P02 / Advancing Thinking on Policy Tools: A Research Agenda

Topic : POLICY DESIGN, POLICY ANALYSIS, EXPERTISE AND EVALUATION

Chair : Michael Howlett (Simon Fraser University)

Second Chair : Giliberto Capano (Università di Bologna)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

Thinking about policy tools has changed over the past few years as a new emphasis has been placed on tools such as nudging, co-production and a variety of digital tools such as crowd-sourcing and Big Data analysis. These developments have challenged existing models and practices and it is time to review theory and modelling around policy tools in light of these new efforts.

This set of panels will examine early models and modes of thinking about policy tools in light of case studies and comparative work dealing with a variety of new actions in this field. These include macro-level practices and analyses of tools including thinking about "meta tools" like The relationship between tools and “platforms”: that is, specific kinds of ‘meta-tools’ which are open-ended and multi-functional and provide the foundation for the use of other more directed tools, and presentation and analysis of existing and new empirical evidence on administrator, public and political behaviour around choices of policy tools. And they include meso-level studies of policy mixes including related issues in their evolution such as sequencing, layering, stretching and patching as well as studies focusing on the nature and uses of “procedural tools” and their role in policy designs and problems around tools like information provision and public participation. And they will also include papers dealing with more micro-level developments including problems and thinking around implementation such as tool calibrations, their design implications and how they affect policy change and Tool 'volatility' – that is, the likelihood and ease with which a tool can be gamed/violated by targets or implementors and its design implications, as well as studies focusing on the nature of the mechanisms that tools activate in order to affect target behaviour: that is, why tools actually 'work' and why they are complied with.

CALL FOR PAPERS

This set of panels will examine early models and modes of thinking about policy tools in light of case studies and comparative work dealing with a variety of new actions in this field. These include:

1. Macro-level practices and analyses of tools including thinking about "meta tools" like the relationship between tools and “platforms”: that is, specific kinds of ‘meta-tools’ which are open-ended and multi-functional and provide the foundation for the use of other more directed tools, and presentation and analysis of existing and new empirical evidence on administrator, public and political behaviour around choices of policy tools.

2. Meso-level studies of policy mixes focusing on a): issues related to their evolution (such as sequencing, layering, stretching and patching) and composition (specific mixes between different types of substantive instruments); b) analyzing the nature and uses of “procedural tools” and their role in policy designs and problems around tools like information provision and public participation.

3. Micro-level developments including: a) problems and thinking around implementation such as tool calibrations, their design implications and how they affect policy change and tool 'volatility' – that is, the likelihood and ease with which a tool can be gamed/violated by targets or implementors and its design implications; b) studies focusing on the nature of the mechanisms that tools activate in order to affect target behaviour: that is, why tools actually 'work' and why they are complied with.

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Session 1Advances in Policy Instrument Theory

Wednesday, June 26th 14:00 to 16:00 (MB 1.437)

Discussants

Karol Olejniczak (SWPS University)

The State of Policy Instrument Analysis: Knowns, Unknowns and the Current Research Agenda

Giliberto Capano (Università di Bologna)

Michael Howlett (Simon Fraser University)

It is time to take inventory of the knowns and unknowns about policy tools. The study of this field dates back to Lowi and others who have developed many typologies and theories in classic works such as Hood, Salamon, Linder and Peters, Peters and van Nispen, Schneider and Ingram, Lascoumes and Le Gales. Furthermore, policy instruments have become a relevant topic in many policy fields due to their theoretical and empirical relevance (overall, policies are made and pursue their goals through policy instruments). This is important work that is linked closely to current research on policy design but, despite much effort, many fundamental issues remain unknown or under-studied with respect to the topic. The current paper examines four clusters of basic issues in the field which require further research

Navigating the changing policy tool landscape: selection heuristics

Ine Steenmans (University College London, University of London)

This paper presents findings of an applied research programme that set out to support the analytic capacity of policy practitioners, and subsequently developed a meta-heuristic framework for policy tool selection.

