacy for its policy. The needs of states to demonstrate, by complying with norms, that they have adapted to the social environment – that they belong to a group – tend to promote conformity. (Finnemore and Sikkink 1998.)¹²

At the highest level of norm lifecycle, the norm becomes *internalised*, i.e. it acquires a taken-for-granted quality and is no longer subject to broad public debate. Sources and mechanisms of

¹⁰ For instance, when an international organisation points at differences between ‘leaders’ and ‘laggards’ among countries in terms of their willingness and ability to adopt what is defined as a modern, democratic, and economically efficient public sector, they modify the reference groups, aspirations and behaviour of national bureaucrats.

¹¹ *Socialisation* has been defined by Ikenberry and Kupchan (1990, 289) as “a process of learning in which norms and ideals are transmitted from one party to another”; as “the induction of new members [...] into the ways of behaviour that are preferred in a society” by Finnemore and Sikkink (1998, 902); and simply as “internalisation of norms as a result of interaction with other people” by Marcussen (2001, 6).

¹² Finnemore and Sikkink (1998, 906) evoke the hypothesis that states that are insecure about their international status or reputation, are the most eager to embrace new international norms. For instance, they argue that Japan’s greater openness to endorsing international norms about refugees, as opposed to the relative reluctance of Germany stems from Japan’s ‘insecurity’ with regard to its political leadership role.

internalisation include professions, iterated behaviour and habit, professions carrying different normative biases systematically instilled by their professional training. Procedural changes that create new political processes can thus lead to gradual and inadvertent normative, ideational, and political convergence. (Finnemore and Sikkink 1998, 904-905.)

6. Agenda-setting through 'organisational discourse'

If benchmarking and peer reviews are seen as modes to generate normative guidelines or orientation for the behaviour of specific groups of actors and organisations – tools that create more or less explicit pressure towards a convergence on practices, forms or organisation or behaviour that are regarded as best performing, one must look at the character of and the forces behind the creation of such norms. Grant (2001, 8) has described organisational discourse as “the language and symbolic media used by organisations and the people who manage and work in them”. Organisational discourse has to do with the organisation's internal value system – it is neither scientific discourse, nor directly comparable with epistemic communities. Rather than being highly discursive, it is based on the power of discursive closure: organisations create their own knowledge based on strategically selected issues and aim to disseminate resulting expertise in communication with an organisation's policymaking environment. Long-term policy change, from this perspective, is characterised by the mutual adaptation of organisational discourse, the agents using the power of discursive repetition to influence policymaking in a lasting manner (Dostal 2005, 445).

Looking specifically at the OECD, Dostal (2005) argues that the organisation influences agenda-setting at different levels of policymaking “by providing a controlled environment for the creation, development and dissemination of political discourse”. The OECD's influence would therefore to a large extent rely on specific features of its 'organisational discourse', dominated by liberal economics and characterised by the exclusion of interest groups. Dostal (2005, 450-451) identifies four core features of the OECD's organisational discourse. The most basic one refers to the *discursive validation procedures*, i.e. the strategic choice about what should be considered as a policymaking problem and the construction of relevant knowledge with regard to this problem. Typically, a number of selected common themes and catchwords start to 'travel' in the organisation's literature from one issue to the other, and become part of the political discourse and agenda-setting in the member countries. The second feature is the selective reliance, to substantiate its knowledge claims, on the *authority of academic mainstream economics*.¹³ The third and fourth features are interrelated: “the *networking or 'coupling' of different fields of policymaking*” and the “*development of a shared interpretative framework* about the common underlying features of various policy problems”. Together, these factors lead to the adoption of a shared terminology, similar methods of inquiry, and unified style of presentation across benchmarking exercises in the fields of employment, education and health policies. In summary, Dostal (2005, 451) argues, that the neoclassical belief in market equilibrium outcomes provides a unifying framework for all OECD activities, and a homogeneous discourse in different fields of policymaking.¹⁴

While the concept of organisational discourse is helpful in understanding how the OECD influences policymaking, one still needs to set the constitution of such a discourse within the context of power

¹³ Dostal (2005, 450-451) argues that while all OECD publications rely to a greater or lesser extent on the best available evidence within academic economics, they use this evidence in a loose manner, without ever discussing the research in any detail. Rather, the selective use of research evidence would mainly serve to illustrate and support the organisation's political claims.

