Global Panopticon
Peer Review as a Tool of International Governance

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Overview

- The problem of global governance
  - Global governance perceived as rules, laws, formal order
  - Global governance perceived as coordination
  - Specific type of coordination
    - Isomorphism (mimetic)
    - Enforcement/compliance through cooperative monitoring
- Metaphor of the panopticon
  - Inspection (Foucault’s “gaze”)
  - Information/transparency – self-governance
  - Instruction (discipline)
  - But...limits to the metaphor
- OECD
  - Nature of the organization
  - Peer review mechanisms and logic
- Extensions/explorations

The essence of it consists, then, in the centrality of the inspector’s situation, combined with the well known and most effectual contrivances for seeing without being seen.

You will please to observe, that though perhaps it is the most important point, that the persons to be inspected should always feel themselves as if under inspection, at least as standing a great chance of being so...

... the greater chance there is, of a given person’s being at a given time actually under inspection, the more strong will be the persuasion—the more intense, if I may say so, the feeling, he has of his being so.

Jeremy Bentham, Panopticon (1787)
OECD: Structure

- Established 1961
- Currently 34 members (currently reviewing Columbia, Latvia, Costa Rica, and Lithuania -- Russia “postponed indefinitely”)

Structure
- Council
- Committees and other bodies (250+)
- Secretariat
- G20 role
- NGOs and global civil society
- Evolution of focus on public governance ...
OECD: Evolution of Public Governance

**1979:** Conference on public sector reform held in Madrid (first global conference)

**1995:** *Governance in Transition*

**2000:** Governance Outreach (internal prioritization of governance in new OECD agenda)

**2005:** *Modernising Government: The Way Forward*

**2007:** Building Blocks (2007) and Government at a Glance (GaaG, started in 2009)

**Recent:** Governance Reviews, Gender in Public Life

**Result?**

Currently, the Public Governance and Territorial Development Directorate has largest budget in OECD
The Innovation Imperative in the Public Sector Report

Drawing on evidence emerging from the Observatory of Public Sector Innovation’s collection of innovative practices from around the world, this report looks at how to create a government where innovation is encouraged and nurtured. Download and read the new report here.
OECD Global Network of Schools of Government

BACKGROUND

In response to the growing recognition that an effective and efficient public sector is essential for stimulating economic growth and social welfare, the OECD is increasingly called upon to assist in building public sector capacity to ensure responsiveness to government priorities.

To achieve this objective, we have brought together national schools of government in a Global Network of Schools of Government. The Network provides direct access to OECD governance expertise and enables exchange of schools' experiences and good practices in ensuring that public sector employees have the skills and competencies to address current and future priorities.

The OECD Global Network of Schools of Government supports countries in securing the long-term sustainability of public sector reforms by:

- strengthening the link between international policy dialogue and national efforts to build capabilities in the public sector;
- informing the OECD policy dialogue with lessons and good practices on implementation on the ground; and
OECD Instruments

*Decisions:* Legally binding on all non-abstaining OECD members

*Recommendations:* Carry no obligations, but have “great moral force” for those countries who have accepted them.

* Declarations:* “Solemn texts” that outline policy commitments, which are monitored by the responsible OECD body.

*Arrangements, understandings:* Negotiated and adopted by a subset of OECD members

*International agreements:* Binding on those concluding the agreement but not on the OECD as a whole.

As of January 2016:
- 30 decisions, 186 recommendations, one agreement, four arrangements/understandings, eight conventions, four DAC (Development Assistance Committee) recommendations, 28 declarations, and two guidelines.

http://webnet.oecd.org/OECDACTS/Instruments/ListByTypeView.aspx
Panoptic Tools: Peer Review

- Signature technique of OECD
- Conducted by all Directorates – most visible by ECO (country economic reviews)