The genesis for this meta-tool lies in conclusions of a number of participant observation studies as well as wider pre-existing surveys of tool usage. A narrative recurs across these studies of the availability of a diverse and innovative range of tools suitable for a particular challenge in policy design and analysis, yet the subset of tools actually used in practice presents a significantly reduced selection. Investigations into the experiences of tool selection and evaluation of their performances then often prompt further questions about missed decision aiding potential in dealing with complex policy issues, as well as indicate beliefs about a mismatch of tool to intended purpose. These then possibly lead to frustration for the policy actors involved, and loss of future interest by senior stakeholders in experimenting with new and emerging policy tools.

This paper focuses specifically on the practices of tool selection in anticipatory policy design and analysis - that is, policy activities in which questions are asked about change on time horizons that extend beyond next few weeks or months. Similar to experiences across the broader landscape of policy tools, this is an area undergoing significant change with the emergence of, for example, data science and big data, predictive analytics, open policy making, and design-based tool like user-centric mapping of policy journeys.

In light of the often resource and time constrained realities within which policy actors work to deliver their

missions, the question therefore remains: how might we better choose and select the tools we use from this evolving range to shape and deliver policy?

Drawing on project evidence from research collaborations with over 20 different policy organisations, I first argue that policy tool selection should be premised in a consideration of not only suitability (i.e. does the tool suit the needs of the policy problem?), but also compatibility (i.e. does the tool fit with the broader situated practices within which we are working?). A framework for each of their respective constituent dimensions is presented.

Second, I argue that developing an analytic 'literacy' is critical to navigating changing tool landscapes to achieve both suitability and compatibility in tool selection. For instance, a commonly encountered response to tool proliferation is the production of 'toolkits', or 'playbooks', or 'catalogues'. I posit that in order to benefit from these tool overviews, we need to better understand the selection interface between a policy problem's needs and the specific features of a tool. This, I propose, can be achieved with a meta-heuristic framework that articulates the connections between the types of intelligence needed from a policy exercise or design activity, and a set of tool classes.

Finally, I present evidence of the efficacy of this heuristic meta-tool for policy practice in both design practice and enhancement of analytic literacy. The paper concludes by outlining three major areas for further research.

Individual preferences of policy tools: towards empirically grounded theory

Arnost Veselý (Charles University Prague)

For a long time, it has been assumed that policy tools are secondary (both ontologically and chronologically) to problem definition and goal-setting. This rationalist view was first challenged by Kingdon (1984) who noted that "advocacy of solutions often precedes the highlighting of problems to which they are attached." (Kingdon 1984: 215). Recent work of Simons and Voß on "instrument constituency" (Simons and Voß 2017, 2018) provided first theoretical explanation of the phenomenon. According to them, members of instrument constituencies stay united together because of their common "fidelity" not to a political agenda or problem definition but rather to their advocacy of a particular instrument (Béland and Howlett 2016).

The theory of IC seems to be underdeveloped in certain respects at this point of time. As argued by Weible (2018: 66) IC does not explicitly articulate a model of individual. Weible suggests that developing a model of the individual is an essential next step for IC: "It is the instrument constituencies comprised of individuals as social entities that give life to policy instruments and not vice versa.". In this respect, interesting exploratory research has been realized by Linder and Peters long before the theory of IC was formulated (Linder and Peters 1989). They asked a group of decision-makers how they made choices. The largest group of respondents (Linder and Peters called them "instrumentalists") said they would select the same instruments almost regardless of the circumstances. Many of these decision-makers had strong professional backgrounds, so that economists tended to opt for mechanisms depending upon economic incentives, lawyers depended upon law-based instruments and regulation (Peters 2015: 109).