¹⁴ To a certain extent this is true also for environmental policies (principles of relying on market-based instruments, policy integration, cost-effectiveness, etc.), even though the specific characteristics of environmental policies necessarily render the details different from the language in the reviews in the social policy areas.

relations and ask how such a discourse is being constituted and whose ideas it represents. Dostal (2005) refers to the coexistence within the OECD of “the ‘specific knowledge’ with regard to particular political problems and ‘general knowledge’ with regard to the overarching framework of market efficiency assumptions” (ibid. 2005, 447), and argues that the latter always takes the dominant position. The OECD’s organisational discourse emerges in different areas and according to different sets of rules depending on the level of policymaking. Methodological debates at the level of OECD working groups that develop criteria for OECD benchmarking exercises facilitate the emergence of epistemic communities, whereas the publications and debates at the higher Committee level tend to adopt a more popular and non-confrontational style. (ibid.) As we shall see later on, the influence of the OECD peer reviews can to a large extent be explained through the tensions between the dominant ‘organisational discourse’ and the more marginalized discourse put forward by the weaker epistemic communities putting forward their discourse based on a more ‘specific knowledge’.

7. Four roles of the OECD

Yet another angle to the emergence of the organisational discourse comes from Marcussen’s (2001) typology of the roles of the OECD, which helps to see to what extent the organisational discourse emanates from the views held by the member countries as opposed to being independently advocated by the OECD secretariat.

The fundamental OECD ‘mission’, as envisioned by its first secretary-general, Thorkil Kristensen, can be seen to consist of two roles. Firstly, as an *‘ideational artist’* the organisation is an enormous ‘think tank’ that formulates, tests and diffuses new policy ideas. Given its financial and political independence, the OECD would be able to distance itself from national controversies and possess considerable room for manoeuvre when inventing new ideas in old policy areas.¹⁵ Secondly, the OECD plays the role of an *‘ideational arbitrator’*, allowing national civil servants to meet each other in supportive surroundings, thereby helping them acquire skills and competence, and sometimes even develop their personality and feelings of belonging, through *learning processes* such as socialisation, imitation and coercion.

These two core functions have been complemented by two other, less ‘idealistic’ roles, namely those of an ‘ideational agent’ and an ‘ideational agency’. As an *ideational agent*, the OECD picks up ideas that are prevalent among the most powerful member states and then links these ideas to department-specific areas of activity and transfers the final product to other, less centrally placed member states. This role also serves as a means for the various OECD directorates exploit the reigning idea as it fits their immediate purposes, thus effectively protecting themselves from a closure that might have threatened had the department failed to find new arguments for survival in a changing context.¹⁶ Finally, as an *ideational agency*, the OECD constantly surfs around among the national political debates in order to make a good ‘business deal’. When it discovers that a set of ideas has gained ground among the member states, it picks up these ideas, operationalises them so that they end up taking the form of causal ideas that can be resold to the member states. The OECD