Generic Elements/Stages:
- Voluntary (commissioned, requested, and paid for by recipient)
- Fact-finding through OECD questionnaires, mission(s)
- Appointment of “peers” (recipient can make suggestions)
- Mission by peers, direction of report
- Drafting of report
- Review by recipient (of facts, not interpretation)
- Publication and release
- Periodic review at relevant committee
Example: Kazakhstan (2014)

- Assessed the office of the President, the Chancellery of the Prime Minister, the Civil Service and Anti-Corruption Agency, the Ministries of National Economy, Finance, and Justice, as well as several line ministries
- “Best practice” examples, drawn from the UK, the US, Canada, New Zealand and others
- Peer reviewers: Matthew Gould (Deputy Director for Commercial Relationships in the Cabinet Office, United Kingdom); Panagiotis Karkatsoulis (Policy Advisor in the Ministry of Administrative Reform, Greece); Seong Ju Kang (Director-General of the IT Strategy Bureau at the Ministry of Science, ICT and Future Planning, Korea)
- Three chapters written principally by consultants

So what?
- Review led to a co-operation agreement for 2015-16 where the OECD will help Kazakhstan modernize its public administration.
Role and mandate of the Centre of Government in Kazakhstan

Towards a more strategic centre as a partner in performance

In all governments, centres of government are key players in enabling the strategic management of government organisations to ensure the achievement of government-wide objectives, including those set in national development strategies. Indeed, central agencies are uniquely positioned to ensure that the overall system is aligned with the government’s goals. This is a result of their proximity to ministers as well as their ownership and operation of whole-of-government management processes. As such, there are expectations central agencies will communicate and reinforce messages about government priorities, and monitor progress against them. The configuration and capacities of the CoG are often country-specific. They are shaped by the features and characteristics of political-administrative systems, cultural tendencies and influences, as well as previous management reforms. Yet, some of the pressures faced by centres of government are common across many OECD countries and beyond. These include the need to become more efficient, more strategic and more integrated to enable the delivery of better citizen-centred services and policies across the government, broader government-wide results and value for taxpayers. Central agencies also increasingly drive efforts to strengthen government transparency, openness and integrity in response to rising citizens’ expectations and demands for government accountability. To this end, centres of government across OECD countries are increasingly responsible for:
Institutional structures for the Centre of Government

It is rare to find just one institution covering all of these functions in OECD member countries. The CoG structures across OECD member countries vary significantly, depending on the historical development, cultural context and constitutional framework of a country. In most countries, however, they can be identified in a combination of those units of the central administration that:

- Provide direct support to the head of the government (Prime Minister/President/Chancellor’s Office). In many countries, however, these offices are not equipped, and do not seek, to cover the whole of the CoG function. They need the capacity to project the authority and reputation of the Prime Minister/President “above the fray”, without becoming too involved in the day-to-day management of specific policies. They may also consider their role to be more political than technocratic. They are often, however, the communication hub for government policy, and their role in managing the agenda of the Cabinet provides them with the key authority to set priorities for the attention of the Prime Minister/President.

- Manage the budget. This is normally vested in the Ministry of Finance. The budget can be viewed as the key operating system of government. It is the key economic document, which allocates a significant share of a country’s gross domestic product – over half in some OECD member countries. It is the key programme policy document, where governments establish their policy priorities in concrete terms through the allocation of funding. It is the key management document, in that the basic operational aspects of government ministries and agencies are established in the context of the budget. The budget provides the basic operational architecture for the work of government.
Panoptic Tools: DAC

- Reviews work through “holding DAC members accountable for the commitments they have made, and reviewing their performance against key dimensions of development cooperation and other domestic policies with an impact on developing countries”
- Obligation as member of DAC – must submit to review
- DAC members are peer reviewers
- Review teams consist of: 1-2 DAC members, 3-4 Secretariat, humanitarian assistance expert
- Peer Review Reference Guide basis of country memorandum
- Mission to HQ and to the field
- 4-5 countries per year (for 2016: Spain, Denmark, Czech Republic, US, Poland)