Linder and Peters (1989) have neither provided information about methodology of their exploratory research, nor have they tried to explain why particular individuals tend to prefer certain instruments. To the best of our knowledge, nobody has attempted to follow them and to test empirically that people are inclined to prefer particular types of solutions irrespective of policy problems and policy domains. The paper will provide review of theoretical and methodological problems that are associated with testing this particular hypothesis. This include, among other things, how the tools should be specified (as concrete policy measures or in abstract), how to deal with uneven distribution of familiarity with the problem, and how the fidelity to particular instrument can be empirically detected. It will also discuss what independent variables are worthy of including into the analysis and why (their theoretical significance). The paper will also provide first tentative analysis of two exploratory surveys on the Czech policy makers and university students currently realized by the author. The paper will conclude with preliminary implications for advancing policy tools theory.

Volatility in Policy Mixes: A Research Agenda

Michael Howlett (Simon Fraser University)

While self-interested, corrupt or clientelistic policy-making has been the subject of many studies in administrative and regulatory law, even the best of policy intentions can be perverted in implementation and the need to design policies to be resilient against conscious and determined efforts on the part of policy targets to undermine them is pressing. Although the question of intentional efforts to undermine or pervert

policies and programmes in less than benign ways on the part of policy targets has only now become a source of interest among policy scholars some lessons can be learned from these other studies of policy tools and instruments about improving policy designs to deal with malicious behaviour.

The essence of policy instruments: moving beyond sectoral typology

Giliberto Capano (Università di Bologna)

Isabelle Engeli (University of Exeter)

With the sustained interest in evidence-based policy and the diversification of governance arrangements, a growing attention has been paid to the characteristics and effects of policy instruments across a variety of scholarships. An exponential number of sector-related typologies have been formulated to capture the essence, functioning and effect of policy instruments. While caution is frequently raised about the contextual nature of instruments, most of the current typologies has derived from the study of specific sectors of public action.

This close sectoral tie has enabled higher descriptive sophistication for the concerned sector but may have been detrimental to comparability. In addition, connections to the main conceptual and abstract treatments developed by Vedung, Salamon, Ingram and Schneider, Hood and Howlett are often rather loose or even disputable. As a result of this sectoral over-specialization, we know a lot about the technical specificities of a large spectrum of sectoral instruments, but we may still not know much about the way(s) these instrument work and what their effect are. As such, disentangling the effect of each of the instruments included in any specific mixes becomes a rather challenging enterprise. Are policy instruments (in-)effective because of their inherent characteristics or because of the context in which they are designed and implemented or rather because of the specific mix instruments they are blended in?

This paper pleads for going beyond sectoral categorization of instruments to enhance comparability and far-reaching application across policy sectors. We argue that comparability can only be enhanced through systematic comparison across sectors and contexts. The paper first addresses the theoretical, methodological and empirical shortcomings and pitfalls of the current fragmentation of the research on policy instruments. We then compare the policy instruments predominantly adopted across three policy fields (gender policy, education/higher education policy, environmental policy) across Europe in order to assess the extent to which similarities regarding the political economy, motivations and mechanisms of policy instruments can be extracted for generalization.

P02 / Advancing Thinking on Policy Tools: A Research Agenda

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Session 2(Re)Examining Policy Instrument Behaviour

Wednesday, June 26th 16:30 to 18:30 (MB 1.437)

Discussants

Arnost Veselý (Charles University Prague)

Revisiting Behavioral Assumptions of Policy Instruments

Karol Olejniczak (SWPS University)

Pawel Sliwowski (University of Warsaw / Polish Economic Institute)

F.L. Leeuw (Maastricht University)

Public policies aim to guide policy actors towards socially desirable behaviors. An in-depth understanding of what drives those behaviors and make policy actors comply is vital for designing effective policy tools (Soman, 2017; Weaver, 2015).

Practitioners who design policy instruments follow number of assumptions about the characteristics of target populations and mechanisms that should lead to compliance (Astbury & Leeuw, 2010). Those assumptions are often implicit, intuitive, and based on the classical economy that overlook actual psychology. They often drastically diverge from real behaviors of policy addressees making policy tools ineffective (Datta & Mullainathan, 2012).