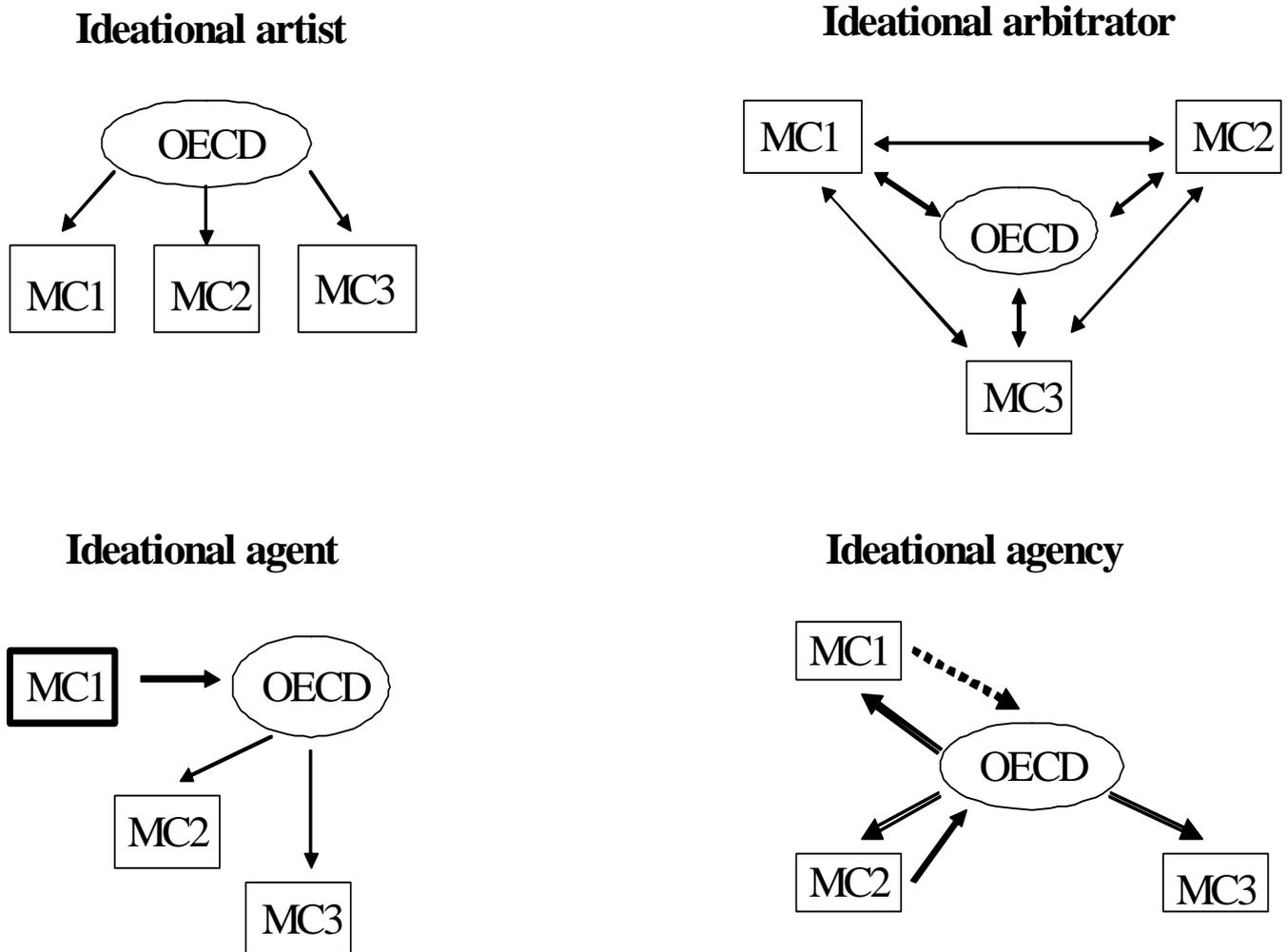
¹⁵ In the area of environmental policies, the OECD’s most well-known contribution was the invention and ‘marketing’ of the concept of polluter pays principle. (Marcussen 2001.)

¹⁶ As an example, Marcussen (2001, 10-15) describes the way in which the so-called structural determinist globalisation discourse, developed initially in the U.S. during the early days of the Clinton administration, was effectively diffused through the OECD. Even though such a discourse by no means enjoys a consensus among globalisation scholars, a consensus was discursively constructed – with major assistance by the OECD – among national political elites regardless of their place on the political spectrum.

acts as a grocery or an agency that provides its clients the kind of products that happen to be in general demand.

The four roles reflect different perspectives on the independence and autonomy of the OECD, illustrated through figure 1. As an ideational artist, the OECD is a source of new ideas, as ideational arbitrator it continues to play an important role as innovator and transmitter of policy ideas, while as an ideational agent or agency the OECD would be rather in receiving role in the processes of norm creation.

Figure 1. The four roles of the OECD.



The independence of the OECD therefore declines from the fully independent ‘ideational artist’ towards the ‘ideational agency’ – a role where the OECD is completely at the mercy of its member countries. The mechanisms of ‘norm creation’ – socialisation, imitation, and coercion – as well as the reasons why such mechanisms are operational (legitimacy, conformity, esteem) remain the same, but their locus tends to move forward along the norm life-cycle. Ideational artist ideally operates as a norm entrepreneur, whereas the ideational agent and agency no longer have the capacity to innovate, but take up innovations developed elsewhere and rather contribute to ‘norm cascade’ and ‘norm internalisation’. In these two latter roles, the OECD has clearly entered the

‘power game’, in which its independence as a source of legitimacy and credibility in promoting norm adoption may be called into question.