Series of “Lessons Learned” publications

1. Engaging with the Public
2. Mainstreaming Cross-cutting Issues
3. Evaluating Development Activities
4. Partnering with Civil Society
5. Supporting Partners to Develop their Capacity
6. Toward Better Humanitarian Donorship
7. Managing Aid: Practices of DAC Member Countries
8. Effective Aid Management: Twelve Lessons from DAC Peer Reviews
### Panoptic Tools: Anti-Bribery Convention

#### Suite of agreements and tools:
- Anti-Bribery Convention (1997): focus on “supply side” – criminalizes attempts to bribe foreign officials
- OECD Recommendation for Further Combatting Bribery of Foreign Public Officials (2009)
- OECD Good Practice Guidance on Internal Controls, Ethics and Compliance
- OECD Recommendation on Tax Measures for Further Combatting Bribery
- OECD Recommendation on Bribery and Official Supported Export Credits
- OECD Recommendation on Anti-Corruption Proposal for Bilateral Aid Procurement
- OECD Guidelines for Multinational Enterprises

#### Specific features:
- Anti-Bribery Convention: 41 signatories (all OECD plus 7 non-OECD)
- Peer review is part of Convention (art. 12), and carried out by OECD Working Group on Bribery

#### Specific features:
- Two countries lead examination (appointed in consultation with focus country), who then choose experts to prepare report
- All members to Convention evaluate report
- Phase 1: Evaluate legislation
- Phase 2: Implementation, including non-criminal law aspects (includes on-site visits, civil society/business consultations)
- Phase 3: Introduced in 2009 as “post-Phase 2” assessment mechanism

> “...to act as a permanent cycle of peer review, involving systematic on-site visits as a shorter and more focused assessment mechanism than for Phase 2. The aim of the mechanism is to improve the capacity of Parties to fight bribery in international business transactions by examining their undertakings in this field through a dynamic process of mutual evaluation and peer pressure.”
Overall goal: “Mainstream gender equality in the design, development, implementation and evaluation of relevant public policies and budgets.”

Initiatives:
- Secure leadership at the “highest political level” for a whole-of-government strategy
- Set a “rationale, action plans, priorities, timelines, objectives, expected outcomes and/or targets”
- “Information and awareness campaigns, media strategies and regular reviews.”
- Strengthen monitoring capacities of independent institutions such as Supreme Audit Institutions or Ombuds Offices, as well as advisory councils.
- Parliaments: should be integrating gender perspectives into practices, legislation and budgets.
- Gender balance in decision-making institutions in public life, “encouraging greater participation of women in government at all levels,” and improved gender equality in public employment (removal of any “implicit barriers”).

Specific measures (panoptic):
- “Strengthen the evidence base and systematically measure progress towards gender equality performance, based on gender impact indicators and measurable outcomes”
- Systematically monitor gender balance in public institutions, including in leadership positions and different occupational groups, through regular data collection, such as the use of employee surveys, and reassess its alignment with overall gender equality objectives and priorities, taking into account the results of evaluations
- Measurable efforts:
  - Comprehensive framework
  - Gender diversity: Disclosure requirements, quotas, voluntary targets, parity laws, alternating the sexes on the party list and linking gender ratios in political parties to their access to public funding. Considering penalties for non-compliance can be important to ensure the effectiveness of such measures
  - Enable equal access to opportunities in senior public service and judicial appointments such as disclosure requirements, target setting or quotas, while ensuring a transparent and merit-based approach in judicial and senior public sector appointments through open competition, clear recruitment standards and wide vacancy advertisement

PGC to monitor through “benchmark indicators and country reviews”
Extensions/Explorations

- Mechanisms of peer review – comparing different organizations, varieties
- Incentives to participate: implications of “cheating”; domestic coalitions; branding; asymmetries
- International secretariats: role and influence (plus experts)
- Panoptic “cascades”: nested systems
- Panoptic “networks”: Anti-bribery: OECD, UN, Council of Europe (GRECO), OAS, FATF