There has been a rich academic research on policy instruments (Howlett, Mukherjee & Woo, 2018), recently invigorated by proliferation of behavioral science applications in public policy (OECD, 2018; Jones et al. 2013; Shafir, 2013). However current body of literature has three limitations. Frist, majority of the policy tools taxonomies are resource-based or goal-oriented. There have been only few attempts to systematize tools according to behavioral mechanism they use for inducing compliance (Schneider & Ingram, 1990; Vedung, 1998; Howlett, 2018). Second, behavioral initiatives focus on discussing new strategies (nudges, boosts) ignoring more traditional interventions such as provision of public goods. Third, an emergence of digital reality and cyber society gives new, challenging context for designing compliance mechanisms for policy targets (Leeuw & Leeuw, 2012). Thus, there is a clear justification to reexamine policy toolbox through the lenses of behavioral mechanisms.

This paper provides mechanism-oriented taxonomy of policy tools. It classifies different interventions according to underlying assumptions about change mechanisms they use for inducing compliance of policy targets.

Paper has three parts. Part one offers conceptual framework for mapping behavioral assumptions of policy designers. It is built on the basis of program evaluation literature and cognitive literature on problem solving as hypothesis testing. Part two of the article presents mechanism-oriented taxonomy of policy tools. We examine three types of behavioral assumptions: (a) about context of policy intervention, namely characteristics of action arena and decision situation, (b) about gaps that hinder compliance of addressees, and (c) about instrument's modus operandi - the change mechanism applied by particular policy tool. We identify broad groups of policy tools with number of specific change strategies, and we discuss them in details illustrating with real-file examples. We conclude by discussing advantages and limitations of the proposed taxonomy for advancing a research agenda and policy practice, including potential utility in designing policy mixes (hybrids instruments).

We hope that the paper will be informative for both academics and practitioners. Academic contribution

focuses on the micro level developments of the policy tools research agenda. It includes (1) updating and extending existing typologies of policy tools, and (2) integrating policy instruments research with practices of behavioral insight, and discussions of change mechanisms from program evaluation literature. For practitioners who design public interventions paper offers a framework for systemic articulation and verification of their assumptions about policy target behaviors. It also facilitates deeper reflection on why certain policy tools work or not.

Mandatory Vaccination Policy Tools: Scope, Sanctions, Severity, Selectivity, and Salience

Katie Attwell (University of Western Australia)
Mark Navin (Oakland University)

Mandatory Vaccination Policy Tools: Scope, Sanctions, Severity, Selectivity, and Salience

In response to outbreaks of vaccine preventable disease, and increasing rates of vaccine refusal, some political communities have recently implemented coercive childhood immunization programs, or they have made existing childhood immunization programs more coercive (eg. Australia, France, Italy and California). Many other political communities currently possess coercive vaccination policies, and others are considering developing them. Scholars and policymakers generally refer to coercive immunization policies as ‘vaccine mandates’. However, mandatory vaccination is not a unitary concept. Rather, coercive childhood immunization policies construct and deploy complex, context-specific instruments that operate through diverse fields including school education, childcare, social welfare and criminal justice. Their legally and morally significant features often differ, and they are imposed by political communities in varying circumstances and upon diverse populations, sometimes only addressing the behaviour of particular sub-populations. Making sense of mandatory vaccination in any given context involves making sense of how these policies address behaviour, and how and why individuals would (or would not) comply with them.

In this conceptual paper, we introduce a taxonomy for classifying real-world and theoretical mandatory childhood vaccination policies, according to their scope (which vaccines to require?), sanctions & severity (which kind of penalty to impose on vaccine refusers, how that penalty operates to change behaviour, and how much of it to impose?) and selectivity (how to enforce or exempt people from vaccine mandates?). A full understanding of the operation of a vaccine mandate policy (real or potential) requires attention to the separate components of that policy. However, we can synthesize information about a policy’s scope, sanctions, severity and selectivity to identify a further attribute—salience—which identifies the magnitude of the burdens the state imposes on those who are not vaccinated. Our taxonomy provides a framework for forensic examination of current and potential mandatory vaccination policies, by focusing attention on those features of vaccine mandates that are most relevant for comparative judgments.