In the following, the concepts presented above will be used to analyse the role that the OECD Environmental Performance Reviews play in influencing policymaking in its member countries. In particular, the paper aims at examining the role of the EPRs in relation to the mechanisms of harmonisation, imposition and diffusion; asking what type of norm creation and in which phase of the ‘norm life-cycle’ they represent; and how the OECD organisational discourse manifests itself in the EPRs and to what extent such discursive elements condition the influence of the reviews.

8. The OECD Environmental Performance Review Programme

The OECD has carried out systematic reviews of its member countries’ environmental policies since 1992. The principal objective of the Environmental Performance Reviews (EPR) is “to help Member countries improve their individual and collective performances in environmental management with the goal of achieving sustainable development” (OECD, 1998, 6). More specifically, the EPRs are to help countries assess progress, promote policy dialogue, and stimulate greater accountability of governments towards their peers and constituencies (ibid.).¹⁷ Together with other country reviews of the OECD, the EPRs are a part of the organization’s efforts to analyze sustainable development in its member countries. The reviews assess performance against three key criteria: 1) country’s own policy objectives and international commitments; 2) commonly agreed OECD policy principles; and 3) the cost-effectiveness of policies.

At the beginning of each Environmental Performance Review the head of the OECD Environmental Performance and Information Division (EPI) meets the country’s environmental authorities (usually environment ministry officials responsible for coordinating the review) in order to agree on the detailed scope of the review and explain the steps of the review process. The country then prepares background material according to the guidelines and more specific questions sent by the OECD secretariat. In particular, the country is asked to provide answers to a questionnaire,¹⁸ prepared by the EPI, so as to provide the review team with basic information prior to the ‘review mission’. The majority of the background material comes from the country’s environmental authorities, but also includes information from other relevant ministries and agencies, and often material provided by environmental NGOs.

After having studied the background material, the review team – usually made up of 5-8 OECD secretariat members and consultants, and 3-4 experts of environmental policy from other OECD countries – travels to the country for a one-week ‘review mission’.¹⁹ The team meets relevant authorities in thematic meetings on water and air management, nature conservation, integration of environmental issues into other policy sectors, environmental-social interface, international environmental cooperation, and a special issue chosen together with the country’s government (environmental concerns in policy areas such as energy, chemicals, transport, health, agriculture, or

¹⁷ The goals of the EPR program are to (1) *help individual governments assess progress by establishing* baseline conditions, trends, policy commitments, institutional arrangements and mechanisms for evaluating policy results in their social and economic contexts; (2) promote environmental improvements and continuous *policy dialogue* among Member countries, through a peer review process and by the transfer of information on policies, approaches, and experiences of reviewed countries; and (3) stimulate greater *accountability* from Member country governments towards representatives of all sectors of society both at national and international levels (OECD 1998).

¹⁸ Until recently (autumn 2004), this background information was provided in the form of a ‘Country Memorandum’, prepared by the government according to a list of ‘Main Themes for Discussion’, drawn up separately for each country, according to a standard format by the EPI.

¹⁹ For large countries, the mission may be longer.

tourism). The team also meets with NGOs, business representatives, and environmental researchers, usually in 2-3 hour sessions in which authorities are not present.

After the mission, the team drafts a preliminary review report, which is sent to the reviewed country and to the delegates of the OECD Working Party on Environmental Performance (WPEP) about a month before the final peer review meeting in Paris. After an inter-ministerial consultation round usually managed by the environment ministry, the country sends its comments on the report to the OECD secretariat. Those among the changes proposed to the text by the reviewed country that the secretariat considers controversial are highlighted in the draft document and discussed among the group. Only a few changes are usually proposed and accepted, and most of the time in the meeting is devoted to more general dialogue between the WPEP members and the reviewed country delegation. The WPEP group then adopts the conclusions and recommendations of the review by consensus.²⁰

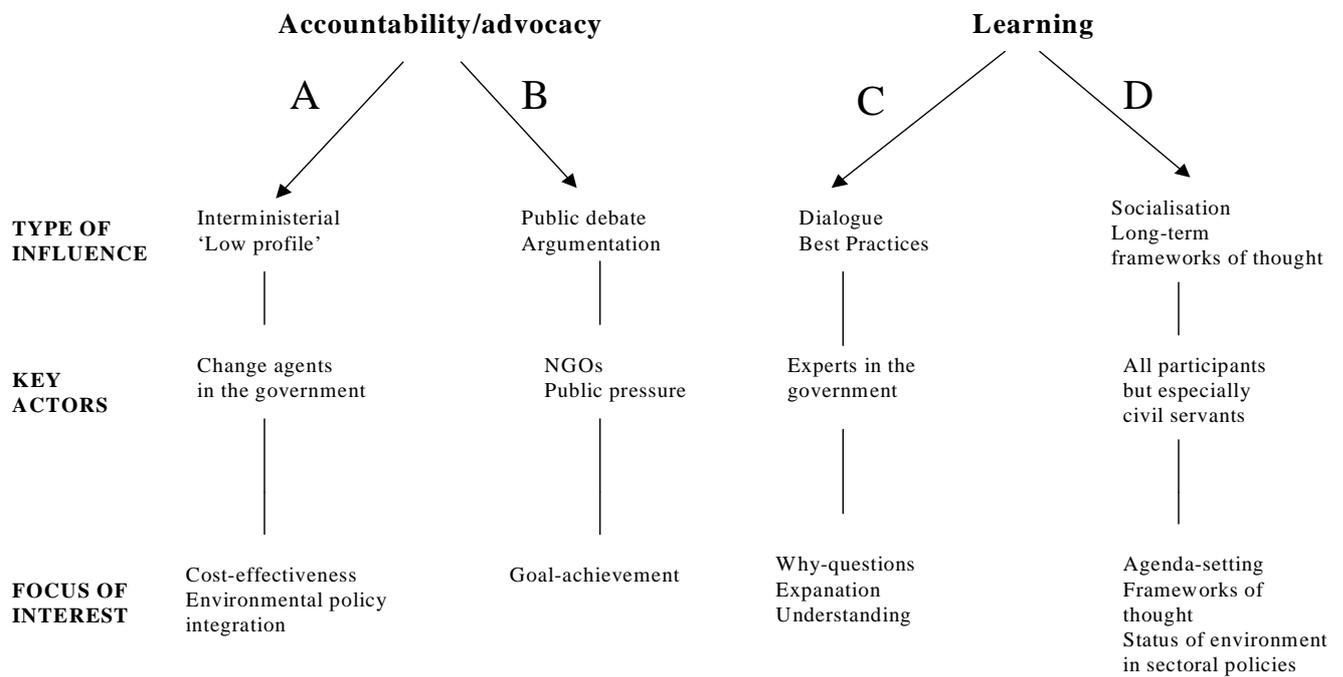
About three months after the peer review meeting, the report is released in the reviewed country's capital, usually in a press conference and/or a seminar, with presentations and comments given by a high-level OECD official, the Minister of the Environment (sometimes other ministers attend as well), and representatives from other sectors of government, industry, NGOs, and researchers. The reviewed country government decides how to organize the release event, disseminate the report, and follow-up the implementation of the recommendations. However, the OECD urges countries to draw up a report on the implementation of the recommendations 2-3 years after the review has been published. The EPRs seek to establish whether the reviewed country has achieved its domestic policy objectives, respected its international commitments, followed the jointly agreed upon OECD 'doctrine' (notably in relation to the OECD Council recommendations in the field of the environment) and whether this has been done cost-effectively. Each review report consists of usually 7-8 chapters, focusing on traditional fields of environmental policy (air, water, nature), integration of environmental concerns in other sectors, notably in economic policy, and international environmental co-operation. In each subject area, the review gives to the country 5-8 non-binding policy recommendations.

9. Four pathways of EPR influence

Four 'ideal types' of the pathways through which the EPRs influence policymaking in the OECD countries can be identified (Figure 2). These pathways operate, on the one hand, through *political pressure* inside the government (A) or among a broader range of stakeholders and the public (B), and, on the other hand, through *learning* concerning the reviewed policies (C) or consisting of more general, long-term socialisation, 'enlightenment' (e.g. Weiss 1987), modification of mental models and frameworks of thought (D).

²⁰ In principle, the 29 countries not being reviewed can adopt a formulation or a policy recommendation even without the consent of the reviewed country in the peer review meeting, but in practice this seldom happens, because the objective is to give recommendations that are the most useful possible for the reviewed country.

Figure 2. The four pathways of influence from the EPRs.