Instruments for policy integration

Guillermo Cejudo (Centro de Investigación y Docencia Económica (CIDE))
Cynthia Michel (Center for Research and Teaching in Economics (CIDE))

Solving complex problems is one of the most important challenges for public policy and administration today. To effectively address them, different policy instruments must be integrated into policy mixes that deal with the different dimensions of the problem. A crucial task for the policy maker is to identify the set of instruments to be deployed and to integrate them into a policy mix (Kern & Howlett, 2009). However, policy instruments do not only need to be coherent in their design (to avoid clashes among them and to take advantage of complementarities), but also their implementation requires instruments that preserve the integrated logic of the policy mix, such a informations systems and decisional spaces.

This discussion on policy mixes could benefit from a more direct dialogue with the literature on policy integration. The discussion on integration has moved from a generalized (and yet unclear) idea of policy integration as a goal for policy makers —particularly in some policy areas—, to a more conceptual discussion over its precise definition and attributes (Candel and Brisbroek 2016), the extent to which it differs from other related concepts (Cejudo and Michel 2017), and the analysis of individual cases in an attempt to make it empirically observable (Lenchow 2002; Meijers and Stead 2004; Persson et. al. 2018). Currently, scholarly literature is expanding to include the comparative analysis among policy areas (Briassoulis 2005) and between countries (Howlett et. al. 2017; Trein 2017).

The purpose of this paper is to bridge both literatures by identifying the instruments that make integration

work. For doing so, we look not only at the tools of policies being integrated, but at the instruments used for integrating them. We study three different cases where governments have attempted to solve complex problems through policy integration. From the comparative analysis of such cases we propose a set of policy tools (composed of different types of substantive instruments or functions) that the actors responsible for policy implementation need to undertake —and the corresponding instruments for performing them—, for policies to become integrated.

We argue that the policy mixes for policy integration entail more than guaranteeing certain design and operational attributes of a policy but, also, performing specific integrative functions. With this paper we seek to move forward the discussion on policy integration for better understanding the way in which it works, and by doing so, to inform decision makers about the specific policy tools necessary to achieve it.

A relational approach for policy tools´ investigations: the case of social policies integration through the Brazilian Single Register

Denise Direito (Instituto de Pesquisa Econômica Aplicada - IPEA)

Natalia Koga (National School of Public Administration (ENAP))

The paper aims to understand the possibilities and limits of policy integration when several public policies uses the same implementation tool. Implementation tools of public policies are, metaphorically, the intentions of the politics transformed into administrative actions (LINDER and PETERS, 1998). This investigation aims to examine the interactions between an implementation tool and the distinct politics that use it in order to analyze whether that instrument is a necessary and/or sufficient condition for those policy integration (PETERS, 2015; DOBUZINSKIS e HOWLETT, 2018). Moreover, the investigation intends to explore what kind of tensions and modifications emerges when distinct policies with similar but not the same specific goal uses the same implementation tool.

In order to answer the questions above, this investigation explores a case study of an instrument that is used by several policies in Brazil, namely the Single Register for Social Programs (Cadastro Único). In December 2018, the Cadastro Único provided socio-economic data of 27 million low-income families, almost 80 million people, for 20 public policies. Cadastro Único´s data is used to select beneficiaries and manage Brazil´s main federal social programs, such as Programa Bolsa Família, one of the biggest conditional cash transfer programs in the world.

As an analytical perspective, Cadastro Único is a complex policy tool with its own characteristics that affect the implementation conditions of the policies that uses it (HOWLETT, 2005; LASCOUMES and LE GALÈS, 2012). The Single Registry and those social policies comprise a network of actors that play different roles and exchange information, norms and procedures. Within that relational dynamics, those actors mutually affect and influence each other.