Pathway A – ‘advocacy through intragovernmental debate’ – to a large extent corresponds to the expectations of many civil servants in the reviewed countries, and represents ‘soft coercion’ in its purest sense. Gathering together, around environmental issues, a large number of civil servants from different sectors of administration, the review process and the recommendations from a respected intergovernmental economic organisation give more visibility and weight to environmental policies and authorities in their attempts to improve the legitimacy of environmental policies, thereby helping them in the inter-ministerial negotiations.²¹ The review reports and the recommendations are appreciated since they apply diplomatic language, stick to the facts, avoid confrontation, and have the capacity to appeal to actors that would be unlikely to take seriously pure ‘environmentalist’ arguments. Policy implementation, cost-effectiveness of policies, and sectoral integration are among the likely themes of interest.

Pathway B – ‘advocacy/accountability through public debate’ – in turn, represents a ‘tougher’ version of advocacy/accountability, since the main influence stems from public debate and argumentation among a broad range of stakeholders – the media and the NGOs playing a key role. Rather than procedural issues and administrative effectiveness, the main focus of interest among the stakeholders is goal-achievement and enhanced accountability of the government towards its citizens.

²¹ Lodge (2005, 659) identified similar effects from the OECD review of the Irish regulatory policies, noting that it placed regulatory reform at the centre of Irish policymaking and facilitated communication between like-minded officials.

To be effective, pathways A and B require that the OECD be perceived as an organisation, whose message carries political weight and has the capacity to persuade through public or intra-governmental pressure. Pathway C – *‘learning from best practice’* – by contrast, does not assume the OECD has great power to exert political pressure, but sees the organisation mainly as a forum for dialogue, facilitating mutual learning on rather technical issues of policy implementation. As opposed to the accountability/advocacy pathways, where the idea was to exert pressure on the government to ensure the attainment of policy objectives and the establishment of cost-effective implementation mechanisms, here the reviews engender dialogue on why policies have produced the observed results, why certain policies have failed and others succeeded, and in this way promote innovation and learning from best practices. The OECD’s credibility in this perspective would rely on its high level of expertise on relatively technical issues.

The EPR programme has been designed to exploit all of the three pathways mentioned above. However, for a number of reasons, it is not uncommon that none of the three really operates in an optimal manner. Pathway A (‘advocacy through intragovernmental debate’) may fail simply because of the lack of motivated change agents in key positions in the government (see also Lodge 2005, 661); pathway B (‘advocacy/accountability through public debate’) frequently suffers from the lack of comparability and from the highly diplomatic tone of the reports, hardly appealing to the more conflict-oriented ‘repertoires’ dominant among the media and the environmental NGOs. Often, the EPR process is not sufficiently dialogical to engender a genuine learning process through pathway C (‘learning from best practice’). Many participants see the review processes excessively formal and even ritualistic, characterised by defensive discussions in the peer review meetings). Moreover, the lack of an explanatory element in the reviews does not facilitate learning either.²² Yet, the interviews showed that the EPRs are only rarely considered as completely useless, since they help legitimise environmental policies and authorities on the one hand, and to ‘infiltrate’ the OECD-type results-based, market-oriented policy style within environmental administrations on the other.

Whichever, if any, of the three first pathways of influence dominates, and no matter how ‘well’ the EPRs are designed, their influence depends to a major degree on the country-specific institutional context. In summary, the EPRs appear to be most influential in small countries that are sensitive to outside opinions, have recently joined the OECD, have relatively weakly developed environmental policy institutions and a weak tradition of environmental policy evaluation. The country-specific context, together with the relations of power between stakeholders and the review design, also affects the choice between the different pathways of influence. Such national characteristics include the degree of networking within the administration, the country’s ‘discussion culture’, whether ‘hot’ issues are clearly highlighted during the review process and at the moment when the report is being released, the country’s discussion culture and policy style.

This leaves us with the pathway D – *‘long-term conceptual learning’* – where the reviews gradually shape the frameworks of thought, and the relative importance of different policy issues on the policy agenda, notably by strengthening the status of environmental issues in sectoral policies and rational, results-oriented, efficiency-oriented thinking in environmental policy. Seen from the perspective of ‘organisational discourse’, the influence therefore goes in both ways: on the one hand, the minority environmentalist discourse, advocated by the epistemic community congregated

²² Lodge’s (2005) conclusions from the OECD regulatory reviews were very similar. He notes that the reviews largely failed to generate diffusion effects because of the lack of detailed evaluation of other countries experience; did not significantly promote learning because of the formal and defensive character of the discussions in the peer review meetings; and their domestic impact crucially depends on the a “well-established and motivated domestic interest” in the review process.

around the ministries of the environment, gains legitimacy in the national policy debates, while on the other, the dominant organisational discourse of the OECD ‘infiltrates’ itself into the national environmental administrations. While the motivation of ‘change agents’ to carry forward the OECD message certainly facilitates this type of impact, its absence is not fatal, unlike in the three other pathways. Already the participation of a large number of stakeholders in the review process – participation that is rather intensive for those most immediately involved – cannot pass without shaping the ways of thought.