In order to look at the effects of that interactional dynamic for building integration amongst Brazilian social policies, this investigation used the concepts of relational analysis and the methodology of Social Network Analysis (SNA). Data on the network of Cadastro Único was collected and examined in 2016 and 2018, two crucial moments in the Brazilian political scenario, The longitudinal analysis allowed the observation of shifts in the informational exchanging flow between the different levels of actors and in the Cadastro´s and also in the policy´s designs.

This is an innovative study, since it unveils the implementation of public policies through the analysis of the relational dynamic comprised by policies and implementation tools. It confirms that policy tools are not neutral and that various actors of that network influence and are influenced by the dynamic of the relationships. To conclude, the study points out that Cadastro Único influences the way in which federal social policies are implemented. However, with regard to its capacity to promote the integration of social policies, although it is a necessary condition, the study shows that Cadastro Único is not a sufficient condition (GOERTZ and MAHONEY, 2012) to assure the integration of social policies.

A meso-level analysis of the evolution of the environmental policy mix to accelerate low-carbon energy transitions: policy sequencing in China from 1980 to 2020

Lili Li (Auburn University)

Araz Taeihagh (National University of Singapore)

The global goal stated in the Paris Agreement is to reduce emissions of greenhouse gas so that the global temperature increase by 2100 will be limited to less than 2 degree Celsius above pre-industrial levels. This requires limiting the accumulative CO2 emissions from all anthropogenic sources to less than 3650 GtCO2 through the 21st century, but more than half of the quantity was emitted by 2011. It indicates that additional policy efforts worldwide are needed to achieve substantial CO2 emission reductions over the next decades. However, the developing countries, particularly the least developed countries may have other priorities and lack the institutions and capacity to address the global climate change issue. From a long-term vision, how should a developing country choose policy instruments from square one to achieve the low-carbon transition? In this research, we perform a meso-level analysis of the policy mix evolution and argue that policymakers can take a policy sequencing perspective to accelerate the low-carbon transition.

To support the argument, the research uses China as an illustrative case, which is a developing country but has made its efforts to reduce industrial emissions. The environmental consequences of China's industrial-led growth are well-documented. In 2012, China surpassed US as the largest GHG emitter with about 12.5 billion tons CO2e emissions. However, China's CO2 emission intensity (kg per 2011 PPP$ of GDP) has decreased from 1.41 in 1990 to 0.59 in 2014[1]. Over the years, China has developed a mix of policy instruments which not only promote the innovation and diffusion of renewable energy technologies but also destabilize the lock-in into the conventional carbon-intensive energy technologies. How did China sequence the policy instruments (no matter intended or unintended)?

We trace the evolutionary trajectory of this environmental policy mix over 1980-2020 in China, using a documentation analysis method. The results show that the policy mix has evolved from the adoption of a few authority-based instruments to a policy mix that has comprehensive coverage and diversity of instrument types. Three directions of the policy sequencing can be observed. (1) The government of China incrementally increased the intensity[2] of the policy instruments on emission abatement which increased the production costs of the conventional energy technologies. (2) The government incrementally reduced the intensity of the treasured-based policy instruments on renewable energy support to account for technology progresses, and production cost decreases. (3) There is an increase in the role of procedural instruments, such as environmental information disclosure of polluters. This research contributes to the literature by providing empirical evidence on policy sequencing practices and has strong implications for the pathways to low-carbon transition in other developing countries.

[1]Data is from the World Bank Database.

[2]We use the concept of intensity to address the stringency or strictness of the policy instruments in the mix. For instance, a higher tax on SO2 emissions indicates an increase in policy intensity; a higher-level subsidy for wind electricity indicates an increase in policy intensity.