10. Harmonisation, imposition, and diffusion through the EPRs

In theory, the primary role of the EPRs and OECD peer reviews more generally is to promote policy *diffusion* through dialogue, socialisation, and legitimisation, whereas they hardly have any power to impose policies on member countries, and do not involve direct negotiations leading to international harmonisation. Indirectly, the EPRs support harmonisation indirectly by monitoring the compliance of the states with international treaties, conventions and regulations. The fear of being excluded from the ‘good company’ constitutes a potentially powerful mechanism of quasi-imposition – pathway B clearly involves the idea of indirect imposition through public pressure. However, the EPRs seldom have sufficient leverage on the countries to genuinely push them to change their policies. The lack of sanctioning mechanisms and straightforward cross-country comparison, the highly diplomatic tone of the reviews, and the relatively low political status of the EPRs make such imposition unlikely. Moreover, the country’s authorities always have the possibility to refer to its ‘national specificities’ or simply ignore the review. Finally, as noted above, the contribution of EPRs to policy diffusion suffers from the lack of genuine dialogue throughout the review process.

Yet, the EPRs clearly play a legitimising function, as long as the country-specific context is favourable enough to stimulate the emergence of advocacy coalitions willing to push for the adoption of policies recommended by the OECD. On the one hand, the reviews legitimise environmental policies and authorities, and on the other, they disseminate and reproduce the OECD ‘organisational discourse’ within the reviewed countries. This highlights the question of what is being diffused: in pathway C, what is diffused are the specific policies, instruments, ‘best practices’, whereas diffusion through pathway D refers to the broader approaches and mindsets.

In sum, the EPR experience hardly lends support to Lehmkuhl’s (2005) optimism concerning the potential of benchmarking as a powerful mechanism promoting convergence of governance practices and thereby leading to harmonisation, imposition and diffusion. Rather, the EPRs seem to corroborate the rather sceptical views of Lodge (2005) regarding the impacts of the regulatory policy reviews. A number of differences between the PISA educational assessments – cited as Lehmkuhl (2005) as a ‘success story’ of OECD benchmarking exercises – and the EPRs may explain the differences in the influence of these respective reviews. Firstly, the EPRs do not seem to generate new policy approaches in which the OECD would be an ‘early mover’ or policy innovator. The EPRs hardly contain information or approaches that would not be known to the policymakers in the reviewed country already, and therefore rather contribute to policy persistence and provide an additional source of legitimacy to the country’s environmental authorities. Seen in the light of Marcussen’s (2001) four roles of the OECD, the EPRs do not clearly fit in any of them. In the EPRs, the OECD is clearly closest to the role of an ‘ideational arbitrator’, but even there, the EPRs seem too ‘ceremonial’ to generate far-reaching socialisation and learning. Secondly, the EPRs adopt a very consensual approach, and hardly represent “transnational challenger rules” (Lehmkuhl 2005, 12) that would put significant pressure on policymakers. In particular, the EPRs neither rank nor rate countries, which makes cross-country comparisons much less straightforward than in the PISA studies. Thirdly, the PISA studies link educational achievement with the future economic

growth, suggesting that the country's economic future strongly depends on the performance of its educational system today. A similar argument is much harder to sustain in the case of environmental policies; it is very difficult to claim – no matter how justified and perfectly logical that might be – that a country cannot be economically prosperous in the long term unless it takes its environmental policies seriously. Finally, the PISA studies allowed “challenger rules” from the best performing countries to emerge as models and norms for ‘good practice’, whereas the EPRs mainly serve to repeat the OECD discourse, rather than putting forward a particular model as an example of ‘best practice’. This is where the concept of ‘organisational discourse’ comes to the picture again: through constant repetition, perceived by many ‘insiders’ in the EPR programme as frustrating, the EPRs fulfil an important function in reproducing the OECD discourse, promoting its adoption in the member countries, and potentially even changing the dominant OECD discourse to some extent.

11. OECD credibility and reputation as an asset or an obstacle to reform?

The EPR processes can be seen as a tool for the environmental authorities in the member countries to strengthen their legitimacy in the face of their more powerful economic counterparts, and, more generally, for the ‘environmentalist epistemic community’ to gain foothold within an organisation dominated by mainstream economic thinking. From the perspective of the dominant, ‘economist epistemic community’, the question is rather the inverse: the EPRs serve to instil the dominant discourse into the ‘environmentalist’ community, and thereby increase the influence of the organisation as a whole. To serve their double function of environmental policy advocacy and the promotion of the OECD doctrine, the EPRs need to motivate the potential ‘change agents’ within the reviewed countries by linking with the dominant ‘repertoires’²³ in the country, yet without losing their integrity and credibility among the ‘environmentalist’ community. To some extent, the reviews have failed in this task, partly because of the inability of the programme to innovate and renew itself, but also because the EPRs at present do not seem to optimally serve any stakeholder group. Moreover, through the EPRs, the OECD does not clearly play any of the four roles of ideational artist, arbitrator, agent, or agency.

A great deal of the policy impact of the OECD in general, and through the EPRs in particular, stems from its symbolic power, based on its prestige, credibility, and perceived independence as an ‘apolitical’, ‘neutral’, technocratic institution. The OECD tries to depoliticise issues of economic and social policymaking into questions of ‘pure’ expertise, characterised by focus on ‘best practice’ and only limited institutionalised interference from interest groups. (e.g. Dostal 2005; Sharman 2005.). The interviewees frequently referred to the OECD as a ‘nice’ organisation, allowing ‘hot’ topics being discussed in a relaxed atmosphere, far from the political pressures of international negotiations. In the case of the EPRs, the dilemma for the OECD is how to balance between the conflicting roles of an advocate and a politically neutral, independent evaluator. The authority and credibility of the organisation has traditionally rested on the latter – on the idea of impartial and disinterested advisory work – whereas the failure to acknowledge the former would be politically naïve, and would greatly compromise the potential of the reviews to influence policies. The EPRs face formidable challenges in trying to straddle between the contrasting demands from the different repertoires within the environmental administrations, other sectors of government, NGOs, the media, and the other parts of the OECD – the Economics Department and the associated ‘economist community’ in particular.

Credibility, salience and legitimacy of the reviews mean different things to different participants, depending on their ‘repertoires’. Any changes proposed to the EPR framework need to be seen

²³ Van der Meer (1999, 390) defines repertoire as consisting of “stabilised ways of thinking and acting (on the individual level) or stabilised codes, operations and technology (on other levels)”.

against this background. For example, sharper and more specific recommendations, as well as a wider use of quantitative indicators and comparison between countries would likely help enhance the salience and credibility of the reviews, in particular in the eyes of the NGOs and the media, but might on the other hand weaken their legitimacy in the eyes of their main clients – the environmental administration of the reviewed country – and bring about resistance on the part of sectoral ministries that would feel unjustly ‘attacked’. Strengthening the explanatory element of the reviews, by contrast, would enhance their salience and credibility especially to environmental administrations by helping understand the causal relationships between policies and outcomes, and thus strengthening the arguments behind the recommendations. The reverse side is that, given the limited resources available for the review programme, this would render it more difficult to simultaneously improve comparability through the use of quantitative indicators. Moreover, the civil servants whose work would thus come under closer scrutiny might perceive such an approach as threatening – and hence less legitimate.

If the EPRs are to play a significant role in promoting policy convergence through harmonisation, imposition and diffusion, it must tackle such dilemmas. Unless the EPR programme succeeds in renewing itself, the reviews are likely to further lose importance, thus also undermining the reputation of the OECD. Carrying out a ‘third cycle’ of reviews very similar to the two first ones would be unlikely to receive sufficient support from the member countries. The programme therefore would need to break the self-reinforcing spiral: lack of innovation in the EPRs -> declining utility of the reviews -> diminished political support for the continuation of the programme -> cuts in budget and/or personnel -> reduced capacity in the secretariat to innovate -> increasing gap between countries’ expectations and what the EPRs can deliver in practice -> declining utility of the reviews... The traditional strength of the OECD – its identity as an impartial expert organisation – may turn out to be one of its greatest weaknesses as well, any reform of the EPR programme being constrained by the expectations the OECD has built up over the more than forty years of its existence.

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