P02 / Advancing Thinking on Policy Tools: A Research Agenda

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Session 3Understanding Procedural and Information-Based Tools

Thursday, June 27th 08:00 to 10:00 (MB 1.437)

Discussants

Jeremy Rayner (University of Saskatchewan)

Procedural Tools in Healthcare

Azad Singh Bali (University of Melbourne)

Michael Howlett (Simon Fraser University)

M Ramesh (LKY School of Public Policy, National University of Singapore)

The growing interest in policy design has led scholars and practitioners to focus on the specifics of policy measures to achieve desired goals. The aim of this paper is to refine As a part of the broader efforts, focus has concentrated on understanding the particular effects of different policy tools. However, the policy tools literature, which developed largely to understand economic policy, sheds little light on social and particularly health policy issues which tend to be inextricably intertwined, making it hard to design clean and sharp tools. The standard classification of tools – Nodality, Authority, Treasure, and Organisation (NATO) or Information, Regulation, Financing, and Organization -- fails to capture some of the most critical tools in health care. Thus, for example, capitation and/or fee for service payment arrangements, service contracts with hospitals that accompany subsidy, and so on are hard to capture under the NATO framework. The paper proposes to expand and refine the concept of “procedural tools” to understand the range of policy tools used in health care. The paper will not only identify and analyse the range of tools in health policy but also assess the synergies among them and the capacity required to deploy them. The conceptual discussion will be developed through illustrative examples from a range of countries with focus on China, Singapore and Thailand which employ an unusually large number of tools for intervening in the healthcare sector.

A bunch of rule-making tools: Mapping instruments across the European Union

Jonathan Kamkhaji (European University Institute)

Claudio Radaelli (European University Institute)

Claire Dunlop (University of Exeter)

The literature on measuring regulation is lively but one recurring problem is that the most important datasets are provided by international organizations, hence they are not necessarily useful and relevant in terms of the research questions informing policy analysis and public administration scholarship. Recently, there have been attempts to produce original scholarly measures of regulation such as ‘intensity and density’. We contribute to this strand by analyzing procedures that affect rule-making in the European Union (EU) member states by focusing on their design features. Freedom of information acts, consultation procedures, obligations to estimate the likely costs and benefits of proposed regulation, substantial judicial review and Ombudsman procedures have been studied so far in idiosyncratic fashion by social scientists. In this paper we turn to a systematic approach to dissect their structure. To achieve that, we draw on Elinor Ostrom’s Institutional Grammar Tool. This allows us to empirically measure the design of these tools by using the same theoretical template for each policy instrument and country. The template revolves around position rules, boundary rules, choice rules, aggregation rules, information rules, payoff rules and scope rules. We gathered data by extracting these seven types of rules from the original legislation. The data reveal how the

instruments come together in configurations or mixes of procedures. In the conclusions we reflect on two issues: the potential of the institutional grammar tool to generate coherent, information-rich measurement of legal acts and regulation and the difference between our dataset and other more conventional measures of regulation. Research for this paper is supported by the ERC project Protego – Procedural Tools for Effective Governance.

Designing Transparency: Design Considerations and Policy Mixes for the Effective Use of Information Disclosure as a Policy Instrument

Luc Juillet (University of Ottawa)

Over the last thirty years, the mandatory disclosure of information has gained currency as a policy instrument across the world. This trend can be observed in several policy fields, such as environmental protection (e.g. pollutant registries), financial regulation and food safety (e.g. traceability of meat products). However, it has been particularly evident in the field of anti-corruption policies where more transparency has become a standard response to problems of public integrity and where it has been widely promoted by leading international NGOs, such as Transparency International, and international organizations, such as the OECD and the United Nations. The central role assigned to information disclosure in the United Nations Convention Against Corruption, signed by 170 countries in 2003, is a powerful illustration of the prevalence of disclosure as a favoured policy instrument in this field.

However, in the realm of public integrity as in other policy areas, public disclosure of information about public officials, in itself, is of limited value to citizens. To be effective as a tool against corruption, transparency depends notably on associated conditions of high publicity and effective accountability. For example, passive transparency requirements that do little to widely disseminate information in an accessible format are unlikely to be effective because citizens will find it difficult to detect unethical behaviour by office holders. Similarly, accessible information will not be empowering in the absence of effective accountability mechanisms that can be used by citizens to force behavioural change. Consequently, the design of disclosure requirements is bound to have a significant effect on their effectiveness.

Despite their importance, these crucial design considerations have not been the subject of much research. In this paper, we will begin by exposing the key social mechanisms (i.e. the causal pathways that lead from disclosure of information to behavioural change by public officials) that are meant to underpin an effective transparency regime in the area of public ethics. We will then explore how the design of disclosure regimes can (effectively) trigger and support these mechanisms. In doing so, we will examine the need for specific design elements as well as the potential use of different policy instruments in combination (e.g. mixes of information disclosure, auditing, complaint procedures, financial sanctions). Finally, the resulting design considerations and principles will be used to compare and critically analyze the disclosure regimes used to regulate lobbying (in order to avoid improper influence) in Canada, France, the United Kingdom and the European Union. We will show that, while mostly poorly designed, these jurisdictions also illustrate different approaches to the use of public disclosure as a policy tool in the area of public integrity. Beyond problems of public integrity, we hope that the paper will advance our understanding of the design of disclosure requirements as an information tool and result in design considerations that can be used in other policy sectors.

Exchange of Information as a Public Policy Instrument Essential to Protecting the Tax Base and Canada's International Tax Cooperation

Marie-Thérèse Dugas (Université de Sherbrooke)

The contribution of this research is relevant to understand the context of the current international tax system, where the OECD is creating a real revolution in ways of doing things by proposing to the states many actions to help them to protect their tax base. Given that the understanding of governments and the way they exercise their power is important for international relations and for the different institutions involved, it is relevant to analyze the instruments from this perspective.

As part of its international tax policy, Canada is positioning itself as a major player in international tax cooperation to protect its tax base. In opposition, some Canadian taxpayers' movements, professors and researchers say that Canada is passive in protecting its tax base, even stating that Canada is putting legislation that allows for the movement of Canadian capital abroad. The purpose of this research is to answer the following question: In the international tax treaties concluded by Canada and based on the OECD recommendations, what are the exchange of information provisions and the public policy instruments that support the protection of the tax base of Canada?

Using the combination of two theoretical approaches, the theory of liberal institutionalism and the

instruments theoretical model, this research is part of a qualitative approach of three case studies. The purpose of the research is to analyze, through exploration, description and explanation, the exchange of information provisions of the international tax treaties concluded by Canada and based on the OECD recommendations and the resulting public policy instruments that allow the protection of Canada's tax base.

In Canada, mainly three types of international tax treaties based on the OECD recommendations are used: the Model Tax Convention on Income and on Capital (Tax Convention), the Tax Information Exchange Agreement (Information Exchange Agreement) and the Convention on Mutual Administrative Assistance in Tax Matters (Multilateral Convention). These three types of international tax treaties contain provisions for the exchange of information. Canada uses these models suggested by the OECD and they influence its tax policy.

NATO's scheme (for nodality, authority, treasure and organization) identifies that Canada's strengths are in legal instruments and organizational resources instruments. This corroborates the finding that international institutions, particularly the OECD, have an effect on Canadian tax policy by the models of international tax treaties they suggest.

The NATO scheme also highlights that there are gaps in terms of financial resources and information. These two findings demonstrate the need for assistance in implementing Canada's public policies. Finally, it seems that the instruments available to the state should be better adapted to the digital age. Yesterday's static instruments should be modified in such a way that they become dynamic and remain relevant to the evolution of international taxation.

The analysis of the three cases leads to the conclusion that, in general, the exchange of information provisions, inspired by the OECD recommendations and present in the international tax treaties concluded by Canada, as well as the public policy instruments that emanate, allow the protection of Canada's tax base.